



Sherburne County Board of Commissioners

August 15, 2023 - County Board Meeting Minutes

1. 9:00am Call to Order

The Sherburne County Board of Commissioners convened in regular session on August 15, 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
Hulse/Felber were unanimous to approve the County Board meeting agenda as presented.

2. 9:01am Consent Agenda

Danielowski/Hulse were unanimous to approve the Consent Agenda as amended with moving Consent Agenda item 2.9 to be voted on separately after Regular Agenda item 5.1.

- 1 Approved County Board Meeting Minutes: August 1, 2023. Administration
Keisha Broderick, Executive Assistant
- 2 Approved County Workshop Meeting Minutes: August 1, 2023. Administration
Keisha Broderick, Executive Assistant
- 3 Reimbursement for Conference Related Expenses for Commissioners Administration
Felber, Gray, and Hulse.
Dan Weber, Assistant County Administrator
Approved to reimburse expenses from the NACo Annual Conference in Austin, TX, for Commissioners Felber (\$673.68), Gray (\$173.00), and Hulse (\$413.30).
- 4 Commissioner & Manual Warrants. Auditor / Treasurer
Diane Arnold, County Auditor/Treasurer
Approved Commissioner and Manual Warrants as follows:

July 28, 2023 Commissioner Warrants \$2,028,110.75
July 28, 2023 Manual Warrants \$602,119.26
July 31, 2023 Manual Warrants \$2,815.00
August 4, 2023 Commissioner Warrants \$829,634.96
August 4, 2023 Manual Warrants \$9,127.50
- 5 Temporary On-Sale Liquor License. Auditor / Treasurer
Diane Arnold, County Auditor/Treasurer
Approved a temporary On-Sale liquor license application pending background check and state approval. Authorized Auditors/Treasurer's signature on application for Palmer Day. Temporary On-Sale liquor license for September 9, 2023 to be used at their community festival located at Palmer Township Park 4523 105 Ave Clear Lake, MN 55319.
- 6 Public Health Emergency Preparedness (PHEP) Grant and Cities Health & Human Services
Readiness Initiative (CRI) Allocations from the Minnesota Department of Health.
Nicole Ruhoff, CHS Administrator
Accepted the Public Health Emergency Preparedness (PHEP) grant and Cities Readiness Initiative (CRI) allocations from the Minnesota Department of Health in the amounts of \$59,274 and \$26,405 for a total of \$85,679 for the budget period of 7/1/2023-6/30/2024. (On file.)

- 7 August 1, 2023 HHS OBO Warrants. Health & Human Services
Amanda Larson, HHS Director
 Approved the HHS OBO Warrants as follows:
- August 1, 2023 HHS OBO Warrants \$10,191.22
- 8 August 4, 2023 HHS-IFS-ADMIN Warrants. Health & Human Services
Amanda Larson, HHS Director
 Approved the HHS-IFS Admin Warrants as follows:
- August 4, 2023 HHS-IFS Admin Warrants \$244,455.32
- 10 2023 County Administrator Salary. Human Resources
Tammy Bigelow, HR Director
 Approved a 4.5% salary increase for County Administrator Bruce Messelt effective August 19, 2023. Performance evaluation period of August 19, 2022 to August 19, 2023.
- 11 Third Amendment to 2014-2030 Host Fee Agreement Between Planning & Zoning
 Sherburne County and Elk River Landfill.
Dave Lucas, Solid Waste Administrator
 Approved the third amendment to the 2014-2030 Host Fee Agreement between Sherburne County and Elk River Landfill, Inc. and authorized the County Board's Chairs signature. (On file.)
- 12 Amended Agreement with HDR Engineering, Inc for County Road (CR) Public Works
 43 to Add Construction Phase Services.
Andrew Witter, Public Works Department Head
 Approved a third amendment to an agreement with HDR Engineering, Inc. in the amount of \$79,985.00 for County Road 43 to add Construction Phase Services. The term of this agreement shall commence on August 15, 2023 and shall terminate on the date that all obligations have been fulfilled and all deliverables have been approved by the County. (On file.)
- 13 Contract Award for Phase I Building Deconstruction - Big Elk Lake. Public Works
Gina Hugo, Park Coordinator
 Approved a contract with T.E.I. for the Phase I Building Deconstruction on the Big Elk Lake Parkland. This agreement shall commence on August 15, 2023 and shall terminate on the date that all obligations have been fulfilled and all deliverables have been approved by the County.
- 14 Professional Services Agreement with the Mille Lacs Band of Ojibwe. Public Works
Gina Hugo, Park Coordinator
 Approved the professional services agreement with the Mille Lacs Band Tribal Historic Preservation Office for Tribal monitoring associated with the Phase I Building Deconstruction on the Big Elk Lake Parkland. The total cost of services is set not to exceed \$104,533.00. (On file.)
- 15 Third Amendment with Bolton & Menk, Inc for the TH 169 CSAH 4 Public Works
 Interchange Design.
Andrew Witter, Public Works Department Head
 Approved the third amendment with Bolton & Menk, Inc for the TH 169 & CSAH 4 Interchange Design. This agreement shall commence on August 15, 2023 and shall terminate on the date that all obligations have been fulfilled and all deliverables have been approved by the County. The estimated cost of the agreement is \$846,904.00. (On file.)
- 16 Grant Award from Lessard Sam's Outdoor Heritage Fund. Public Works
Gina Hugo, Park Coordinator
 Approved the acceptance of a \$280,000 grant award from the Lessard Sam's Outdoor Heritage Fund to be used for natural resource restoration and enhancement of the Big Elk Lake Park Landscape. The required match for this award is made up of staff time at a value of \$8,600.00

