

**CHISAGO COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
Wednesday, January 18, 2023**

The Chisago County Board of Commissioners met in regular session at 6:30 p.m. on Wednesday, January 18, 2023 at the Chisago County Government Center with the following Commissioners present: Greene, Dunne, Montzka, Dahlberg. Also present: County Administrator Chase Burnham, Assistant County Attorney Jeff Fuge, and Clerk of the Board Christina Vollrath.

Chisago County Commissioner Jim Swenson will be attending the Chisago County Board of Commissioners Meetings on Wednesday January 18th at 6:30 p.m. via Interactive TV, pursuant to Minnesota Statute 13D.02 and MN Department of Administration Advisory Opinions 08-034 and 13-009. Commissioner Swenson may be seen and heard at the meeting via electronic means and will participate from The Fountains 12400 South International Drive Orlando FL 32821, a location open and accessible to the public. Any questions can be directed towards Chase Burnham, County Administrator, at (651) 213-8877.

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 Dunne, the motion **passed** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

On motion by Dunne, seconded by Dahlberg, the Board opened the Road and Bridge Committee of the Whole at 6:31 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

The Board was given updates on the current projects of the Public Works Department from County Engineer Joe Triplett. *No action was taken.*

On motion by Greene, seconded by Dunne, the Board moved items 1-6 to the consent agenda. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

On motion by Greene, seconded by Dunne, the Board moved to close the Road and Bridge Committee of the Whole at 6:39 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

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

- 1.) R&B Committee Recommendation – County Engineer’s Report
- 2.) R&B Committee Recommendation – TH 8 RAISE Grant – Letter of Support
- 3.) R&B Committee Recommendation – Out of State Travel Request – Fargo N.D.
- 4.) R&B Committee Recommendation – Credit Card Request – Tony Nielsen, Fleet Maint.
- 5.) R&B Committee Recommendation - FINAL Contract Payment – CP 013-086-022
- 6.) R&B Committee Recommendation - Equip. Expenditure Request – Sign Truck
- 7.) Minutes from the January 3, 2023 Organizational Meeting
- 8.) Payment of County’s Warrants and Miscellaneous Bills

Per Minnesota Statutes 375.1, proceedings of the County Board including a list of itemized accounts, claims or demands must be published in the official newspaper. The itemized list of claims is available for public review on the County website at <https://www.chisagocounty.us/1197/Claims-Paid>. Claims less than \$2,000 are listed as a total dollar amount and notes the number of claims included in the total.

Environmental Services Director Kurt Schneider presented the Board with the Director’s Report and action items. *No action was taken.*

On motion by Greene, seconded by Dunne, the Board moved to accept the Environmental Services Director’s Report. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

On motion by Dunne, seconded by Greene, the Board moved to approve Resolution No. 23/0118-1, a Resolution of the County Board of Commissioners of Chisago County, Minnesota, approving the Timothy and Katherine Albrecht Interim Use Permit (IUP) to allow a Residential Kennel on their 10+/- acre property at 43750 Jess Avenue, Sunrise Township (PID #09.00615.10).

This Interim Use Permit for Residential Kennel allows for the keeping of no more than nine (9) dogs as specifically identified in the application materials dated received October 13, 2022 and kept on file with the Department of Environmental Services, including six (6) companion dogs and three (3) livestock guardian dogs.

1. The six (6) companion dogs shall be housed indoors (dwelling), apart from occasional outdoor activity in which the dogs will be confined to a fenced enclosure or leashed and handled by a resident of the property. No more than two (2) companion dogs shall be outdoors at the same time, whether in the fenced enclosure or leashed and handled by a resident of the property.
2. The three (3) livestock guardian dogs shall be housed indoors (heated and cooled pole building), apart from occasional outdoor activity in which the dogs will be confined to a fenced enclosure or leashed and handled by a resident of the property or their

active agricultural service.

