

**CHISAGO COUNTY  
BOARD OF COMMISSIONERS  
OFFICIAL PROCEEDINGS  
Wednesday, September 20, 2023**

The Chisago County Board of Commissioners met in regular session at 6:30 p.m. on Wednesday, September 20, 2023 at the Chisago County Government Center with the following Commissioners present: Greene, Dunne, Montzka, Dahlberg, Swenson. Also present: County Administrator Chase Burnham, County Attorney Janet Reiter, and 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 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 Greene, 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 Assistant County Engineer Ben Hobert. *No action was taken.*

On motion by Greene, seconded by Dahlberg, the Board moved item 1 to the consent agenda. 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 close the Road and Bridge Committee of the Whole at 6:34 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 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.) Minutes from the September 6, 2023, County Board Meeting
- 3.) 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.

4.) Repurchase of Tax Forfeited Parcels pursuant to 282.241

**RESOLUTION NO. 23/0920-9  
REPURCHASE OF TAX FORFEITED PARCELS PURSUANT TO 282.241.**

**WHEREAS**, Brian Johnson, Larry Johnson and Sandra Scheer, the property owners at the time of forfeiture, have made and filed an application with the County Auditor-Treasurer for the repurchase of the hereinafter described parcel of tax forfeited land, in accordance with the provisions of Minnesota Statutes, Section 282.241, as amended, which land is situated in the County of Chisago, Minnesota, and described as follows, to-wit:

Parcel # 18.00001.00

NORTH 330 FEET OF NORTHEAST ¼ OF NORTHWEST ¼, SECTION 5,  
TOWNSHIP 33, RANGE 19

**WHEREAS**, said applicant has set forth in her application that: taxes were unpaid because an interested buyer couldn't perform within time constraints,

**WHEREAS**, this Board is of the opinion that undue hardship resulted from the forfeiture and the repurchase will be in the best interest of the public and said applications should be granted for such reasons,

**NOW THEREFORE BE IT RESOLVED**, that the application of Brian Johnson, Larry Johnson and Sandra Scheer, for the repurchase of the above described parcel of tax forfeited land be granted and the County Auditor-Treasurer is hereby authorized and directed to permit such repurchase according to the provisions of Minnesota Statutes, Section 282.241, as amended.

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 Swenson, the Board moved to acknowledge and accept property owner Kathy Haglof's request of August 18, 2023, to terminate the Commercial Dog Breeding and Training Kennel Conditional Use Permit and remove all affiliated permit conditions from 28768 Olympic Trail, Franconia Township (PID#04.00333.00) as of September 29, 2023. 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 Resolution No. 23/0920-1, a Resolution of the County Board of Commissioners of Chisago County, Minnesota, approving the Preliminary Plat of Hokanson View located one-third of a mile east of Government Road / CR 57 and approximately 1.1 miles west of the St. Croix River, on the north side of 460<sup>th</sup> Street in Sunrise Township (PID #09.00523.10).

**RESOLUTION NO. 23/0920-1**  
**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF CHISAGO**  
**COUNTY, MINNESOTA, APPROVING THE PRELIMINARY PLAT OF**  
**HOKANSON VIEW**

**WHEREAS**, property owner Kelly Hokanson submitted an application dated received August 1, 2023 and considered complete on August 4, 2023 for the Preliminary Plat of Hokanson View; and

**WHEREAS**, the property owner desires to create one buildable parcel from the 198.03± acre subject site; and

**WHEREAS**, the subject site is generally located approximately one-third of a mile east of Government Road / CR 57, approximately 1.1 miles west of the St. Croix River, on the north side of 460<sup>th</sup> Street in Sunrise Township and is zoned Agricultural (AG) District; and

**WHEREAS**, the subject site is legally described as:

PID 09.00523.10

All that part of the Northwest Quarter of Southeast Quarter of Section 12, Township 36, Range 21, Chisago County, Minnesota described as follows: Beginning at a point on the South line of said Northwest Quarter of Southeast Quarter, 617 feet East of the southwest corner thereof; thence North 31 degrees 23 minutes East, 718 feet; thence North 45 degrees 58 minutes East, 450 feet to a point on the East line of said Northwest Quarter of the Southeast Quarter, 389 feet South of the northeast corner thereof; thence North along the East line of said Northwest Quarter of the Southeast Quarter to the northeast corner of thereof; thence West along the North line of said Northwest Quarter of the Southeast Quarter to the northwest corner thereof; thence South along the West line of said Northwest Quarter of the Southeast Quarter to the southwest corner thereof; thence East along the South line of said Northwest Quarter of the Southeast Quarter to the place of beginning, containing 31.30 acres, more or less.