for administrating the project.(On file.)

- 17 Donation of an AED to Travelers Country Club. Sheriff
Joel Brott, County Sheriff
Approved the donation of an AED to Travelers Country Club.

- 18 Paid Leave for a Sheriff's Office Employee to Attend the 2023 Special Sheriff
Olympics Law Enforcement Torch Run International Conference.
Joel Brott, County Sheriff
Approved three days paid leave for a Sheriff's Office employee to attend the 2023 Special Olympics Law Enforcement Torch Run International Conference in Chicago, Illinois, from October 28-30, 2023.

3. 9:02am **Open Forum**

Kari Watkins of St. Cloud spoke to the Board regarding CISA.

4. 9:05am **Announcements**

Assistant County Administrator Dan Weber reminded the Board that Safe Schools will be at the Government Center tomorrow (August 16, 2023) and there is a Special County Board Meeting next Tuesday, August 22, 2023.

5. 9:05am **Regular Agenda**

- 9:05am 1 Motorcycle Accident Survivor Roger Sawyer to Thank First Responders. Sheriff
Joel Brott, County Sheriff
Motorcycle accident survivor Roger Sawyer thanked deputies and first responders who helped save his life when he was involved in a motorcycle accident on August 21, 2022, in Baldwin Township. He also spoke about the importance of wearing a helmet while riding a motorcycle.
- 9:12am 9 Proclamation of August 2023 as Child Support Awareness Month. Health & Human Services
Gina Anderson, Economic Supports Manager
HHS Director Amanda Larson read the proclamation to the Board. Gray/Danielowski were unanimous to approve the Proclamation declaring August 2023 as Child Support Awareness Month in Sherburne County.
- 9:14am 2 Great River Regional Library (GRRL) 2024 Budget Information. Administration
Karen Pundsack
Great River Regional Library (GRRL) Executive Director Karen Pundsack and GRRL Manager Amy Anderson presented GRRL's 2024 budget to the Board.
- 9:28am 3 Interim Use Permit Amendment-Mustafa Mayani/Leasing Express LLC. Planning & Zoning
Lynn Waytashek, Planning & Zoning Administrator
Felber/Hulse were unanimous to approve an Interim Use Permit Amendment for Permit # 68924 (Large Contractor's Yard) for Mustafa Mayani to allow phased development. The revised (13) Conditions and Findings of Fact are recommended by the Planning Commission and listed in the background justification, for PID # 25-016-3105, Legal Desc: Part of NE ¼ of SW ¼ (full legal on file). Sec 16, Twp 35, Rge 30, Haven Township. 9.16 acres in the Industrial District.

CONDITIONS:

1. This Interim Use Permit is issued to Mustafa Mayani, Leasing Express LLC, and shall expire with a change in majority ownership of the business or sale of this property. For the purpose of operating a Large Contractor's Yard that specializes in the leasing of semi-trailers and provides light mechanical repair (i.e., brakes, lights, oil and fluid changes) on semi-trucks and trailers. Parking of semi-trucks and trailers is permitted within the parking yard south of the building (Packet Attachment F).