3. All dogs shall receive regular veterinary care and be current on vaccinations.
4. The existing dogs shall not be replaced by new dogs as they pass or are otherwise rehoused, unless the number of dogs on the subject site is in compliance with the Chisago County Zoning Ordinance (a number not requiring approval from the Chisago County Board of Commissioners).
5. All dog waste shall be collected daily and disposed of in a legal and appropriate manner so as to avoid undue odor or other negative impacts.
6. The fenced enclosure(s) shall maintain current setbacks, as illustrated on the application materials submitted by the applicant and maintained on file with the Department of Environmental Services. Any expansion or reconfiguration of the fenced enclosure shall only be allowed upon further review by the Planning Commission and approval by the Board of Commissioners by way of an Interim Use Permit Amendment.
7. The permit holder shall control the barking of dogs to the best of their ability while outdoors to avoid undue negative impact to nearby properties. At no time shall any dog barking activity exceed fifteen (15) continuous minutes with less than thirty (30) seconds between each dog bark. Any more than fifteen (15) minutes of continuous barking shall be silenced immediately by a resident of the household. Further, at least one resident of the household must be present any time that one or more dogs are outdoors.
8. To mitigate adverse impacts related to noise, the permit holder shall implement “quiet hours” / “outside hours” for the six (6) companion dogs in which they aren’t allowed to be outdoors for longer than six hours a day, aside from brief periods of time for waste elimination. The “outside hours” shall allow for up to three (3) – two (2)-hour periods as follows:
 - a. Two (2) hours between the hours of 8:00 am and 12:00 pm;
 - b. Two (2) hours between the hours of 12:00 pm and 4:00 pm; and
 - c. Two (2) hours between the hours of 4:00 pm and 9:00 pm.

In no case shall these timeframes be combined to allow the dogs to be outside for longer than two (2) hours at a time.

9. To mitigate adverse impacts related to noise and limit the dogs’ view and agitation from activity on neighboring parcels, the permit holder shall plant and maintain additional landscaping along the entire northerly and southerly length of the fenced enclosure. Said landscaping shall include low-growing varieties that provide a visual barrier between the dogs and the neighboring parcels. Planting shall occur within one (1) year of Interim Use Permit approval.
10. There shall be no commercial activity of any kind associated with the Residential Kennel. Commercial activity shall be defined as boarding, grooming, training, or breeding. Further, no “non-resident” dogs or cats shall be housed or otherwise allowed on the subject site.

11. The permit holder shall comply with all relevant Minnesota Statutes and Rules regarding animal welfare and humane standards.
 12. Annual certification of the Interim Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the Interim Use Permit is ongoing and the activities being conducted continue to adhere to the conditions of approval. Failure to maintain certification may be a basis to revoke the Interim Use Permit. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.
 13. This Interim Use Permit shall expire at such time that the number of dogs kept on the subject site has been brought into compliance with the Chisago County Zoning Ordinance through attrition (a number not requiring approval from the Chisago County Board of Commissioners) or at such time that the permit holder sells the property and relocates, whichever comes first.
 14. Violations of the conditions contained herein shall be cause for the revocation of the Interim Use Permit upon action of the County Board.
- The motion **carried** as follows: **IN FAVOR THEREOF:** Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** Swenson

CITIZENS FORUM

TIME – 7:05 p.m. **END TIME** – 7:05 p.m.
of SPEAKERS – 0

On motion by Dahlberg, seconded by Dunne, the Board moved to approve Resolution No. 23/0118-2, a Resolution of the County Board of Commissioners of Chisago County, Minnesota, approving the Preliminary Plat of Keystone Pines located at 42120 Keystone Avenue / CR 67 in Sunrise Township, (PID #09.00644.00). The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

On motion by Greene, seconded by Dunne, the Board moved to approve Resolution No. 23/0118-3, a Resolution of the County Board of Commissioners of Chisago County, Minnesota, Approving the Stig A. Larson Family Limited Partnership / Jeanne Larson Rural Retail Tourism Art Studio Conditional Use Permit Amendment to allow the application of the CUP to the reduced size 133.8± acre property at 15326 318th Street, Chisago Lake Township, Parcels 02.00725.00 and 02.00715.00.

1. This Conditional Use Permit amends and supersedes the Conditional Use Permit granted by the Chisago County Board of Commissioners on July 16, 2014 (original CUP) granting approval to operate a Rural Retail Tourism business on property located at 15326 318th Street in Chisago Lake Township. The sole Amendment reflects a modification of the legal description, on which the 2014 approval was granted, following subdivision in 2020.

