

**BOARD OF COMMISSIONERS' PROCEEDINGS, GOODHUE COUNTY, MN  
OCTOBER 2, 2018**

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The Goodhue County Board of Commissioners met on Tuesday, October 2, 2018, at 5:00 p.m. at the Goodhue County Government Center County Board Room, Red Wing, MN with Commissioners Anderson, Majerus, Drotos, Nesseth, and Allen all present.

C/Majerus asked if there were any disclosures of interest. There were none.

<sup>1</sup> Moved by C/Anderson, seconded by C/Majerus, and carried to approve the September 18, 2018, County Board Minutes.

<sup>2</sup> Moved by C/Drotos, seconded by C/Majerus, and carried to approve the September 21, 2018, County Board Minutes.

<sup>3</sup> Moved by C/Anderson, seconded by C/Majerus and carried to approve the October 2, 2018, County Board Agenda.

Administrator Arneson requested the following changes be made to the agenda:

Under HR Manager, added the retirement of the Jail Administrator and the Investigator Captain.

Remove item number 1. Repurchase of Forfeited Land from the consent agenda and moved it to item number two under the Finance Director's Report.

C/Nesseth requested item number 4. Approve the FY2019 Toward Zero Deaths (TZD) Enforcement Grant be removed for discussion.

<sup>4</sup> Moved by C/Nesseth, seconded by C/Majerus, and carried to approve the following items on the consent agenda as amended:

- 1.
2. Approve the 2019-2021 City of Pine Island Law Enforcement Contract.
3. Approve the FY2018 Port Security Grant Program contract.
- 4.
5. Approve tuition reimbursement for County Administrator, Scott O. Arneson.
6. Approve Final of 2018 Traffic Marking Contract.
7. Approve Tuition Reimbursement for Josh Stehr, Sheriff's Dept.
8. Approve the 2018 Emergency Management Performance Grant (EMPG) Contract.

**Approve the FY2019 Toward Zero Deaths (TZD) Enforcement Grant.** C/Nesseth questioned if they could start enforcing texting and driving and questioned if there was anything we could do about it with the grant. Sheriff Johnson noted that it was very difficult to differentiate between calling on your phone and texting.

<sup>5</sup> Moved by C/Nesseth, seconded by C/Anderson, and carried to approve the FY2019 Toward Zero Deaths (TZD) Enforcement Grant.

**FINANCE DIRECTOR'S REPORT**

**2017 Audit.** Staff recommended the board approve the audited Financial Statements for Year End December 31, 2017.

<sup>6</sup> Moved by C/Anderson, seconded by C/Majerus, and carried to approve the audited Financial Statements for Year End December 31, 2017.

**Repurchase of Forfeited Land.** C/Majerus questioned the process for cleanup if the board were to approve the repurchase. Ms. Hanni reviewed the process.

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<sup>7</sup> Moved by C/Nesseth, seconded by C/Majerus, and carried (4-1-0) with C/Anderson dissenting to approve the following resolution for repurchase of forfeited land:

WHEREAS, property located in the Belvidere Township described as parcel 26.003.0800 forfeited to the State of MN for delinquent taxes in 2011 payable 2012 and subsequent years, as provided by the appropriate statutes, and

WHEREAS, MS 282.241 provides for repurchase after forfeiture of tax by aggregate of all delinquent taxes and assessments, together with penalties, interest and costs which would have accrued had said lands not forfeited to the State, unless prior to the time of repurchase such parcels shall have been sold, and

WHEREAS, this Board has determined that said repurchase would best serve the public interest;

NOW THEREFORE BE IT RESOLVED, that Michele, George, and Susan O'Neill, be authorized to repurchase property referred to above, under the provisions of the above mentioned statute, provided that payment is made in the sum of all taxes, assessments, penalties, interest and costs. The property will be placed back into the name of an undivided one-half interest to Michele and an undivided one half interest to George and Susan O'Neill as it was at the time of forfeiture.

**HUMAN RESOURCE DIRECTOR'S REPORT**

**Change in 2019 Insurance Premiums.** Staff recommended the Board to approve the proposed 2019 rates for dental and accident insurance and to change the payment for health insurance to the month it is due. In addition, staff recommended the Board approve changing the payment of accident and dental insurance to come out of paycheck #1 and paycheck #2.

<sup>8</sup> Moved by C/Anderson, seconded by C/Majerus, and carried to approve the 2019 rates for dental and accident insurance and to change the payment for health insurance to the month it is due. In addition, staff recommended the Board approve changing the payment of accident and dental insurance to come out of paycheck #1 and paycheck #2.

**Finance and Taxpayer Services Director.** Staff recommended the board approve the proposed employment agreement with Brian Anderson effective October 2, 2018.

<sup>9</sup> Moved by C/Anderson, seconded by C/Majerus, and carried to approve the proposed employment agreement with Brian Anderson effective October 2, 2018.

**Highway Maintenance Worker.** At the September 18, 2018 board meeting, C/Allen made a request to place this item on the October 2, 2018 board agenda. C/Allen was not present when the board originally discussed the issue at the September 18, 2018 board meeting. Staff recommended the highway maintenance worker replacement position be hired.

