February 17, 2010
Posted by DeAnna M. Lilienthal on 03/05/2010 01:30 PM

CHISAGO COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
Wednesday, February 17, 2010

The Chisago County Board of Commissioners met in regular session at 6:30 p.m. Wednesday, February 17, 2010 in the Board Room of the Government Center with the following Commissioners present: Robinson, Greene, Montzka and McMahon. Absent: Walker. Also present: County Attorney Janet Reiter, County Administrator John Mooney and Clerk of the Board DeAnna Lilienthal.

The Chair called the meeting to order and led the assembly in the Pledge of Allegiance.

Commissioner McMahon offered a motion to approve the Revised Agenda for the Board of Commissioners meeting as presented. Motion seconded by Montzka and, upon a vote being taken thereon, the motion carried as follows: IN FAVOR THEREOF: McMahon, Greene, Montzka, Robinson OPPOSED: None ABSENT: Walker.

Commissioner Walker arrived at 6:33 p.m.

Sheriff Todd Rivard, Chief Deputy Bob Shoemaker, MICS Director Jon Eickel and Consultant Mike Sexc were present to discuss the Radio Upgrade Project with the Board.

Commission McMahon offered a motion to approve Option 4 and start the planning process for the Radio Upgrade Project to the 800 MHz digital solution. Motion seconded by Walker. During discussion, Commissioner Walker withdrew the second. The motion DIED for lack of a second.

Commissioner Walker offered a motion to approve Option 3.3 “Phased” Implementation for the Radio Upgrade Project to the 800 MHz digital solution and to negotiate with Isanti County. Motion seconded by Montzka.

Commissioner Montzka offered a motion to call the question. Motion seconded by Walker and, upon a vote being taken thereon, the motion to call the question carried as follows: IN FAVOR THEREOF: McMahon, Walker, Greene, Montzka OPPOSED: Robinson.

The previous motion was now on the floor for Board consideration as follows:
Commissioner Walker offered a motion to approve Option 3.3 “Phased” Implementation for the Radio Upgrade Project to the 800 MHz digital solution and to negotiate with Isanti County. Motion seconded by Montzka and, upon a vote being taken thereon, the motion carried as follows: IN FAVOR THEREOF: Walker, Greene, Montzka OPPOSED: McMahon, Robinson.

Commissioner Walker offered a motion for the Sheriff to prepare a summary of the planning process for the Radio Upgrade Project and costs for Board consideration. Motion seconded by McMahon. During discussion, Commissioner McMahon withdrew the second. The motion DIED for lack of a second.

The Chair opened the Citizen’s Forum at 7:27 p.m. Offering comment at this time was: Cheryl Johnson, Brian Raeker, Ginny Keeler, Terry Linroth, Jean Bengtson, Peter Holte, Larry Baker, Tom Vail, Blake Wheatley, Dick Tyler, Gary Noren, Deb Ryan, Martha Harding, Mike Kramer, David Miles, Tony Peterfeso, Liz Wiberg, Dean Wiberg, Larry Klinek, Lyle Johnson, Evonne Hockett, Michelle Moe, Peter Genheimer, Dick Hebrink, Attorney Timothy Ryan offered comment for Jean Adair and Jeff Strother, Laurie Testin, Dennis Quiggle, Dick Dunbar, Dori Holte, Adam Holte, Gordon Dodge, Diane Lundeen, Dan Adair, Tom Dunnard, Timothy Ryan, Bill Neuman,
On motion by McMahon, seconded by Walker and carried unanimously the Board approved the Administrator’s Consent Agenda as follows:

A. **Approve Minutes of:** February 3, 2010 as corrected below:

   [Page 2, Paragraph 4]: Delete 9:00 a.m. and Replace with 6:30 p.m.

B. **Personnel Actions:** Approve annual performance review for: Karlene Smith, Social Worker, HHS, Gr. 23 top of scale, effective 02/28/2010; Alicia Stovem, Communications Center Sergeant, Sheriff, Gr. 22 top of scale, effective 01/16/2010; Christopher Thoma, Jail Sergeant, Sheriff, Gr. 22 top of scale, effective 01/14/2010. Approve voluntary resignation for: Mary Jo Skoriuchow, Transcriptionist, Sheriff, effective 02/24/2010. Approve step increase after completion of performance review for: Robert Rawson, Jailer, Sheriff, Gr. 18-3 to Gr. 18-4, effective 01/02/2010; Jon Thompson, Building Maintenance Supervisor, Building Maintenance, Gr. 24-8 to Gr. 24-9, effective 11/24/2009; Patrick Hollister, Planner, Environmental Services/Zoning, Gr. 28-8 to Gr. 28-9, effective 06/30/2009.

