

**SHERBURNE COUNTY BOARD OF COMMISSIONERS
OCTOBER 9, 2018 - COUNTY BOARD MEETING MINUTES**

Call to Order

The Sherburne County Board of Commissioners reconvened in regular session on October 9, 2018, at the Sherburne County Government Center in the City of Elk River, MN. Call to order by the Chair was at 4:30 pm.

Dolan/Schmiesing unanimous to approve the Regular Board Meeting Agenda for October 9, 2018 as presented.

Consent Agenda

Burandt/Dolan unanimous to approve the Consent Agenda.

Review and Approve Minutes: September 18, 2018 - County Board Meeting

Approved as presented.

Review and Approve Minutes: September 18, 2018 - County Workshop Meeting

Approved as presented.

Provide Comment on Proposed Zimmerman TIF District #10

Approved the Tax Incremental Financing Comment Letter and authorize submittal to Monroe Moxness Berg PA and the City of Zimmerman prior to the TIF Public Hearing on October 15, 2018.

Set Public Hearing - Ice-O Metric Tax Abatement

Approved to hold a public hearing for a tax abatement application on October 16, 2018 at 9:05am or soon thereafter.

Minnesota Sportsmens Club, Inc. 2018 Raffle

Acknowledged Minnesota Sportsmens Club, Inc. 2018 Raffle scheduled on December 1, 2018 at 7:00 p.m. to be held at 26889 104th St., Zimmerman, MN 55398.

National 4-H Week Proclamation

Approved motion to proclaim the week of October 7-13 as National 4-H Week

Manual & Commissioner Warrants

September 14, 2018 Commissioner Warrants \$3,586,436.66

August 31, 2018 Commissioner Warrants \$1,602,096.95

September 28, 2018 Commissioner Warrants \$1,593,691.36

September 10, 2018 - Capital Project \$1,587,797.36

September 7, 2018 Commissioner Warrants \$604,850.53

September 21, 2018 Manual Warrants \$414,433.33

September 21, 2018 Commissioner Warrants \$343,082.26

September 5, 2018 Manual Warrants - OBO Pcard \$81,574.46

September 28, 2018 Commissioner Warrant (2) \$8,521.00

September 14, 2018 Manual Warrants \$6,648.75

August 31, 2018 Manual Warrants \$6,017.00

September 28, 2018 Manual Warrants \$5,447.75

September 7, 2018 Manual Warrants \$5,186.75

September 4, 2018 Commissioner Warrant \$320.00

Three Year Service Agreement with American Solutions for Business.

Approved the County Auditor/Treasurer to enter into a service agreement to outsource the Truth in Taxation Notices for the next three years 2019, 2020 and 2021 mailing with American Solutions for Business. The agreement is for \$5,741.65 with cost of envelopes and forms not to exceed 7% per year in the term of the agreement from date of signing. The agreement has been reviewed by the County Attorney on September 27, 2018 and approved.

Three year contract agreement with Government Management Group (GMG) to the provide cost-allocation report for the A-87 audit.

Approved the Auditor/Treasurer to sign the Government Management Group agreement to provide professional consulting services from Government Management Group at a cost of \$4,500.00 per year. The cost allocation plan will be based on the County's actual year end financial data for the year 2018, 2019 and 2020 and will be prepared in 2019, 2020 and 2021. With reimbursement to be received in the year following the prepared year. This agreement has been reviewed and approved by the County Attorney's office as of September 27, 2018.

Electronic Monitoring Contract Renewal

Approved additional one (1) year contract extension with Minnesota Monitoring for electronic home monitoring services beginning January 1, 2019 - December 31, 2019. An extension is allowed per contract as approved by the Sherburne County Board of Commissioners on January 6, 2016.

Extension of Unpaid Personal Leave of Absence

Approved the extension of intermittent unpaid personal leave for an employee through November 30, 2018.

09-28-18 HHS PCard

09-28-18 HHS OBO Warrant \$3,344.45

SIDS Awareness Month

Approved motion to proclaim October 2018 as SIDS Awareness Month in Sherburne County.

