



Sherburne County Board of Commissioners

April 4, 2023 - County Board Meeting Minutes

1. 7:00pm Call to Order

The Sherburne County Board of Commissioners convened in regular session on April 4, 2023, at the Sherburne County Government Center in the City of Elk River, MN. Call to order by the Chair was at 7:00pm.

1 Moment of Silence and Pledge of Allegiance

2 Approval of Regular Meeting Proposed Agenda

Hulse/Felber were unanimous to approve the Regular Meeting Proposed agenda as presented.

2. 7:01pm Public Hearing

1 Public Hearing and Consideration of Amendments to the Subsurface Planning & Zoning Sewage Treatment System Low Interest Loan Program Ordinance (ORD-241).

Dave Lucas, Solid Waste Administrator, Jillian Carlson

Environmental Specialist Jillian Carlson presented the item to the Board and reviewed the proposed. The Chair opened the Public Hearing at 7:03pm. No one was present to comment. The Chair closed the Public Hearing at 7:04pm.

Following the Public Hearing and consideration of comments received, Danielowski/Felber were unanimous to approve and adopt the amendments to the Subsurface Sewage Treatment System Low Interest Loan Program Ordinance, as presented.

3. 7:06pm Open Forum

Brett Collier of Big Lake spoke on property tax and the county budget. Kari Watkins of St. Cloud spoke on integrity of information.

4. 7:11pm Consent Agenda

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

1 Approved the County Board Meeting Minutes from March 21, 2023. Administration

2 Approved County Board Workshop Meeting Minutes from March 21, 2023. Administration

3 Exempt Permit for Lawful Gambling for the Big Lake High School Trap Team Boosters. Administration

Bruce Messelt, County Administrator

Approved an Exempt Permit Lawful Gambling for the Big Lake High School Trap Team Boosters, 5710 Highland Avenue, Big Lake, Mn 55309, to be utilized on June 26, 2023, with the event being held at Big Lake Township Lions Park, located at 21960 County Road 5 NW, Big Lake, Mn.

4 Exempt Permit for Lawful Gambling for the Minnesota Sporting Clays. Administration

Bruce Messelt, County Administrator

Approved an Exempt Permit Lawful Gambling for the Minnesota Sporting Clays, 14796 Colorado Ave, Rosemount, Mn 55068, to be utilized on August 26, 2023, with the event held at Wild Marsh Sporting Clays at 13481 County Road 3 SE, Clear Lake 55319.

5 Resolution No. 040423-AD-3075 Rescinding Approval of Tax Abatement. Administration

Bruce Messelt, County Administrator, Dan Weber, Assistant County Administrator

- Approved Resolution No. 040423-AD-3075 revoking and rescinding the tax abatement previously approved in Resolution No. 032619-AD-1895. (On file.)
- 6 Updated Opioid Settlement Resolution No. 040423-AD-3083 and Administration
Amended Memorandum of Understanding.
Bruce Messelt, County Administrator
Approved Resolution 040423-AD-3083, authorizing County staff to execute all necessary documents to ensure County participation in the updated multistate settlements relating to opioid distributors and manufacturers, and in the amended Minnesota Opioids State-Subdivision Memorandum of Agreement. (On file.)
- 7 Update to the County Financial Policy. Administration
Dan Weber, Assistant County Administrator, Diane Arnold, County Auditor/Treasurer
Approved changes and updates to the County Financial Policy, as recommended. (On file.)
- 8 Out of State Training for Assistant County Attorney. Attorney
Kathleen Heaney, County Attorney
Approved the out of state travel for an Assistant County Attorney to attend a course in Digital Evidence for Prosecutors, offered at the National Computer Forensics Institute in Hoover, Alabama in July 2023. There is no cost to the County.
- 9 Commissioner & Manual Warrants for March 17th, 23rd, and 24th, Auditor / Treasurer
2023.
Diane Arnold, County Auditor/Treasurer
Approved Commissioner and Manual Warrants for March 17th, 23rd, and 24th, as follows:

