

Sherburne County Board of Commissioners

April 15, 2025 - County Board Meeting Minutes

Call to Order

The Sherburne County Board of Commissioners convened in regular session on April 15, 2025, at the Sherburne County Government Center in the City of Elk River, MN. Call to order by the Chair was at 9:00am.

- 1 Moment of Silence and Pledge of Allegiance
- 2 Approval of Regular Meeting Proposed Agenda
Felber/Schumacher were unanimous to approve the Regular Meeting Agenda as presented.

2. 9:01am Open Forum

No one was present.

3. 9:01am County Proclamations, Recognitions & Celebrations

- 9:01am 1 Proclamation Declaring April 30th, 2025, as "Kathleen Heaney Day" in Administration
Sherburne County.
Gary Gray, Council Member
Danielowski/Felber were unanimous to approve a Proclamation declaring April 30th, 2025 as "Kathleen Heaney Day" in Sherburne County as read by Board Chair Gary Gray. (On file.)
Ms. Kathleen Heaney spoke words of thanks.
- 9:10am 2 Proclamation Declaring May 4-10, 2025, as Correctional Officers' Week Sheriff
in Sherburne County.
Joel Brott, County Sheriff
Felber/Hulse were unanimous to approve by Proclamation the designation of the week of May 4-10, 2025, as Correctional Officers' Week in Sherburne County as read by Jail Commander David Isais. (On file.)
- 9:14am 3 Proclamation Declaring May as National Military Appreciation Month. Veteran's Services
Larry Fonder, Veteran Service Officer, Ketti Green
Felber/Danielowski were unanimous in approving the Proclamation Designating the Month of May as National Military Appreciation Month as read by Commissioner Andrew Hulse. (On file.)

4. 9:19am Consent Agenda

Danielowski/Felber were unanimous to approve the Consent Agenda as amended with items 5, 15, and 17 to be removed for separate consideration.

- 1 Official Minutes from April 1st, 2025, Regular Meeting of the County Administration
Board of Commissioners.
Keisha Broderick, Executive Assistant
Approved the County Board Meeting Minutes from April 1, 2025 as presented. (On file.)
- 2 Official Minutes from April 1st, 2025, County Board Workshop. Administration
Keisha Broderick, Executive Assistant
Approved the April 1st, 2025 County Board Workshop Meeting Minutes as presented. (On file.)
- 3 Building Exterior Repair Low Bid for Scheduled Repairs in Summer 2025. Maintenance
William Marks, Assistant Building Facilities Director, Dan Weber, Assistant County Administrator
Approved low bidder, Caulkers Co, Inc., for the 2025 masonry repair proposal on various sections of the Government Center.
Sheriff/Jail 1998 \$23,330.00

- Gov Ctr 2nd floor \$17,860.00
 Maint Bldg \$11,890.00
- 4 MN Lawful Gambling Application (Exempt Permit) for the Ruffed Administration
 Grouse Society - Rum River Chapter.
Keisha Broderick, Executive Assistant
 Approved a MN Lawful Gambling Application (Exempt Permit) for the Ruffed Grouse Society - Rum River Chapter, to be used at Wild Marsh Sporting Clays, located at 13481 County Road 3 in Clear Lake, MN 55319 for an event on May 31st, 2025.
- 6 Joint Powers Agreement with Becker Township for the Enforcement Administration
 and Regulation of Cannabis Retail Business Registration.
Bruce Messelt, County Administrator, Kathleen Heaney, County Attorney
 Approved a Joint Powers Agreement with Becker Township for the Enforcement and Regulation of Cannabis Retail Business Registration, as recommended. (On file.)
- 7 Joint Powers Agreement with the City of Zimmerman for the Administration
 Enforcement and Regulation of Cannabis Retail Business Registration.
Bruce Messelt, County Administrator, Kathleen Heaney, County Attorney
 Approved a Joint Powers Agreement with the City of Zimmerman for the Enforcement and Regulation of Cannabis Retail Business Registration, as recommended. (On file.)
- 8 Letters of Support for Frontier, Midco, Arvig, and Windstream's Pursuit Administration
 of BEAD Broadband Grant Program Funding.
Dan Weber, Assistant County Administrator
 Approved individual Letters of Support and a commitment of \$500 each to assist Frontier Communications, Midcontinent Communications, Arvig, and Windstream in their individual pursuits of BEAD grant dollars for eligible projects located within Sherburne County. (On file.)
- 9 Commissioner and Manual Warrants for March 28th, March 31st, and Auditor / Treasurer
 April 4th, 2025.
Loraine Rupp, Auditor/Treasurer
 Approved Commissioner and Manual Warrants for March 28th, March 31st, and April 4th, 2025, as follows.
- March 28 2025, Manual Warrants \$15,064.64
 March 28 2025, Commissioner Warrants \$1,707,231.84
 March 31 2025, Manual Warrant \$4,475.00
 April 4 2025 , Manual Warrants \$259,107.53
 April 4 2025, Commissioner Warrants \$1,093,468.47
- 10 Resolution No. 041525-AD-3202 Supporting the Snowmobile Trails Auditor / Treasurer
 Assistance Program Application and Sponsorship.
Loraine Rupp, Auditor/Treasurer
 Approved and authorized the following actions:
- The County Board Chair to execute Resolution No. 041525-AD-3202 for Sherburne County to act as Sponsor for the Snowmobile Trails Assistance Program Application for the fiscal year July 1, 2025, to June 30, 2026; (On file.)
 - Use of County Road Right-of-Way as Part of the Snowmobile Trail System;
 - The County Auditor-Treasurer and/or County Administrator to sign all necessary forms and agreements to participate in the program; and
 - The County Board Chair to sign the 2026 County/Club Agreement. (On file.)