And

All that part of the Southwest Quarter of the Southeast Quarter of said Section 12 described as follows: Beginning at a point on the south line of said Southwest Quarter of the Southeast Quarter, 237 feet East of the southwest corner thereof; thence North 14 degrees 40 minutes East, 481 feet; thence North 6 degrees 47 minutes West, 270 feet;

thence North 20 degrees 14 minutes East, 603 feet, to a point on the North line of said Southwest Quarter of the Southeast Quarter 540 feet East of the northwest corner thereof; thence West along the North line of said Southwest Quarter of the Southeast Quarter to the northwest corner thereof, thence South along the West line of said Southwest Quarter of the Southeast Quarter to the southwest corner thereof; thence East along the South line of said Southwest Quarter of the Southeast Quarter, to the point of beginning, containing 10.95 acres, more or less.

And

The Southwest Quarter of said Section 12, EXCEPTING THEREFROM the East 430.00 feet of the West 731.00 feet of the South 212.00 feet and the East 300.00 feet of the West 1031.00 feet of the South 423.00 feet of said Southwest Quarter.

ALL OF THE ABOVE IS SUBJECT TO, AND TOGETHER WITH a certain oil and gas easement to Benchmark Resources Corporation, said oil and gas easement dated July 10, 1984, and recorded in the Office of the County Recorder in and for Chisago County, Minnesota on September 18, 1984 as Microfilm Number 186516, said oil and gas easement assigned April 1, 1985 to H & H Star Energy Inc., with said assignment noted as Microfilm Number 189661 in the office of the County Recorder in and for Chisago County, Minnesota.

**WHEREAS**, notice was provided and on September 7, 2023 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the property owner, and invited members of the public to comment; and

**WHEREAS**, during the course of the September 7, 2023 Planning Commission meeting, the property owner verbally expressed a desire and amended the request to increase the size of the proposed parcel in a manner which would allow for the proposed parcel to be eligible for an agricultural tax classification; and

**WHEREAS**, the Planning Commission recommended approval of the Preliminary Plat of Hokanson View with conditions per Resolution No. PC2023-0903; and

**WHEREAS**, the Board of Commissioners considered the amended request for Preliminary Plat of Hokanson View and the Planning Commission's recommendation at its September 20, 2023 meeting and determined the Preliminary Plat of Hokanson View to be consistent with the intent of the County's Zoning and Subdivision Ordinances.

**NOW THEREFORE, BE IT RESOLVED** that the Board of Commissioners of Chisago County, Minnesota hereby approves the Preliminary Plat of Hokanson View, subject to the following conditions:

1. The Preliminary Plat of Hokanson View is approved per plat drawing dated signed September 13, 2023. Any significant deviation from the approved plat drawing, except as noted herein and as determined by the Department of Environmental Services, shall require further review by the Planning Commission and approval by the County Board.
  2. The applicant shall obtain all necessary and applicable permits from Federal, State, and County jurisdictions for any wetland impacts prior to commencement of development.
  3. The applicant shall submit request for Final Plat within one year following approval of the Preliminary Plat unless an extension of time is requested by the applicant and granted by the County Board upon recommendation of the Planning Commission.
- The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

On motion by Dahlberg, seconded by Dunne, the Board moved to approve Resolution No. 23/0920-2, a Resolution of the County Board of Commissioners of Chisago County, Minnesota, approving the Final Plat of Blue Ribbon Tree Farm located North of 400<sup>th</sup> Street and south of 410<sup>th</sup> Street / CR 81 on the east side of Sunrise Road / CSAH 9 in Sunrise Township, (PID #09.00119.00).

**RESOLUTION NO. 23/0920-2**  
**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF CHISAGO COUNTY, MINNESOTA, APPROVING THE FINAL PLAT OF BLUE RIBBON TREE FARM**

**WHEREAS**, property owners John Swanson & Janet Swanson and applicant Milo Horak submitted a request for the Final Plat of Blue Ribbon Tree Farm on September 8, 2023; and

**WHEREAS**, the property owners desire to create two buildable parcels from the 26.4± acre subject site; and

**WHEREAS**, the subject site is generally located north of 400<sup>th</sup> Street and south of 410<sup>th</sup> Street / CR 81 on the east side of Sunrise Road / CSAH 9 in Sunrise Township and is zoned Agricultural (AG) District; and

**WHEREAS**, the subject site is legally described as:

PID 09.00119.00

That part of the Southeast Quarter of the Northwest Quarter (SE1/4 of NW 1/4) of Section Nine (9), Township Thirty-five (35) North, Range Twenty (20) West, Chisago County, Minnesota, lying easterly of County State Aid Highway Number Nine (9).

**WHEREAS**, the Preliminary Plat of Blue Ribbon Tree Farm was recommended for approval by the Planning Commission on July 6, 2023 and approved by the Board of Commissioners on July 19, 2023; and

**WHEREAS**, the Final Plat submitted on September 20, 2023, generally conforms to the approved Preliminary Plat and meets all conditions of Preliminary Plat approval.

