



Sherburne County Board of Commissioners

May 16, 2023 - County Board Meeting Minutes

1. 9:00am Call to Order

The Sherburne County Board of Commissioners convened in regular session on May 16, 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
Gray/Felber were unanimous to approve the Regular Meeting Agenda as presented.

2. 9:02am Public Hearing

- 1 Public Hearing - Tax Abatement Request from CMP Attachments LLC. Administration
Dan Weber, Assistant County Administrator
Assistant County Administrator Dan Weber provided the history of the company and explained the project details. The Chair opened the public hearing at 9:05am. No one was present for public comment. The Chair closed the Public Hearing at 9:05am. Felber/Gray were unanimous to approve Resolution No. 051623-AD-3085 approving a request for abatement of the County property taxes relating to an expansion project. (On file.)

3. 9:06am Public Hearing

- 1 Public Hearing - Boulder Creek Wine Bar Request for a Farm Winery License for On/Off Sale with Sunday. Auditor / Treasurer
Diane Arnold, County Auditor/Treasurer
County Auditor/Treasurer Diane Arnold reviewed the request with the Board. The Chair opened the Public Hearing at 9:10am. No one was present for public comment. The Chair closed the Public Hearing at 9:11am. Hulse/Danielowski were unanimous to approve an On/Off Sale with Sunday Farm Winery License, pending State approval, and authorized the Auditor/Treasurer and Board Chair to execute said license.

4. 9:11am Open Forum

Kari Watkins of St. Cloud spoke regarding election integrity and electronic voting machines.

5. 9:15am Consent Agenda

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

- 1 County Board Meeting Minutes: May 2, 2023 Administration
Keisha Broderick, Executive Assistant
Approved County Board Meeting Minutes: May 2, 2023.
- 2 County Workshop Meeting Minutes: May 2, 2023 Administration
Keisha Broderick, Executive Assistant
Approved County Workshop Meeting Minutes: May 2, 2023.
- 3 Food Truck Vendor Contract. Administration
Dan Weber, Assistant County Administrator
Approved a food truck vendor contract to provide various lunch options at the Government Center on scheduled dates throughout 2023. (On file.)
- 4 Retainer Agreement for Specialized Professional Legal Services. Administration

Bruce Messelt, County Administrator

Approved a Retainer Agreement for Specialized Professional Legal Services with Ciresi Conlin LLP. It is anticipated the initial foundational work with contracted attorneys will occur this summer/fall, at an estimated cost of approximately \$75,000. (On file.)

- 5 Micro Market Vending Services Contract. Administration

Dan Weber, Assistant County Administrator

Approved a Vendor Contract with Bernicks to provide Micro-Market vending services at the Sherburne County Government Center, effective upon execution of this Contract and through May 2025, with an option to extend an additional year. There would be no on-going cost to the County with this Contract.

- 6 Purchase and Replacement of Three Fleet Vehicles. Administration

Steve Becker, Maintenance Department Head

Approved the purchase of three Ford Escape S model vehicles for the County fleet at a cost not to exceed \$33,650 per vehicle.

- 7 Department of Corrections (DOC) Prosecution Agreement. Attorney

Kathleen Heaney, County Attorney

Approved a contract with the Minnesota Department of Corrections for one year beginning July 1, 2023, to reimburse the County Attorney's Office for time expended prosecuting crimes that occur in the Correctional Facility, and authorized the County Attorney to execute the same.

- 8 Transfer of Truancy Program Funds from the County Attorney's Office to the HHS Department. Attorney

Kathleen Heaney, County Attorney

Approved a transfer of Truancy Program Funds on June 1, 2023 from the County Attorney's Office to the Health and Human Services Department.

- 9 Commissioner & Manual Warrants. Auditor / Treasurer

Amanda Larson, HHS Director

Approved Commissioner and Manual Warrants dated April 28th and May 5th, 2023, as follows:

April 28, 2023 Commissioner Warrants \$691,127.76

April 28, 2023 Manual Warrants \$9,121.65

May 5, 2023 Commissioner Warrants \$381,842.52

May 5, 2023 Manual Warrants \$45,311.68

- 10 Transfer of \$1,235,468.87 from Fund 33 Debt Service 2015A G.O. CIP Refunding Bond to Fund 32 Debt Service 2017A G.O. CIP Bond-Govt Center. Auditor / Treasurer

Diane Arnold, County Auditor/Treasurer

Approved a transfer of \$1,235,468.87 from Fund 33 Debt Service 2015A G.O. CIP Refunding Bond to Fund 32 Debt Service 2017A G.O. CIP Bond-Govt Center, thereby zeroing out Fund 33 through said Journal Entry.