- 11** April 1st, 2025 HHS PCard Warrants. Health & Human Services
Amanda Larson, HHS Director
 Approved April 1st, 2025 HHS PCard Warrants, as follows.
 April 1st, 2025 HHS PCard Warrants \$5,311.01
- 12** April 4th, 2025, HHS IFS Admin Warrants. Health & Human Services
Amanda Larson, HHS Director
 Approved April 4th, 2025, HHS IFS Admin Warrants, as follows.
 April 4, 2025 HHS IFS Warrants \$101,302.72
- 13** Out-of-State Travel for the Co-Responder to Attend the International Health & Human Services
 Co-Responders Conference in Atlanta, GA June 1-2, 2025
Amanda Larson, HHS Director
 Approved Out-of-State travel for the Co-Responder to attend the International Co-Responders Conference in Atlanta, GA on June 1-4th, 2025, with HHS utilizing recently received Office of Justice Programs (OJP) grant dollars to cover the approximate cost of \$2,000 cost for hotel, airfare, meals, and raining.
- 14** Memorandum of Understanding Regarding Interim Lead Assistant Human Resources
 County Attorney Positions.
Tammy Bigelow
 Approved a Memorandum of Understanding Regarding Interim Lead Assistant County Attorney Positions. (On file.)
- 16** Final Payment for the 2023 CR 43 Reconstruction Project (SP 71-596- Public Works
 009).
Andrew Witter, Public Works Department Head
 Authorized final contract payment with Douglas-Kerr Underground, LLC for project # SP 71-596-009 for the 2023 CR 43 Reconstruction from Hwy 10 to the Elk River Bridge; with final payment pending notification of project clearance from the Office of Civil Rights.
- 18** Lowest Responsive Bidder for the 2025 Pavement Markings Project, CP Public Works
 71-PM-025.
Andrew Witter, Public Works Department Head
 Approve the lowest responsive bidder, Sir Lines-A-Lot, LLC with a bid of \$346,178.58, for the County-wide 2025 road pavement markings Project (No. CP 71-PM-025).
- 19** Lowest Responsive Bidder for the 2025 Pavement Resurfacing Projects Public Works
 (CP 71-613-022, CP 71-637,021, CP 71-662-023, CP 71-676-022, and
 TWP 20-2025-01).
Andrew Witter, Public Works Department Head
 Approved the lowest responsive bidder, OMG Midwest Inc dba Minnesota Paving & Materials with a bid of \$3,028,089.88, for 2025 resurfacing Project NOs. CP 71-613-022, CP 71-637-021, CP 71-662-023, CP 71-676-022, & TWP 20-2025-01, consisting of:
- CSAH 13 from CSAH 12 to Line Ave,
 - CR 37 from 325th Ave to the E Co Line,
 - CR 62 from CSAH 20 to CSAH 6,
 - CR 76 from CSAH 8 to State St, and
 - Clear Lake Twp White Farm Estates.