C. Approve Service Contract with Theresa Steele; RE: Maple Commons Cleaning

D. **Resolution:** Authorizing Sponsorship of Snowmobile Trails Operated by the North Branch Sno-Drifters

E. **Resolution:** Approving Submission of an Application to Conduct Off-Site Gambling for the Stacy Lions Club for Charitable Gambling held at the Countryside Golf Course in Shafer Township

F. Approve Renewal of Annual Lock Repair and Maintenance (Contract #20100202-A) with the Chisago County Sheriff’s Office for $4,432.00

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**RESOLUTION NO. 10/0217-1**

**AUTHORIZING SPONSORSHIP OF SNOWMOBILE TRAILS OPERATED BY THE NORTH BRANCH SNO-DRIFTERS**

**BE IT RESOLVED,** that the Chisago County Board of Commissioners act as the legal sponsor for a Capital Improvement Project Application for funding to the State of Minnesota Department of Natural Resources for maintenance of snowmobile trails managed by North Branch Sno-Drifters.

**BE IT FURTHER RESOLVED,** that upon approval of its application by the state, the Chisago County Board of Commissioners may enter into an agreement with the State of Minnesota for the above referenced project and that it will comply with all applicable laws and regulations as stated in the agreement.

**BE IT FURTHER RESOLVED,** that the County Auditor is hereby authorized to serve as the fiscal agent for the above referenced project.

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**RESOLUTION NO. 10/0217-2**
RESOLUTION NO. 10/04/17-2
APPROVING SUBMISSION OF AN APPLICATION
TO CONDUCT OFF-SITE GAMBLING
FOR THE STACY LION CLUB
FOR CHARITABLE GAMBLING HELD AT
THE COUNTRYSIDE GOLF COURSE IN SHAFER TOWNSHIP

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 the Gaming License (pull- tabs) for the Stacy Lions Club for charitable gambling held at Countryside Golf Course, 34491 Redwing Avenue, (Shafer Township) Shafer, MN 55074.

On motion by Montzka, seconded by Walker and carried unanimously the Board authorized payment of Commissioners Warrants:

- Paid 02/16/2010 $768,757.35

and authorized payment of Commissioners Warrants for HHS:

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Commissioner Robinson offered a motion to approve the request for out-of-state travel for Lyning Peterson, Sign Tech as follows: attend the Annual 2010 ATSSA Seminar in Fargo, ND from March 15-18, 2010 and estimated costs as follows:

- County Vehicle Gas = $35.00 estimated
- Meals (3) = $34.00 estimated; Note: Remainder of meals is provided
- Registration = $170.00
- Hotel (3 nights) = $267.00

Motion seconded by McMahon and, upon a vote being taken thereon, the motion carried as follows: IN FAVOR THEREOF: McMahon, Walker, Greene, Robinson OPPOSED: Montzka.

On motion by Robinson, seconded by McMahon and carried unanimously the Board approved the proposal from SRF Consulting Group, Inc. to provide environmental documentation for CSAH 24 (between 240th Street and Newell Avenue) and CSAH 25 (between CR 83 and Stinson Avenue)

On motion by Robinson, seconded by McMahon and carried unanimously the Board approved the Professional Services Agreement and Statement of Work with USG, Inc. regarding development of a Continuity of Operations Plan (COOP) for Chisago County.

On motion by Robinson, seconded by McMahon and carried unanimously the Board set a Regional Rail Authority meeting for March 3, 2010 at 6:15 p.m. to address the request from Access Communications Incorporated for access across Sunrise Prairie Trail at 264th Street in Wyoming, MN.
On motion by Walker, seconded by McMahon and carried unanimously the Board approved the Declaration of Restrictive Covenant for Low Impact Development Management Practices with the City of Center City.

On motion by McMahon, seconded by Robinson and carried unanimously the Board approved the Development Contract – County Seat Business Park Plat with the City of Center City.

On motion by Robinson, seconded by McMahon and carried unanimously the Board set a hearing for Wednesday, March 17, 2010 at 6:31 p.m. for purposes of providing information and receiving comments regarding the voluntary revocation of a conditional use permit to operate an antique shop “Between the Rushes Antique Shop” on the property that was owned by Brian Stottler in Nessel Township, at 4840 Rush Lake Road, Sec. 18 & 19, T.37, R.21 (PID #06.00058.00).

On motion by McMahon, seconded by Montzka and carried unanimously the Board authorized HHS Board Chair Walker to Sign Certificates of Appreciation for H1N1 Volunteers.

On motion by Walker, seconded by McMahon and carried unanimously the Board approved the advertising for three (3) vacancies on the Public Health Commission.

On motion by Montzka, seconded by Walker and carried unanimously the Board set the Annual Board of Appeal & Equalization Meeting for Tuesday, June 15, 2010 at 7:00 p.m.

Commissioner Montzka offered the following resolution and moved its adoption:

RESOLUTION NO. 10/0217-3
AUTHORIZING EXECUTION OF A LAW ENFORCEMENT CONTRACT BETWEEN THE CHISAGO COUNTY SHERIFF’S DEPARTMENT AND THE CITY OF TAYLORS FALLS

BE IT RESOLVED, that Chisago County will enter into an agreement with the City of Taylors Falls for Law Enforcement Services, effective January 1, 2010 through December 31, 2011.

BE IT FURTHER RESOLVED, that the County Sheriff and the Chair of the Chisago County Board of Commissioners are hereby authorized to execute such agreement on behalf of Chisago County, while attested by the Clerk of the Board.

