



Sherburne County Board of Commissioners November 19, 2024 - County Board Meeting Minutes

1. 9:00am Call to Order

The Sherburne County Board of Commissioners convened in regular session on November 19, 2024, 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/Hulse were unanimous to approve the Regular Meeting Agenda as presented.

2. 9:01am Proclamations

1 Adoption Month Proclamation & Receive a Presentation on the Same. Health & Human Services

Kelly Schmidt, Jenna Koenig, Gretchan Menze

Fobbe/Gray were unanimous to approve by Proclamation the recognition of November as Adoption Month. (On file.)

Jenna Koenig, Gretchen Menze, and Kelly Schmidt provided updates on adoption within Sherburne County.

3. 9:11am Public Hearing

9:11am 1 Public Hearing for an Ordinance Relating to Regulation and Registration Administration
of Cannabis Retail Businesses and Lower-Potency Hemp Edible Retailer
Businesses.

Bruce Messelt, County Administrator

Conducted a Public Hearing for an Ordinance Relating to Regulation and Registration of Cannabis Retail Businesses and Lower-Potency Hemp Edible Retailer Businesses. Assistant County Attorney Jennifer Pim provided a cannabis update pertaining to the County. Hulse/Gray were unanimous to open Public Hearing. The Chair opened the Public Hearing at 9:13am. No one was present for comment. The Chair closed the Public Hearing at 9:14am.

4. 9:14am Open Forum

Kari Watkins of Haven Township spoke.

5. 9:16am Consent Agenda

Hulse/Fobbe were unanimous to approve the Consent Agenda as amended with the correction made to item number 17 (making the total count of sirens donated to be 48 not 27).

1 Approve the County Board Meeting Minutes from November 5, 2024. Administration

Keisha Broderick, Executive Assistant

Approved County Board Meeting Minutes from November 5, 2024.

2 Set the Date and Time for the 2025 County Board of Appeal and Assessor
Equalization Meeting.

Michelle Moen, County Assessor

Approved the recommended date and time for the 2025 County Board of Appeal and Equalization Meeting as June 17th, 2025, at 3:00 p.m.

3 Call for Bids for 2025 Publications. Auditor / Treasurer

Loraine Rupp, Auditor/Treasurer

Approved and authorized the Auditor-Treasurer to publish a Call for Bids for the awarding of the 2025 County publication contract(s), to run in the official County newspaper on November 30th, December 7th, and December 14th 2024.

- 4 Commissioner & Manual Warrants dated October 31st and November 1st, 4th and 8th, 2024. Auditor / Treasurer

Loraine Rupp, Auditor/Treasurer

Approved Commissioner & Manual Warrants dated October 31st and November 1st, 4th and 8th, 2024, as follows.

October 31 2024 Manual Warrants \$7,831.00

October 31 2024 Manual Warrants BMO Harris Pcard Sept \$66,915.97

November 1 2024 Commissioner Warrants \$438,668.62

November 1 2024 Manual Warrants \$1,326.50

November 4 2024 Commissioner Warrants 2nd-50% Est School District Payout P2 \$1,340,458.57

November 8 2024 Commissioner Warrants \$1,269,904.87

November 8 2024 Manual Warrants \$15,393,364.69

- 5 Contract with AVIVO for the Minnesota Family Investment Program (MFIP) and Divisionary Work Program (DWP) for Employment Training and Services. Health & Human Services

Amanda Larson, HHS Director

Approved a contract with AVIVO for the Minnesota Family Investment Program (MFIP) and Divisionary Work Program (DWP) for Employment Training and Services. The term of this agreement shall be January 1, 2025, to December 31, 2025. The available funds for this agreement shall not exceed \$386,270.00. (On file.)

- 6 HHS IFS Admin Warrants from November 8th, 2024. Health & Human Services

Amanda Larson, HHS Director

Approved the HHS IFS Warrants dated November 8th, 2024, as presented.

November 8, 2024 HHSIFS Warrants \$269,017.13

- 7 October 30th, 2024, HHS OBO Warrants. Health & Human Services

Amanda Larson, HHS Director

Approved HHS OBO Warrants dated October 30th, 2024, as follows.