- 20** Lowest Responsive Bidder for US Trunk Highway 10 and County Road 61 Public Works Intersection Improvement (SP 071-596-013).
Andrew Witter, Public Works Department Head
Approved the lowest responsive bidder, Landwehr Construction, Inc. with a bid of \$797,637.23, for the intersection improvements at US Trunk Highway 10 and County Road 61 in 2025 (Project No. SP 071-596-013), contingent upon approval of the contractor's DBE goal from MnDOT's Office of Civil Rights.
- 21** Resolution No. 041525-AD-3203 Regarding No Parking for CSAH 4 from Public Works Main Street to East of US 169.
Andrew Witter, Public Works Department Head
Approved Resolution No. 041525-AD-3203 Regarding No Parking for CSAH 4 from Main Street to East of US 169, as presented. (On file.)
- 22** Professional Service Agreement with Bolton & Menk for Construction Public Works Administration Services for the US Hwy 169/CSAH 4 Interchange Project (SP 71-604-039).
Andrew Witter, Public Works Department Head
Approved a Professional Services Agreement with Bolton & Menk for construction administration services for the US Hwy 169/CSAH 4 Interchange project (SP 71-604-039). The agreement shall commence on April 15, 2025, and terminate on the date that all obligations have been fulfilled all deliverables have been approved by the County. The total compensation payable to the Consultant for services and expenses under this Agreement shall not exceed \$2,032,521.00. (On file.)
- 23** Resolution No.0041525-AD-3204 and an Agency Agreement with Public Works MnDOT for Federal Participation in Force Account for MnDOT Contract No. 1052617 for County Project 071-596-008 on TH 10 at County Road 65, in Haven Township.
David Roedel, Assistant Public Works Director
Approved Resolution No.041525-AD-3204 and an Agency Agreement between the Commissioner of Transportation and Sherburne County for MnDOT Contract No. 1052617 for County Project 071-596-008 and authorized the County Board Chair and County Administrator to execute the same. (On file.)
- 24** Donations to the Sheriff's Office K-9 Unit. Sheriff
Joel Brott, County Sheriff
Approved and accepted donations totaling \$620 to the Sheriff's Office K-9 Unit.
- 25** 2025 Federal Boating Safety Supplemental Patrol Grant. Sheriff
Joel Brott, County Sheriff
Approved and accepted the 2025 Federal Boating Safety Supplemental Patrol Grant, in the amount of \$3,000, for overtime shifts for enforcement on various lakes within Sherburne County.
- 26** Needed Capital Improvements to the Sherburne County Sheriff's Office Sheriff Law Enforcement Firing Range.
Joel Brott, County Sheriff
Approved needed Capital Improvements to the Sherburne County Sheriff's Office Law Enforcement Firing Range, utilizing available Jail Commissary Funds.
- 27** Out-of-State Travel for Sheriff's Office Employees to Attend Upcoming Sheriff Meetings and Conferences.
Joel Brott, County Sheriff
Considered and approved of out-of-state travel for:

- One Sheriff's Office employee to travel to Washington, DC., from approximately May 15-21, 2025, to aid in presenting the County's request for federal funding assistance for the proposed Sherburne County Jail renovation/expansion project.
- One Sheriff's Office employee to travel to Michigan in May to attend a Conference addressing Jail Inmate/Detainee Classification processes and considerations.

5. **9:20am** Recommended Revisions/Updates the County Land Transaction Policy.
Dan Weber, Assistant County Administrator, Kathleen Heaney, County Attorney
 Recommended revisions to the County Land Transaction Policy and insert the policy into the Administrative Policy Manual. (On file.)
 Felber motioned to table the item until July 22, 2025. Motion failed for lack of a second.
 Hulse requested to add a County Commissioner to Land Transaction Committee and to be appointed annually.
 Danielowski/Hulse were unanimous to approve as amended.
- 15 **9:29am** Budget Amendments/Fund Transfers to the Planning & Zoning Departmental Budget.
Lynn Waytashek, Planning & Zoning Administrator
 Schumacher/Felber were unanimous to approve the recommended amendments to Planning & Zoning Budget (Fund 107) as follows: (On file.)
 1) Transfer \$35,000 from 28-628-000-0000-6981 to 01-107-000-0000-5947 - Transfer In
 2) Transfer \$15,000 from 28-628-000-0000-6981 to 01-107-000-0000-6101 - Part time/Seasonal
- County Administrator Bruce Messelt provided further clarity and explanation of the item.
- 17 **9:32am** Letter of Support for the TH 25 Area Planning and Environmental Linkage (PEL) Study.
Andrew Witter, Public Works Department Head
 Danielowski/Felber were unanimous in approving a Letter of Support for the recommendation of the three build alternatives and one no-build alternative to move forward for further NEPA evaluation of the Highway 25 corridor between I-94 and Highway 10 and authorized the Board Chair to sign the same. (On file.)
 County Engineer Andrew Witter provided further information and an explanation of the process and study.
5. **9:39am Announcements**
- 1 Receive Updates and Announcements from the County Administrator. Administration
Bruce Messelt, County Administrator
 County Administrator Bruce Messelt requested to move his updates and announcements to the Commissioner Correspondence section and present at that time. The Board was in consensus to move the item.
6. **9:39am Regular Agenda**
- 9:39am 1** Resolution No. 041525-AD-3205 for the Appointment of Sherburne County Attorney. Administration
Bruce Messelt, County Administrator
 Felber/Danielowski were unanimous to approve Resolution No. 041525-AD-3205 for the appointment of Ms. Dawn Nyhus as Sherburne County Attorney. (On file.) Ms. Nyhus will be sworn in in front of the Board at the May 6th County Board Meeting.
- 9:44am 2** Update Regarding the Northland Reliability Project. Administration
Brian Hunker
 Received an update on the Northland Reliability Project, presented by Representative Brian Hunker from Great River Energy.
- 9:55am 3** St. Cloud Regional Airport Authority Update and Discussion. Administration