Local Certification of Solutions Behavioral Healthcare Professionals

Approved Local certification of Solutions Behavioral Healthcare Professionals as an Adult Rehabilitative Mental Health Services (ARMHS) provider in Sherburne County.

HHS Warrants 9-20-18

HHS Warrants 9-20-18 \$23,746.14

Resolution for a State Transportation Fund Grant Agreement for the replacement of Bridge #7034

Approved Resolution 100918--AD--1862 for a State Transportation Fund Grant Agreement thru the Local Bridge Replacement Program (Bridge Bonds) between Sherburne County and the Minnesota Department of Transportation for the replacement of Bridge #7034 in the amount of \$419,210.02.

Resolution for Prioritized Bridge Replacement List

Approved Resolution 100918--AD--1863 to replace Bridge #L8139 located on Ranch Road in Big Lake Township.

Out-of-state travel for Chris Osterhus and Brian Lord

Approved out-of-state travel for Chris Osterhus and Brian Lord to attend the Autodesk University conference November 11th to 15th. Funds have been budgeted for this training and travel. Estimated cost for each attendee is \$3,500.

Approve the acceptance of the 2018 Emergency Management Performance Grant (EMPG).

Approved the acceptance of the 2018 Emergency Management Performance Grant (EMPG). The award is in the amount of \$43,785.00 and is an annual matching grant available for Emergency Management.

Approve the purchase of two radio consoles for the 911 Dispatch Center

Approved the purchase of two radio consoles for the 911 Dispatch Center in the amount of \$132,550.

Announcements In honor of National 4-H week, Sherburne County 4-H provided refreshments for the meeting. Board meeting recessed at 4:32pm for refreshments and reconvened at 4:36pm.

Open Forum

There was no one present.

Consideration of Administration Work Out of Class Assignments

Dan Weber, Assistant County Administrator and Tammy Bigelow, Human Resources Director: Administration

Schmiesing/Burandt unanimous to approve the trial period of work out of class assignments of Jenny Norton to Risk Management Specialist (Grade 15) and Keisha Scheie to Administrative Assistant II (Grade 8) for the timeframe of October 15, 2018 through February 3, 2019. Upon successful completion of trial period, as determined by the County Administrator after receiving County Board feedback, the following Administration reorganization shall be effective February 4, 2019: * Reclassification of Office Supervisor (Grade 13) to Risk Management Specialist (Grade 15) * Reclassification of Office Assistant (Grade 5) to Administrative Assistant II (Grade 8)

Cool Jobs Tour Program

Amy Lord ISD 728: Administration

Amy Lord presented the upcoming "Cool Jobs Tour" program that is being held on October 16th.

Approve Resolution to Acquire Parcels on CSAH 16 by Eminent Domain

Andrew Witter: Public Works

Kathleen Heaney provided an updated Exhibit A Parcel list. Schmiesing/Dolan unanimous to approve Resolution 100918-AD-1864 to acquire right of way on CSAH 16 by eminent domain and establish quick take procedure pursuant MS 117.042.

Randy and Joan Heinen - Final Plat "Heinen Addition"

Nancy Riddle: Zoning

Dolan/Schmiesing unanimous to approve the Final Plat of Heinen Addition consisting of two lots (one existing residence) Property Address: 29605 128th St NW, Princeton, MN PID # 01-021-3202 Sec 21, Twp 35, Rge 26 Baldwin Township 10 acres General Rural District with the following three conditions along with the added wording "if needed" to condition number two recommended by the Planning Advisory Commission at the September 20, 2018 public hearing.

1. A 30 foot wide trail easement document deeded to the County of Sherburne along 126th Street NW will be required to be recorded before the plat. The easement document recorded number will be required to be stated on the plat.

2. The developer shall enter into a Developer's Agreement with the County Attorney's Office if needed.

3. The plat shall be recorded in the Office of the County Recorder/Register of Titles, subject to recording fees, within one year of County Board approval of Final Plat.