March 17, 2023 Commissioner Warrants \$420,460.01
March 17, 2023 Manual Warrants \$141,183.20
March 23, 2023 Commissioner Warrants Court Order \$22,336.89
March 24, 2023 Commissioner Warrants \$1,568,746.46
March 24, 2023 Manual Warrants \$12,656.56
- 10 2022-2023 New Tobacco License for Z Tobacco - City of Zimmerman. Auditor / Treasurer
Diane Arnold, County Auditor/Treasurer
Approved a 2022-2023 tobacco license application for Z Tobacco and authorized the Auditor/Treasurer to issue said license, contingent upon receipt of a completed application, including approval from the City of Zimmerman. (On file.)
- 11 Consider Approval of March 24th, 2023, HHS IFS Admin Warrants. Health & Human Services
Amanda Larson, HHS Director
Approved HHS IFS Admin Warrants from March 24th, 2023, as follows:

March 24, 2023 HHS IFS Warrants \$35,451.96
- 12 Memorandum of Understandings Regarding Patrol Deputy, Investigator, Human Resources
and Sergeant Wage Adjustments.
Tammy Bigelow
Approved a Memorandum of Understandings (MOU) with LELS Patrol/Investigator Unit regarding Patrol Deputy and Investigator Wage Adjustment and LELS Licensed Supervisor Unit regarding Sergeant Wage Adjustment. (On file.)
- 13 Copier Lease Refresh Agreement with Marco. Information Technology
Brian Kamman, IT Director

- Approved a 5 year Copier Lease with the selected lowest cost vendor, Marco, contingent upon final County Attorney approval as to form. The total annual cost will be \$81,168.
- 14** End-User Licensing from Microsoft. Information Technology
Brian Kamman, IT Director
 Approved the 3 year agreement for End-User Licensing from Microsoft. The Microsoft contract runs from May 2023 through May 2026 with an estimated cost of \$905,486.01.
- 15** Scheduled Annual Refresh of Desktop and Laptop Computers. Information Technology
Brian Kamman, IT Director
 Approved the Scheduled Annual Refresh of Desktop and Laptop Computers, as recommended, contingent upon completion of final procurement/bid requirements and approval by the County Attorney's Office as to form of the final purchase agreements. The total cost of the refresh is \$279,855.76 for the year of 2023.
- 16** Contract with Grounds Maintenance Services of Elk River for 2023 Maintenance
 Seasonal Mowing.
Steve Becker, Maintenance Department Head
 Approved a contract with Maintenance Grounds Services for \$51,575 for 2023 ground maintenance services. The season is from May 1, 2023 to November 1, 2023.
- 17** Suckert & Dorweiler Registered Land Survey (RLS). Planning & Zoning
Lynn Waytashek, Planning & Zoning Administrator
 Approved the proposed Registered Land Survey (RLS) for PID #40-408-0150, #40-408-0160, #40-408-0180 & #40-022-4400, so as to take four (4) existing lots and combine them into two (2) lots, conditioned upon the County Surveyor's Office requirement that a Certificate of Title be issued by the Sherburne County Title Examiner prior to being reviewed and accepted by the County Surveyor.
- 18** Proposals for Assessment of a Potential Permanent Household Planning & Zoning
 Hazardous Waste Facility.
Dave Lucas, Solid Waste Administrator
 Reviewed the Request For Proposals (RFP) for a Market and Siting Assessment of a Potential Permanent Household Hazardous Waste Facility.
- 19** Resolution No. 040423-AD-3079 to Acquire Property for the Zimmerman Public Works Interchange.
Andrew Witter, Public Works Department Head
 Approved Resolution No. 040423-AD-3079 to Acquire Property for the Zimmerman Interchange. (On file.)
- 20** Resolution No. 040423-AD-3080 to Acquire Property for the CSAH 28 Public Works
 Reconstruction Project.
David Roedel, Assistant Public Works Director
 Approved Resolution No. 040423-AD-3080 to Acquire Property for the CSAH 28 Reconstruction Project. (On file.)
- 21** Resolution No. 040423-AD-3081 to Acquire Property for the County Public Works
 Road 65 Intersection Improvement Project.
David Roedel, Assistant Public Works Director
 Approved Resolution No. 040423-AD-3081 to Acquire Property for the County Road 65 Intersection Improvement Project. (On file.)
- 22** Out-of-State Travel Request for the Sheriff's Office Human Resources Sheriff
 Business Partner.