Bill Towle, Brian Myres, and Angie Olson

Received an update and held a discussion pertaining to the activities and operation of the St. Cloud Regional Airport Authority Director Bill Towle and Airport Authority members Brian Myres and Angie Olson.

Felber/Schumacher were unanimous in approving the directions for the County Administrator to pursue discussions with Stearns County, Benton County and the City of St. Cloud to organize a meeting between the entities. The Board was in consensus to designate Commissioners Hulse and Schumacher as ex-officio for the Airport Authority.

10:41am

4

Preliminary and Final Simple Plat for "MJ Acres" - Brandon Kozak

Lynn Waytashek, Planning & Zoning Administrator

Felber/Danielowski were unanimous to approve a Residential Preliminary and Final Simple Plat of "MJ Acres" consisting of (1) lot, with the recommended (2) Conditions as recommended by the Planning Advisory Commission, for Property Address 2272 120th Ave SE, Clear Lake. PID # 40-00011-3000. Legal Desc: SW 1-4 of Ex S(full legal on file). Sec 11, Twp 35, Rge 29, Palmer Township. 160.71 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 (67.70 +/- 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.

10:42am 5

Conditional Use Permit to use Alternative Elevation Methods for a Residential Structure in the Floodplain District-Jennifer and Brian Hamm. Planning & Zoning

Lynn Waytashek, Planning & Zoning Administrator

Felber/Schumacher were unanimous to approve a Conditional Use Permit for Alternative Elevation Methods for a Residential Structure in the Floodplain District, with the (5) Conditions and Findings of Fact as recommended by the Planning Advisory Commission, for Property Address: 11414 49th St SE, Clear Lake. PID # 40-00417-0070. Legal Desc: Fairview Shores, Lot 7 (full legal on file). Sec 27, Twp 35, Rge 29, Palmer Township. .15 acres in Agricultural District and within in the Recreational Development Shoreland District of Julia Lake and Rush Lake.

Conditions:

1. The applicant must obtain approval from the Sherburne County Board of Adjustment for any proposed deviations from the required setbacks for the redevelopment of this property.
2. Prior to construction a Shoreland Alteration Permit will need to be obtained.
3. Prior to construction a building permit must be obtained.
4. Once the County inspections for the footing and foundation have been completed, a Certificate of Elevation from a licensed surveyor must be submitted to the County, to demonstrate compliance with Regulatory Flood Protection Elevation required for using Alternative Elevation Method (Block or Pilings) County's Floodplain Ordinance Section 13, Subd 6.22 B Figure 3.
5. The applicant shall install the proposed parking area as shown in the survey completed by Bogart Pederson at an elevation of 968 (Board's Packet Attachment C) to ensure compliance with County's Floodplain Ordinance Section 13, Subd. 6.24.

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, this proposal will not adversely impact the use and enjoyment of properties within the vicinity. This lot has been developed with a cabin and septic for many years and this proposal will allow that use to continue. This CUP will ensure that the project is compliant with County and State Floodplain Regulations.

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 approval of this CUP will not impede normal and orderly development. It will help mitigate potential flood damage to the existing cabin and neighboring properties by allowing flood waters to rise on and not be adversely affected by the need to bring fill into redevelop this lot.

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 demonstrated that there is sufficient parking on site for the proposed use that will comply with floodplain requirements.

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, this CUP allows for the rebuilding of an existing cabin, there will be a short duration during the construction that may cause a nuisance to neighbors, but the long-term use of this property will not cause a disturbance to neighbors.

10:43am 6

Interim Use Permit for Solar Farm - SV CSG Becker LLC.

Planning & Zoning

Lynn Waytashek, Planning & Zoning Administrator

Felber/Danielowski were unanimous to approve an Interim Use Permit for Solar Farm, with the following (19) Conditions and Findings as Fact as recommended by the Planning Advisory Commission for Property Address 9216 River Rd SE, Clear Lake. PID # 20-00129-4100. Legal Desc: That Pt of NW 1-4 (full legal on file). Sec 29, Twp 34, Rge 29. Clear Lake Township. 41.63 acres in the Agricultural District.