<sup>10</sup> Moved by C/Allen, seconded by C/Drotos, and carried (4-1-0) with C/Majerus dissenting to approve to hire a replacement highway maintenance worker in the Public Works Department.

**Replacement of retiring Jail Administrator and Investigator Captain.** Ms. Cushing explained that we received two retirement notices and requested the board approve to replace both positions.

<sup>11</sup> Moved by C/Nesseth, seconded by C/Majerus, and carried to approve to hire a replacement Jail Administrator.

<sup>12</sup> Moved by C/Anderson, seconded by C/Allen, and carried to approve to hire a replacement Investigator Captain.

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**LAND USE MANAGEMENT DIRECTOR'S REPORT**

**PUBLIC HEARING: Map Amendment (Rezone)- Villa Maria Ventures LLC (John Rupp, Chief Manager).**

Request for map amendment to rezone Parcels 32.160.0040 and 32.012.0400 from A2 (General Agriculture District) to CR (Commercial Recreational District).

<sup>13</sup> Moved by C/Anderson, seconded by C/Allen, and carried to approve to open the public hearing. The following people spoke to the issue:

Jim McIlrath from Frontenac and Supervisor for Florence Township spoke to the issue and recommended the board table the issue to allow more time for the township to address the issue.

C/Majerus asked three times for public comment. There were no further comments.

<sup>14</sup> Moved by C/Anderson, seconded by C/Majerus, and carried to approve to close the public hearing.

<sup>15</sup> Moved by C/Anderson, seconded by C/Nesseth, and carried to approve to adopt the staff report, the findings of fact and accept the application, testimony, exhibits, and other evidence presented into the record; and APPROVE the map amendment request from Villa Maria Ventures LLC (John Rupp, Chief Manager) to rezone parcels 32.160.0040 and 32.012.0400 from A2 (General Agriculture District) to CR (Commercial Recreational District).

C/Nesseth commented that he wanted the township to be able to weigh in on the issue before the board make a decision. He made a motion to delay a decision on the issue until the October 16 board meeting. Motion died for a lack of second.

<sup>16</sup> Moved by C/Anderson, seconded by C/Majerus, and carried (4-1-0) with C/Nesseth dissenting to approve to adopt the staff report, the findings of fact and accept the application, testimony, exhibits, and other evidence presented into the record; and APPROVE the request from Villa Maria Ventures LLC (John Rupp, Chief Manager) for a Conditional Use Permit (CUP) to establish a Resort Facility with restaurant and event spaces. The proposal includes remodeling existing buildings and constructing additions to provide operational spaces for lodging, guest-houses, cabins, on-site restaurants, outdoor entertainment, and events. Subject to the following conditions:

1. Activities shall be conducted according to submitted plans, specifications, and narrative unless modified by a condition of this CUP;
2. Hours of operation for the Resort Facility shall be year-round, 7-days per week;
3. Hours of operation for Accessory Events shall be year-round, 7-days per week, ending no later than 12:00 AM (midnight);
4. On-street parking shall be prohibited;
5. On-street loading and off-loading shall be prohibited;
6. Security personnel shall be provided at outdoor events and venues in which alcohol is served;
7. Events exceeding 500 guests shall obtain required approvals in accordance with the Goodhue County Assembly Controls Ordinance, as amended;
8. Applicant shall obtain Building Permit approvals for proposed additions and improvements from the Goodhue County Building Permits Department prior to establishing the use;
9. Applicant shall work with Goodhue County Environmental Health to achieve compliance with the Goodhue County SSTS Ordinance prior to establishing the use;
10. Compliance with Goodhue County Zoning Ordinance including Article 30 CR, Commercial Recreational District;
11. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations.

**Conditional Use Permit (CUP) for a Utility-Scale Solar Energy System (SES).** The request is for a CUP submitted by USS Greenhouse Solar LLC (applicant) and Joel and Nancy Flemke (owners) for a Utility-Scale Photovoltaic Ground 1 Megawatt Solar Energy System (SES) occupying approximately 10 acres. Parcel

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39.019.0500. TBD 180th Ave, Pine Island, MN 55963. Part of the W<sup>1</sup>/<sub>2</sub> of the NW <sup>1</sup>/<sub>4</sub> of Sect 19 Twp 109 Range 15 in Pine Island Township. A1 Zoned District.