Joel Brott, County Sheriff

Approved an out-of-state travel request for the Sheriff's Office Human Resources (HR) Business Partner to attend a Recruiting for Law Enforcement training session in Springfield, Missouri, from June 12-13, 2023. Total costs are estimated at \$2,375.

5. 7:11pm Announcements

County Administrator Bruce Messelt reminded the Board of the following items:

- Sherburne County Association of Townships will meet Wednesday, 7:00pm at the Sherburne County History Center.
- Local boards will be meeting to go over assessment values soon
- Shared Toward Zero Death (TZD) statistics both statewide and locally.
- Excel Energy will be hosting an Open House on the Alexandria Big Oaks Transmission Line
- The County has been invited to host an Open House for Alexandria Big Oaks Transmission Line if they would like.

Sherburne County Attorney Kathleen Heaney introduced Assistant County Attorney Jennifer Clements to the Board and thanked them for approving the Out of State Training in Alabama on today's Consent Agenda that Ms. Clements will be attending.

6. 7:15pm Regular Agenda

7:15pm¹ Proclamation the Week of April 3-9, 2023 as National Public Health Week. Health & Human Services

Bruce Messelt, County Administrator

Commissioner Fobbe read the proclamation to the Board. Felber/Danielowski were unanimous to approve by Proclamation the Week of April 3rd-9th, 2023 as National Public Health Week. (On Board.)

7:18pm² Proclamation the Week of April 9-15, 2023, as Public Safety Telecommunications Week. Sheriff

Bruce Messelt, County Administrator

County Administrator Bruce Messelt read the proclamation to the Board. Hulse/Felber were unanimous to approve by Proclamation the designation of the week of April 9-15, 2023, as Public Safety Telecommunications Week in Sherburne County, thereby recognizing the men and women who perform the difficult task of operating the County's 911 Dispatch Center. The Board extended thanks and gratitude to our local dispatchers, law enforcement and first responders. (On file.)

7:21pm³ Final Standard Plat for Pines Edge - Jason Allen. Planning & Zoning

Lynn Waytashek, Planning & Zoning Administrator

Danielowski/Felber were unanimous to approve a Residential Final Standard Plat of "Pines Edge" consisting of (4) lots, with the (3) Conditions as recommended by the Planning Advisory Commission; 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.

7:23pm 4

Interim Use Permit for Home Business in an Accessory Building to
Operate a Boutique Shop - Christenia Nelson and Ruth Carpenter.

Planning & Zoning

Lynn Waytashek, Planning & Zoning Administrator

Gray/Danielowski were unanimous to approve an Interim Use Permit for Christenia Nelson and Ruth Carpenter for a Home Business in an Accessory Building for a Boutique Stop, with the (10) Conditions and Findings of Fact, as recommended by the Planning Commission; PID # 40-406-0128; Legal Desc: Lots 29 & 30, Blk 1 of Wildwood Addition (full legal on file); Sec 22, Twp 35, Rge 29, Palmer Township; with 0.78 acres in the Agricultural District and within the Recreational Development Shoreland District of Briggs Lake.