Conditions:

1. Building permit required for on-site supply structure if over 200 sq ft in size.
2. Building permit required for installation of solar panels with engineered plans submitted. Plans must match approved IUP plans.
3. If the required privacy fence around the perimeter of the facility exceeds 7 ft in height it will require a building permit with engineered plans. A 7 ft high non-electric chain link fence will be constructed.
4. A Stormwater Erosion Control permit will be required from the County Zoning Dept prior to any grading on the property and prior to a building permit being issued.
5. Must obtain an NPDES permit from the MPCA and provide a copy to the County Zoning Dept prior to commencing construction.
6. Property owner shall ensure that MPCA day & night time noise standards are not exceeded at any time.
7. Operational hours allowed during construction of the facility are Monday through Friday 8AM - 6PM.

8. Decommissioning of solar panels and related facilities must occur in the event the IUP expires or is terminated, and/or the solar panels are not in use for twelve (12) consecutive months. Must follow the Decommissioning plan date stamped July 5, 2023.
9. Prior to issuance of a building permit for the project, the applicant shall provide financial security in the amount of \$100,000 per MW, in favor of Sherburne County, to guarantee compliance with the decommissioning plan, site restoration and other terms of this Permit upon project termination or termination of this Permit. The financial security shall be in a form acceptable to the County and, at a minimum, shall consist of a cash escrow to be deposited with the County in an amount no less than 50% of the total required financial security, with an initial deposit of 25% of the total amount deposited prior to issuance of the building permit and eight and one-third percent (8 1/3%) of the total amount deposited annually for three years on or before the anniversary of the issuance of the building permit. The remaining amount of the total financial security shall be provided by way of an irrevocable letter of credit, which shall be in a form acceptable to the County Attorney's Office and provided prior to the issuance of a building permit, and shall meet the following minimum standards (additional standards may be required): the irrevocable letter of credit shall be issued by a federally chartered or State of Minnesota chartered banking institution with a branch office located within Sherburne County; shall be issued in the name of the County of Sherburne; shall be issued in an initial amount no less than 75% of the total financial security required by this Permit; shall permit the County to draw on the funds upon demand based on the County's determination of non-compliance with the terms of this Permit; shall be for an initial term to be established and shall automatically renew for additional terms unless the bank gives the County at least 60 day written notice of an intent to terminate the credit at the end of a term; shall permit the County to draw upon the letter of credit for the full amount in the event a replacement letter of credit acceptable to the County is not issued at least 30 days prior to the expiration of the existing letter of credit; and shall provide that the letter of credit may not be amended without the written permission of the County.
10. No activities may occur onsite until applicant submits a signed interconnection agreement as required in Section 17, Subd 17 (1A) of the ordinance and proof that the scope of the project is permitted by the Minnesota Public Utilities Commission if applicable.
11. The site will be revegetated within 30 days after construction with a low growth & low maintenance native pollinator friendly seed mix not exceeding 24 inches in height. The property will be treated & maintained as needed during the spring & summer months to manage vegetation growth. Property owner will be responsible for vegetation control & weed management during the project's operating life.
12. Must install 6 foot tall White Pine and Eastern Red Cedar trees along the north, south, east, and west portions of the solar farm as shown on site plan (Attachment B) date stamped, July 5, 2023. However, trees will not need to be planted on the east side of the solar farm if there already exists a solar farm directly adjacent to the east. The trees must be planted staggered in two (2) rows, in each row the trees may be planted no more than 16 feet apart. All planted trees on the property must be maintained and watered as necessary for the duration of the permit. Any dead trees must be replaced on a yearly basis.
13. This IUP is to be valid for 35 years until December 31, 2060. This IUP is valid for SV CSG Becker, LLC and John & Lynette Golly.
14. Decommissioning of project shall involve removal of all project components, including without limitation, solar panels, panel trackers, anchors, supports, mounts, inverters, underground electrical components including underground conduit housing, all underground footings & posts.
15. Signage and emergency contact numbers must be posted at the driveway access to the property.
16. The findings in Section 18, Subd 6, Item 4 of the Zoning Ordinance have been made.

17. The applicant shall allow the County to inspect the property during normal business hours.
18. The applicant shall comply with all federal, state, and local laws and regulations.
19. The applicant shall inspect and repair within 30 days of identified disrepair. Any repairs that will exceed 30 days shall be requested in writing and approved by the Zoning Administrator.

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 location of the solar farm is in an existing agricultural field. The closest adjoining neighboring house is approximately 200 feet to the south, across CSAH #8. There are three (3) existing solar farm locations that have been approved but not all have been constructed to the east of the proposed solar farm site. The remaining land adjacent to the solar farm is all agriculturally farmed properties. The perimeter of the solar farm will be planted with trees to reduce visual impacts to adjoining 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.