2. The physical and operational development of this property shall be consistent with the plans submitted and described in Packet Attachments (C. Written Description of Business, D. Phased Project Summary, E. Preliminary Building Plans, and F. Preliminary Plans for Site, Grade, Erosion Preliminary Site Plan). Deviation from these plans may require Leasing Express LLC to amend the interim use permit.
3. Prior to any ~~business or land~~ disturbing activities and/or the storage of semi-trailers on this property, the applicant must obtain the following permits and approvals:
 - ~~a. A building and septic permit from the Planning and Zoning Department. All building plans must be prepared by an architect or structural engineer to certify the structure complies with MN Building Code.~~
 - ~~b. Submit a Fire Suppression Plan to the Township Fire Department to include exterior hydrant access serviced by a high volume well of 500 gallons per minute. System design review subject to Fire Department final review.~~
 - ~~c. Approval from St. Cloud Airport for any exterior lighting.~~
 - a. A Stormwater Erosion Control permit from the Planning and Zoning Department.
 - b. A NPDES permit from the MN Pollution Control Agency.
 - c. An Access permit from Sherburne County Public Works
 - d. A building permit from Sherburne County Planning and Zoning if the fence is over 7' tall.
4. The applicant must obtain the following additional permits and approvals prior to any building or septic construction, installation of lighting improvements, or operation of any light mechanical repair, sales or retail at this property:
 - a. Approval from St. Cloud Airport for any exterior lighting.
 - b. A building and septic permit from the Planning and Zoning Department. All building plans must be prepared by an architect or structural engineer to certify the structure complies with MN Building Code.
 - c. Submit a Fire Suppression Plan to the Township Fire Department to include exterior hydrant access serviced by a high volume well of 500 gallons per minute. System design review subject to Fire Department final review.
5. Applicant may store trailers and allow clients to pick up and return trailers for a period of 24 months following the issuance of a Stormwater and Erosion Control permit, associated with the construction of the parking lot identified in the Phase 1 improvements in Board Packet Attachment D. The parking lot must be constructed before trailers may be stored on the property. Thereafter, Applicant may continue those business activities only after completing construction of the maintenance building and completing all other improvements and permits required by this Interim Use Permit. In the event the maintenance building and other improvements have not been constructed and other permits have not been received prior to the expiration of the initial Phase 1 24-month period, all such business activities must cease, and trailers must be removed from the property until completion of the maintenance building and the remaining requirements of this Permit.
6. Hours of operation for the service center and retail portion of the business will be M-F 8:00 AM to 5:00 PM.
7. Allow 24/7 access to the property for semis to park their trucks and trailers at the property.
8. The proposed access location to CSAH 3 will be from the west side of the site as proposed on Packet Attachment F of the Preliminary Site Plan. An access permit from Sherburne County Public Works is required for construction of the access to ensure compliance to County standards.
9. The parking yard for the trailers shall have an 8 ft tall opaque fence around the parking yard as shown on Packet Attachment F of the Preliminary Site Plan, with a security gate with coded entry

only. A building permit will be required to be obtained from the Planning and Zoning office prior to construction of the fence.

10. Any signage shall comply with the County's sign ordinance and a sign permit is required.

11. All exterior lighting shall be directed away from the public right-of-way or neighboring properties.

12. The applicant shall allow the County to inspect the property during normal business hours.

13. The applicant shall coordinate with Haven Township to have their Township Engineer review the Drainage Plans for this project and pay the associated fees for the review.

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 in-line with existing industrial uses in the area, allowing this project to proceed in phases as proposed by the applicant, is not anticipated to diminish or impair property values.

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 County's Zoning and Comprehensive Land Use Plan has identified this property and all the surrounding parcels for business and industrial development. The establishment of this Interim Use Permit is in line with the current and long-range plans for this area.

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

Yes, the applicant has provided preliminary site and stormwater plans that demonstrates adequate space can be provided for drainage, highway access and parking for the proposed business. The applicant has been made aware of the requirements to comply with State Building and Fire Code and is willing to prepare and obtain the necessary permits.

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 and loading space to accommodate the proposed use according to the application and plans submitted. The Assistant County Engineer has reviewed the proposed project and has provided feedback related to the access improvements needed to establish access to CSAH 3.

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.

9:29am

4

Preliminary and Final Simple Plat of Bernies Farmstead-Judy Abrahamson.

Planning & Zoning

Lynn Waytashek, Planning & Zoning Administrator

Danielowski/Gray were unanimous to approve a requested Residential Preliminary and Final Simple Plat of "Bernies Farmstead" consisting of (1) lot, with the following (2) Conditions as recommended by the Planning Commission and listed in the background justification for PID #

45-002-3100. Legal Desc: E 1-2 of SW 1-4 (full legal on file). Sec 2, Twp 35, Rge 28, Santiago Township. 80 acres in the Agricultural District.

CONDITIONS:

1. A new legal description will need to be prepared, approved, and recorded at the same time as the plat for the remnant piece (68.38 acres).
2. 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.