Knife River Corp-North (Trilogy Properties new owners) IUP Gravel Mining Operation

Nancy Riddle: Zoning

Nancy Riddle provided an updated Knife River I.U.P. Conditions list.

Dolan/Schmiesing unanimous to approve I.U.P. for an existing Gravel Mining Operation under new property owner name (Trilogy Properties has a purchase agreement on the John Herbert Stommes property) Property Address: 16335 211th Ave NW, Elk River MN PID # 101153100 and 101154200 Legal Desc: NE1/4 of SW1/4 and N1/2 of NW1/4 of SE1/4 plus easement (full legal on file) Sec 15, Twp 33, Rge 27 Big Lake Township, on 60 total acres in the General Rural District, with the following 25 conditions recommended by the Planning Advisory Commission at the September 20, 2018 public hearing:

1. New IUP will replace existing IUP # 55805 Doc # 836119 which expires upon a change in ownership or control.

2. An Annual Review for Compliance will be conducted in January of each year by Zoning Staff. If the conditions of the permit have not changed, and no complaints or concerns have been filed, the mine will be determined to be compliant once the annual fee is paid. If the conditions of the permit have changed and/or if it is determined by the County the mine is noncompliant, the applicant will be advised to attend a public hearing with all associated costs being borne by permit holder for further

review or amendment. This is not an exclusive remedy.

3. The annual fee for the permit shall be based on the current per acre fee set by the County Board in the annual fee schedule.

4. No more than 27 acres can be open at any time. Open is defined as an area stripped of its natural vegetation or not reclaimed. This includes but is not limited to stockpiling of materials, crushing spreads and roads. During Zoning's Annual Review for Compliance Knife River or Trilogy Properties will provide the County with Global Positioning Satellite (GPS) data to determine if the open acreage is in compliance with the 27 acre requirement.

5. A staff gauge must be installed in Wetland Basin 1, as identified in the Wetland Conservation Act - Notice of Decision dated 10/24/2016. Water levels must be reported monthly to Zoning Staff by Knife River or Trilogy Properties during the growing season. Impacts to wetlands, per the Wetland Conservation Act Rules, Chapter 8420, are not allowed.

6. The permit holder shall secure and maintain commercial liability insurance for the duration of the permit and shall provide the County with a copy of its certificate of liability insurance prior to commencing work under the permit and annually thereafter.

7. Permit holder shall maintain performance & surety bond based on the current per acre fee set by the County Board in the annual fee schedule.

8. The gate located at 211th Street shall be kept locked when an attendant is not on duty. At this gate a sign must be posted with a 24 hour contact number to report concerns.

9. The day and hours of operation:

a. Mining 6:30 am - 9:00 pm Monday - Saturday.

b. Maintenance 6:00 am - 9:00 pm Monday - Saturday

c. No operation on Sundays, or on the following holidays: New Year's, Memorial, Independence, Labor, Thanksgiving and Christmas.

10. Dust mitigation plan will include the use of calcium chloride on haul road and water per practical application with log kept of the application. Repeated application may be necessary during extreme dry conditions. Water will be added to the feed point of the crushing spread when visible emissions are present. All watering records must be made available to the Planning and Zoning Office.

11. All mining activity must comply with MN Rule 7030.0040 Noise Standards. If complaints arise related to the noise levels the permit holder will supply the County with a valid noise level test in accordance with MN Rule 7030.0060. If a noise level test does not exist the permit holder will be required to complete one at their expense and supply the County with a copy promptly upon request.

12. A hot mix plant will not be allowed under this permit.

13. Dewatering will not be allowed under this permit.

14. It shall be the responsibility of the pit operator or owner to control activity within the pit area and cleanup any debris or other material left on-site.

15. Sanitary facilities shall be provided for workers during pit operation. Portable toilets shall be secured from tipping over and have secondary containment.