Yes, the IUP will be valid for 35 years. If the property owner no longer wants solar panels the infrastructure can be removed and the site can either go back to farming or be utilized for a new use. The property the solar farm is proposed on is zoned Agricultural District and could not be subdivided to less than 40-acre properties under current zoning regulations.

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

Yes, Driveway access to 90th Ave SE will be from a driveway entrance that will need to obtain Clear Lake Township approval and permit. Utility lines necessary to transfer the electricity exist adjacent to the property.

4. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Yes, there is plenty of parking available on this property needed for construction and operations.

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, construction of the site will cause noise and additional traffic, this will be temporary. Once the solar farm construction is complete traffic will be minimal and consist of company vehicles inspecting the panels on a weekly/monthly basis.

10:46am 7

Interim Use Permit for Solar Farm - MN CSG 2019-67 LLC.

Planning & Zoning

Lynn Waytashek, Planning & Zoning Administrator

Danielowski/Felber were unanimous to approve an Interim Use Permit for a Solar Farm with the following (20) Conditions and Findings of Fact as recommended by the Planning Advisory Commission, for Property Address: 6093 State Hwy 24 SE, Clear Lake. PID # 20-00223-4201. Legal Desc: All that pf of SW 1-4 (full legal on file). Sec 23, Twp 34, Rge 30. Clear Lake Township. 18.39 acres in the Agricultural District and Orderly Annexation Zone 3.

Conditions:

1. Building permit required for on-site supply structure if over 200 sq ft in size.
2. Building permit required for installation of solar panels with engineered plans submitted. Plans must match approved IUP plans.

3. The required privacy fence around the perimeter of the facility will be 8 ft in height, with no barbed wire. It will require a building permit with engineered plans.
4. A Stormwater Erosion Control permit will be required from the County Zoning Dept prior to any grading on the property and prior to a building permit being issued.
5. Must obtain an NPDES permit from the MPCA and provide a copy to the County Zoning Dept prior to commencing construction.
6. Property owner shall ensure that MPCA day & nighttime noise standards are not exceeded at any time.
7. Operational hours allowed during construction of the facility are Monday through Friday 7AM - 7PM. Weekend hours shall be 8:00am-4:00pm and be limited to no earth moving or pile driving.
8. Decommissioning of solar panels and related facilities must occur in the event the IUP expires or is terminated, and/or the solar panels are not in use for twelve (12) consecutive months. Must follow the Decommissioning & Reclamation plan date stamped March 2, 2023.
9. Prior to issuance of a building permit for the project, the applicant shall provide financial security in the amount of \$100,000 per MW, in favor of Sherburne County, to guarantee compliance with the decommissioning plan, site restoration and other terms of this Permit upon project termination or termination of this Permit. The financial security shall be in a form acceptable to the County and, at a minimum, shall consist of a cash escrow to be deposited with the County in an amount no less than 50% of the total required financial security, with an initial deposit of 25% of the total amount deposited prior to issuance of the building permit and eight and one-third percent (8 1/3%) of the total amount deposited annually for three years on or before the anniversary of the issuance of the building permit. The remaining amount of the total financial security shall be provided by way of an irrevocable letter of credit, which shall be in a form acceptable to the County Attorney's Office and provided prior to the issuance of a building permit, and shall meet the following minimum standards (additional standards may be required): the irrevocable letter of credit shall be issued by a federally chartered or State of Minnesota chartered banking institution with an branch office located within Sherburne County; shall be issued in the name of the County of Sherburne; shall be issued in an initial amount no less than 75% of the total financial security required by this Permit; shall permit the County to draw on the funds upon demand based on the County's determination of non-compliance with the terms of this Permit; shall be for an initial term to be established and shall automatically renew for additional terms unless the bank gives the County at least 60 day written notice of an intent to terminate the credit at the end of a term; shall permit the County to draw upon the letter of credit for the full amount in the event a replacement letter of credit acceptable to the County is not issued at least 30 days prior to the expiration of the existing letter of credit; and shall provide that the letter of credit may not be amended without the written permission of the County.
10. No activities may occur onsite until applicant submits a signed an interconnection agreement as required in Section 17, Subd 17 (1A) of the ordinance and proof that the scope of the project is permitted by the Minnesota Public Utilities Commission.
11. The site will be revegetated within 30 days after construction with a low growth & low maintenance native pollinator friendly seed mix. The property will be treated & maintained as needed during the spring & summer months to manage vegetation growth. Property owner will be responsible for vegetation control & weed management during the project's operating life.
12. Must install 6-foot-tall Eastern Red Cedar trees Norway Pine and White Pine around entire on the North, West and South of the solar farm as shown on updated site plan (Packet Attachment B). The trees must be planted staggered in two (2) rows, in each row the trees may be planted no more than 16 feet apart (Attachment D). All planted trees on the property must be maintained and watered as necessary for the duration of the permit. Any dead trees must be replaced on a yearly basis.
13. This IUP is to be valid for 35 years until December 31, 2058. This IUP is valid for MN CSG 119 - 67 LLC and Karie Monk-Gohman & D Monk-Kobow.