October 30, 2024 HHS OBO Warrants \$15,204.04

- 8 Mississippi River St Cloud Policy Committee Representative to Affirm the Comprehensive Watershed Management Plan for Final Submission to the Board of Water & Soil Resources (BWSR). Planning & Zoning

Lynn Waytashek, Planning & Zoning Administrator

Approved and authorized the Mississippi River St Cloud Policy Committee Representative to affirm the Comprehensive Watershed Management Plan for final submission to the Board of Water and Soil Resources (BWSR) on behalf of the Sherburne County Board of Commissioners.

- 9 Professional Services Agreement with Emmons & Olivier Resources, Inc. Planning & Zoning to Provide Consulting Services.

Dave Lucas, Solid Waste Administrator

Approved a Professional Services Agreement with Emmons & Olivier Resources, Inc. to provide professional solid waste consulting services, and authorized the Solid Waste Administrator to execute the same. The Agreement shall commence on November 19, 2024 and terminate on the date that all obligations have been fulfilled, and all deliverables have been approved by the

County.

- 10** Amendment for Sherburne County to the Tri-County Solid Waste Management Commission Pope/Douglass Allocation Agreement . Planning & Zoning
Dave Lucas, Solid Waste Administrator
Approved the Tri-County Solid Waste Management Commission Pope/Douglass Allocation Agreement Amendment for Sherburne County, as presented, and authorized the County Board Chair to execute the same. The agreement shall be effective when the counties of Sherburne, Stearns and Benton have executed it pursuant to the authorization by their respective governing bodies. This Agreement may be terminated by a vote of two-thirds of the Directors voting at a regular meeting or a meeting specially called for that purpose. (On file.)
- 11** Public Works Director to Attend the National Lifesavers Conference in Los Angeles County, CA, from March 8th - March 11th, 2025. Public Works
Andrew Witter, Public Works Department Head
Authorized the Public Works Director to attend the National Lifesavers Conference in Los Angeles County, CA, from March 8th - March 11th, 2025. Conference attendance is paid for entirely by MnDOT State Aid, with zero local cost to Sherburne County.
- 12** MnDOT Grant Agreement (No. 1058242) and Resolution No. 111924-AD-3167 for Sherburne County to receive Local Road Improvement Program (LRIP) Funds for the Hwy 169 and CSAH 4 Interchange Project. Public Works
Andrew Witter, Public Works Department Head
Approved Resolution No. 111924-AD-3167 and the Local Road Improvement Program (LRIP) Grant Agreement (MnDOT Agreement No. 1058242) between the MnDOT Commissioner of Transportation and Sherburne County for the Hwy 169 and CSAH 4 Interchange Project; and authorized the County Board Chair and County Administrator to execute the same. Total Amount of LRIP Grant for all projects under this Agreement: \$2,395,498.00. The start date of the project was 1/18/2022 and the contract final completion date is 12/31/2028. (On file.)
- 13** Real Estate Purchase Agreement for Total Taking of 19054 Meadowvale Road NW, Elk River, MN 55330 and Authorize Execution of the Same. Public Works
Andrew Witter, Public Works Department Head
Approved a Real Estate Purchase Agreement for total taking of 19054 Meadowvale Road NW, Elk River, MN 55330 and authorized execution of the same. The agreement was made on November 7th, 2024 with a purchase price of \$270,000.00.
- 14** Resolutions Nos. 111924-AD-3168 and 111924-AD-3169 for Railroad Crossing Closures on CR 65 and 45th Ave. Public Works
David Roedel, Assistant Public Works Director
Approved Resolution Nos. 111924-AD-3168 and 111924-AD-3169 for closure of railroad crossings at CR 65 and 45th Ave. (On file.)
- 15** Agreement with Paladin Technologies to upgrade the current Genetec Camera Systems within the Government Center and the Zimmerman Law Enforcement Center Sheriff
Dan Weber, Assistant County Administrator, Matt Albrecht
Approved an agreement with Paladin Technologies to upgrade the current Genetec Camera Systems within the Government Center and the Zimmerman Law Enforcement Center, at the low bid cost of \$83,201. (On file.)
- 16** Donation of Excess Property to the Big Lake and Becker Police Departments. Sheriff
Joel Brott, County Sheriff

Approved the donation of Excess Property (older 3M gas masks) to the Big Lake and Becker Police Departments, as recommended.

- 17 Donation to the Sheriff's Office of Decommissioned Xcel Energy Early Warning Sirens. Sheriff

Bruce Messelt, County Administrator, Joel Brott, County Sheriff

Approved the acceptance of a donation from Xcel Energy of 48 decommissioned emergency/early warning sirens, as recommended.