**NOW THEREFORE, BE IT RESOLVED** that the Board of Commissioners of Chisago County, Minnesota hereby approves the Final Plat of Blue Ribbon Tree Farm, subject to the following conditions:

1. The Final Plat is approved as submitted on September 20, 2023. Any deviation from the approved plat drawing prior to recording shall require further review by the Planning Commission and approval by the County Board.
2. The applicant shall obtain all necessary and applicable permits from Federal, State, and County jurisdictions for any wetland impacts prior to commencement of development.

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 Resolution No. 23/0920-3, a Resolution of the County Board of Commissioners of Chisago County, Minnesota, approving the Janine and Allen Schifsky request for a Rural Retail Tourism Conditional Use Permit to operate educational farm workshops and instructional classes, mentoring, and tutoring at 16559 373<sup>rd</sup> Street in Amador Township (PID #01.00153.55).

**RESOLUTION NO. 23/0920-3  
A RESOLUTION OF THE BOARD OF COMMISSIONERS OF CHISAGO  
COUNTY, MINNESOTA, APPROVING A CONDITIONAL USE PERMIT  
ALLOWING RURAL RETAIL TOURISM ON PROPERTY LOCATED AT 16559  
373<sup>RD</sup> STREET IN AMADOR TOWNSHIP**

**WHEREAS**, property owners Janine Schifsky & Allen Schifsky submitted an application dated received July 31, 2023 and considered complete on August 3, 2023 for a Conditional Use Permit allowing a Rural Retail Tourism on property located at 16559 373<sup>rd</sup> Street in Amador Township; and

**WHEREAS**, the subject site is located in the Agricultural (AG) District; and

**WHEREAS**, the subject site is 10.62± acres in size and legally described as:

PID 01.00153.55  
Lot 6, Block 1, Whitetail Hills, Chisago County, Minnesota

**WHEREAS**, notice was provided and on September 7, 2023 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the property owner(s) and/or applicant(s), and invited members of the public to comment; and

**WHEREAS**, the Planning Commission recommended approval of the Conditional Use Permit with conditions per Resolution No. PC2023-0902; and

**WHEREAS**, the Board of Commissioners considered the request and the Planning Commission's recommendation at its September 20, 2023 meeting and made the following findings per Zoning Ordinance Section 8.04, C.:

- Factor #1      The [proposed action is consistent with the] Comprehensive Plan and development policies of the County;
- Finding #1      The proposed CUP is consistent with the Chisago County Comprehensive Plan and development policies. The Comprehensive Plan provides several references to the County's intention to continue to allow and be supportive of the proposed land use:*
- *To identify and protect the quality of visitor's experience of prime scenic features, areas of exceptional rural ambience, important historic sites and their surrounding settings and prime areas of flora study and wildlife viewing and public opens spaces to low-impact recreation (p 2-43)*
  - *To promote farm, commercial recreation, and rural retail tourism businesses as a method to bring dollars into the Chisago County economy (p 5-18)*
  - *To promote natural amenities in the County as assets to economic development and business opportunity (p 6-22)*
  - *To acknowledge tourism's economic value and the contribution of this industry to both the diversity of the County economic base and the potential for growth (p 6-22)*
  - *To promote tourism and commercial recreation as expanding opportunities for employment and tax base (p 6-22)*
- Factor #2      The proposed use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area;
- Finding #2      The proposed use will utilize self-contained sanitary facilities, private utilities, and off-street parking for visitors, and access to the subject site will be gained from well-established Township Roads (Quinlan Avenue and 373<sup>rd</sup> Street). Further, the proposed use will have no impact on schools or other public facilities or utilities. Therefore, the County finds that the proposed Rural Retail Tourism use will not create an excessive demand on existing parks, schools or utilities which serve the subject site.*

- Factor #3      The proposed use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;
- Finding #3      While the subject site is located within a residential subdivision, the subject site is more than 10 acres in size and is heavily forested. In fact, aerial imagery shows that there is heavy forestation between all areas and structures proposed for Rural Retail Tourism activities and neighboring structures to the north and west; properties to the south and east are used for agricultural purposes and have not been developed with dwellings. Further, the two neighboring dwellings to the north and west are situated approximately 140' and 340' respectively from the shared property boundaries. Therefore, the County finds that the proposed use is sufficiently separated by natural vegetative screening and distance from adjacent properties so as to not cause undue negative impact or deter future development.*
- Factor #4      The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;
- Finding #4      The proposed Rural Retail Tourism activities will take place within existing structures and outdoors through use of the garden(s), front yard, woods and pasture(s). The existing structures are well-maintained and the County has no evidence to suggest that they have an appearance which would cause adverse effects upon adjacent properties. Further, all indoor and outdoor activities will be well screened by heavy forestation and distance. Therefore, the County finds that the appearance of the proposed use will not have an adverse impact on adjacent properties.*
- Factor #5      The proposed use, in the opinion of the County, is reasonably related to the overall land use goals of the County and to the existing land use;
- Finding #5      The County finds that the Chisago County Zoning Ordinance identifies Rural Retail Tourism as an allowable Conditional Use in the AG District. In addition, Sections 4.15 of the Chisago County Zoning Ordinance encourages the development of Rural Retail Tourism with the following specific goals:*
- Preserve and celebrate Chisago County's archaeological properties, rural and agricultural heritage, and historical landscapes.*
  - To recognize Chisago County's scenic features, exceptional rural ambience, historic sites as desirable local amenities which will draw outside revenue from visitors, that is vital to the local economy.*
  - Enhance Chisago County's appeal to visitors who are drawn to its rural atmosphere.*
  - Provide opportunities for new economic growth through Rural Retail Tourism businesses.*
  - Assist the County's citizens in the transition from primarily agricultural land uses to an expanded variety of rural business*



