

**CHISAGO COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
Wednesday, October 07, 2020**

The Chisago County Board of Commissioners met in regular session at 6:30 p.m. on Wednesday, October 07, 2020 at the Chisago County Government Center with the following Commissioners present: DuBose, Greene, Montzka, Robinson. County Attorney Janet Reiter participated via conference call. Also present: County Administrator Chase Burnham, *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 DuBose, the motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Montzka, Robinson **OPPOSED:** None.

Public Health Supervisor Courtney Wehrenberg gave a COVID-19 update from 6:31 p.m. to 6:44 p.m.

On motion by Greene, seconded by Robinson, the Board moved to recess the Board of Commissioners meeting to the Health and Human Services Committee of the Whole at 6:44 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Montzka, Robinson **OPPOSED:** None.

The Chair opened the Health and Human Services Committee of the Whole at 6:44 p.m.

Chair Montzka gave the gavel to Vice-Chair DuBose.

Health and Human Services Director Robert Benson provided department updates.

On motion by Greene, seconded by Montzka, the Board moved to add items 1-11 to the Consent Agenda. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Montzka, Robinson. **OPPOSED:** None.

On motion by Greene, seconded by Montzka, the Board moved to close the Health & Human Services Committee of the Whole at 6:53 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Montzka, Robinson **OPPOSED:** None.

Chair Montzka received the gavel back from Vice-Chair DuBose.

On motion by Greene, seconded by DuBose, the Board moved to approve the Consent Agenda. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Montzka, Robinson **OPPOSED:** None.

Board of Commissioners' Consent Agenda:

- 1.) HHS Committee Recommendation – Director's Update
- 2.) HHS Committee Recommendation – Payment of County's Warrants for HHS
- 3.) HHS Committee Recommendation – MDH County Grant Contract – Adult Mental Health
- 4.) HHS Committee Recommendation – MDH County Grant Contract Amend. – Respite Care
- 5.) HHS Committee Recommendation – MDH Community Health Board Grant Project
- 6.) HHS Committee Recommendation – MDH Community Health Board Agmt – SHIP Grants
- 7.) HHS Committee Recommendation – MDH Community Health Board Agmt – WIC
- 8.) HHS Committee Recommendation – 2021 Coop. Agmt. w/ the Metro County Consortium
- 9.) HHS Committee Recommendation – LOA with the Hazelden Betty Ford Foundation
- 10.) HHS Committee Recommendation – Trans. of Children and Youth in Foster Care
- 11.) HHS Committee Recommendation – Prof./Tech. Services Contract with A. Anderson M.D
- 12.) Payment of County's Warrants and Miscellaneous Bills
- 13.) Minutes from the September 16, 2020 Regular Meeting

At 6:55 p.m., the Chair opened Citizen's Forum. The Chair had the County Administrator read the new rules of Citizen's Forum into the record. 1 letter and 2 emails were submitted for Citizen's Forum. 0 Citizens spoke. The Chair closed Citizen's Forum at 7:00 p.m.

On motion by DuBose, seconded by Greene, the Board moved to open the public hearing for Consideration of Tax Abatement for A-1 Tire and Services, LLC at 7:04 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Robinson, Montzka **OPPOSED:** None.

On motion by DuBose, seconded by Robinson, the Board moved to close the public hearing for Consideration of Tax Abatement for A-1 Tire and Services, LLC at 7:06 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Robinson, Montzka **OPPOSED:** None.

On motion by DuBose, seconded by Greene, the Board moved to approve the request for Tax Abatement for A-1 Tire and Services, LLC. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Robinson, Montzka **OPPOSED:** None.

On motion by Greene, seconded by DuBose, the Board moved to recess as the Ditch Authority at 7:08p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Robinson, Montzka **OPPOSED:** None.

On motion by DuBose, seconded by Robinson, the Board moved to approve the engineering work on County Ditch #7. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Robinson, Montzka **OPPOSED:** None.

On motion by DuBose, seconded by Greene, the Board moved to reconvene to the Board of Commissioners Meeting at 7:08p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Robinson, Montzka **OPPOSED:** None.

On motion by Robinson, seconded by Greene, the Board moved to approve the Public Work's Department request to purchase equipment at tonight's meeting for a Skid Steer Trailer. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Robinson, Montzka **OPPOSED:** None.

On motion by Robinson, seconded by Greene, the Board moved to approve the Final Contract Payment for SAP 013-693-005 and 006. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Robinson, Montzka **OPPOSED:** None.

On motion by Greene, seconded by DuBose, the Board moved to approve the conveyance of the right of way plat 32 to Sunrise Township. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Robinson, Montzka **OPPOSED:** None.

On motion by Greene, seconded by Robinson, the Board moved to approve the 2021 Towards Zero Deaths Enforcement Grant. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Robinson, Montzka **OPPOSED:** None.

