



# Sherburne County Board of Commissioners

## February 5, 2019 - County Board Meeting Minutes

### 1. 9:00am Call to Order

The Sherburne County Board of Commissioners convened in regular session on February 5, 2019, at the Sherburne County Government Center in the City of Elk River, MN. Call to order by Vice-Chair Schmiesing was at 9:00am. Commissioner Dolan was absent. Administrator Steve Taylor, requested an item be added to the agenda titled Final Review of Board Room. Vice-Chair agreed to add the item as agenda item #12a and Commissioner Correspondence being renamed as 12b. Fobbe/Danielowski unanimous to approve the agenda as adjusted.

### 2. 9:02am Consent Agenda

Burandt/Fobbe unanimous to approve Consent Agenda as presented

#### 1. Approved Minutes: January 22, 2019 - County Board Meeting

#### 2. MN Lawful Gambling Application for Exempt Permit

Administration

Approved the MN Lawful Gambling Application for Exempt Permit for City of Big Lake Firefighters Relief Association to be used for a Raffle on August 3, 2019 at the Big Lake Fire Department, 20243 County Road 43, Big Lake, MN 55309 (Big Lake Township).

#### 3. MN Lawful Gambling Application to Conduct Excluded Bingo

Administration

Approved the MN Lawful Gambling Application to Conduct Excluded Bingo for Travelers Country Club on the Mississippi located at 11290 80th Ave SE, Clear Lake, MN 55319. The bingo events will take place on 5/25/19, 6/29/19, 7/27/19, and 8/31/19.

#### 4. Initiative Foundation Grant Acceptance

Administration

Approved the receipt of \$2,500 grant from the Initiative Foundation.

#### 5. Approve Donation to Clear Lake Township

Administration

Approved the donation of the old Dais in the County Boardroom to Clear Lake Township.

#### 6. Consideration of 2019 Non-Union Compensation

Administration

Approved the 2019 Compensation Plan, which includes a 2.5% range adjustment and revised 2019 Pay for Performance Compensation Plan effective January 1, 2019 for non-union employees.

#### 7. EDA Revolving Loan Fund

Administration

Approved the authorization to issue \$50,000 to the Sherburne County EDA to be utilized exclusively for the Revolving Loan Fund (RLF) Program.

#### 8. Approval of Collective Bargaining Agreement with Law Enforcement Labor Services Patrol/Investigator Unit

Administration

Approved the Collective Bargaining Agreement with LELS Patrol/Investigator Unit for the term of January 1, 2019 through December 31, 2021 as recommended by the Negotiating Committee and authorized the Chair to execute the contract.

#### 9. Acceptance of Donation

Attorney

Accepted the donation of a print by Jane Frumen entitled "Minnesota State Flower The Lady Slipper" from Kathleen Heaney.

10. Del-Tone Luth Gun Club set-up permit Auditor/Treasurer  
Approved Consumption and Display Permit for Del-tone /Luth Gun Club and authorized Auditor/Treasurer's signature on the renewal application. License period of April 1<sup>st</sup>, 2019 - March 31<sup>st</sup>, 2020.
11. Ratify 2018 year end transfers from General Fund to County Ditch Fund Auditor/Treasurer  
Approved to Ratify Transfers from the General Fund to the following County Ditch accounts totaling \$21,548.10 to cover 2018 Yearend deficit balances as allowed by statute MS103E.655, Subd 2.  
Ditch # 6 \$1,194.04  
Ditch # 15 \$5,737.40  
Ditch # 23 \$ 176.67  
Ditch # 28 \$1,600.32  
Ditch # 30 \$12,839.67  
The transfers were made on December 31, 2018.
12. Manual & Commissioner Warrants Auditor/Treasurer  
Accepted payment of Manual & Commissioner Warrants as follows:  
January 25, 2018 Manual Warrants \$1,165,228.07  
January 25, 2019 Commissioner Warrants \$1,145,982.91  
January 18, 2019 Commissioner Warrants \$1,046,995.56  
January 16, 2019 Manual Warrants-Capital Project \$865,652.61  
January 18, 2019 Manual Warrants \$301,576.87
13. HHS Warrants 1-17-19 HHS  
Accepted payment of HHS Warrants as follows:  
IFS HHS Admin Deb 11719 \$84,535.22
14. STAY Award HHS  
Approved the acceptance of the Successful Transition to Adulthood for Youth (STAY) 2019 award in the amount of \$8,000.
15. Central Minnesota Council on Aging HHS  
Approved the Central Minnesota Council on Aging contract in the amount of \$4,054. The contract term is January 1, 2019 through December 31, 2019. This has been reviewed and approved by the County Attorney.
16. Rivers of Hope Grant HHS  
Approved the Grant Agreement with Rivers of Hope in the amount of \$15,652.00. The term of the agreement is January 1, 2019 through December 31, 2019. This has been reviewed and approved by the County Attorney.
17. Central Minnesota Sexual Assault Center HHS  
Approved the Grant Agreement with Central Minnesota Sexual Assault Center in the amount of \$5,500. The term of the agreement is January 1, 2019 through December 31, 2019. Contract has been reviewed and approved by the County Attorney.
18. ARMHS Recertification for Hope Community Support Program HHS  
Approved the recertification of Hope Community Support Program as an Adult Rehabilitative Mental Health Services (ARMHS) provider.
19. United Way 2-1-1 HHS