*opportunities as active family farming continues to diminish in Chisago County.*

Factor #6 The proposed use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;

*Finding #6 See Finding #5.*

Factor #7 The proposed use will not cause traffic hazard or congestion; and  
*Finding #7 The subject site is located adjacent to a Township Road system (Quinlan Avenue and 373<sup>rd</sup> Street) within a relatively small residential subdivision featuring a total of six private properties, including the subject site. The application materials describe events with as little as one visitor and as many as 80 visitors, with larger groups carpooling as the events will be family focused. The Amador Town Board – being the Road Authority – did identify the recommended need for sufficient on-site parking and sufficient access for emergency vehicles but did not identify any concerns specifically relating to traffic hazards or congestion. Therefore, the County finds no evidence to suggest that the proposed use will cause traffic hazards or congestion.*

Factor #8 The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.

*Finding #8 The proposed Rural Retail Tourism activities will take place within existing structures and outdoors through use of the garden(s), front yard, woods and pasture(s). The County finds no evidence to suggest that the proposed use will cause any glare or general unsightliness which would impact nearby properties; however, based on the anticipated number of visitors being as many as 80 and the proposed occasional use of amplified sound, the County finds that noise may be a potential adverse impact to nearby properties. However, the County further finds that the buffer of existing heavy forestation and distance and the proposed implementation of mandatory daily quiet hours of 9:00 pm to 7:00 am will sufficiently mitigate any potential adverse impacts of noise.*

**NOW THEREFORE, BE IT RESOLVED** that the Board of Commissioners of Chisago County, Minnesota hereby approves the request for Conditional Use Permit, subject to the following conditions:

1. This Conditional Use Permit for Rural Retail Tourism allows for the operation of a gathering venue with events focused on homesteading and mentoring / tutoring sessions. Events and activities may include mentoring / tutoring sessions, coaching services, sale of locally produced goods and agricultural products, tours, photo sessions, and other types of events and activities specifically described in the application materials dated received July 31, 2023, and kept on file with the Department of Environmental Services and in accordance with the conditions

contained herein. Any significant deviation or expansion, as determined by Chisago County Department of Environmental Services staff, shall require further review by the Planning Commission and approval by the County Board of Commissioners.

2. Activities may take place within existing structures, including the dwelling and pole building located immediately north of the dwelling, as well as outdoors. Use of the existing structures for Rural Retail Tourism purposes is conditioned on the structures being compliant with the State Building Code and subject to occupancy limits as established by the State Building Code.
3. The existing pole building located immediately north of the dwelling is rated for a maximum occupancy of 36 people being that it does not have a sprinkler system. The permit holder shall adhere to State Building Code occupancy limits and not allow more than 36 people within the structure at any given time.
4. This Conditional Use Permit allows use of the property for Rural Retail Tourism purposes seven days a week year-round and subject to the following hours of operation. Rural Retail Tourism activities may not occur earlier or later than the listed hours of operation.
  - Monday – Friday – 9:00 am to 7:00 pm
  - Saturday – 9:00 am to 5:00 pm
  - Sunday – 12:00 pm to 3:00 pm
5. The permit holder shall implement mandatory daily quiet hours of 8:00 pm to 7:00 am.
6. The maximum number of customers / visitors at any given time shall be no more than 60.
7. The maximum number of employees – in addition to the permit holder – on-site at any given time is four (4). This condition is not intended to prohibit the permit holder from having more than four (4) employees but, rather, to limit the number of employees on-site.
8. The maximum number of organized events each month shall be seven (7).
9. Aside from service animals, pre-approved special guests, and pets / animals belonging to the permit holder, no additional pets / animals shall be allowed on the property.
10. Noise generated from the approved Rural Retail Tourism use shall be subject to the Chisago County noise standards. No undue or objectionable noise resulting from said uses shall be transmitted beyond the subject site's property boundaries.
11. There shall be no outdoor amplified music at any time.
12. The permit holder shall accommodate all customer / visitor parking on-site. No customer / visitor parking shall be allowed on 373<sup>rd</sup> Street or Quinlan Avenue.
13. The permit holder shall ensure adequate year-round access and parking for emergency vehicles on-site, including space to maneuver/turn vehicles. If emergency vehicles are damaged due to lack of maneuverable space and/or adequate driveway width/height, the permit holder will be held responsible for emergency vehicle repairs

pursuant to the adopted policies and directions of Amador Township and/or the Almelund Fire Chief / Department.

