

**CHISAGO COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
Wednesday, July 15, 2020**

The Chisago County Board of Commissioners met in regular session at 6:30 p.m. on Wednesday, July 15, 2020 at the Chisago County Government Center with the following Commissioners present: DuBose, Greene, McMahan, Montzka, Robinson. Assistant County Attorney Aimee Cupelli participated electronically. Also present: County Administrator Chase Burnham and *Interim* Clerk of the Board Christina Vollrath.

The Chair called the meeting to order and led the assembly in the Pledge of Allegiance.

Commissioner Greene offered a motion to approve the amended agenda. Motion seconded by McMahan. The motion **passed** as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahan, Montzka, Robinson **OPPOSED:** None.

6:32 p.m. – COVID-19 Update by HHS Director Bob Benson – ended 6:46 p.m.

Discussion to add a mask policy to August 5 meeting.

On motion by DuBose, seconded by McMahan, the Board opened the Road and Bridge Committee of the Whole at 6:46 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahan, Montzka, Robinson **OPPOSED:** None.

The Board was given updates on the following current projects of the Public Works Department from County Engineer Joe Triplett: Drainage Authority will need to meet, construction update, roundabout is expected to be completed soon. ***No action was taken.***

On motion by McMahan, seconded by Greene, the Board moved the Director's Report to the consent agenda. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahan, Montzka, Robinson **OPPOSED:** None.

On motion by Greene, seconded by McMahan, the Board moved to close the Road and Bridge Committee of the Whole at 7:03 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahan, Montzka, Robinson **OPPOSED:** None.

On motion by DuBose, seconded by McMahan, the Board moved to approve the Consent Agenda. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose,

Greene, McMahon, Montzka, Robinson **OPPOSED**: None.

- 1.) R&B Committee Recommendation – County Engineer’s Report
- 2.) Minutes from the July 1, 2020 Regular Meeting
- 3.) Payment of County’s Warrants and Miscellaneous Bills

The Board was given a brief update on the Environmental Services from Director Kurt Schneider: *No action was taken.*

On motion by DuBose, seconded by McMahon, the Board moved to approve the following Resolution Concerning Voting Authorization to Submit Draft Lower St. Croix River Comprehensive Watershed Management Plan for State Review and Comment Period. BE IT RESOLVED that Commissioner and 1W1P Policy Committee Member Chris Dubose is authorized to vote in favor of submitting the Draft Lower St. Croix River Comprehensive Watershed Management Plan to the State of Minnesota for a 90-Day Review and Comment Period at the 1W1P Policy Committee Meeting on July 27, 2020. The motion carried as follows: **IN FAVOR THEREOF**: DuBose, Greene, McMahon, Montzka, Robinson **OPPOSED**: None.

On motion by DuBose, seconded by McMahon, the Board moved to extend the initial 60-day period (up to a total of 120 days) to allow for additional review of the record for the CUP request from applicant Wheeler or request as modified by the applicant, and notify the landowner in writing of its intent to take additional time to consider the application, the reasons for the extension, and anticipated length of the extension (Minn. Stat. 15.99, Subd. 3(c))the motion carried as follows: **IN FAVOR THEREOF**: DuBose, Greene, McMahon, Montzka, Robinson **OPPOSED**: None.

On motion by Greene, seconded by DuBose, the Board moved to approve the IPS Solar Interim Use Permit to construct a one-megawatt solar garden on Peter and Donna Lindgren property at the NE corner of intersection at Teal Avenue and County Road 37, Shafer Township, Sec. 27, T.34, R19 (PID #08.00269.00) with Findings as presented and Conditions as recommended by the Planning Commission and/or as amended at tonight’s meeting. The motion carried as follows: **IN FAVOR THEREOF**: DuBose, Greene, McMahon, Montzka, Robinson **OPPOSED**: None.

RECOMMENDED CONDITIONS:

1. The location of solar array shall be approved with the setbacks as shown on Plan Sheet PV1 submitted upon satisfactory verification by IPS Solar that all project components shall be setback 135 feet from centerline of County Highway 37/310th Street.

