

**CHISAGO COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
Wednesday, August 16, 2023**

The Chisago County Board of Commissioners met in regular session at 6:30 p.m. on Wednesday, August 16, 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 Dunne offered a motion to approve the amended agenda. Motion seconded by Swenson, the motion **passed** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

On motion by Dahlberg, 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 Dunne, the Board moved items 1-2 to the consent agenda. 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 close the Road and Bridge Committee of the Whole at 6:41 p.m. 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 the Consent Agenda. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

- 1.) R&B Committee Recommendation – County Engineer’s Report
- 2.) R&B Committee Recommendation – County Highway System Update
- 3.) Minutes from the August 2, 2023, County Board Meeting
- 4.) 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.

- 5.) County Recorder Compliance Fund Committee Policy
- 6.) Out of State Travel Request – PRIA Conf. – Omaha NE – August 29-31
- 7.) Acceptance of Donation – CCSO Exercise Equipment
- 8.) Comfort Lake Forest Lake Watershed District Appointment – Jackie Anderson
- 9.) Temporary Liquor License Request – Stacy Lions Club A-1 Rib Fest
- 10.) Acceptance of 2023 Chisago County Donations

Presentation: East Central Regional Library Board Report – Carla Lydon, Executive Director

CITIZENS FORUM

TIME – 6:59 p.m. **END TIME** – 6:59 p.m.
of SPEAKERS – 0

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

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

On motion by Dahlberg, seconded by Dunne, the Board moved to approve Resolution No. 23/0816-5, a Resolution of the County Board of Commissioners of Chisago County, Minnesota, approving the Preliminary Plat of Make Properties located at 1127 Stark Road / CSAH 10 (PID 03.00440.00) and 1225 Stark Road / CSAH 10 (PID 03.00440.01) in Fish Lake Township.

RESOLUTION NO: 23/0816-5 A RESOLUTION OF THE BOARD OF COMMISSIONERS OF CHISAGO COUNTY, MINNESOTA, APPROVING THE PRELIMINARY PLAT OF MAKE PROPERTIES

WHEREAS, property owners Make Properties, LLC and Mark Rand & Carrie Rand and applicant Keith Koecher submitted an application dated received June 30, 2023 and considered complete on July 6, 2023 for the Preliminary Plat of Make Properties; and

WHEREAS, the property owners desire to create one parcel and replat one parcel from the 29.44± acre subject area; and

WHEREAS, the subject sites are located at 1127 Stark Road / CSAH 10 (PID 03.00440.00) and 1225 Stark Road / CSAH 10 (PID 03.00440.01) in Fish Lake Township and they’re zoned Agricultural (AG) District; and

WHEREAS, the subject sites are legally described as:

PID 03.00440.00

That part of the Northeast Quarter of Southeast Quarter (NE1/4 of SE1/4) lying South of the South right-of-way of County Road No. 10 as presently located, Section 28, Township 36, Range 22, Chisago County, Minnesota
EXCEPT
Lot 1, Block 1, Rand Estates

and

PID 03.00440.01

Lot 1, Block 1, Rand Estates
Chisago County, Minnesota

WHEREAS, notice was provided and on August 3, 2023 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the applicant and/or property owner(s), and invited members of the public to comment; and

WHEREAS, the Planning Commission recommended approval of the Preliminary Plat of Make Properties with conditions per Resolution No. PC2023-0801; and

WHEREAS, the Board of Commissioners considered the request and the Planning Commission's recommendation at its August 16, 2023 meeting and determined the Preliminary Plat of Make Properties 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 Make Properties, subject to the following conditions:

1. The Preliminary Plat of Make Properties is approved per plat drawing dated signed June 30, 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 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.
3. The existing 10' wide drainage and utility easement lying adjacent to the westerly line of Rand Estates shall be vacated prior to the recording of the Final Plat of Make Properties.

4. The existing Chisago County Highway Right-of-Way Plat No. 62 is being replatted as Chisago County Highway Right-of-Way Plat No. 115. The Preliminary Plat of Make Properties is based on the prerecorded Plat of Chisago County Highway Right-of-Way Plat No. 115. Recording of said Right-of-Way Plat must be done prior to recording the Final Plat of Make Properties.

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. 23/0816-6, a Resolution of the County Board of Commissioners of Chisago County, Minnesota, denying the Drive-Through Business Conditional Use Permit and Approving the Accessory Residential Unit Conditional Use Permit of property owner Boozhoo Coffee & Café, LLC and applicant Marvin “Joe” Beaulieu at 2340 Stark Road / CSAH 10 in Fish Lake Township (PID #03.00385.00).