14. Any signage shall be installed in accordance with the Chisago County Zoning Ordinance.
15. The permit holder shall provide porta potties for customer / visitor use. No Rural Retail Tourism activities shall utilize bathroom facilities within the dwelling unless specifically authorized by the Department of Environmental Services.
16. The property and uses thereon are subject to all applicable local and State codes, including Zoning, Building and Septic Codes.
17. Annual certification of the Conditional Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the Conditional 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 Conditional 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.

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 payment for Sunrise Prairie Regional Trail Segment G Construction Project No. 13-SPT-23 Invoice/Pay Voucher #2 order request from Knife River. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

On motion by Dahlberg, seconded by Dunne, the Board moved to approve Chisago County Board of Commissioners Resolution No. 23/0920-4, a Resolution Adopting the 2022-2032 Rum River Comprehensive Watershed Management Plan; and Resolution No.23/0920-XX, a Resolution Adopting the 2023-2033 Snake River Comprehensive Watershed Management Plan.

**RESOLUTION No. 23/0920-4  
ADOPTING THE 2022-2032 RUM RIVER  
COMPREHENSIVE WATERSHED MANAGEMENT PLAN**

**WHEREAS**, the County of Chisago has been notified by the Minnesota Board of Water and Soil Resources (BWSR) that on May 20, 2022 it had approved the 2022-2032 Rum River Comprehensive Watershed Management Plan, in accordance with Minnesota Statute section 103B.101, Subdivision 14; and BWSR Decision #18-14; and

**WHEREAS**, the 2022-2032 Rum River Comprehensive Watershed Management Plan identifies areas within Chisago County as being within the management area of the Plan

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Board of Commissioners of Chisago County adopts the 2022-2032 River Comprehensive Watershed Management Plan for the area of the Chisago County identified within the Plan.

**BE IT FURTHER RESOLVED** that the 2022-2032 Rum River Watershed Comprehensive Management Plan replaces the Chisago County Water Plan for the water management of that area of Chisago County identified within the Plan.

**RESOLUTION No. 23/0920-5  
ADOPTING THE 2023-2033 SNAKE RIVER  
COMPREHENSIVE WATERSHED MANAGEMENT PLAN**

**WHEREAS**, the County of Chisago has been notified by the Minnesota Board of Water and Soil Resources that on January 25, 2023 it adopted Board Resolution #18-014 to approve the 2023- 2033 Snake River Comprehensive Watershed Management Plan in accordance with Minnesota Statute section 103B.101, Subdivision 14; and

**WHEREAS**, the 2023-2033 Snake River Comprehensive Watershed Management Plan identifies areas within Chisago County as being within the management area of the Plan

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Board of Commissioners of Chisago County adopts the 2023-2033 Snake River Comprehensive Watershed Management Plan for the area of the Chisago County identified within the Plan.

**BE IT FURTHER RESOLVED** that the 2023-2033 Snake River Watershed Management Plan replaces the Chisago County Water Plan for the water management of that area of Chisago County identified within the 2022-2032 Snake River Watershed Management Plan.

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 Resolution No. 23/0920-6, a Resolution of the County Board of Commissioners of Chisago County, Minnesota, Approving the JDNH Properties, LLC, and Nick Hammond Conditional Use Permit Amendment to allow construction of an accessory structure for storage purposes and modification (expansion) of the legally described land area to the existing Commercial Recreation Area Conditional Use Permitted Use known as “Flickabirds Resort” on property located at 50091 Clover Trail in Nessel Township (PID #06.00520.22).

**RESOLUTION NO. 23/0920-6  
A RESOLUTION OF THE BOARD OF COMMISSIONERS OF CHISAGO  
COUNTY, MINNESOTA, APPROVING AN AMENDMENT TO A**

**CONDITIONAL USE PERMIT ALLOWING A COMMERCIAL RECREATION  
AREA USE ON PROPERTY LOCATED AT  
50091 CLOVER TRAIL IN NESSEL TOWNSHIP**

**WHEREAS**, JDNH Properties, LLC, property owner, and Nick Hammond, applicant, submitted an application dated received July 7, 2023 and considered complete on August 3, 2023 for an Amendment to a Conditional Use Permit allowing a Commercial Recreation Area use known as Flickabirds Resort on property located at 50091 Clover Trail in Nessel Township; and

**WHEREAS**, the original Conditional Use Permit was granted by the Chisago County Board of Commissioners on August 17, 2005 and the approval was filed by the Chisago County Recorder's Office as Document No. A-458888; and