9:30am

5

Preliminary and Final Simple Plat of Okeson Acres-Karen Okeson.

Planning & Zoning

Lynn Waytashek, Planning & Zoning Administrator

Hulse/Felber were unanimous to approve a requested Residential Preliminary and Final Simple Plat of "Okeson Acres" consisting of (2) lots, with the following (4) Conditions as recommended by the Planning Commission and listed below in the background justification for PID # 01-031-3100. Legal Desc: That part of Govt Lot 4 desc as (full legal on file). Sec 31, Twp 35, Rge 26, Baldwin Township. 8.48 acres in the General Rural District and within the General Development Shoreland Overlay District of Elk Lake and the Natural Environment Shoreland Overlay District of Little Diann Lake.

Conditions:

1. Park dedication fees for one (1) lot is \$1,200. Park fees must be paid prior to the Public Works Dept signing the plat mylars.
2. Must obtain an access permit from Sherburne County Public Works.
3. A Development Agreement relating to the tree removal must be signed before the plat is recorded.
4. 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.

9:31am

6

Preliminary and Final Simple Plat of Woodlands Retreat-John Cielinski. Planning & Zoning

Lynn Waytashek, Planning & Zoning Administrator

Gray/Felber were unanimous to approve a requested Residential Preliminary and Final Simple Plat of "Woodlands Retreat" consisting of (3) lots, with the following (2) Conditions as recommended by the Planning Commission and listed below in the background justification for PID # 25-023-3100. Legal Desc: The NE ¼ of SW ¼ (full legal on file). Sec 23, Twp 35, Rge 30, Haven Township. 39.98 acres in the Agricultural District and within the Shoreland Overlay District of the Elk River.

Conditions:

1. Park dedication fees for three (3) lots is \$3,600. Park fees must be paid prior to the Public Works Dept signing the plat mylars.
2. 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.

9:32am

7

Use Permit for Light Industry-Professional Mechanical Services.

Planning & Zoning

Lynn Waytashek, Planning & Zoning Administrator

Danielowski/Felber were unanimous to approve a Conditional Use Permit for Professional Mechanical Services for Light Industry-HVAC/Plumbing, with the following (8) Conditions and Findings of Fact, as recommended by the Planning Commission and listed in the background justification, for PID #10-544-0120. Legal Desc: Lot 4, Blk 1, Spanky's Corner, Sec 24, Twp 33, Rge 28, Big Lake Township. 2.11 acres

in the Commercial District and within the Natural Environment Shoreland District of Beulah Pond.

Conditions:

1. A condition of plat approval and variance (Permit #40091) for Spanky's Corner requires impervious surface coverage must not exceed 50% (43,700 sq. ft.) of the lot. Impervious surfaces may include structures, driveways and parking areas whether paved, gravel, or compacted soil. The proposed impervious surface on this lot is 31,200 sq. ft.
2. A condition of plat approval for Spanky's Corner requires a 150' buffer from the OHWL of Beulah Pond must be kept in its natural condition. The property owner shall obtain a Shoreland Alteration Permit from the Sherburne County Planning and Zoning Department prior to any vegetation removal or grading activities.
3. A building permit is required from the Planning and Zoning Department. All building plans must be prepared by an architect to certify the structure complies with MN Building Code for the proposed use.
4. Any signage shall comply with the sign ordinance; a sign permit is required.
5. Any solid or liquid waste must be handled and disposed of according to any applicable County or State regulations.
6. All exterior lighting shall be directed down and away from public right-of-way, and any adjacent residential use.
7. Open storage of materials or goods in any front or side yard is prohibited. Any other outside storage shall be located or screened from view from any public street or residence with landscaping, berming and/or fencing.
8. The CUP holder and/or property owner shall permit the County to inspect the property, including any buildings used for the business during normal working hours. Further, the CUP holder shall allow the County to inspect any business records for the purpose of ensuring compliance with 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 will be in line with existing businesses in the subdivision there is an existing Commercial heating ventilation and cooling business permitted to the west and the applicant owns the building to the east. The applicant is not proposing any exterior storage of equipment.

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 proposed use will not impede normal development of surrounding property. This property is zoned commercial and there are existing commercial buildings on either side of this property.

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

Yes, utilities, access roads and drainage have been considered when this land was platted in 2007. The existing stormwater pond was oversized to accommodate increased impervious surface coverage on each lot.

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 use and drainage was accounted for with the platting of this property in 2007.

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. No work will be completed outdoors.