- 11 Community Living Infrastructure Grant Amendment. Health & Human Services

Jodi Heurung-Dick, Social Services Manager

Approved an Amendment to the Community Living Infrastructure Grant to extend the original contract expiration date from June 30, 2023, to June 30, 2025, and increase total grant funds from \$101,820 to \$177,864. (On file.)

- 12 HHS Department 1st Quarter 2023 Donations. Health & Human Services

Amanda Larson, HHS Director

- Approved and accepted 1st Quarter 2023 donations received by the Health and Human Services (HHS) Department in the amount of \$70.00.
- 13** May 2, 2023 HHS OBO Warrants. Health & Human Services
Amanda Larson, HHS Director
Approved May 2, 2023 HHS OBO Warrants, as follows:

May 2, 2023 HHS OBO Warrants \$11,636.11
- 14** HHS/ADMIN Warrants from May 5, 2023. Health & Human Services
Amanda Larson, HHS Director
Approve HHS/ADMIN Warrants from May 5th, 2023, as follows:

May 5, 2023 HHS/ADMIN Warrants \$207,170.88
- 15** Joint Powers Agreement with the City of Zimmerman and ISD 728 for the Public Works Zimmerman Community Trail - SP 071-591-003.
Andrew Witter, Public Works Department Head
Approved a Joint Powers Agreement with the City of Zimmerman and Independent School District 728 for the Zimmerman Community Trail project (Project number SP 071-591-003). (On file.) The term of this agreement shall commence on May 16, 2023 and terminate on the date that the project has been completed, grant funds have been disbursed to the County, and all other obligations of this agreement have been fulfilled.
- 16** Lowest Responsive Bidder for 2024 Overlay Projects CP 71-609-022, CP 71-662-021, CP 71-685-022, & SAP 71-619-013. Public Works
Andrew Witter, Public Works Department Head
Approved the Lowest Responsive Bidder, OMG Midwest Inc. dba Minnesota Paving & Materials with a bid of \$5,393,809.95, for the 2024 Overlays projects at:
- CSAH 9 from W of CR 45 to Hwy 169 (Project No. CP 71-609-022)
 - CSAH 19 from CSAH 4 to CSAH 2 (Project No. SAP 71-619-013)
 - CR 62 from N County Line to CSAH 20 (Project No. CP 71-662-021)
 - CR 85 from CSAH 16 to CSAH 11. Project No. CP 71-685-022)
- 17** Central Minnesota Violent Offender Task Force Amended Joint Powers Agreement (JPA). Sheriff
Joel Brott, County Sheriff
Approved the Central Minnesota Violent Task Force Amended Joint Powers Agreement, as presented. (On file.)
- 18** Out-of-State Travel Request for Six Members of the Sherburne County Substance Use Prevention Coalition to attend a June 2023 Training Event. Sheriff
Joel Brott, County Sheriff
Approved an out-of-state travel request for six members of the Sherburne County Substance Use Prevention Coalition to attend the Community Anti-Drug Coalitions of America (CADCA) mid-year training in Dallas, Texas, from June 16-20, 2023, utilizing available federal funds from the Drug-Free Community Support Program grant. Cost of travel will be \$12,000 and paid by Substance Use Prevention Coalition grant funds.
- 19** Out-of-State Travel Request for Two Members of the Sherburne County Sheriff

Substance Use Prevention Coalition to Attend an August 2023 Conference.

Joel Brott, County Sheriff

Approved an out-of-state travel request for two members of the Sherburne County Substance Use Prevention Coalition to attend the National Prevention Network Conference in Birmingham, Alabama, from August 15-17, 2023, using federal funds from the Drug-Free Community Support Program grant. Total travel cost of \$4,457.00 will be covered by Substance Use Prevent Coalition grant funds.