16. Applicant is required to maintain their NPDES (National Pollutant Discharge Elimination System) permit.

17. The permit holder shall hold Big Township and the County and its respective officers and employees harmless from claims made by anyone for damages sustained or cost incurred resulting from the gravel extraction operation of this permit. The permit holder shall indemnify Big Lake Township, County and its respective officer and employees for all costs, damages or expenses, which the Township or County may pay or incur in consequences of such claims, including attorney's fees.

18. Mining activity shall be according to the Proposed Mining plan submitted by Knife River Inc. received August 6, 2018. The applicant is proposing to mine to a depth of 920' above mean sea level which will leave an open water pond.

19. Restored Areas will be seeded with an appropriate seed mixture. Upon completion of mining, the restored site will comply with "Restored Conditions" plan dated August 6, 2018.

20. Applicant to comply with Section 16.2 - Subdivision 5.14 of County Zoning Ordinance and all local, state, and federal laws.

21. Gravel tax payments to the County Auditor must be kept current.

22. The Findings in the Zoning Ordinance under Section 18, Subdivision 6.4 have been made.

23. The applicant shall agree to permit the County to inspect the property anytime.

24. Discharge of firearms will not be allowed in the pit.

25. The permit will have an end date of 36 months from County Board approval date which will be of March 17, 2020.

Robin W. Lind - Preliminary Plat "Two Rivers"

Nancy Riddle: Zoning

Schmiesing/Dolan unanimous to approve the residential Preliminary Standard Plat of "TWO RIVERS" consisting of 17 lots (1 existing residence) Property address? 21675 186th St NW, Big Lake, MN PID # 101074100, 4101 and 4103 Legal Desc: The E1/2 of th SE1/4 of Sec 7, Twp 33, Rge 27 lying S of Westriver Acres (full legal on file) Big Lake Township 52.04 total acres General Rural District and within Transitional River District of the St Francis River and also within the Agricultural River District of the Elk River, with the following twelve (12) conditions along with the added wording "if needed" to item 11, as recommended by the Planning Commission:

1. Park dedication fees in the amount of \$12,800 will be paid to the Public Works Department when the final plat is signed.

2. An NPDES permit must be submitted to the Zoning Department prior to being scheduled for final plat approval.

3. A Stormwater and Erosion Control Permit is required from the Zoning Department prior to being scheduled for final plat approval. No construction can be started prior to final plat approval. 4. The driveway between existing house and existing detached garage to be removed with access to be taken from 215th Ave NW.

5. Existing field approach on Lot 1, Block 1 will be removed per Township standards.

6. The existing accessory building on proposed Lot 8, Block 2 will be required to be reduced to 1,800 sq. ft. or removed before Zoning will sign the final plat mylars. If reduced, developer must apply for a Conditional Use Permit for a Personal Storage Structure. The CUP would be placed on Planning Commission agenda right after "Two Rivers" plat.

7. Recording of new driveway easement for PID's 10-107-4323 and 101074317 will be required to be recorded concurrent with final plat.

8. Existing irrigation well (on proposed Lot 5, Block 1) must be sealed per MN Department of Health standards.

9. The southern portions of parcels PID# 101074101 & 101074103 will be separated to create a total of 19.97 acres. This must be recorded at the same time as the final plat of "Two Rivers".

10. The driveway leading to the house from 186th ST will be removed along with a driveway that leads from the house to existing detached garage. A new driveway will be constructed to 215th Ave NW for the existing house.

11. A Developer's Agreement must be signed with the County Attorney's Office if needed.

12. Developer has one (1) year to record the plat per Section 4, Subd 3 of the Subdivision Ordinance.

Zach Vickers (Property Owner Howe Properties LLC) Rezone

Nancy Riddle: Zoning

A discussion was held between the Applicant, Property Owner, County staff, and the County Board regarding the rezone requested. Dolan motioned to deny the rezone because it does not comport with the Comprehensive Land Use Plan. The scope of allowable uses was not consistent with the development of the corridor. Burandt seconded the motion to deny (roll call voting: Commissioner Dolan - Aye; Commissioner Petersen - Aye; Commissioner Fobbe - Nay; Commissioner Schmiesing - Nay; and Commissioner Burandt - Aye) the Amendment to the Sherburne County Zoning Map to Rezone property from an Agricultural District to an Industrial District PID # 10-335-1100 Legal Desc: All th pt of Gov't Lot 2 and N1/2 of NE1/4 (full legal on file) Sec 35, Twp 33, Rge 28 Big Lake Township 9.06 acres.