2. Construction and routine maintenance activities shall be limited to daytime working hours, as defined in Minn. R. 7030.0020, to ensure nighttime noise level standards will not be exceeded.
3. Permittee shall implement MPCA-recommended erosion and sediment control devices which are deemed by the Department to be applicable, obtain an NPDES Permit, and provide the Department with the Storm Water Pollution Prevention Plan (SWPPP).
4. Areas of bare ground at the facility shall be re-vegetated with a low-growing, accepted pollinator-friendly seed mix, and shall be maintained throughout the life of the project and reflected on the landscape plan.
5. The maximum height of the solar panels shall be ten feet.
6. A perimeter fencing shall be of agricultural fencings a.k.a. “deer fence” design, with wooden posts and woven wire or fixed knot design that is constructed to be eight feet tall. No barbed wire or galvanized steel posts shall be allowed.
7. Prior to building permit approval, verification by a landscape architect or certified arborist shall be provided which verifies that the proposed screening plan should achieve 75% opacity by year three of the project, or the plan shall be revised to identify and implement alternative effective screening that will achieve that goal. Screening shall be established and maintained for the life of the project, including re-establishment of buffer in the case of decimation or destruction by disease, weather, fire or other peril.
8. Perimeter fencing and landscape screening shall be installed prior to issuance of the Certificate of Occupancy.
9. Maintenance of the screening shall be guaranteed by financial surety in an amount sufficient to guarantee that the planting height and 75% opacity screening goals are achieved by the end of year three and maintained for the life of the project shall be provided prior to building permit approval.
10. All activities conducted within wetlands shall be carried out, regulated and/or prohibited in accordance with the provisions of MN Chapter 8420.
11. The Permittee shall follow MN DNR’s recommendations for avoiding and minimizing impacts to Blanding’s turtle.
12. Permittee shall maintain aesthetic appearance of the project property, including disposal of trash, waste, and other detritus, for the life of the project.
13. The project shall be decommissioned in accordance with the decommissioning plan. Failure of the permittee to properly decommission the site may result in the issuance

of a citation and criminal charges, and/or County seizure of the financial surety and decommissioning of the site. In the event that decommissioning costs exceed the amount of surety, adequate funds shall be collected from the developer, landowner, and/or assessed against the property.

14. Financial surety guaranteeing decommissioning in accordance with the plan shall be provided and maintained by the permittee in an amount equal to or greater than 125% of the developer's estimated decommissioning cost as approved by county staff at the time of submissions. The surety shall be provided in association with the building permit application; final building permit approval shall be conditioned upon receipt and approval of said surety.
15. The project shall include abatement measures (e.g. coniferous vegetation, fencing, enclosure, or other insulating treatments) to direct noise generated by the solar system invertors from existing residential structures located on adjoining properties.
16. The project shall be developed, and the facility operated in a manner consistent with the proposal elements identified in the application, except insofar as the elements of the proposal are superseded by the above conditions of approval.
17. The Interim Use Permit shall be valid for up to 35 years from the date of approval or earlier in the permit term if the solar project as determined by County Staff is deemed satisfactorily decommissioned.
18. The installation of new utility poles shall be setback 30 feet from roadway.
19. Violations of these conditions of permit approval shall be cause for the revocation of the Interim Use Permit upon action of the County Board.
20. Two rows of Spruce along 310th Street side on the southern most 100 ft. of the western part of the project. 2nd row of spruce/dogwood along the remaining western side of the project. A second row of screening either Black Hills Spruce or Dogwood that are at least four feet in height will be added along 310th Street and extend 100 feet along east side of project.
21. Interconnection equipment and utility poles will be relocated to SW corner of project.
22. The disposal of structures and/or foundations shall meet the requirements of the Chisago County Solid Waste Ordinance and applicable Minnesota Pollution Control Agency regulations at the time of decommissioning and shall include a product stewardship element that requires the recycling and/or reuse of all solar panel racking, components, and materials upon their removal, or damage throughout the project life.

On motion by DuBose, seconded by Greene, the Board moved to approve the IPS Solar Interim Use Permit to construct a one-megawatt solar garden on Edwin and Pamela

Eichten property in Chisago Lakes Township, Sec. 36, T.34, R20 (PID #02.00948.10) with Findings as presented and Conditions as recommended by the Planning Commission and/or as amended at tonight's meeting. The motion carried as follows: **IN FAVOR THEREOF**: DuBose, Greene, McMahan, Montzka, Robinson **OPPOSED**: None.