2. This permit is a Conditional Use Permit for a Rural Retail Tourism business, allowing the permittee to offer the use of the property as a gathering venue for weddings and other social activities.
3. This CUP shall allow year-round use of the property with a curfew/quiet time on the CUP requiring a 10:00 p.m. end-time for weddings and other gatherings featuring music, or any other sound likely to cross the property boundary.
4. Any food preparation and/or sales at the site shall comply with all applicable Minnesota Department of Health regulations.
5. Any liquor service shall be in accordance with all applicable MN Department of Public Safety regulations, and Chisago County liquor licensing requirements.
6. Any excessive impact to the Township Road from traffic generated by this business shall be mitigated through a negotiated agreement between the business operator and the Chisago Lake Township Board, as determined to be necessary by the Township.
7. All necessary building and/or septic codes shall be adhered to (including any necessary retro-fitting of the existing buildings to accommodate the new occupancy, pursuant to review by qualified architect/engineer) and all required permits shall be obtained prior to occupancy.
8. All guest parking shall be accommodated on-premise.
9. The permit holder shall notify the County annually that the activity permitted by the CUP is ongoing, and the activities being conducted continue to adhere to the conditions of approval.

The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

On motion by Greene, seconded by Dahlberg, the Board moved to approve the Professional/Technical Services Contract Amendment between Mackenzie Halfen and Chisago County. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

On motion by Dunne, seconded by Dahlberg, the Board moved to approve late submission of mileage reimbursement by supervisor. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

On motion by Dunne, seconded by Greene, the Board moved to accept the December 14th Budget and Finance Report, change the County mileage reimbursement rate to reflect the federal rate, \$50,000 of the MCIT dividend to County's Ergonomic Fund, Safety Committee, and Wellness Committee, and approve using some of the County's Opioid Settlement funds to pay for the HHS staff committee to the Opioid crisis in Chisago County, \$3,508.13. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

On motion by Dahlberg, seconded by Swenson, the Board moved to approve the resolution accepting donations to Chisago County in 2022. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

On motion by Dunne, seconded by Dahlberg, the Board moved to appoint Mike Mergens and Steve Paquay as representatives on the 1W1P; effective January 18th, 2023 thru December 31, 2024. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

On motion by Swenson, seconded by Dunne, the Board moved to accept the resignation of Kathy Bloomquist on the Planning Commission and approve advertising for the recent vacancy in District 1 on the Planning Commission. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

On motion by Greene, seconded by Dunne, the Board moved to authorize execution of Service Contracts with three attorneys to provide Legal Representation for eligible persons in Child Welfare matters under Juvenile Protection Provisions of the Juvenile Court Act. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

On motion by Greene, seconded by Dahlberg, the Board moved to authorize the payment out of the general fund balance for \$132,262.00 to Pinnacle Public Finance with the funds being repaid back to the general fund once the rebate is received. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

On motion by Greene, seconded by Dunne, the Board moved to approve the Law Enforcement Labor Services Licensed Deputy Labor contract as negotiated for the term of three (3) years commencing on January 1, 2023 and expiring on December 31, 2025. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

County Administrator Burnham provided administrative updates. *No action was taken.*

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

On motion by Dunne, seconded by Greene, the Board moved to close the County Board meeting at 7:27 p.m. related to litigation, Michelle Jacobson v. County of Chisago (MN) and Richard Duncan, both individually and in his official capacity as Sheriff of Chisago County (MN). The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

Announce Closed Meeting (M.S. § 13D.05)

Meetings of the Chisago County Board of Commissioners may be closed if the closure is

expressly authorized by statute or permitted by the attorney-client privilege. Minn. Stat. §13D.05, Subd. 3. The Meeting will be closed to allow the County Board to discuss with legal counsel strategy related to litigation, Michelle Jacobson v. County of Chisago (MN) and Richard Duncan, both individually and in his official capacity as Sheriff of Chisago County (MN)

On motion by Greene, seconded by Dahlberg, the Board ended the closed meeting and reconvened the regular meeting at 8:32 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

On motion by Dunne, seconded by Dahlberg, the Board adjourned the meeting at 8:33 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

Ben Montzka, Chair

Attest: _____
Christina Vollrath
Clerk of the Board