Zach Vickers (Property Owner Howe Properties LLC) CUP for Single Family Residence

Nancy Riddle: Zoning

Schmiesing/Dolan unanimous to table the Conditional Use Permit to allow an existing Single Family Residence in an Industrial District (Pending zone change from Ag to Industrial) PID # 103351100 Legal Desc: All th pt of Gov't Lot 2 and N1/2 of NE1/4 (full legal on file) Sec 35, Twp 33, Rge 28 Big Lake Township 9.06 acres, based upon the denial of the rezone.

Todd Maloney (Todd and Shelly Maloney) Preliminary Plat "Highland Meadows Third Addn"

Nancy Riddle: Zoning

Dolan/Burandt unanimous to approve the residential Preliminary Standard Plat of "HIGHLAND MEADOWS THIRD ADDITION" consisting of 15 lots PID # 300034100 Legal Desc: E1/2 of SE1/4 except Highland Meadows (full legal on file) Lovonia Township 58.69 acres General Rural District with the following 5 conditions recommended by the Planning Advisory Commission at the September 20, 2018 public hearing:

1. The adjoining parcel (#304070105) driveway and shed encroachment will need to be removed prior to final plat approval.

2. The plat shall be recorded in the Office of the County Recorder/Register of Titles, subject to recording fees, within one year of County Board approval of Final Plat.

3. An NPDES permit must be submitted to the Zoning Department prior to being scheduled for final plat approval.

4. A Stormwater and Erosion Control Permit application is required to be submitted to the Zoning Department prior to being scheduled for final plat approval. No construction can be started prior to final plat approval.

5. A Developer's Agreement must be signed with the County Attorney's Office if needed.

Schmiesing Family Partnership - Final plat "Sleepy Oaks"

Nancy Riddle: Zoning

Commissioner Schmiesing recused himself from the Dais.

Dolan moved to approve the residential Final Standard Plat of "SLEEPY OAKS" consisting of 41 lots Property address: 11254 57th St. SE, Clear Lake PID # 40027-1485 and 400271491 RLS#49, Tract A Sec 27, Twp 35, Rge 29 Palmer Township 100.56 acres Shoreland Residential District, within Recreational Shoreland Districts of Rush Lake 710147 and Lake Julia 710145 with the following 15 conditions. The motion was seconded by Petersen.

At the public hearing on Sept 20, 2018 the Planning Advisory Commission recommended approval of the request with the following conditions:

1. In response to the State Archeologist and Historic Preservation Office, at a minimum, the developer should provide all contractors with in-

formation on what to look for and requirements if archeological artifacts or human remains are found during the processes of construction of roads, storm water pond construction, home or septic system construction. If anyone discovers an ancient cemetery or artifacts, they are required by law to immediately stop work and call local law enforcement first and the state archeologist second. Information can be found at: <https://mn.gov/admin/archaeologist/thepublic/resources/faqs/>

2. Park dedication fees in the amount of \$32,000 will be paid to the Public Works Department when the Final plat is signed.

3. Since wetland areas are within the Shore Impact Zone and they are also located within the floodplain of Rush Lake, no impacts to the wetlands on any lake lot are allowed which includes: a. No wetland fill is allowed. b. No wetland excavation. c. No alteration of wetland vegetation. This will prohibit sod grass installation. d. Ice ridges cannot be removed. e. No beach sand blanket.

4. Prospective buyers of Lots 1, 2 and 3 of Block 2 must be notified of the designated lake access locations on each lot that are non-wetland, along with the restrictions for wetlands on those lots. 5. The developer is required to obtain a Shoreland Alteration Permit (Major) before clearing of vegetation and grading or excavation.