RECOMMENDED CONDITIONS:

1. The location of solar array shall be approved with the 300+ setback from the front/north property line and a 50 foot setback in the east, west and south side yards as shown on the site plan submitted.
2. Construction and routine maintenance activities shall be limited to daytime working hours, as defined in Minn. R. 7030.0020, to ensure nighttime noise level standards will not be exceeded.
3. Permittee shall implement MPCA-recommended erosion and sediment control devices which are deemed by the Department to be applicable, obtain an NPDES Permit, and provide the Department with the Storm Water Pollution Prevention Plan (SWPPP).
4. Areas of bare ground at the facility shall be re-vegetated with a low-growing, accepted pollinator-friendly seed mix, and shall be maintained throughout the life of the project and reflected on the landscape plan.
5. The maximum height of the solar panels shall be ten feet.
6. A perimeter fencing shall be of agricultural fencings a.k.a. "deer fence" design, with wooden posts and woven wire or fixed knot design that is constructed to be eight feet tall. No barbed wire or galvanized steel posts shall be allowed.
7. Prior to building permit approval, verification by a landscape architect or certified arborist shall be provided which verifies that the proposed screening plan should achieve 75% opacity by year three of the project, or the plan shall be revised to identify and implement alternative effective screening that will achieve that goal. Screening shall be established and maintained for the life of the project, including re-establishment of buffer in the case of decimation or destruction by disease, weather, fire or other peril.
8. Perimeter fencing and landscape screening shall be installed prior to issuance of the Certificate of Occupancy.
9. Maintenance of the screening shall be guaranteed by financial surety in an amount sufficient to guarantee that the planting height and 75% opacity screening goals are achieved by the end of year three and maintained for the life of the project shall be provided prior to building permit approval.
10. All activities conducted within wetlands shall be carried out, regulated and/or prohibited in accordance with the provisions of MN Chapter 8420.

11. The Permittee shall follow MN DNR's recommendations for avoiding and minimizing impacts to Blanding's turtle.
 12. Permittee shall maintain aesthetic appearance of the project property, including disposal of trash, waste, and other detritus, for the life of the project.
 13. The project shall be decommissioned in accordance with the decommissioning plan. Failure of the permittee to properly decommission the site may result in the issuance of a citation and criminal charges, and/or County seizure of the financial surety and decommissioning of the site. In the event that decommissioning costs exceed the amount of surety, adequate funds shall be collected from the developer, landowner, and/or assessed against the property.
 14. Financial surety guaranteeing decommissioning in accordance with the plan shall be provided and maintained by the permittee in an amount equal to or greater than 125% of the developer's estimated decommissioning cost as approved by county staff at the time of submissions. The surety shall be provided in association with the building permit application; final building permit approval shall be conditioned upon receipt and approval of said surety.
 15. The project shall include abatement measures (e.g. coniferous vegetation, fencing, enclosure, or other insulating treatments) to direct noise generated by the solar system invertors from existing residential structures located on adjoining properties.
 16. The project shall be developed, and the facility operated in a manner consistent with the proposal elements identified in the application, except insofar as the elements of the proposal are superseded by the above conditions of approval.
 17. The Interim Use Permit shall be valid for up to 25 years from the date of approval or earlier in the permit term if the solar project as determined by County Staff is deemed satisfactorily decommissioned.
 18. Violations of these conditions of permit approval shall be cause for the revocation of the Interim Use Permit upon action of the County Board.
 19. The disposal of structures and/or foundations shall meet the requirements of the Chisago County Solid Waste Ordinance and applicable Minnesota Pollution Control Agency regulations at the time of decommissioning and shall include a product stewardship element that requires the recycling and/or reuse of all solar panel racking, components, and materials upon their removal, or damage throughout the project life.
 20. Limit one new above ground pole at interconnection unless Xcel Energy denies the request in which evidence will be provided to County Staff of their determination.
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On motion by Robinson, seconded by McMahon, the Board moved to approve the William Pfeiffer “Pfieffers Ridge” final plat in Section 26, T. 37, R. 22; PID 06.00564.00 with the following two conditions:

1. Silt fencing be installed around all delineated wetlands, particularly where delineated due to construction is likely to occur; and
 2. The Surveyor of said project shall locate and survey all delineated wetland areas.
- The motion carried as follows: **IN FAVOR THEREOF**: DuBose, Greene, McMahon, Montzka, Robinson **OPPOSED**: None.