Approved the Grant Agreement with United Way 211 in the amount of \$2471.00. The term of the grant is January 1, 2019 through December 31, 2019. This has been reviewed and approved by the County Attorney.

**20. Resolution for a State Transportation Fund Grant Agreement for the replacement of Bridge #71503** Public Works

Approved the Resolution 020519-AD-1880 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 #71503 in the amount of \$427,347.00.

**21. Approve extended medical leave for a Sheriff/Jail employee** Sheriff

Approved an extended medical leave for a Sheriff/Jail employee through June 30, 2019, or sooner contingent upon additional medical information.

**3. 9:03am Announcements**

No announcements were made.

**4. 9:04am Open Forum**

*Elk River resident, Kathie Ziebarth was present to comment on agenda item #9 involving LJS Trucking, Inc.*

**5. 9:06 am Approve Quit Claim Deed on CSAH 4 Right of Way**

*Andrew Witter: Public Works*

Fobbe/Burandt unanimous to approve and sign the quit claim deed to clear title on CSAH 4 Right of Way.

**6. 9:10 am Public Hearing-amendments to the Dangerous Dog Ordinance**

*Jennifer Pim; Kathleen Heaney: Attorney*

A public hearing was held for consideration of the proposed amendments to the Dangerous Dog Ordinance and revoke earlier version of the ordinance. There was no public comment. Fobbe/Burandt were unanimous to approve the amended dangerous dog ordinance and revoked all prior dangerous dog ordinances; authorized the chair to sign the ordinance; directed publication of the proposed ordinance by the County Administrator's Office in the legal newspaper for the County; directed the filing of the affidavit of publication and the original ordinance with the Sherburne County Auditor/Treasurer's Office and to place the newly adopted version on the County web site.

**7. 9:14 am ANDREW P. AND JOLENE R. THELEN - C.U.P.**

*Nancy Riddle: Zoning*

Danielowski/Fobbe unanimous to approve the request for a Conditional Use Permit (CUP) for a Riding Stable and Horse Boarding Facility PID # 10-302-1200 Property address: 20395 Co Rd 73 NW, Big Lake MN Legal Desc: Th SE1/4 of NW1/4 (full legal on file) Sec 2, Twp 33, Rge 28 Big Lake Township 34.24 acres Located in the General Rural District with the following Findings of Fact and the thirteen (13) conditions as recommended by the Planning Advisory Commission:

Findings of Fact: 1. That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity. The C.U.P. will not be injurious, the activity is not something that is going to upset anyone's ability to live in their home or outside of their home. Department Zoning Presenter Nancy Riddle 2. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. Do not believe it will impede because the facility will have the proper setbacks, they won't impede anyone's access to their land and it should not affect the neighboring parcels. 3. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided. The site plan is all laid out for placement and location and the purpose and use have all been addressed. 4. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use. Adequate measures have been addressed. 5. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result. Aubol asked Thelen if they will have lighting in the outdoor arena. Thelen replied no, not at this time. The only lighting will

be indoors and over the outdoor access doors like any home would have. Commissioners are satisfied with the 25 vehicles per day entering the property and that adequate measures have been taken to prevent or control any nuisances.