- 20 Out-of-State Travel for Two Sheriff's Office Employees to attend the Sheriff
44th Annual Northwest Shuttle Conference in September 2023.

Joel Brott, County Sheriff

Approved out-of-state travel for two Sheriff's Office employees to attend the 44th Annual Northwest Shuttle Conference from September 10-13, 2023, in Reno, Nevada, at a registration cost of \$300.00 per attendee plus and necessary travel expenses.

6. 9:16am **Announcements**

County Administrator Bruce Messelt announced that part two of the Northstar workshop discussion will take place at the June 6, 2023 County Board Meeting, that AmeriCorps RSVP will be having their 50th Anniversary celebration on May 18th in St. Cloud, provided a legislation update, and confirmed the district hosting the June luncheon for the Board. Board Chair Commissioner Fobbe recognized Peace Officers week and held a moment of silence thanking them for their service.

7. 9:19am **Regular Agenda**

- 9:19am 1 Proclamation of May 2023 as Foster Care Month and Receive the Health & Human Services
Announcement of Award Winners.

Julie Mlsna, Social Services Supervisor

Danielowski/Hulse were unanimous to approve a Proclamation of May 2023 as Foster Care Month and received the announcement of award winners. (On file.) Social Services Supervisor Julie Mlsna read the proclamation to the Board.

Social Workers NiQuish Turner and Chelsey Doherty presented the award for Foster Care Provider of the Year to Linda Ryan and Jack Hedke.

Social Worker Suzanne Stoy presented the Adult Foster Care Provider of the Year Jessica and Kirby Sundet.

Social Workers Natasha Ouko and Kaylie Lira presented the Child Foster Care of the Year to Kamya Reed.

- 9:33am 2 Conditional Use Permit for Farm Related Business-Small Winery - Planning & Zoning
Applicants Carol and Anthony Zimmerman.

Lynn Waytashek, Planning & Zoning Administrator

Felber/Danielowski were unanimous to approve a Conditional Use Permit for Carol and Anthony Zimmerman for Farm Related Business-Small Winery, with the following (18) Conditions and Findings of Fact, as recommended by the Planning Commission : PID # 45-021-2405; Property Address of 15913 41st St, Becker, MN; Legal Desc: W 1-2 of SE 1-4 (full legal on file); Sec 21, Twp 35, Rge 28, Santiago Township; and with 5 acres in the Agricultural District.

Conditions:

1. This Conditional Use Permit (CUP) is for the sole operation of a Farm Related Business for the purpose of making and engaging in on-site and off-site liquor sales for products produced on the property using locally grown or produced agricultural commodities.
2. This CUP does not grant authority to this property to be utilized as a venue for Occasional

Special Events, Rural Tourism (weddings or events) or similar uses in the County's Zoning Ordinance as those uses require separate permits from the County.

3. This CUP does not grant authority to sell or resell wine, cider or other, including any food or food products that are not produced on the property or are not locally grown agricultural commodities.
4. Prior to engaging in on-site or off-site liquor sales under this CUP, the applicant must notify the Planning and Zoning Office Department by email zoning@co.sherburne.mn.us and provide a copy of their Minnesota Farm Winery License and the Sherburne County Liquor License.
5. All farm related business activities must be limited to the "winery" and "parking" areas identified on the site plan included with the application and as Packet Attachment C.
6. There shall be no more than 40 people at the property at any given time.
7. All customer parking must be limited to the parking area identified on the site plan (Packet Attachment C). No parking is permitted on 41st Street SE. No more than 20 customer vehicles are permitted on-site at any time.
8. Days and hours of operation shall be: two weekends a month (first and third weekend) Memorial Day weekend through the first weekend in October. Permitted hours of operation are 12:00 pm - 6:00 pm on Fridays and Saturdays and 12:00 pm to 5:00 pm on Sundays.
9. Any outdoor lighting must be limited to those areas marked as "winery" "parking" or the sanitary services identified on the site plan and must not be directed toward neighboring properties.
10. No live or amplified music is permitted on the property as part of the farm related business or during the hours of operation permitted by this CUP.
11. Adequate sanitary services shall be made available to anyone using this property. Sanitation services shall be located on the area marked on the site plan. A copy of the service contract shall be provided to the County, if requested.
12. The existing house and accessory structures shall not be used by guests in connection with the activities permitted by this CUP. The only building permitted for use by the public is the 20'x30' (600 sq. ft.) open air pavilion in the location identified on the site plan.
13. 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.
14. There may be no employees other than residents of the property.
15. The property owner shall permit the County to inspect the property during normal business hours.
16. The owner will maintain a log of the activities occurring on-site that includes dates, times and number of guests are on site and make available to the Planning and Zoning Office if requested.
17. The applicant shall maintain compliance with all local, state and federal laws.
18. Excessive noise, glare, odors, traffic or other nuisances may be justification for the County to revoke or modify the terms of the CUP.