On motion by Robinson, seconded by McMahon, the Board moved to approve the Steve and Patricia Hudak Final Plat at 513 522nd Street, Nessel Township; Sec.9, T.37, R.22 (PID #06.00221.10. The motion carried as follows: **IN FAVOR THEREOF**: DuBose, Greene, McMahon, Montzka, Robinson **OPPOSED**: None.

On motion by DuBose, seconded by McMahon, the Board moved to approve the Kevin and Marcia Carlson “Birch Gate” preliminary plat in Section 28, T. 33, R. 19; PID 04.00241.20. The motion carried as follows: **IN FAVOR THEREOF**: DuBose, Greene, McMahon, Montzka, Robinson **OPPOSED**: None.

On motion by Robinson, seconded by Greene, the Board moved to the Joe Charles JC Homes, Inc. “Nessel Court” preliminary plat in Section 02, T. 37, R. 22; PID 06.00133.20. subject to the following condition:

1. Submitting a drainage and grading plan for site development with building permit application. The motion carried as follows: **IN FAVOR THEREOF**: DuBose, Greene, McMahon, Montzka, Robinson **OPPOSED**: None.

On motion by DuBose, seconded by McMahon, the Board moved to approve the Joe Charles JC Homes, Inc. “Oasis View” preliminary plat in Section 33, T. 35, R. 20; PID 09.00393.50. with the following conditions:

1. 60 feet of dedicated right-of-way; and
2. A shared access point for the two lots off of Oasis Road. The motion carried as follows: **IN FAVOR THEREOF**: DuBose, Greene, McMahon, Montzka, Robinson **OPPOSED**: None.

On motion by DuBose, seconded by McMahon, the Board moved to approve the Jon Peterson “The Shores of Little Lake” preliminary plat in Section 23, T. 34, R. 20; PID #'s 02.00691.00, 02.00733.00, 02.00732.10, 02.00732.20, and 02.00733.10. with the following conditions:

1. The Developer is required to execute an Agreement with the Township that establishes the road to the specifications as required by the Township as a public road and dedicate the 66 feet of ROW to the Township.
2. A wetland sequencing analysis and an approved wetland replacement plan will be required to be in place prior to filing for final plat.
3. Soil borings need to be verified and determined to be satisfactory by County Staff prior to filing for final plat. The motion carried as follows: **IN FAVOR THEREOF**: DuBose, Greene, McMahon, Montzka, Robinson **OPPOSED**: None.

On motion by Robinson, seconded by DuBose, the Board moved to approve Resolution authorizing final preparation and submission of Sunrise Prairie Regional Trail Segment G Design and Construction State Legacy Grant Application as Outlined with Local Match Pledge Not To Exceed 15%. The motion carried as follows: **IN FAVOR THEREOF**: DuBose, Greene, McMahon, Montzka, Robinson **OPPOSED**: None.

CITIZENS FORUM - **TIME 7:07 # of SPEAKERS 3 END TIME 7:16**
2 letters, 1 email

On motion by DuBose, seconded by Greene, the Board moved to approve the resolution thanking and supporting all farm families within Chisago County instead of naming a 'Farm Family of the Year.. The motion carried as follows: **IN FAVOR THEREOF**: DuBose, Greene, McMahon, Montzka, Robinson **OPPOSED**: None.