1. A maximum of 30 horses will be located on this property including property owner's own horses.
2. A maximum of 8 horse trailer parking spaces may be rented for outdoor storage. Trailers may not be located so as visible from County Road.
3. Pursuant to the Sherburne County Solid Waste Ordinance, Section 19.10 "Animal manure shall be classified as a solid waste when they are accumulated, stored or stockpiled on the ground surface . . . within 200 ft of a residence located on neighboring property." Therefore, any manure stock pile(s) must be located at least 200 ft from any neighboring residences. The Manure Management Plan (date stamped Dec 20, 2018) must be followed (plan is attached). Must follow MN Pollution Control Agency – Manure Stockpiling –Technical Guidelines Fact Sheet #8.06. Must also follow University of MN Extension – Managing and Composting Manure Fact Sheet. Pasture areas must be fenced around wetlands areas so that horses cannot access open water on site. Shall maintain compliance with MN Rules Chapter 7020 – Feedlot rules and County ordinances. Bedding and manure shall be composted in accordance with manure management plan dated December 20, 2018 and to minimize the impact to the pasture area.
4. The stall barn, riding arenas, and manure storage/compost site shall maintain required setbacks as depicted on Site Plan dated January 8, 2019. Manure storage/compost site and stall barn must be located at least 300 feet from wetland and at least 200 feet from any residence.
5. Compost pad must have concrete under it and concrete sides. It must be covered with a tarp to control moisture. It must be sloped toward the back to ensure containment and prevent spillage. Upon construction of the compost pad there will be a six-month review of its effectiveness to properly mitigate against odors and other nuisances.
6. Animal mortality will be addressed off site. No animals may be buried on site in accordance with the Sherburne County Solid Waste Ordinance, as amended.
7. No events larger than 20 people is allowed. If in the future HOPE Stables would like to hold an event larger than 20 people, they would need to apply for an Occasional Special Event – Interim Use Permit and go through the County's approval process.
8. All persons riding horses from this property must trail ride on this property.
9. Facility hours will be 24 hours.
10. Must meet all parking and loading regulations as listed in the Sherburne County Zoning Ordinance, Section 17, Subdivision 2.
11. Building must meet commercial building code and accessibility code standards. Architectural plans must be submitted, and occupancy levels determined.
12. The property owner shall permit the County to inspect the property during normal business hours.
13. Must meet all federal, state and local regulations.

8. 9:18 am **INDEPENDENT SCHOOL DISTRICT 727 - I.U.P.**

*NANCY RIDDLE: Zoning*

Danielowski/Burandt unanimous to approve the request for an Interim Use Permit by Amending the conditions of the existing I.U.P. # 56040 (Document #838676) for a Recreational Activity (Recreational Athletic Fields for use by the Big Lake 727 School District PID # 10-120-1100 Legal Description: NE1/4 of NE1/4 (full legal on file) Sec 20, Twp 33, Rge 27 Big Lake Township 40 acres General Rural District with the following Findings of Fact and the eight (8) conditions as recommended by the Planning Advisory Commission.

Findings of Fact: 1. That the Interim Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity. The use of the land fits the purpose of the school, and it went from being an Ag field to an athletic field so there is no impact to the neighboring residential properties. Department Zoning Presenter NANCY RIDDLE Funding Total 0.00 2. That the establishment of the Interim Use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. All the surrounding properties are agricultural, and it will not upset any development of any kind. 3. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided. Yes, they are definitely part of the plan. 4. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use. Yes, they are certainly being provided for in the plan. 5. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to

control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result. Adequate measures have been taken care of and should not be an issue.

1. All access to property must be from the west through the existing school parking lot access. No access will be permitted from the north to 205th Ave NW. A barrier must be in place, so the public does not exit events through the east field roads that access 205th.

2. No wetland fill is permitted.

3. Excessive noise, glare, odors, traffic or other nuisances may be justification for the County to revoke or modify the terms of the IUP.

4. The IUP holder and/or property owner shall permit the County to inspect the property during normal working hours.

5. Adequate restroom provisions and garbage pickup services shall be provided by the school district.

6. The improvements identified in the 12/17/2018 civil plans prepared by Larson Engineering, Inc (e.g. bituminous pavement of the parking and driveway, curbing, 4-foot chain link fence on the south side of the parking lot, all parking and information signs) are installed and maintained.

7. No lighting allowed.

8. The use of a portable public-address system may be used during daylight hours (dawn until dusk) for one event each month. Each event may last up to three (3) consecutive days. These events need to be District sponsored and ran.