Findings:

1. That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.

Yes, the proposed use of the property as a Farm Related business winery is not anticipated to diminish or impair values within the immediate area provided the applicant maintains compliance

with their operation plans and the conditions of this CUP.

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, all the adjacent lands to the north, west and east are already developed for residential use and the land to the south is assessed as Rural Vacant Land. The establishment of this limited use will not impede development of vacant property to the south.*

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

Yes, adequate utility, access and drainage are provided 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, the applicant has sufficient parking space to accommodate the proposed 20 additional vehicles.

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 if operated in compliance with the conditions of this permit.

9:34am	3	Amending Subdivision Ordinance-266-Section 11, General Regulations, Subd 4, Buildable Lot Standards. <i>Lynn Waytashek, Planning & Zoning Administrator</i> Gray/Felber were unanimous to approve amending Subdivision Ordinance-266-Section 11, General Regulations, Subd 4, Buildable Lot Standards to establish an exemption to the Buildable Lot Standards of the Subdivision Ordinance for properties where an existing residence is being subdivided from a larger track of land as explained and presented by Planning & Zoning Administrator Lynn Waytashek.	Planning & Zoning
9:36am	4	Proposal Submitted by HDR to Conduct a Feasibility Study for a Permanent Household Hazardous Waste Facility. <i>Dave Lucas, Solid Waste Administrator</i> Danielowski/Felber were unanimous to accept the proposal submitted by HDR to conduct a feasibility study in consideration of a permanent Household Hazardous Waste Facility, and authorized County staff to proceed for a not to exceed amount of: \$79,723, utilizing the available Landfill Surcharge fund. Felber/Gray were unanimous to approve an amendment to the Solid Waste Budget, Fund 21-391-000-0000-6277 (Professional and Technical Services) from the current amount of \$100,000 to that of \$180,000 to accommodate this feasibility study. (On file.)	Planning & Zoning
9:49am	5	Presentation by HHS Staff in Recognition of May as Mental Health Awareness Month. <i>Victoria Johannes, Social Services Supervisor</i> Received a presentation by Health & Human Services (HHS) staff in recognition of May as Mental Health Awareness Month. Social Services Supervisors Victoria Johannes, Logan Johnson-Strandjord and Clinical Supervisor and Child and Family Services Trainer Leslie Young shared information with the board regarding mental health and our Sherburne County community. Commissioner Hulse requested that we make the Veteran's Crisis and Suicide Crisis hotlines available on the homepage of the county website.	Health & Human Services
10:00am	6	Auditor-Treasurer's Monthly Report for April 2023.	Auditor / Treasurer

Diane Arnold, County Auditor/Treasurer

Hulse/Felber were unanimous to approve and accept the April 2023 Financial Report as presented by Auditor-Treasurer Diane Arnold. (On file.)

8. 10:06am **Commissioner Correspondence, Committee Reports, Upcoming Meetings, Future Agenda**

Items

Commissioner Hulse - Mississippi One Watershed One Plan, Welcoming Wednesdays Event, Election Committee Group, Rivers of Hope Dinner

Commissioner Danielowski - Future of Rural Rental Housing meeting, Central Minnesota Council on Aging meeting, Serve Big Committee meeting, Elections Committee meeting, Law Library meeting, Big Lake Township meeting, APO St. Cloud meeting, Constituent issues

Commissioner Felber - Big Lake Fire Board meeting, USDA 515 Remedies meeting, NACo Justice Committee meeting, Council on Foreign Relations, Northland Reliability Open House, Opioid presentation, Metro Emergency Services Board meeting, Sherburne County Police Memorial Event, Commissioner Felber suggested that if the State of Minnesota passes the cannabis bill that the Board look into making county owned properties, such as parts, smoke free for both tobacco and cannabis.