RESOLUTION NO: 20/0715-1
CHISAGO COUNTY THANKING ALL CHISAGO FARM FAMILIES

WHEREAS, Agriculture is important to any given economy. Agriculture is the main source of raw materials, it is important to international trade, employment, our food supply, innovation in technology, and the state of agriculture reflects our future, and

WHEREAS, More than 90% of farms in the U.S. are classified as small farms. These family-owned and operated farms confront considerable challenges such as current market trends, changing weather patterns, city sprawl, an aging farming population, and farm consolidation, and

WHEREAS, family farms are vital to the economy of Chisago County and rural Minnesota. Not only do family farms support the competitiveness and sustainability of rural and family economics, they serve to protect and enhance natural resources and the environment, provide a nursery for the development of new enterprises and marketing systems, and they help to keep and maintain the vitality of Chisago County, and

WHEREAS notably and uniquely, thirty-two Chisago County farms raised 29,829 pounds of honey sold locally during the year of 2017; 47 farms reported farming 1,311 acres of vegetables, potatoes and melons that were sold locally during the year of 2017; and over 130 farms reported having 800 horses (2017 Minnesota Ag Census), and

BE IT RESOLVED that due to COVID-19 and the pressures thereof, the Chisago County Board of Commissioners thank and honor each of the 821 Chisago County Farm Families for their importance and value to Chisago County.

On motion by McMahon, seconded by DuBose, the Board moved to approve an Out of State Travel Request to attend Field Force Operations for five Sheriff's Office employees in Anniston, Alabama. The motion carried as follows: **IN FAVOR THEREOF**: DuBose, Greene, McMahon, Montzka, Robinson **OPPOSED**: None.

On motion by McMahon, seconded by DuBose, the Board moved to approve an Out of State Travel Request to Attend the MCTC Advanced Physical Surveillance for Counternarcotic Missions for Inv. Phil Johnson. The motion carried as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahon, Montzka, Robinson **OPPOSED:** None.

On motion by Greene, seconded by McMahon, the Board moved to accept the Human Resources Update from April 1, 2020 to June 30, 2020. The motion carried as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahon, Montzka, Robinson **OPPOSED:** None.

On motion by Greene, seconded by DuBose, the Board moved to approve the SHIP Grant Agreement – The Ferris Family Farm. The motion carried as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahon, Montzka, Robinson **OPPOSED:** None.

On motion by McMahon, seconded by Robinson, the Board moved to approve the Guidelines for Requested Resolutions and Proclamations. The motion carried as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahon, Montzka, Robinson **OPPOSED:** None.

On motion by Robinson, seconded by McMahon, the Board moved to authorize the Chisago County D.E.S. Director to execute the agreements, lease documents and PO's as required to complete this project. The motion carried as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahon, Montzka, Robinson **OPPOSED:** None.

On motion by Greene, seconded by DuBose, the Board moved to approve liquor license renewal for Wild Mountain. The motion carried as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahon, Montzka, Robinson **OPPOSED:** None.

On motion by Greene, seconded by DuBose, the Board moved to approve the Wild River Chapter MDHA's resolution to conduct a raffle at their event on September 26, 2020. The motion carried as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahon, Montzka, Robinson **OPPOSED:** None.

RESOLUTION NO. 20/0715-2
APPROVING THE SUBMISSION OF AN APPLICATION TO CONDUCT A
RAFFLE FOR THE WILD RIVER CHAPTER MDHA

WHEREAS, the Chisago County Board of Commissioners has been presented with a request for lawful gambling within Chisago County; and

WHEREAS, the application was complete, included all necessary documentation, appears in accordance with County Policies and the facility owners are in good standing with the County;

BE IT RESOLVED that the Chisago County Board of Commissioners hereby approves and authorizes submission to the Minnesota Gambling Control Board an application to conduct a raffle at the Lent Town Hall located at 33155 Hemingway Ave., Stacy, MN 55079.

County Administrator Chase Burnham provided administrator updates and correspondence. *No action was taken.*

Discussed adding special session for Wednesday, July 22, 2020 at 9:00 a.m. for COVID-19 CARES Funds with Konrad, Burnham, and 5 commissioners.

Discussed taking professional photograph of 5 commissioners at the next meeting (August 5, 2020 at 6:30 p.m.)

Several Commissioners offered reports of their respective committee assignments. *No action was taken.*

On motion by Robinson, seconded by DuBose, the Board adjourned the meeting at 8:06 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahon, Montzka, Robinson **OPPOSED:** None

Ben Montzka, Chair

Attest: _____
Christina Vollrath
Interim Clerk of the Board