9. 9:20 am **LJS TRUCKING INC: (Property owners are Leon and Julie Slattery) - I.U.P.**

*NANCY RIDDLE: Zoning*

Danielowski/Fobbe unanimous to deny an Interim Use Permit for a Medium Contractor's Yard Property address: 22665 Co Rd 15 NW, Elk River, MN PID # 10-522-0105 Legal Description: Tract A Registered Land Survey No 26 Sec 3, Twp 33, Rge 27 Big Lake Township 14.79 acres General Rural District with the Findings of Fact as recommended by the Planning Advisory Commission and that the township road used for access to the property under spring weight restrictions is a 5 ton road and inadequate to accommodate the proposed trucking operations. A resolution will be brought back to the board on February 19, 2019 entailing further detail of the county road being a 9-ton road with weight restrictions of 5-tons for final signing.

10. 9:30 am **KERRY P. KRAUS: (Property owners are Kerry P and Rhonda Kraus) - I.U.P.**

*NANCY RIDDLE: Zoning*

Fobbe/Burandt to approve, with a 3-1 vote, an Interim Use Permit for a Home Business in an Accessory Building (Small scale Auto Repair Business) Property address: 18912 149th St NW, Elk River PID # 10-435-0350 Legal Description: Lot 10 Block 3 Riverside Sec 25, Twp 33, Rge 27 Big Lake Township 2.6 acres General Rural District with the following Findings of Fact and the thirteen (13) conditions as recommended by the Planning Advisory Commission.

Findings of Fact: No Interim Use Permit shall be approved or recommended for approval by the County Planning Commission unless said Commission shall find: 1. That the Interim Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity. Do not believe that will be a concern to the neighborhood and also this is an I.U.P. and if there is a concern it can be addressed. 2. That the establishment of the Interim Use will not impede the normal and orderly development and Department Zoning Presenter NANCY RIDDLE Funding Total 0.00 2. That the establishment of the Interim Use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. Not a concern, it appears that this development is fully developed. 3. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided. Yes they are provided with roads, ditches and drainage. 4. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use. According to the plan there is parking area where class 5 will be hauled in when the weather permits 5. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result. Don't see this as a concern, all of those things are being managed. There may be one nonilluminated sign totaling no more than 1.2 sq. ft. in size located on the property, but outside of the public right-of-way.

2. Days & hours of operation shall be Monday thru Friday, 8:00 AM 5:00 PM.

3. There may be a maximum of five (5) vehicles onsite (not owned by the property owner) either waiting for repair or waiting to be picked up.

4. Any solid or liquid waste must be handled and disposed of according to any applicable County or State regulations. If hazardous waste license is required by the MPCA, a copy of the license shall be provided to the County upon request. All fluids will be contained in a nonflammable steel container and brought to the proper recycling facility.
5. There may be no more than two (2) employees (FTE) other than a member of the household residing on the premises.
6. Vehicles outside must be parked on compacted Class 5 material (Attachment E1).
7. Excessive noise, glare, odors, traffic or other nuisances may be justification for the County to revoke or modify the terms of the Interim Use Permit.
8. There shall be no sandblasting or spray painting.
9. There shall be no rebuilding of frames or body work to vehicles.
10. Vehicle parts must be stored inside building or in an enclosed trailer that will be used to transport the parts to the recycling facility. Vehicle parts cannot be stored on the ground outside.
11. Must install minimum 6' coniferous trees outside the road right of way (as shown in Attachment D). The trees must be planted staggered in two rows no more than 16' apart. Must be maintained and watered as necessary for the duration of the permit. Any dead trees must be replaced on a yearly basis. Trees must be planted by June 1, 2019.
12. The IUP is issued to Kerry and Rhonda Kraus and shall expire with a change in ownership of the property.
13. The property owner shall permit the County to inspect the property during normal business hours

**11. 9:37 am AURENA INVESTMENTS LLC - Preliminary Plat**

*NANCY RIDDLE: Zoning*

Fobbe/Danielowski unanimous to approve the Residential Preliminary Standard Plat approval of "WH Cates Pondsides Estates Second Addition" consisting of 2 lots PID #s 30-493-0010 and 0020 Legal Description: Outlot A and B WH Cates Pondsides Estates Sec 25, Twp 34, Rge 26 Livonia Township 15.83 acres General Rural District with the following six (6) conditions as recommended by the Planning Advisory Commission.