**WHEREAS**, the Chisago County Board of Commissioners granted four subsequent Amendments to the Conditional Use Permit on July 11, 2007, May 19, 2010, September 21, 2011, and September 20, 2017; and

**WHEREAS**, the property owner and applicant wish to Amend the Conditional Use Permit in order to expand the use by constructing an accessory structure for storage purposes and modifying the legal description following a recent land acquisition; and

**WHEREAS**, the subject site is located in the Agricultural (AG) District / Shoreland Management District; and

**WHEREAS**, the subject site is legally described as:

PID 06.00520.22

Lot 2, Block 1, Flickabirds, Chisago County, Minnesota. AND That part of Lot 1, Block 1, Flickabirds, Chisago County, Minnesota, described as follows: Beginning at the most northeasterly corner of said Lot 1; thence North 89 degrees 57 minutes 02 seconds West, assumed bearing, and along the North line of said Lot 1, a distance of 125.00 feet; thence South at a right angle a distance of 125.00 feet; thence East at a right angle and to the intersection with a line bearing South 11 degrees 17 minutes 50 seconds East (said line also being the East line of said Lot 1) from the point of beginning; thence North 11 degrees 17 minutes 50 seconds West to the point of beginning and there terminating.

**WHEREAS**, notice was provided and on September 7, 2023 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator and invited members of the public to comment; and

**WHEREAS**, the Planning Commission recommended approval of the Conditional Use Permit Amendment with Findings of Fact and conditions per Resolution No. PC2023-0901; and

**WHEREAS**, the Board of Commissioners considered the request and the Planning Commission’s recommendation at its September 20, 2023 meeting and made the following findings per Zoning Ordinance Section 8.04:

Factor #1        The [proposed action is consistent with the] Comprehensive Plan and development policies of the County;

*Finding #1        The Chisago County Comprehensive Plan outlines a number of goals and policies which are meant to support and encourage the type of activity which will draw visitors to Chisago County, including different types of outdoor recreation. Among those identified goals and policies are the following:*

*Natural Resources Goal: Prime scenic views and historic landscapes will be recognized as an important local amenity and an increasingly desirable local amenity drawing outside revenue from visitors that is vital to the local economy.*

*Policies:*

- 1. Identify and protect quality of visitor experience of prime scenic features, areas of exceptional rural ambience, important historic sites and their surrounding settings, and prime areas for flora study and wildlife viewing, and public and private open spaces amenable to low impact outdoors recreation.*

*Economic Development Goal: Provide for a range of economic diversity and development opportunities in the County.*

*Policies:*

- 1. Promote natural amenities in the County as assets to economic development and business opportunity.*
- 2. Promote tourism as an expanding opportunity for employment and tax base.*
- 3. Promote tourism and commercial recreation as expanding opportunities for employment and tax base.*

Factor #2        The proposed use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area;

*Finding #2        The subject site is a tourist / entertainment destination, drawing visitors to the site for commercial recreation activities such as camping and dining. The proposed use / Amendment – including an accessory structure and modified legal description – will not in itself generate any additional visitors. Therefore, the County finds that the proposed use / Amendment will not generate any increased demand upon existing parks or other public facilities or amenities.*

- Factors #3      The proposed use will be sufficiently compatible or separated by distance  
or screening  
and #4          from adjacent development or land so that existing development does not  
suffer undue negative impact and there will be no significant deterrence to  
future development;  
The proposed use and site will have an appearance that will not have an  
adverse effect upon adjacent properties;
- Findings #3     *The proposed use is an expansion of an existing outdoor Commercial  
Recreation Area  
and #4          use through construction of an accessory structure intended for storage  
purposes and a modification of the legal description. The proposed  
structure is shown to be located in an area adjacent to two neighboring  
properties, one being used for residential and commercial purposes and  
one being used for residential purposes. The site of the proposed structure  
is heavily wooded as are the adjacent areas on the two neighboring  
properties. Further, the applicant has provided a rendering and a  
materials list which show that the proposed structure will have an  
appearance consistent with pole buildings generally found in the County's  
Agricultural (AG) District and consistent with pole buildings / structures  
found on the two neighboring properties. Therefore, the County finds that  
the proposed structure will be adequately screened from adjacent  
development and will have an appearance which is in keeping with the AG  
District and surrounding area. The County further finds that the proposed  
legal description modification will have no impact upon adjacent  
properties.*
- Factors #5      The proposed use, in the opinion of the County, is reasonably related to  
the overall land  
and #6          use goals of the County and to the existing land use;  
The proposed use is consistent with the purposes of the Zoning Ordinance  
and the purposes of the zoning district in which the applicant intends to  
locate the proposed use;
- Findings #5     *The proposed use is in keeping with the overall goals of the County as  
described in  
and #6          Finding #1. Further, the subject property is zoned Agricultural (AG)  
District and the Zoning Ordinance specifically allows the existing use with  
approval of a Conditional Use Permit and the proposed use with approval  
of a Conditional Use Permit Amendment. The County granted the original  
Conditional Use Permit in 2005 and the County has granted four  
subsequent Amendments since 2005, suggesting that the County believes  
that the use meets the overall land use goals of the County and that the use  
is consistent with the purposes of the Zoning Ordinance and the purposes  
of the AG District. Therefore, the County finds that the proposed use /  
Amendment complies with goals established within the Comprehensive  
Plan, the purposes and intent of the Zoning Ordinance, and the purposes  
of the AG District.*