14. Access to the solar farm shall be from MN Hwy 24 via existing access. MnDOT permit is required.
15. Decommissioning of project shall involve removal of all project components, including without limitation, solar panels, panel trackers, anchors, supports, mounts, inverters, underground electrical components including underground conduit housing, all underground footings & posts.
16. Signage and emergency contact numbers must be posted at the access driveway to property.
17. The findings in Section 18, Subd 6, Item 4 of the Zoning Ordinance have been made.
18. The applicant shall allow the County to inspect the property during normal business hours.
19. The applicant shall comply with all federal, state, and local laws and regulations.
20. The existing access would be approved for the solar facility, however, MNDOT will require a change in use permit for the access to be changed from agricultural to commercial. The access looks to be shared with PID #20-451-0010. The developers of the solar facility will need to reach an agreement with the owners of the adjoining parcel to repair/replace any damage to the asphalt surface of the shared driveway /access that could incur during construction.

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 location of the solar farm is in the west corner of an existing agricultural field. There is an existing buffer of trees approximately 200 ft wide to the west of the solar farm. There is an existing residential subdivision to the west and south of the property solar farm. Xcel Energy will be constructing a solar farm to the East. Trees will be planted in the North, West and South portion of the Solar Farm. The closest home to south of the solar farm is approximately 275 feet away, the closest home to the west of the solar farm is approximately 325 feet away.

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 IUP will be valid for 35 years. If the property owner no longer wants solar panels the infrastructure can be removed and the site can either go back to farming to be utilized for a new use. The property the solar farm is proposed on is zoned Agricultural District and could not be subdivided to less than 40 acre properties under current zoning regulations.

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

Yes, it is utilizing an existing driveway for the solar farm to the south to MN State Hwy 24. Utility lines necessary to transfer the electricity exist adjacent to the property.

4. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Yes, there is plenty of parking available on this property, needed for construction and operations.

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, construction of the site will cause noise and additional traffic, this will be temporary. Once the solar farm construction is complete, traffic will be minimal and consist of company vehicles inspecting the panels on a weekly/monthly basis.

10:47am Recess Regular Meeting, Break

10:55am Reconvene Regular Meeting

- 10:55am 8** Recommended Changes to the Sherburne County Zoning Ordinance Planning & Zoning
Regarding Accessory Dwelling Units.
Lynn Waytashek, Planning & Zoning Administrator
Felber/Danielowski to approve the amendments to the Sherburne County Zoning Ordinance to establish Accessory Dwelling Units as a permitted use in the General Rural and Agricultural Zoning Districts.
- Commissioner Schumacher requested that "Relative Homestead" be added to Item C and for language to be clarified that the *footprint* is to be 1000 square feet.
Felber/Danielowski were unanimous to amend the motion to approve with Commissioner Schumacher's requested amendments.
- 11:06am 9** Auditor-Treasurer's Monthly Report for March 2025. Auditor / Treasurer
Loraine Rupp, Auditor/Treasurer
Schumacher/Felber were unanimous to approve and accept the March 2025 Financial Report from the Auditor-Treasurer as presented. (On file.)
- 11:13am 10** Termination of the Existing Bond Counsel Agreement and Approval of Administration
a New Agreement with Kutak Rock, LLP.
Dan Weber, Assistant County Administrator, Loraine Rupp, Auditor/Treasurer
Danielowski/Hulse were unanimous to approve termination of the existing Bond Counsel agreement and approved a new agreement with Kutak Rock, LLP to act as bond counsel for a three-year period commencing June 1, 2025, through May 31, 2028, for the County of Sherburne, Sherburne County HRA, Sherburne County EDA, and Sherburne County RRA with the Board Chair and County Administrator to sign. (On file.)

7. 11:27am Commissioner Correspondence, Committee Reports, Upcoming Meetings, Future Agenda Items

County Administrator Bruce Messelt announced and provided updates on the following:

- Budget discussions starting next week with staff.
- Pursuing prescribed burns this spring.
- Thanks to those who are wearing purple for Veterans Children, an update on Veterans Services extended hours that are being held at the History Center, and that the previous Veterans Services vehicles have been transferred to VA in St. Cloud
- Provided Legislative and NorthStar Updates
- Kathleen Heaney's retirement recognition will be on April 30th.