6. If the septic system on proposed Lot 2, Block 2 is allowed to remain for the house next door on proposed Lot 1, no permits will be issued for either of those lots until a new septic is relocated onto Lot 1 with the house.

7. If removal of the outbuildings on proposed Lot 2, Block 2 and Lot 2, Block 1 are allowed to remain after Final Plat approval, no permits shall be issued on those lots until the structures are removed. Structures may not be burned or buried onsite. They must be disposed of at an MPCA licensed landfill.

8. Concrete slabs located in the proposed right-of-way shall be removed and disposed of at a licensed landfill when the road is constructed.

9. Removal of structures will require a razing permit from Zoning along with a copy of the form "Notification of Intent to Perform Demolition" that has been submitted to the MPCA. The County also has a Pre Determination Items of Concern Checklist" that will also be required to be completed and submitted to the Zoning Department prior to a razing permit being issued.

10. The Registered Land Survey for this property must be recorded prior to scheduling the plat for final meeting in front of the Planning Commission.

11. An NPDES permit must be submitted to the Zoning Department prior to being scheduled for final plat approval.

12. A Stormwater and Erosion Control Permit is required from the Zoning Department prior to being scheduled for final plat approval.

13. A Developers Agreement must be signed with the County Attorney's Office.

14. Final plat must be recorded within one (1) year of County Board approval.

15. The intersection of CSAH 16 and 57th will be modified to provide for a right turn lane and bypass lane. Further, the County shall contribute the sum of 1/3 of the cost for the project costs, in a sum not to exceed \$12,000 for such improvements.

The Chair adjourned the Regular Meeting at 6:12pm

Claims approved through warrants, resolutions, or contracts, totaling the following amounts, were paid as follows:

August 31, 2018 Commissioner Warrants - Total 1,602,096.95		
1	236,298.31	General Revenue Fund
3	26,979.50	Public Works Fund
17	790.47	Law Library Fund
21	8,001.60	Solid Waste Fund
22	7,132.22	Jail Commissary Fund
26	683,835.50	Sherco Regional Rail Authority
44	37,499.00	Capital Proj 2008-Government Center
51	30,348.82	Justice Center Enterprise Fund
80	570,214.53	Agency Collections
81	997.00	Taxes & Penalties Fund
August 31, 2018 Manual Warrants - Total 6,017.00		
80	6,017.00	Agency Collections
September 4, 2018 Commissioner Warrant - Total 320.00		
1	320.00	General Revenue Fund
September 5, 2018 Manual Warrants OBO Pcard - Total 81,574.46		
1	75,396.18	General Revenue Fund
3	1,583.55	Public Works Fund
11	1,912.20	Human Service Fund
21	105.29	Solid Waste Fund
22	1,007.58	Jail Commissary Fund
51	1,569.66	Justice Center Enterprise Fund
September 7, 2018 Commissioner Warrants - Total 604,850.53		
1	42,050.76	General Revenue Fund
3	459,014.93	Public Works Fund
21	18,084.34	Solid Waste Fund
26	119.85	Sherco Regional Rail Authority
44	79,799.35	Capital Proj 2008-Government Center
51	2,876.66	Justice Center Enterprise Fund
80	2,882.64	Agency Collections
81	22.00	Taxes & Penalties Fund
September 7, 2018 Manual Warrants - Total 5,186.75		
80	5,186.75	Agency Collections
September 10, 2018 Manual Warrants - Total 1,587,797.36		
44	1,587,797.36	Capital Proj 2008-Government Center
September 14, 2018 Commissioner Warrants - Total 3,586,436.66		
1	219,659.81	General Revenue Fund
3	3,093,965.23	Public Works Fund
11	316.36	Human Service Fund
17	2,243.62	Law Library Fund
21	2,843.00	Solid Waste Fund
22	77,929.76	Jail Commissary Fund
44	1	