Factor #7            The proposed use will not cause traffic hazard or congestion; and  
Finding #7        *The proposed Amendments – being an accessory structure for storage purposes and a modified legal description – will not cause any change or increase in traffic generated at the subject site. The proposed structure is intended for storage purposes only. Therefore, the County finds that the proposed use / Amendments will not cause traffic hazards or congestion.*

Factor #8            The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.  
Finding #8        *Based on application materials, the proposed use (accessory structure) will have an appearance in keeping with accessory structures commonly found in the County’s Agricultural (AG) District as well as accessory structures within the surrounding area. The proposed use of the structure – being storage – and the proposed building materials suggest that the structure will likely have minimal impacts on factors such as noise or glare. Therefore, the County finds that the proposed use / Amendment will not have any adverse impacts to nearby properties by intrusion of noise, glare, or general unsightliness.*

**NOW THEREFORE, BE IT RESOLVED** that the Board of Commissioners of Chisago County, Minnesota hereby approves the request for Conditional Use Permit Amendment, subject to the following conditions:

1. This Conditional Use Permit (CUP) Amendment supersedes the original CUP granted by the Chisago County Board of Commissioners on August 17, 2005 (original CUP) which granted approval for the operation of a recreational campground and bar / restaurant (recorded as Document No. A-458888) and four subsequent Amendments granted on July 11, 2007, May 19, 2010, September 21, 2011, and September 20, 2017. With this approval, all previously approved conditions are still in effect and the following is allowed:
  - a. Expansion of the existing operation through construction of an accessory structure intended for storage purposes; and,
  - b. Modification of the legal description to include recently acquired land.
2. The accessory structure shall be constructed in general conformance (including location, size and materials) with application materials kept on file with the Department of Environmental Services. Any significant deviation, as determined by Chisago County Department of Environmental Services staff, shall require further review by the Planning Commission and approval by the County Board.

**Original CUP:**

3. Wastewater Treatment System must meet County and State Rules.
4. Reserved wastewater treatment site must be fenced off to prevent disturbance of area by traffic and/or other campground activities.



5. Wells(s) must meet Minnesota Department of Health Standards.
6. Must obtain and maintain a valid recreational camping area, food and beverage license from Minnesota Department of Health.
7. Road construction into and throughout camping ground must meet approval of County and/or Township Engineer.
8. NPDES and SWPP permits must be obtained from Minnesota Pollution Control Agency with plans also submitted and reviewed by SWCD.
9. Impervious surface coverage in each tier must not exceed 25%.
10. Adequate parking spaces must be provided to accommodate all business at the site and must be maintained in a nuisance free manner.
11. The pond shown between the restaurant and the shoreline is actually in the shore impact zone, therefore, this pond must be redesigned so as to have minimal effect in the shore impact zone (i.e., narrower and longer in design) and adequate erosion control must be in place prior to any construction of the pond.
12. Dust control on township road leading up to entrance of campground must be done as needed as determined by the zoning administrator or appointed designee.
13. Bar and restaurant must be discontinued if the recreational camping area is discontinued unless zoning regulations have changed to allow a bar/restaurant as a stand-alone primary use.
14. Docks and boat ramps must meet Minnesota Department of Natural Resources standards.
15. Notification must be made to Chisago County Environmental Services if any changes to the proposed docking and/or boat ramp are made.
16. Any expansion to camping sites and/or bar and restaurant will require an amended Conditional Use Permit.
17. Site must be available for inspection by County staff during operating hours.
18. Campground rules must be posted on site.

**Amendment (1)** to expand with 20 additional campsites with two conditions:

19. Flickabirds may expand their campground by 20 more sites to a total of 50.
20. Flickabirds may hold outdoor events such as live music and fireworks provided that all required County approvals are obtained.

**Amendment (2)** to allow a camp store with bait sales with five conditions:

21. This CUP Amendment allows conversion of one half of the recently added storage space (14' x 28') to serve as a small camp-store offering basic groceries, sundries, and live bait for sale to the campers in residence.
22. This small retail expansion must be subordinate and accessory to the campground and will not be considered a principal conditional use in its own right.