- <sup>17</sup> Moved by C/Drotos, seconded by C/Anderson, and carried to approve to adopt the staff report and the findings of fact, and accept the application, testimony, exhibits, and other evidence presented into the record; and APPROVE the request for a CUP submitted by USS Solar Greenhouse LLC (applicant) for a Utility Scale Photovoltaic Ground 1 Megawatt Solar Energy System (SES) occupying approximately 5.6 acres with a 10 acre leased site. Subject to the following conditions:
1. Activities shall be conducted according to submitted plans, specifications, and narrative unless modified by a condition of this CUP;
  2. The project shall be decommissioned according to Article 19 Section 6 of the Goodhue County Zoning Ordinance and submitted plans;
  3. A decommissioning agreement between the landowner and USS Greenhouse Solar company including a financial plan, shall be maintained to ensure reclamation of the area.
  4. LUM staff shall be notified by the landowner or solar company 30 days prior to ownership transfer or operator changes;
  5. The Applicant shall communicate with Beau Kennedy, Wetlands Coordinator with the Goodhue SWCD to ensure compliance with applicable Wetlands Rules prior to completion of any site grading/construction and/or submittal of the Building Permit Application;
  6. A stormwater management and erosion control plan shall be submitted for administrative review as part of the Building Permit Application for the project;
  7. The Applicant shall work with the Goodhue County Soil and Water Conservation District to determine an appropriate seed mix to establish on disturbed areas of the site;
  8. Applicants' shall obtain Building Permit approvals from the Goodhue County Land Use Management Department prior to establishing the use;
  9. Compliance with Goodhue County Zoning Ordinance including, but not limited to Article 19 Solar Energy Systems (SES) and Article 22 (Agricultural District). The applicant shall request a final inspection of the project for compliance with applicable zoning requirements upon completion of the project;
  10. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations;
  11. This CUP shall expire 30 years from the date of approval unless terminated prior to that date.

**Storm damage update.** Ms. Hanni provided a storm update to the board. C/Nesseth made a request that the permit fees be waived. None of the municipalities have requested the permit fees to be waived. The homeowner, or their contractor, should include the permit fee as part of their insurance claim.

**PUBLIC WORKS DIRECTOR'S REPORT.**

**Reconsider Solar Power to Help Meet the County's Electrical Demand.** Staff was looking for direction on whether the board would like to move forward with solar power to help meet the county's electrical demand. This issue was discussed at the September 4, 2018 county board meeting, however, C/Allen was absent and has now requested it be on today's agenda.

C/Allen was interested in savings to the county. Mr. Isakson would bring additional information on solar power options to a future meeting.

- <sup>18</sup> Moved by C/Drotos, seconded by C/Allen, and carried (3-2-0) with C/Nesseth and C/Majerus dissenting to approve to direct staff to review solar power options and bring information back to a future meeting.

**COMMITTEE REPORTS:** deferred

C/Drotos	•
C/Nesseth	•
C/Anderson	•
C/Majerus	•

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C/Allen	•
Administrator Arneson	•

**New Business****Review and approve county claims.**

- <sup>19</sup> Moved by C/Anderson, seconded by C/Allen, and carried to approve to pay the County claims in the amount of 01-General Revenue \$214,837.44, 03-Public Works \$44,100.97, 11- Human Service Fund \$22,847.21, 21-ISTS \$00, 25- EDA \$00, 30-Capital Improvement \$00, 31-Capital Equipment \$00, 34-Capital Equipment \$18,821.12, 35-Debt Services \$00, 40-County Ditch \$00, 61-Waste Management \$1,364.40, 62-Recycling Center \$00, 63-HHW \$00, 72-Other Agency Funds \$12,687, 81-Settlement \$867.73, in the total amount of \$315,525.87.
- <sup>20</sup> Moved by C/Anderson, seconded by C/Allen, and carried to approve to adjourn the October 2, 2018, County Board Meeting.




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SCOTT O. ARNESON  
COUNTY ADMINISTRATOR




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JASON MAJERUS, CHAIRMAN  
BOARD OF COUNTY COMMISSIONERS

MINUTE

1. Approved the September 18, 2018 County Board Meeting Minutes. (Motion carried 5-0)
2. Approved the September 21, 2018 County Board Meeting Minutes. (Motion carried 5-0)
3. Approved the October 2, 2018 County Board Meeting Agenda. (Motion carried 5-0)
4. Approved the Consent Agenda as amended. (Motion carried 5-0)
5. Approved the TZD Resolution. (Motion carried 5-0)
6. Approved the 2017 County Audit. (Motion carried 5-0)
7. Approved the repurchase of forfeited land. (Motion carried 4-1-0)
8. Approved the change in 2019 Insurance Premiums. (Motion carried 5-0)
9. Approved the Finance and Taxpayer Services Directors Employment Offer. (Motion carried 5-0)
10. Approved the Highway Maintenance Worker Replacement. (Motion carried 4-1-0)

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11. Approved the Jail Administrator Replacement. (Motion carried 5-0)
12. Approved the Investigator Captain Replacement. (Motion carried 5-0)
13. Approved to open the public hearing. (Motion carried 5-0)
14. Approved to close the public hearing. (Motion carried 5-0)
15. Approved the map amendment and rezone for Villa Maria Ventures LLC, Florence Township. (Motion carried 5-0)
16. Approved the Conditional Use Permit for Villa Maria Ventures LLC, Florence Township. (Motion carried 4-1-0)
17. Approved the Conditional Use Permit for Joel and Nancy Flemke, Pine Island Township. (Motion carried 5-0)
18. Approved to direct staff to bring information on solar power to a future meeting. (Motion carried 3-2-0)
19. Approved the county claims. (Motion carried 5-0)
20. Approved to adjourn the October 2, 2018 County Board Meeting. (Motion carried 5-0)