RESOLUTION NO: 23/0816-6
A RESOLUTION OF THE BOARD OF COMMISSIONERS OF CHISAGO COUNTY, MINNESOTA, DENYING A CONDITIONAL USE PERMIT ALLOWING A DRIVE-THROUGH BUSINESS AND APPROVING A CONDITIONAL USE PERMIT ALLOWING AN ACCESSORY RESIDENTIAL UNIT ON PROPERTY LOCATED AT 2340 STARK ROAD / CSAH 10 IN FISH LAKE TOWNSHIP

WHEREAS, property owner Boozhoo Coffee & Café, LLC and applicant Marvin “Joe” Beaulieu submitted an application dated received April 14, 2023 and considered complete on May 3, 2023 for a Conditional Use Permit allowing a Drive-Through Business and Accessory Residential Unit on property located at 2340 Stark Road / CSAH 10 in Fish Lake Township; and

WHEREAS, the .92± acre subject site is located in the Rural Village Center (RVC) District and legally described as:

PID 03.00385.00

All that part of the Southwest Quarter of the Northwest Quarter (SW 1/4 of NW 1/4) of Section 26; Township 36, Range 22, Chisago County, Minnesota, described as follows, to-wit:

Commencing at the Southwest corner of said Southwest Quarter of the Northwest Quarter, Section 26, Township 36, Range 22; thence East 2 chains to the North side of Fish Lake Road and Cambridge Road; thence on the North boundary of said road East 25 degrees North 3 chains and 10 links; thence North 2 chains; thence West parallel with said Fish Lake and Cambridge Road 5 chains to the West line of said Southwest Quarter of the Northwest Quarter of said Section 26; thence South 2 chains to the place of beginning. Excepting therefrom that certain tract deeded to the County of Chisago by Quit Claim Deed, dated March 27, 1973, filed April 5, 1973, and recorded as microfilm number 137732.

Abstract property

WHEREAS, notice was provided and on June 1, 2023 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the property owner and/or applicant, and invited members of the public to comment; and

WHEREAS, the Planning Commission received the application and a presentation from the Land Services Coordinator, discussed the request with the applicant, and opened the public hearing on June 1, 2023 and ultimately continued the public hearing to July 6, 2023, extended the review period by 60 days (expiring on August 31, 2023), and instructed the applicant to provide specific updated application materials for further review and consideration on July 6, 2023; and

WHEREAS, the Planning Commission closed the public hearing on July 6, 2023 and tabled the request to its August 3, 2023 meeting, at the applicant's request, in order to allow the applicant additional time to prepare and submit the specific updated application materials; and

WHEREAS, the Planning Commission further reviewed and considered the request on August 3, 2023 and ultimately recommended denial of the request for Conditional Use Permit for Drive-Through Business and approval of the request for Conditional Use Permit for Accessory Residential Unit with conditions per Resolution No. PC2023-0802; and

WHEREAS, the Board of Commissioners considered the request and the Planning Commission's recommendation at its August 16, 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 proposed action. Among those identified goals and policies are the following:

Economic Development Goal: Provide for a range of economic diversity and development opportunities to maintain and strengthen the County's economy.

Policies:

- *Encourage new commercial and industrial development within existing communities where adequate infrastructure is available, including redevelopment of existing sites and filling of industrial and business parks.*
- *Continue to use and promote the Rural Village Center zoning district established for the historical unincorporated villages to allow for mixed-use development.*

- 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 provide sanitary facilities for customers and residents, off-street parking for customers and residents, and access to the subject site will be gained from a well-established and well-maintained County Road (Stark Road / CSAH 10). Further, the proposed use will have no impact on schools or other public facilities or utilities. Therefore, the County finds that neither the proposed Drive-Through Business use nor the proposed Accessory Residential Unit use will 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 The proposed uses include a drive-through business to support a permitted use within the Rural Village Center (RVC) District as well as an accessory residential unit. Both commercial and residential uses exist within the immediate RVC District and, therefore, the County finds that the proposed uses are sufficiently compatible. However, the County further finds that the proposed use of an intercom system to support the proposed Drive-Through Business is physically unable to meet the ordinance prescribed setbacks of 400' from residentially used property and 200' from any adjacent lot regardless of use or zoning district and that the proposed use of an intercom system would cause undue negative noise impacts to adjacent land, property owners and residents.*
- Factor #4 The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;
- Finding #4 The applicant has demonstrated through site renderings that the proposed uses and site will have a visually pleasing appearance. Therefore, the County finds that the appearance 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 Chisago County Zoning Ordinance states that the Rural Village Center (RVC) District is intended to provide areas that will allow for retail and service businesses which are appropriately located in population centers in unincorporated areas. The County finds that the Chisago County Zoning Ordinance allows both proposed uses (Drive-Through Business and Accessory Residential Unit) as Conditional Uses in the Rural Village Center (RVC) District and therefore meet the intent of the RVC District.*