- 18 Sheriff's Office's Request for Flexibility to Adjust Their Staffing Complement Between Patrol Deputy and Transport/Court Security Deputy Positions Based on the Needs of the Department. Sheriff

Joel Brott, County Sheriff

Approved the Sheriff's Office's request for flexibility to adjust their staffing complement between Patrol Deputy and Transport/Court Security Deputy positions, based on the needs of the department.

6. 9:17am **Announcements**

- 9:17am 1 County Administrator Announcements and 2024 General Election Review. Administration

Bruce Messelt, County Administrator

County Administrator Bruce Messelt reminded the Board of the following and provided a 2024 General Election Summary.

- December 5, 2024 the Truth & Taxation meeting will be held at 6:00pm. Commissioner Hulse announced that he would be absent but attending the meeting virtually.
- Association of Minnesota Counties Annual Meeting will be December 9-11, 2024 in St. Paul.

7. 10:10am **Open Closed Session**

- 10:10am 1 Convene a Closed Session for Review and Discussion of Union/Labor Negotiations and Strategies (M.S. 13D.03). Human Resources

Tammy Bigelow

Approved closure of the meeting for discussion of union/labor negotiations and strategies, pursuant to Minnesota Statute 13D.03.

8. 10:56am **Close Closed Session, Break**

- 11:04am 1 Legislative Update from Lockridge Grindal Nauen PLLP. and Primacy Strategy Group. Administration

Ann Lenczewski, Alex Hassel, Lockridge Grindal Nauen PLLP, Emily Trantor, Greg Rubio, Primacy Strategy Group

Received an update from Lockridge Grindal Nauen PLLP and Primary Strategy Group regarding state and federal lobbyist activities.

- 11:37am 2 Agreement for Prosecution Services with the City of Baldwin. Attorney

Kathleen Heaney, County Attorney

Fobbe/Gray were unanimous to approve and authorize the County Attorney to execute an agreement to prosecute state law violations within the newly-formed City of Baldwin, effective Nov. 18 to Dec. 31, 2025, with automatic yearly renewal with the cost for the service being paid for by the fine revenues generated. (On file.)

- 11:40am 3 Auditor-Treasurer's Monthly Report for October 2024 Auditor / Treasurer

Sherlyn Kapsner, Accounting Manager

Hulse/Danielowski were unanimous to accept, receive, and review the Auditor-Treasurer's monthly report for October 2024 as presented by Sherlyn Kapsner.

11:45am 4

Amend Sherburne County Zoning Ordinance-ORD NO 279-Solar Related Planning & Zoning Business -Xcel Energy.

Lynn Waytashek, Planning & Zoning Administrator

Fobbe/Hulse were unanimous to approve amending Zoning Ordinance-Ordinance No 279-Section 5, Section 7, Section 8 and Section 16.2 for a Solar Farm Related Business, as requested by Xcel Energy. (On file.) Commissioner Gray abstained from the vote.

11:51am 5

Interim Use Permit for Occasional Special Event-Haunted Trail-Brent Bahr. Planning & Zoning

Lynn Waytashek, Planning & Zoning Administrator

Hulse/Danielowski with a 4-1 vote to approve an Interim Use Permit for Occasional Special Event-Haunted Trail, with the following amended (20) Conditions and Findings of Fact as recommended by the Planning Commission, for Property Address: 24324 169th St NW, Big Lake; PID # 35-00414-0508; Legal Desc: Lot 4, Blk 5, Palamino Acres; Sec 28, Twp 34, Rge 27; and with 5.97 acres in the General Rural District. Commissioner Hulse - Aye, Commissioner Danielowski - Aye, Commissioner Felber - Nay, Commissioner Gray - Aye, Commissioner Fobbe - Aye

Conditions:

1. The applicant shall notify the Sherburne County Sheriff's Department at least seven (7) days in advance of the proposed events.
2. 30 days prior to starting this operation annually, the applicant must provide Zoning Staff with a detailed security plan that includes directives for emergency response personnel, (Big Lake Fire Department and Sherburne County Sheriff Department) who may be called on to serve this property.
3. The applicant will need to either hire security or the Sheriff's Department to provide security at established hourly rate during site operations.
4. The Board's Packet Attachments including the site plan with the written descriptions along with any conditions added during Planning Advisory Commission and/or County Board review will become part of the approved interim use permit.
5. Days of operation shall be Fridays and Saturdays and hours of operation shall be 7:00pm to 10:00pm during the month of October. The site may operate one Saturday during the month of October, 2:00pm-4:00pm for younger children to visit the site.
6. All activities on site must comply with MN Rule 7030.0040 Noise Standards. The permit holder shall run a sound level meter at property lines during the events to ensure compliance with MN Rule 7030.40. The permit holder will supply the County with records of the noise level test if complaints arise.
7. The existing house may not be accessible to event participants.
8. The septic system must be roped off so as to not have pedestrian and/or vehicle traffic on it.
9. Prior to allowing public access to the buildings, bridge or new structures, the property owner must hire a Licensed MN Design Professional to complete a code analysis of the walk-through buildings and bridge to ensure they accommodate the proposed use to meet State Building Code. A copy of the code analysis must be provided to the Planning and Zoning Office and any necessary improvements must be made and verified by a Licensed MN Design Professional. A building permit is required for any improvements to buildings over 200 sq. ft.
10. Any use of exterior lighting and attractions shall be directed away from neighboring residences and the public right-of-way.
11. The use of food trucks or food & beverage vendors shall comply with all MN Dept. of Health and MN Dept. of Agriculture regulations. Required licenses for food trucks and/or

vendors shall be provided to the Planning and Zoning Office, if requested.

12. Adequate sanitary services shall be made available (minimum of two portable toilets) to anyone using this property. A copy of the service contract shall be provided to the County, if requested.
13. The applicant shall ensure all waste generated at the property is properly disposed of by a licensed hauler. All trash in the adjoining road ditches to the subject property must be picked up the day following each event.
14. The number of people allowed on the property is to be determined by the number of parking spots on the property and an attendance management plan must be submitted by the applicant to ensure that attendance does not exceed the required number as associated with only on-site parking. No additional parking will be allowed on any streets.
15. No Parking Signs will be posted on 169th St NW a distance of 200 ft from the property lines on both sides of the street.
16. 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.
17. The IUP is issued to Brent Bahr and shall expire with a change in ownership of the property.
18. The applicant shall maintain proper business liability insurance and provide a copy of the insurance records to the County annually prior to the events commencing.
19. The property owner shall permit the County to inspect the property when needed.
20. The IUP will expire one (1) year from the date of County Board approval (November 19, 2024).

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.
The proposed use is not anticipated to diminish and impair values within the immediate area. There will be no more than 4 weekend events in the month of October and the applicants proposed operation and the conditions of this Interim Use Permit should mitigate potential impacts on neighboring properties.
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.
The use will not impede normal development of this property or neighboring properties. Neighboring properties to the north, south, west and east have been developed for single family housing.
3. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
The use will not create a need of new utilities or access roads, the property size will allow adequate space for drainage and other necessary facilities.
4. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
The applicant has parking space to accommodate up to 38 parking spots on 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

It is not anticipated to cause offensive odor, fumes, dust, and vibration to the immediate area that are not being addressed by the conditions of approval. The issue with noise could be addressed by the hours of operation approved in the conditions of this IUP.

- 12:13pm 6** Amend Sherburne County Zoning Ordinance-Ord No 278-Cannabis Planning & Zoning
Related Businesses.
Lynn Waytashek, Planning & Zoning Administrator
Gray/Fobbe were unanimous to approve Amending Zoning Ordinance-Ordinance No 278-Cannabis Related Businesses, as presented [or "as modified at today's meeting"]. (On file.)
- 12:17pm 7** Ordinance Relating to the Regulation and Registration of Cannabis Administration
Retail Businesses and Lower-Potency Hemp Edible Retailer Businesses.
Jennifer Pim, Assistant County Attorney III, Kathleen Heaney, County Attorney
Hulse/Gray were unanimous to approve an ordinance relating to the Regulation and Registration of Cannabis Retail Businesses and Lower-Potency Hemp Edible Retailer Businesses, as presented [or "as modified at today's Meeting"]. (On file.)