Commissioner Hulse: Mississippi Watershed Joint Powers, Technology Steering Committee Meeting, Veterans Employee Resource Group (ERG) Committee Meeting, Rivers of Hope Gala, Save Act was passed at the House and on its way to the Senate, Requeste add future workshop on Northstar and Public Transportation

Commissioner Danielowski: Centra Care Housing Cohort Meeting, Central Minnesota Area Partnership Meeting, Big Lake Superintendent meeting, Becker/Big Lake Hockey Association Townhall meeting, Law Library meeting, National Association of Counties (NACo) CEWD Committee, Big Lake Township Meeting, Area Planning Organization (APO) Board meeting, Rivers of Hope Gala

Commissioner Schumacher: Testified at the State Capital, Avivo Discussion, British House of Commons, Election passed in City of Baldwin both on and off-sale on Sundays

Commissioner Felber: NACo Public Safety, Rural Action Caucus, Minnesota Inter-County Association

(MICA) Meeting, Great Planes Institute Initial meeting, Rivers of Hope Gala, Orrock Township Event at the Gateway Bar, Wheels of Honor of Military Family Foundation Event, Reviewing Studies on Mining Coal Ash, NACo Leadership Program

Commissioner Gray: Today is Tax Day, National Laundry Day, County Attorney interviews, Substance Use Prevention (SUP) Seminar, Met with Human Resources and Martin McAllister regarding Attorney Interviews, Innovation Housing Cohort Models, Lunch with Tri-Cap Executive Director, Technology Steering Committee, Minnesota Inter-County Association (MICA) Board meeting, Coffee & Conversation with State Community Health Services State Advisory Committee (SCHSAC), Soil & Water Conservaiton District (SWCD), Tour of Northern Metals, Town Hall meeting in Clear Lake, Farm Family of the Year meeting

9. **11:49am Reconvene, Open Regional Rail Authority Meeting**
10. **11:50am Close Regional Rail Authority Meeting, Open Housing & Redevelopment Authority Meeting**
11. **11:52am Close Housing & Redevelopment Authority Meeting**
12. **11:53am Adjourn Regular Meeting**

The Workshop was postponed to a future date.

Manual Warrants

3/28/25	15,064.64	Agency Collections
	15,064.64	Total

Commissioner Warrants

3/28/25	315,469.50	General Revenue Fund
	140,718.27	Public Works Fund
	6,003.83	Law Library Fund
	12.76	Solid Waste Fund
	52,055.48	Jail Commissary Fund
	194,560.06	Justice Center Enterprise Fund
	3,486.74	Agency Collections
	44.00	Taxes & Penalties Fund
	994,881.20	Payroll Fiduciary Fund
	1,707,231.84	Total

Manual Warrants

3/31/25	4,475.00	Agency Collections
	4,475.00	Total

Warrants

4/1/25	836.32	OBO Amazon
	710.00	OBO Psychwire
	597.48	OBO Stop the Bleed
	891.80	OBO Walmart
	717.52	OBO Xcel EZ-Pay
	1,557.89	12 Payments less than 300
	5,311.01	Total

Manual Warrants

4/4/25	259,107.53	Agency Collections
	259,107.53	Total

Commissioner Warrants

4/4/25	99,234.47	Human Service Fund
	2,068.25	Agency Collections
	101,302.72	Total

Warrants

4/4/25	70,844.85	Avivo
	300.00	Benton Co Human Services
	494.90	Carlson/Barbara
	932.57	Crow Wing Community Services

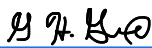
	1,695.96	Engelhaupt/Cody
	594.90	Graves-Petron/Trisha
	2,203.69	Mn Dept Of Human Services - SWIFT
	300.00	Seven County Process Servers, LLC
	578.80	Steve Rummier HOPE Network
	578.83	Sugar Lake Lodge
	387.20	The Bridge World Language Ctr Inc
	525.70	Vee/Victoria
	500.00	Wheatland Dog Center
	18,150.00	Wiley Consulting LLC
	1,444.17	Zoller/Kara
	1,771.15	15 Payments less than 300
	101,302.72	Total
Warrants		
4/4/25	689,566.42	General Revenue Fund
	344,941.95	Public Works Fund
	749.00	Human Service Fund
	13,106.06	Solid Waste Fund
	28,213.83	Jail Commissary Fund
	33.52	Forfeited Land Sale
	168.18	Sherco Regional Rail Authority
	3,902.03	Justice Center Enterprise Fund
	369.50	Agency Collections
	12,417.98	Payroll Fiduciary Fund
	1,093,468.47	Total

Gary H. Gray, Board Chairperson

Bruce Messelt, County Administrator

Date

Date

Signature: 
Gary H. (May 8, 2025 11:04 CDT)

Email: gary.gray@co.sherburne.mn.us

Signature: 

Email: Bruce.Messelt@co.sherburne.mn.us