- 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 situated at the intersection of two well-maintained, highly traveled County State Aid Highways (Stark Road / CSAH 10 and Cedarcrest Trail / CSAH 8). While the Chisago County Highway Department has reviewed the proposed parking plan and has required certain modifications – such as elimination of parking perpendicular to Stark Road / CSAH 10 – which will reduce potential for traffic hazards or congestion, the County finds that the proposed uses still pose potential for traffic hazards and congestion by way of the dedicated residential parking being forced to back out directly onto Stark Road / CSAH 10 rather than having room to turn around before entering the roadway and the conflict of having reversed ingress and egress (i.e., ingress on the west side and egress on the east side rather than the standard opposite) to the site which is counterintuitive. By denying the request for CUP for Drive-Through Business, the County finds that there will be adequate space for residential parking elsewhere on the property where it will not cause traffic hazards or congestion and ingress and egress can be accommodated in the standard fashion (i.e., ingress on the east side and egress on the west side).*
- Factor #8 The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.
- Finding #8 Of the suggested intrusions (noise, glare, and general unsightliness), the County finds that the most likely intrusion related to the proposed Drive-Through Business impacting nearby properties would be the proposed use of an intercom system for drive-through orders, which is an integral component to a Drive-Through Business. This finding is based on the physical inability of the proposed intercom system to meet the ordinance prescribed setbacks (see Finding #3). Despite the applicant being informed of the required setbacks throughout the review process, the applicant continued to propose the use of an intercom system through multiple variations of the application materials. The County finds no evidence to suggest that the proposed Accessory Residential Unit will have any adverse impacts to nearby properties.*
- Additional Findings Finding that the application materials did not satisfactorily address or demonstrate compliance with all requirements of Chisago County Zoning Ordinance Section 7.22 Drive-In / Drive-Through Businesses, the Planning Commission instructed the applicant on June 1, 2023 to provide specific updated application materials for further review and consideration at its*

July 6, 2023 meeting. The Department of Environmental Services provided the applicant with a specific and detailed list of required materials through written correspondence dated June 6, 2023 and provided a deadline of June 26, 2023. The applicant failed to provide the required materials by the stated deadline.

On July 6, 2023, the Planning Commission tabled the request, at the applicant's request, in order to allow additional time to prepare and submit the required materials. The Department of Environmental Services provided written correspondence dated July 7, 2023 informing the applicant of the Planning Commission's July 6, 2023 action and again provided the specific and detailed list of required materials and provided a deadline of July 24, 2023. On July 25, 2023 the applicant provided an updated written narrative and updated site renderings; however, the applicant did not provide all required items which the Planning Commission deemed necessary to review the proposed Drive-Through Business thoroughly and adequately. Missing items included:

- *In-place topography, existing conditions, removals, wetlands, Right-of-Way boundaries, and elevations*
- *Engineered grading, drainage and erosion control plan*
- *Site sediment control plan*
- *Written confirmation that the Chisago County Highway Department has reviewed and approved the parking plan and surfacing material(s)*
- *Parking lot marking plan showing all proposed signage and markings to control traffic entering and leaving the subject site*
- *An illustrated landscaping plan*
- *Wetland delineation*

Due to the applicant's failure to provide updated application materials as deemed necessary by and as instructed by the Planning Commission, the County finds that the application materials do not satisfactorily address or demonstrate compliance with all requirements of Chisago County Zoning Ordinance Section 7.22 Drive-In / Drive-Through Businesses.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Chisago County, Minnesota hereby **DENIES** the request for Conditional Use Permit for Drive-Through Business.