10. 12:22pm Commissioner Correspondence, Committee Reports, Upcoming Meetings, Future Agenda Items

Commissioner Hulse: Constituent Election Concerns

Commissioner Danielowski: Association of Minnesota Counties (AMC) phone meeting with Karen Dulan, Solid Waste Advisory meeting, Rum River Housing Summit, Canvas Board, NACo CEWD meeting, Big Lake Township, Big Lake Substance Use Prevention (SUP), Transportation Alliance Annual Meeting, St. Cloud Area Planning Organization (APO)

Commissioner Fobbe: Nothing to report. Extended congratulations to Commissioner Elect Schumacher.

Commissioner Gray: First Steps, Minnesota Inter-County Association (MICA), Soil Water Conservation District (SWCD), County Extension Committee (CEC)

Commissioner Felber: Monitored Election Process, Violent Offender Task Force, Highway 169 Redefined Ribbon Cutting, Canvas Board, Sherburne County Safe Roads Coalition, Tour of Xcel Waste Energy Plant, Requested the following future agenda items in January: Report update on Culture Brokers contract and resolution supporting the 2nd Amendment

11. 12:35pm Recess Regular Meeting, Community Health Board Meeting

12. 1:01pm Close Community Health Board Meeting, Adjourn Regular Meeting

HHS OBO Warrants

10/30/24	1,286.91	OBO 4Imprint
	700.00	OBO Alliance for Pe
	7,876.48	OBO Amazon
	300.00	OBO BCA Training
	554.06	OBO Breezy Point Resort
	577.96	OBO Delta
	423.84	OBO Grandstay
	675.49	OBO Innovative
	533.02	OBO Pier B Resort
	395.00	OBO Prepared Child Birth Ed
	520.20	OBO Walmart
	589.50	OBO Waste Management
	771.58	12 Payments less than 300
	15,204.04	Total

Manual Warrants		
10/31/24	7,831.00	Agency Collections
	7,831.00	Total
Manual Warrants BMO Harris Pcard		
10/31/24	43,570.48	General Revenue Fund
	4,742.18	Public Works Fund
	2,829.26	Human Service Fund
	597.03	Solid Waste Fund
	9,999.50	Jail Commissary Fund
	5,177.52	Justice Center Enterprise Fund
	66,915.97	Total
Manual Warrants		
11/1/24	1,326.50	Agency Collections
	1,326.50	Total
Commissioner Warrants		
11/1/24	111,948.37	General Revenue Fund
	275,236.67	Public Works Fund
	49.00	Human Service Fund
	8,142.40	Law Library Fund
	3,165.44	Solid Waste Fund
	8,327.74	Jail Commissary Fund
	12,440.16	Justice Center Enterprise Fund
	613.00	Agency Collections
	10,903.94	Taxes & Penalties Fund
	7,841.90	Payroll Fiduciary Fund
	438,668.62	Total
Commissioner Warrants		
11/4/24	1,340,458.57	School Districts Collections
	1,340,458.57	Total
Warrants		
11/8/24	267,234.65	Human Service Fund
	1,782.48	Agency Collections
	269,017.13	Total
Commissioner Warrants		
11/8/24	152,823.51	General Revenue Fund
	858,389.60	Public Works Fund
	31,406.48	Solid Waste Fund
	18,723.61	Jail Commissary Fund
	2,224.30	Justice Center Enterprise Fund
	822.57	Agency Collections
	22,077.68	Taxes & Penalties Fund
	84,817.40	Towns & Cities Collections
	98,619.72	Payroll Fiduciary Fund
	1,269,904.87	Total
Manual Warrants		
11/8/24	10,022.00	Agency Collections
	1,414,039.04	Taxes & Penalties Fund
	13,969,303.65	School Districts Collections
	15,393,364.69	Total
Warrants		
11/8/24	337.28	Storms/Abby
	1,133.02	Stoy/Suzanne
	919.60	The Bridge World Language Ctr Inc
	1,750.00	The Diversity Institute
	10,000.00	Tri-Cap
	6,000.00	USPS-POC

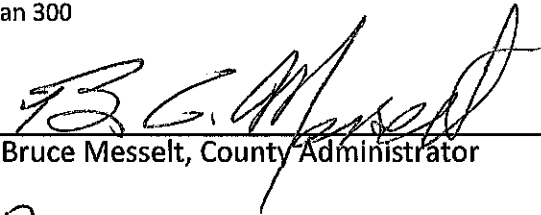
3,497.38
269,017.13

29 Payments less than 300
Total



Gregg Felber, Board Chairperson

December 3, 2024
Date



Bruce Messelt, County Administrator

December 4, 2024
Date