23. If the campground ceases operation through voluntary withdrawal, revocation, or other legal means, the camp store must also cease to operate, as it is clearly incidental to the principal use of the campground and is otherwise not an allowed use in the Zoning District.
24. The camp store cannot be advertised to the general public as a retail store.
25. Other than within the campground itself, no advertising signage will be permitted for this retail use.

**Amendment (3)** to expand with 15 additional campsites (total of 65) with one condition and one suggestion:

26. The septic system must be evaluated for capacity and performance and found to be in compliance.

**\*\*It is suggested, but not required that the Mells offer a “goodwill gesture” on the matter of dust control.\*\***

**Amendment (4)** to expand with 12 additional campsites (total of 77) with three conditions:

27. The permittee shall submit required annual monitoring reports on the main septic system in order to maintain the compliant status of the system and the RV park.
28. The permittee shall submit completed engineering on the recalculated retention pond prior to beginning construction on the new sites.
29. The permittee shall ensure that all RVs housed and stored in the park remain licensed as recreational vehicles and are transportable; park model cottages shall be prohibited.

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 2023 Lakes Management Inc. & Minnesota Native Landscapes Service Contracts & Budget Adjustment for LID treatment of Invasive Phragmites. 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 September 13<sup>th</sup> Budget and Finance Report. 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 a grant of \$75,000 to the HRA-EDA for use by the Chisago County Child Care Coalition. 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 Chisago County HRA-EDA 2024 Budget request of \$700,000. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg.

**OPPOSED:** None.

On motion by Dunne, seconded by Swenson, the Board moved to approve using \$28,163 from 2023 Unallocated CIP funds to pay the 2023 OpenGov invoice and authorize this payment as an Auditor Warrant. 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 using \$31,720 from 2023 Unallocated CIP to pay for overage of ARPA-0062 ENTS: Replace Ceiling Tiles in 1989 side of Gov't Center. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

### **CITIZENS FORUM**

**TIME** – 6:57 p.m. **END TIME** – 6:57 p.m.  
**# of SPEAKERS** – 0

On motion by Swenson, seconded by Dunne, the Board moved to approve by Board Resolution the Chisago County Preliminary 2024 Levy and Annual Budget, as presented [and/or “as modified”] at tonight’s meeting; to include:

- A 2024 Preliminary County Levy of \$47,250,638
- A 2024 Proposed Annual Budget with Expenditure of \$87,356,166
- Establishment of Wednesday, December 6<sup>th</sup>, 2023, at 7:00 PM as the date and time required for public review of and comment on the Proposed 2024 Annual Budget & Final 2024 Levy

### **RESOLUTION NO. 23/0920-8 ADOPTING THE CHISAGO COUNTY PRELIMINARY BUDGET AND LEVY FOR 2024**

**WHEREAS**, pursuant to Minn. Stat. Sec. 275.065, the Chisago County Board of Commissioners must certify to the County Auditor the proposed tax levy for taxes; and

**NOW BE IT RESOLVED**, that the Chisago County Board of Commissioners have moved to adopt the recommended *Preliminary* Levy for 2024 of \$47,250,638, with overall 2024 expenditures of \$87,356,166;

**NOW BE IT RESOLVED**, that the Chisago County Board of Commissioners have moved to adopt the recommended *Preliminary* LID Levy for 2024 of \$365,330;

**NOW THEREFORE BE IT FURTHER RESOLVED**, that the Chisago County Board of Commissioners hereby establishes Wednesday, December 6<sup>th</sup>, 2023 at 7:00 PM as the date and time for public review of and comment on the proposed *Final* 2024 Levy and Annual Budget.

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 MDH VFC Perinatal Hepatitis B Prevention Program 2023 – 2028.

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

On motion by Dunne, seconded by Swenson, the Board moved to approve the Home and Community-Based Waiver Services Contract with Pinnacle Services, Inc. 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 contracts with TriMin and ArcaSearch to complete the Chisago County Recorder Document Preservation Plan and authorize the expenditure of funds from the Recorder Technology and Compliance Fund to pay for the services. 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 Shafer Firemen’s Volunteer Benefit Assoc. application to conduct bingo on October 7, 2023, at the Shafer Township Hall in Taylors Falls, MN.

**RESOLUTION NO. 23/0920-7**  
**APPROVING THE SUBMISSION OF AN APPLICATION TO CONDUCT OFF-SITE GAMBLING PERMIT FOR THE SHAFER FIREMEN’S VOLUNTEER BENEFIT ASSOCIATION**

**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 Off-Site Gambling – Shafer Firemen’s Volunteer Benefit Association to conduct bingo on October 7, 2023, at the Shafer Township Hall in Taylors Falls, MN, located at 18259 St. Croix Trail, Taylors Falls, MN 55084. 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 Greene, seconded by Dunne, the Board moved to adjourn the meeting at 7:31 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

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Ben Montzka, Chair

Attest: \_\_\_\_\_  
Christina Vollrath  
Clerk of the Board