1. Wetland impacts may not occur until wetland replacement credits are purchased. Credits must be purchased before Zoning will sign the plat mylars.
2. Developer shall enter into a Developer's Agreement with the County Attorney's Office, if needed.
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 ground disturbance may begin prior to the Zoning Dept issuing the Stormwater & Erosion Control Permit.
5. Erosion control best management practices must be installed to prevent incidental filling of the wetland.
6. 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.

**12a. 10:40 am Final Review of Board Room**

*Steve Taylor: Administration*

*County Administrator, Steve Taylor presented images of the new County Board Room Design/Layout. A discussion took place in regard to the proposed design changes of the remodeled County Boardroom. Carey Ottman-Everson with A&P was available to answer questions.*

**12. 10:03 am Commissioner Correspondence, Committee Reports, Upcoming Meetings, Future Agenda Items**

*(January 23<sup>rd</sup> – February 4<sup>th</sup>, 2019)*

*Commissioner Burandt – Nothing to report.*

*Commissioner Danielowski – AMC Government 101, Met with Department Heads and various staff, Options Board, Sherburne County EDA meeting, Big Lake Chamber meeting*

*Commissioner Dolan - Absent*

*Commissioner Schmiesing – Violent Offenders Task Force*

13. 10:05 am Adjourn Regular Meeting

Manual Warrants		
01/16/19	865,652.61	Capital Proj 2008-Government Center
	865,652.61	Total
HHS Audit List		
01/17/19	82,495.22	Human Service Fund
	2,040.00	Agency Collections
	84,535.22	Total
HHS Warrants		
01/17/19	2,371.40	CDW Government
	324.82	Chmielewski/Kari
	999.00	Convene, LLC
	613.51	Conway/Brian K
	316.63	Doherty/Chelsea M.
	1,000.00	Fraboni, MD/Americo
	315.01	Landherr/Christine D
	12,162.00	Northwoods Consulting Partners Inc
	391.78	Pederson/Amy
	875.00	Prevent Child Abuse America
	406.69	Real Time Translations, Inc
	2,000.00	RSVP/Whitney Center
	335.00	Seven County Process Servers, LLC
	49,452.25	Sherburne County Auditor Treasurer
	1,100.00	St Mary's University
	465.60	The Bridge World Language Ctr Inc
	6,000.00	Total Funds by Hasler
	915.00	U S Post Office
	4,491.53	35 Payments less than 300
	84,535.22	Total
Commissioner Warrants		
01/18/19	284,409.54	General Revenue Fund
	277,980.94	Public Works Fund
	1,772.00	Law Library Fund
	1,528.00	Solid Waste Fund
	57,216.39	Jail Commissary Fund
	477.89	Sherco Regional Rail Authority
	296,108.00	Capital Proj 2008-Government
	34,307.71	Justice Center Enterprise Fund
	83,675.09	Agency Collections
	9,520.00	Taxes & Penalties Fund
	1,046,995.56	Total
Manual Warrants		
01/18/19	301,576.87	Agency Collections
	301,576.87	Total
Commissioner Warrants		
01/25/19	179,773.92	General Revenue Fund
	94,543.31	Public Works Fund
	1,454.31	County Ditch Fund
	893.00	Law Library Fund
	3,640.05	Solid Waste Fund

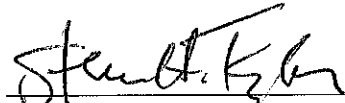
17,168.71	Jail Commissary Fund
69,147.70	Capital Proj 2008-Government
8,803.59	Justice Center Enterprise Fund
954.99	Metropolitan Transit Fund
17,840.40	Hra & Ec Dev Fund
165.83	Hospital District Collections
29.31	Agency Collections
135,714.65	School Districts Collections
583,947.14	Towns & Cities Collections
31,906.00	Special Tif Account
1,145,982.91	Total

Manual Warrants

1/25/19	570.35	General Revenue Fund
	283.81	Hra & Ec Dev Fund
	6,131.25	Agency Collections
	146,656.39	Taxes & Penalties Fund
	826,244.11	School Districts Collections
	185,342.16	Towns & Cities Collections
	1,165,228.07	Total

  
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 Tim Dolan, Chairperson

2/19/19  
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 Date

  
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 Steve Taylor, Administrator

2/19/19  
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 Date