BE IT FURTHER RESOLVED that the Board of Commissioners of Chisago County, Minnesota hereby **APPROVES** the request for Conditional Use Permit for Accessory Residential Unit, subject to the following conditions:

1. This Conditional Use Permit approves the proposed Accessory Residential Unit in the Second Story and denies the proposed Drive-Through Business. The Accessory Residential Unit and general site shall be developed and used in accordance with the application materials dated received July 25, 2023 and kept on file with the

Department of Environmental Services, except as specifically noted herein, 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. There shall be only one Accessory Residential Unit allowed within the principal structure and it shall be located in the second story. Said residential unit shall be open and accessible throughout by all occupants and shall not be walled off or divided into two or more separate living spaces or addresses in the future.
3. The parking area labeled "Residential Parking" on the site renderings shall be eliminated due to its encroachment on the neighboring property and its impact on traffic safety (i.e., design requiring that vehicles back out directly onto Stark Road / CSAH 10). Dedicated residential parking shall be accommodated elsewhere on the subject site.
4. The permit holder shall accommodate all parking on-site and no resident parking shall be allowed on Stark Road / CSAH 10 or Cedarcrest Trail / CSAH 8.
5. Exterior lighting shall be downcast and shall be designed and installed so as to limit light visible from and limit interference with adjacent public Rights-of-Way.
6. Proposed sidewalk lights shown on the site renderings to be located adjacent to the southern property boundary shall be located entirely on the subject property and no portion of the lights shall be located within public Right-of-Way.
7. The Accessory Residential Unit shall not be occupied until such time that a Certificate of Occupancy has been issued. A Certificate of Occupancy will not be granted until such time that an approved septic system has been installed.
8. During construction of the principal structure and parking lot, the permit holder shall install silt fencing at the toe of the slope to prevent debris from entering the wetland.
9. Signage shall be permitted and installed in accordance with Chisago County Zoning Ordinance Section 4.14. A building permit shall be obtained prior to installation of the free standing sign shown to be located in the southwest corner of the subject site.
10. The property and the uses thereon are subject to all applicable local and State codes, including Zoning, Building and Septic Codes.
11. The property owner shall apply for and obtain a Construction Stormwater Permit from the Minnesota Pollution Control Agency (MPCA), if deemed necessary by the MPCA.
12. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.
13. 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 Dunne, seconded by Dahlberg, the Board moved to designate an additional \$26,405 of available ARPA Funds to ARPA-ENVS- 0304, authorizing ESD/Parks staff to proceed with the quoted Structural Buildings Change Order of \$5,605 and Row Sewer Service, LLC Septic System Replacement project of \$20,800 at Ki-Chi-Saga Park. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

Chair Montzka gave the gavel to Vice Chair Dunne.

On motion by Dahlberg, seconded by Montzka, the Board moved to approve payment for Sunrise Prairie Regional Trail Segment G Construction Project No. 13-SPT-23 Invoice/Pay Voucher #-6/20/2023 from Knife River. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

On motion by Montzka, seconded by Dahlberg, the Board moved to approve the transfer of \$15,748.00, from CIP projects ENVS-0115, ENVS-0118, ENVS-0119, and ENVS 0239 to the CIP ENVS-0241 Sunrise Prairie Regional Trail subgrade corrections and repair project and award Bluhm Construction to complete the repair project for a total of amount not to exceed \$40,500. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

Vice Chair Dunne gave the gavel to Chair Montzka

On motion by Dunne, seconded by Greene, the Board moved to accept the August 9th Budget and Finance Report, approve using unallocated ARPA funding of \$21,000 to fund the necessary repairs/installation of a new septic system to replace the existing non-compliant system originally installed in 1992, approve using unallocated ARPA funding of \$5,605 to fund the change order for the for Ki-Chi Saga Park multi-purpose building, approve redirecting the remaining unused funds of \$15,748.00 to ENVS-0241 from the 2023 CIP projects, and approve using unused 2023 CIP funding of \$10,380 to fund purchasing LeaseQuery software to help facilitate the new GASB leasing standard that is in effect for reporting periods beginning in 2023. 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 increase in funding from the Recorder's Technology Fund for the CAMA/Tax software and authorize the County Assessor to proceed with the preparation of transferring the mobile assessor application contract. 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 Bethel Student Agreement 2023-2026. 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 Almelund Lions Club's resolution to conduct a raffle on October 7, 2023 at the Shafer Town Hall in Shafer, MN. 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 Swenson, seconded by Dahlberg, the Board moved to adjourn the meeting at 7:53 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** Swenson, Greene, Dunne, Montzka, Dahlberg. **OPPOSED:** None.

Ben Montzka, Chair

Attest: _____
Christina Vollrath
Clerk of the Board