- 9:34am 8 Update to the Planning Advisory Commission By-Laws. Planning & Zoning
Lynn Waytashek, Planning & Zoning Administrator
Felber/Danielowski were unanimous to table consideration of updates to the Planning Advisory Commission By-Laws as recommended by the Planning Commission.
- 9:35am 9 Receive, Review, and Accept the Auditor-Treasurer's Monthly Report Auditor / Treasurer
for July 2023.
Diane Arnold, County Auditor/Treasurer
Hulse/Felber were unanimous to approve and accept the July 2023 Financial Report from the Auditor-Treasurer. (On file.)

6. 9:44am **Commissioner Correspondence, Committee Reports, Upcoming Meetings, Future Agenda Items**

Commissioner Hulse: Night to Unite, Technology Steering Committee, Constituent Discussions, Discussion with Attorney's Office and regarding the Mississippi Watershed

Commissioner Danielowski: AMC County Government 201, APO meeting in St. Cloud

Commissioner Felber: SWCD Water Advisory Committee, Night to Unite, Violet Offender Task Force, AMC County Government 201, Coffee with Mayor Dietz, Tom Emmer in Big Lake Townhall, DEIB, Constituent meetings

Commissioner Gray: SWCD Water Advisory Committee, Night to Unite, AMC Government 201, Flooding Sub-Committee, Farm Day at the Alvin Ayers Farm in Haven Township, Constituent Zoning Violation meeting with Staff, MICA, Equity Through Action Committee, Palmer and Blue Hill Township Board meetings, Constituent Discussions

Commissioner Fobbe: Constituent Calls, Night to Unite, First Steps Joint Powers, Tri-Cap Executive Director Farewell

7. 9:52am **Recess Regular Meeting, Open Ditch Authority Meeting**

- 10:01am 1 Approve Ditch Authority Agenda. Auditor / Treasurer
Mike Lindenau, County Ditch Inspector
Felber/Danielowski were unanimous to approve the Ditch Authority Agenda as presented.
- 10:02am 2 Ditch Drainage Technician's Report. Auditor / Treasurer
Mike Lindenau, County Ditch Inspector
Ditch Inspector Mike Lindeneau presented the Ditch Drainage Technician's report to the Board. Mr. Lindenau highlighted County Ditches 28 and 4. Gray/Felber were unanimous in approving the report as presented.
- 10:10am 3 Billing of Proposed 2023 County Drainage Assessments. Auditor / Treasurer
Diane Arnold, County Auditor/Treasurer

Gray/Felber were unanimous to approve and authorize the Billing of Proposed 2023 County Drainage Assessments as presented. (On file.)

8. 10:15am **Close Ditch Authority Meeting, Break**

9. 10:22am **Reconvene, Open Workshop**

10. 12:02pm **Close Workshop Meeting, Break**

11. 12:14pm **Reconvene, Open Closed Session**

12:14pm 1 Convene Closed Session for Review and Discussion of Union/Labor Human Resources
Negotiations and Strategies (M.S. 13D.03).
Tammy Bigelow, Director of HR

12. 1:21pm **Close Closed Session**

13. 1:23pm **Adjourn Regular Meeting**

HHS OBO Warrants

8/1/23	4,074.53	OBO Amazon
	303.80	OBO Innovative
	1,052.50	OBO Lexisnexis
	343.38	OBO Liberty Glen
	1,348.29	OBOB Survey Monkey
	615.97	OBO Target
	1,536.05	OBOB Walmart
	916.70	11 Payments less than 300
	10,191.22	Total

Warrants

8/4/23	302.61	Anderson/Jane
	30,080.25	Avivo
	508.06	Carlson/Barbara
	850.00	Central MN Mental Health Center
	1,041.24	Children's Dental Services
	500.00	City Of Big Lake
	352.26	Hagglund/Kathryn L
	1,712.96	Madden's on Gull Lake
	1,858.80	Mn Dept Of Human Services-SWIFT
	348.00	NGMA
	3,707.55	Office Of MNIT Services
	638.55	Real Time Translations, Inc
	4,334.50	Sherburne Co Community Corrections
	193,100.13	Sherburne County Auditor Treasurer
	700.00	SLC Human Service Conference
	300.00	Todd/Windsong
	4,120.41	36 Payments less than 300
	244,455.32	Total

Commissioner Warrants

8/4/23	243,314.08	Human Agency Fund
	1,141.24	Agency Collections
	244,455.32	Total

Lisa A Fobbe

Lisa A Fobbe (Sep 5, 2023 15:45 CDT)

Lisa A. Fobbe, Board Chairperson

09/05/2023

Bruce Messelt

Bruce Messelt, County Administrator

09/05/2023