Conditions:

1. The conditional use permit for Home Business in Accessory Building Hair Salon issued to PID 40-406-0128 (Doc #028305) is to be revoked. The applicant will pay the additional \$46 recording fee to revoke this conditional use permit.
2. All business activity must be conducted within the accessory building.
3. Days and hours of operation shall be Thursday-Saturday from 9 am to 6 pm, not to exceed 3 days in a month, during the months of January through September. The business may be open Thursday-Saturday from 9 am to 6 pm, not to exceed 6 days in a month, during the months of October, November, and December.
4. All customer parking must be limited to the owners' private driveway and parking area identified on Packet Attachment C. Parking of vehicles on 42nd Street is prohibited. The owners will work with the Palmer Town Board to put up no parking signs along 42nd Street during days of operation.
5. The applicant shall allow the County to inspect the property during normal business hours.
6. Only one (1) non-illuminated on-premise sign is permitted and it cannot exceed 12 sq ft.
7. Outdoor lighting may not be directed toward 42nd Street.
8. There may be no more than (2) employees other than a member of the household residing on the premises.
9. Excessive noise, traffic or other nuisances may be justification for the County to revoke or modify the terms of the Interim Use Permit.
10. This IUP is issued to Christenia Nelson and Ruth Carpenter and shall expire with a change in majority ownership of the business or sale of this property.

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 this business will be injurious to the use and enjoyment of other properties or diminish property values in the area. It will be a small business that is limited to operating three days in a month with the exception of 6 days a month during Oct.-Dec. between the hours of 9am-6pm. The building used to house this business was established for a commercial use in 2008. All parking will be on the applicant's site.

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 not impede development of the surrounding properties as majority of the land in the area has already been developed.
3. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
Yes, adequate utilities access roads and drainage exist for this project no future improvements are proposed.
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 indicated from past experience of operating this business at this site prior to obtaining their permit they have sufficient off-street parking, by utilizing the driveway for overflow parking. A condition of approval requires the business owners to prohibit parking on 42nd street and only allow parking and designated areas according to the site plan (Packet Attachment C).
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 other lights in such a manner that no disturbance to neighboring properties will result.
Yes, it is not anticipated this business will create offensive odor fumes dust noise or vibration. Outside of customer parking all business activity is done within the building.

7:25pm 5

Preliminary and Final Simple Plat of Leines Second Addition - Paulette Britzius Revocable Trust Planning & Zoning

Lynn Waytashek, Planning & Zoning Administrator

Gray/Felber were unanimous to approve a requested Residential Preliminary and Final Simple Plat of "Leines Second Addition" consisting of (3) lots, with the following (5) Conditions as recommended by the Planning Commission for PID # 35-022-1300; Legal Desc: Govt Lots 2 & 3 ex pt platted (full legal on file); Sec 22, Twp 34, Rge 27, Orrock Township; with 30.32 acres in the General Rural District and within the Shoreland District of Ann Lake.

Conditions:

1. Park dedication fees for two (2) lots at \$1,200 per lot, totaling \$2,400. Park fees must be paid prior to the Public Works Dept signing the plat mylars.
2. The two new ingress/egress easements (shared driveway on the west side of the property and the existing driveway accessing the residence on PID 35-022-3400) must be recorded prior to the plat being recorded.
3. The individuals who hold the driveway easements will need to sign off on the plat or consent as they are interest holders.
4. The existing driveway to access the house on PID 35-022-3400 does not meet the setback to Lake Ann. The driveway can continue to be used but cannot be expanded.
5. 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.

7:28pm 6

Letter of Support for a Pope/Douglas CAP Grant Solicitation.

Planning & Zoning

Dave Lucas, Solid Waste Administrator

Gray/Felber were unanimous to approve a letter in support of a Capital Assistance Grant

Application submitted by the Pope/Douglas Joint Solid Waste Management Board and authorize the County Board Chair's signature of the same. (On file.) Executive Director of Pope/Douglas Solid Waste Management Steve Vrchota presented the plans and drawings of the proposed facility.

7:43pm 7 American Rescue Plan Act (ARPA) Update and Recommended Approvals Administration and Expenditures.

Dan Weber, Assistant County Administrator

Approve the bi-weekly ARPA related expenditures:

Gray/Felber were unanimous to expenses less than \$50,000 equaling a time cost of \$20,000 for Jail Lighting Upgrade Project.