Commissioner Gray - First Steps Joint Powers Board, Clear Lake Township & Haven Township Clean Up Days, MICA Legislative Update, Soil Water Conservation District meeting

Commissioner Fobbe - NACo Health Steering Committee, Zimmerman Business Council, Central Minnesota Jobs & Training Services, Community Adult Mental Health Initiative, Opioid Settlement Committee meeting, Met with Congressman Emmer's staff for 169 4 appropriation, Princeton Chamber Lunch n Learn, Ditch 1 Discharge meeting, Community Partners meeting with Elk River Public Schools, MICA meeting, Facilitated AMC Futures, Commissioner Fobbe announced that she will be out of town for a NACo Event in Utah this week.

9. 10:24am **Recess Regular Meeting, Open Community Health Board Meeting**

10. 10:37am **Close Community Health Board Meeting, Break**

11. 10:50am **Reconvene, Open Workshop**

12. 1:20pm **Close Workshop Meeting, Adjourn Regular Meeting**

Commissioner Warrants

4/28/23	435,304.84	General Revenue Fund
	15,774.85	Public Works Fund
	9,372.84	Solid Waste Fund
	23,354.97	Jail Commissary Fund
	222.36	Sherco Regional Rail Authority
	191,849.46	Justice Center Enterprise Fund
	4.49	Metropolitan Transit Fund
	2.61	Hra & Ec Dev Fund
	1,334.00	Taxes & Penalties Fund
	33.89	School Districts Collections
	10,695.13	Towns & Cities Collections
	3,178.32	Payroll Fiduciary Fund
	691,127.76	Total

Manual Warrants

4/28/23	9,121.65	Agency Collections
	9,121.65	Total
HHS OBOB Warrants		
5/2/23	1,107.38	OBO 4Imprint
	1,472.08	OBO Amazon
	635.00	OBO Calm Strips
	484.33	OBO Crisis Prevention Institute
	1,994.48	OBO Delta
	595.00	OBO Global Online Learning
	1,907.06	OBO Ruttger's Bay Lake
	1,497.00	OBO The Food Doula
	891.91	OBO Walmart
	1,051.87	15 Payments less than 300
	11,636.11	Total
Commissioner Warrants		
5/5/23	153,452.44	General Revenue Fund
	177,520.10	Public Works Fund
	51.59	Human Service Fund
	7,696.40	Law Library Fund
	10,948.75	Solid Waste Fund
	11,999.22	Jail Commissary Fund
	11,312.37	Justice Center Enterprise Fund
	16.33	Prepaid Tax Collections
	80.27	Agency Collections
	1,698.25	Taxes & Penalties Fund
	7,066.80	Payroll Fiduciary Fund
	381,842.52	Total
Manual Warrants		
5/5/23	33,185.66	General Revenue Fund
	12,126.02	Agency Collections
	45,311.68	Total
Warrants		
5/5/23	876.75	Central MN Mental Health Center
	432.00	DNA Diagnostics Center
	367.50	Elk River Printing
	356.85	Graves-Petron/Trisha
	3,497.83	Hennepin County
	439.30	Influencer Hotspot
	3,153.72	Mn Dept Of Human Services-SWIFT
	2,015.00	Mn Social Srv Assn
	875.95	Real Time Translations, Inc
	585.00	Seven County Process Servers, LLC
	187,187.13	Sherburne County Auditor Treasurer
	917.42	Smith/Alexandra
	450.91	Stock/Benjamin
	369.60	The Bridge World Language Ctr Inc
	1,116.78	Todd/Windsong
	366.80	Vee/Victoria
	1,463.27	Welgraven/Chelsie
	2,699.07	27 Payments less than 300

	207,170.88	Total
Commissioner Warrants		
5/5/23	207,099.38	Human Service Fund
	71.50	Agency Collections
	207,170.88	Total

Lisa A Fobbe

Lisa A Fobbe (Jun 6, 2023 14:49 CDT)

Lisa A. Fobbe, Board Chairperson

06/06/2023

Date

Bruce Messelt

Bruce Messelt, Administrator

06/06/2023

Date