Commissioner McMahon seconded the resolution and upon a vote being taken thereon, the following voted:
IN FAVOR THEREOF: McMahon, Walker, Greene, Montzka, Robinson
OPPOSED: None
Whereupon the resolution was declared duly passed and adopted.

Commissioner McMahon offered a motion to approve a resolution approving authorization to enter into Development Agreement, Host Fee Agreement, and Host Fee Allocation Agreement with Sunrise River Energy, LLC. Motion seconded by Montzka.

Commissioner Walker requested the Chair consider a ballot vote on the resolution. The Chair rejected this and indicated that after discussion he would call for a roll call vote.

Commissioner Montzka offered a motion to call the question. Motion seconded by McMahon and, upon a vote being
taken thereon, the motion to call the question carried unanimously.

The previous motion was now before the Board for consideration as follows:

Commissioner McMahon offered the following resolution and moved its adoption:

APPROVING AUTHORIZATION TO ENTER INTO
DEVELOPMENT AGREEMENT, HOST FEE AGREEMENT, AND
HOST FEE ALLOCATION AGREEMENT
WITH SUNRISE RIVER ENERGY, LLC.

WHEREAS, Sunrise River Energy, LLC (“Developer”) is proposing to construct a 150-780 megawatt (summer rating) electric generation facility primarily with natural gas with fuel-oil backup (“Project”) in Lent Township (“Town”) in Chisago County (“County”), Minnesota; and

WHEREAS, the Minnesota Legislature adopted Minnesota Statutes, Section 272.02, Subdivision 92 providing an exemption from personal property taxes conditioned on a number of factors, including the Developer entering into a development agreement with the county board in the county in which the facility is located. Local units of government typically play no direct role in the development of a large electric power generating plants of the proposed size and type of this Project, as the State is the sole permitting authority for such projects and the statutes expressly preempts local controls. Minnesota Statutes, Section 216E.10, Subdivision 1. However, the inclusion of requirement to enter into a development agreement with the county in which the facility is located, as set out in the personal property tax exemption creates a limited opportunity for the County to have a direct impact on the Project at least with respect to its eligibility to benefit from the exemption granted by the legislature; and

WHEREAS, County representatives have worked with representatives of the Town to negotiate a development agreement (“Agreement”) and a host fee agreement (“Host Fee Agreement”) with the Developer. The agreements have gone through numerous revisions and a draft version was presented to the County Board prior to the Special Meeting on January 13, 2010; and

WHEREAS, The Town, County, and School District need to enter into an agreement to divide the annual payment in lieu of personal property taxes the Developer will be required to make under the Host Fee Agreement. An agreement has been prepared between the three entities (“Host Fee Allocation Agreement”) to divide the required $600,000 payment. The current proposed division of annual payment in lieu of personal property taxes has the County receiving $210,000 of the payment annually; and

WHEREAS, there has been a great deal of public discussion and input related to the Project and the Agreement. The Town held public information meeting on July 22, 2009 to discuss this Project and to hear from those who chose to speak regarding the Project. The County held a public information meeting at Lent Town Hall on October 19, 2009 to again allow the public to provide input. Citizens have freely provided input to the County Board during Citizen’s Forum of the regularly scheduled County Board Meetings; and

WHEREAS, the Board of Commissioners has established the Power Plant Task Force (“Task Force”) which was comprised of nine (9) members of the community with various backgrounds and areas of expertise. The Task Force convened, researched and discussed aspects of the Project and delivered to the County Board a Final Report at the Regular Meeting of the County Board on February 3, 2010.

NOW, THEREFORE, BE IT RESOLVED, that based on the information received by this Board, the Chisago County Board of Commissioners hereby:

1. Approves the Development Agreement as presented and authorizes and directs the Chair of the Chisago County Board of Commissioners to sign the Development Agreement and execute the Agreement on behalf of
2. Approves the Host Fee Agreement as presented and authorizes and directs the Chair of the Chisago County Board of Commissioners to sign the Host Fee Agreement and execute the Agreement on behalf of the Board.

3. Approves the Host Fee Allocation Agreement as presented and authorizes and directs the Chair of the Chisago County Board of Commissioners to sign the Host Fee Allocation Agreement on behalf of the Board.

Commissioner Montzka seconded the resolution and upon a roll call vote being taken thereon, the following voted:

_IN FAVOR THEREOF_: Montzka, McMahon

_OPPosed_: Robinson, Walker, Greene

Whereupon the resolution was declared duly FAILED.

Commissioners waived their reports of their respective committee assignments, along with information on community activities or events in their district.

On motion by McMahon, seconded by Montzka and carried unanimously the Board approved the Agreement of Assessment and Waiver of Irregularity and Appeal: Sanitary Sewer Improvements with the Township of Chisago Lake.

On motion by Walker, seconded by Montzka and carried unanimously the Board adjourned at 9:35 p.m.

Richard Greene, Chair

Attest:

DeAnna M. Likenthal
Clerk, County Board