7. 7:45pm Commissioner Correspondence, Committee Reports, Upcoming Meetings, Future Agenda Items

Commissioner Danielowski - Bruce Christopher Seminar, Big Lake City Council meeting, CMRP, Election Committee meeting, AMC Leadership Summit, Mississippi One Watershed One Plan, Options Board meeting, Legislative update meeting, Announced Big Oaks Transmission Open House in Becker and recommended people to check out the "We Are Water" exhibit at the Sherburne County History Center

Commissioner Felber - Met with the City of Becker regarding solar farms, CMRP, Livonia Township meeting, Midwest Forensic Lab Advisory Board meeting, Department of Natural Resources Sand Dunes meeting, AMC Leadership Summit, Met with Mayor Dietz at the American Legion, Soil & Water Conservation District Water Plan Advisory Committee meeting

Commissioner Gray - "We Are Water" Grand Opening, First Steps Joint Powers Board, Xcel Energy Open House, Options Board meeting, Zoning meeting, AMC Leadership Summit, Soil & Water Conservation District Water Plan Advisory Committee meeting

Commissioner Hulse - Elk River Redefine 169 meeting and Open House, Mississippi One Watershed One Plan, Election Committee meeting

Commissioner Fobbe - Great River Regional Library Board meeting, Bruce Christopher Seminar, First Steps Joint Powers Board, Rum River One Watershed One Plan, AMC Legislative Update, Emerald Ashe Borer Training, Legislative Briefing regarding federal support, AMC Leadership Summit, AMC Board of Directors meeting

8. 8:15pm Recess Regular Meeting, Open Workshop Meeting

9. 8:52pm Close Workshop Meeting, Adjourn Regular Meeting

Commissioner Warrants

3/17/23	199,711.61	General Revenue Fund
	78,757.13	Public Works Fund
	51.59	Human Service Fund
	7,095.09	Solid Waste Fund
	74,812.89	Jail Commissary Fund
	5,421.96	Justice Center Enterprise Fund
	1,269.00	Taxes & Penalties Fund
	53,340.74	Payroll Fiduciary Fund
	420,460.01	Total

Manual Warrants

3/17/23	1.00	General Revenue Fund
	141,182.20	Agency Collections
	141,183.20	Total

Commissioner Warrants – Court Order

3/23/23	410.89	General Revenue Fund
	21,926.00	Taxes & Penalties Fund
	22,336.89	Total

Commissioner Warrants

3/24/23	529,149.67	General Revenue Fund
	199,360.96	Public Works Fund
	51.59	Human Service Fund
	5,026.65	Solid Waste Fund
	31,519.79	Jail Commissary Fund
	575.40	Sherco Regional Rail Authority
	7,561.24	Justice Center Enterprise Fund
	15,558.00	Agency Collections
	779,943.16	Payroll Fiduciary Fund
	1,568,746.46	Total

Manual Warrants

3/24/23	2,112.81	General Revenue Fund
	10,543.75	Agency Collections
	12,656.56	Total

Commissioner Warrants

3/24/23	34,858.05	Human Service Fund
	593.91	Agency Collections
	35,451.96	Total

Warrants

3/24/23	389.46	Barthel/Caleb
	593.91	Children's Dental Services
	602.40	Global Translation and Interpretation
	412.00	Graves-Petron/Trisha
	3,420.91	Hennepin County
	468.98	Ilgar/Olivia
	467.50	Lexis Nexis
	323.82	Lira/Kaylie
	560.00	Mn Dept Of Health-Legitimations
	1,388.00	Pinnacle Printing Inc
	300.00	Seven County Process Servers, LLC
	4,708.00	Sherburne Co Sheriff
	7,006.50	Sherburne County Auditor Treasurer
	1,050.92	Sugar Lake Lodge
	395.00	Sunnarborg/Jamie
	904.80	The Bridge World Language Ctr Inc
	7,500.00	Tri-Cap
	750.00	US Post Office
	750.00	US Post Office

3,459.76	31 Payments less than 300
35,451.96	Total

Lisa A Fobbe

[Lisa A Fobbe \(Apr 18, 2023 12:52 CDT\)](#)

Lisa A. Fobbe, Board Chairperson

04/18/2023

Date

Bruce Messelt

Bruce Messelt, Administrator

04/18/2023

Date