On motion by Greene, seconded by DuBose, the Board moved to:

1. Move to withdraw the pending motion to deny the application to reinstate the April 17, 2019 IUP.
2. Move that the Board make and adopt findings and conclusions, as follows:
 - a. On April 17, 2019, the County approved an IUP for Gordian to establish and maintain a solar garden on the subject property.
 - b. No construction or otherwise qualifying event related to construction of the solar garden has taken place on the subject property as permitted under said IUP.
 - c. Pursuant to Section 804-1 G., the IUP approved on April 17, 2019 is null and void because said IUP has not been utilized for twelve or months since its approval.
 - d. The County Zoning Ordinance authorizes the Board to approve applications for new IUPs for the establishment and maintenance of solar gardens pursuant to and in accordance with the standards and provisions of the County's Solar Energy Systems Ordinance in effect at the time of such new application.
 - e. On September 2, 2020, Gordian submitted an application on which the Board has no authority to consider.
 - f. The Board lacks the authority to consider Gordian's application for reinstatement of the null and void April 17, 2019 IUP because neither the County Zoning Ordinance nor the Solar Energy Systems Ordinance provides the authorization to make an application for reinstatement of a null and void IUP and such ordinances contain no language that would otherwise authorize the Board to consider reinstatement of null and void IUPs.

3. Move that the Board, based up the above findings and conclusions, reject Gordian's September 2, 2012 application for reinstatement of the IUP approved on April 17, 2019 and relating to the Keith Johnson property, PID# 01.00401.10, in Amador Township, Sec. 35, T. 35, R 20, and direct staff to return said application to Gordian, refund the fees paid on said application, and extend an invitation to Gordian to submit an application for a new IUP under the terms and conditions of the County's current Solar Energy Systems Ordinance.

The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Robinson, Montzka
OPPOSED: None.

On motion by Greene, seconded by DuBose, the Board moved to:

1. Move to vacate the approval of the application to reinstate the April 17, 2019 IUP.
2. Move that the County Board make and adopt findings and conclusions, as follows:
 - a. On April 17, 2019, the County approved an IUP for Gordian to establish and maintain a solar garden on the subject property.
 - b. No construction or otherwise qualifying event related to construction of the solar garden has taken place on the subject property as permitted under said IUP.
 - c. Pursuant to Section 804-1 G., the IUP approved on April 17, 2019 is null and void because said IUP has not been utilized for twelve months since its approval.
 - d. The County Zoning Ordinance authorizes the Board to approve applications for new IUPs for the establishment and maintenance of solar gardens pursuant to and in accordance with the standards and provisions of the County's Solar Energy Systems Ordinance in effect at the time of such new application.
 - e. On September 2, 2020, Gordian submitted an application on which the Board has no authority to consider.
 - f. The Board lacks the authority to consider Gordian's application for the reinstatement of the null and void April 17, 2019 IUP because neither the County Zoning Ordinance nor the Solar Energy Systems Ordinance provides the authorization to make an application for reinstatement of a null and void IUP and such ordinances contain no language that would otherwise authorize the Board to consider reinstatement of null and void IUPs.
3. Move that the Board, based up the above findings and conclusions, reject Gordian's September 2, 2012 application for reinstatement- of the IUP approved on April 17, 2019 and relating to the Keith Johnson property, PID# 09.000303.10, and direct staff to return said application to Gordian, refund the fees paid on said application, and extend an invitation to Gordian to submit an application for a new IUP under the terms and conditions of the County's current Solar Energy Systems Ordinance.

The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Robinson, Montzka
OPPOSED: None.

On motion by Robinson, seconded by Greene, the Board moved to approve the Health Partners dental plan for 2021 along with the renewal rate for 2021. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Robinson, Montzka **OPPOSED:** None.

On motion by DuBose, seconded by Greene, the Board moved to approve the Remote Access Plan for the County Auditor-Treasurers Office. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Robinson, Montzka **OPPOSED:** None.

On motion by DuBose, seconded by Greene, the Board moved to approve advertising of the vacancy on the Comfort Lake Forest Lake Watershed District. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Robinson, Montzka **OPPOSED:** None.

On motion by DuBose, seconded by Greene, the Board moved to approve the allocation of CARES Act funding for the ECRL Board's request for the Chisago County libraries. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Robinson, Montzka **OPPOSED:** None.

On motion by DuBose, seconded by Robinson, the Board moved to approve the remodel of the Old Sheriff's Office for the Chisago County Probation Department. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Robinson, Montzka **OPPOSED:** None.

On motion by Greene, seconded by DuBose, the Board moved to approve the purchase agreement for mobile medical vehicle usage of the Chisago County Public Health Department. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Robinson, Montzka **OPPOSED:** None.

On motion by Greene, seconded by DuBose, the Board moved to approve the License Applications for 1 Day to 4 Day Temporary On-Sale Liquor License for the Franconia Sculpture Park and Omni Brewing. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Robinson, Montzka **OPPOSED:** None.

County Administrator Chase Burnham gave administration updates.

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

On motion by Robinson, seconded by Greene, the Board adjourned the meeting at 7:36 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, Montzka, Robinson. **OPPOSED:** None.

Ben Montzka, Chair

Attest: _____
Christina Vollrath
Interim Clerk of the Board