

**BOARD OF COMMISSIONERS' PROCEEDINGS, GOODHUE COUNTY, MN  
MAY 21, 2019**

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The Goodhue County Board of Commissioners met on Tuesday, May 21, 2019, at 9:00 a.m. in the County Board Room, Government Center, 509 West 5<sup>th</sup> Street, Red Wing, MN with Commissioners Anderson, Majerus, Nesseth, and Drotos all present.

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

<sup>1</sup> Moved by C/Majerus, seconded by C/Drotos, and carried to approve the May 7, 2019, County Board Minutes.

<sup>2</sup> Moved by C/Majerus, seconded by C/Drotos, and carried to approve the May 13, 2019, Special Session County Board Minutes.

<sup>3</sup> Moved by C/Drotos, seconded by C/Nesseth, and carried to approve the May 21, 2019, County Board agenda.

C/Anderson moved the commissioner correspondence item to number one on the regular agenda.

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

1. Approve New Liquor License Request for The Summit Golf Club.
2. Approve the internal promotions within the Sheriff's Office.
3. Approve the 2019 Federal Supplemental Boating Safety Patrol Grant.
4. Approve the 2019-2021 STS contract between Goodhue County and the City of Red Wing.

**COMMISSIONER CORRESPONDENCE**

**District 1 Commissioner Vacancy.** C/Anderson noted that there were a number of people who wished to comment on the District 1 Commissioner Vacancy.

The following people spoke in favor of filling the vacancy: Joan Halgren, Dan Bender, Rick Devoe, Paul Christenson, Pat Tieskoetter, Jeff Cole, and Scott Safe.

Margaret Simanski spoke in favor of not filling the vacancy.

C/Drotos nominated Scott Safe as the interim commissioner chair until a special election could be held. C/Anderson seconded the motion.

C/Nesseth questioned if the board would be willing to wait to see who files and then make an appointment after that. He would like to appoint someone who was not planning on running for election. C/Anderson clarified that the only candidates the board could chose from to appoint were the four who met the requirements at the previous public hearing.

C/Anderson did not believe there was an advantage to being the incumbent and felt the people of District 1 would chose who takes the seat in the election.

C/Majerus commented that each commissioners contact information was available on the county website and they would all take calls.

<sup>5</sup> Moved by C/Drotos, seconded by C/Anderson, motion failed (2-2-0) with C/Majerus and C/Nesseth dissenting to approve to appoint Scott Safe to fill the vacancy of Commissioner District 1.

**LAND USE MANAGEMENT DIRECTOR'S REPORT**

**PUBLIC HEARING: Request for Map Amendment (Rezone) – Bjerck.** The request for map amendment submitted by Bradd Strelow (Agent) and Debbie Bjerck (Owner) to rezone 22 acres from A3 (Urban Fringe District) to R1 (Suburban Residence District). Parcel 41.024.2800. TBD Oxford Mill Road, Cannon Falls, MN 55009. Part of the S ½ of the SW ¼ of Sect 24 Twp 112 R18 in Stanton Township.

<sup>6</sup> Moved by C/Drotos, seconded by C/Majerus, and carried to approve open the public hearing.

C/Anderson asked three times for public comment.

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7 Moved by C/Majerus, seconded by C/Drotos, and carried to approve close the public hearing.

8 Moved by C/Majerus, seconded by C/Nesseth, and carried to approve the Planning Advisory Commission recommendation to adopt the staff report into the record; accept the application, testimony, exhibits, and other evidence presented into the record; and APPROVE the map amendment request from Bradd Stelow (Authorized Agent for Property Owner) to rezone parcel 41.024.2800 from A3 (Urban Fringe District) to R1 (Suburban Residence District).

**Conditional Use Permit (CUP) for a Utility-Scale Solar Energy System (Luhman).** The request for a CUP submitted by IPS Solar (applicant) and Brenda Luhman (owner) for a Utility-Scale Photovoltaic Ground 1 Megawatt Solar Energy System (SES) occupying approximately 7.30 acres. Parcel 38.034.1301. TBD HWY 60 BLVD, Zumbrota, MN 55992. Part of the NW ¼, SW ¼ and the SW ¼, NW ¼ of Sect 34 Twp 110 Range 16 in Minneola Township. A1 Zoned District.

9 Moved by C/Drotos, seconded by C/Majerus, and carried to approve the Planning Advisory Commission recommendation to adopt the staff report into the record; adopt the findings of fact; accept the application, testimony, exhibits, and other evidence presented into the record; and APPROVE the request for a CUP submitted by IPS Solar (applicant) and Brenda Luhman (owner) for a Utility-Scale Photovoltaic Ground 1 Megawatt Solar Energy System (SES) occupying approximately 7.30 acres. 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 IPS Solar 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. Applicants 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. Applicants 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 21 (Agriculture Protection 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.

**Conditional Use Permit (CUP) for a Utility-Scale Solar Energy System (Siems).** The request for a CUP submitted by IPS Solar (applicant) and Genevieve Siems (owner) for a Utility-Scale Photovoltaic Ground 1 Megawatt Solar Energy System (SES) occupying approximately 7.41 acres. Parcels 39.001.0900 and 39.001.1300. TBD HWY 60 BLVD, Mazeppa, MN 55956. Part of the N ½ of the SE ¼ of Sect 01 Twp 109 Range 15 in Pine Island Township. A2 Zoned District.

10 Moved by C/Nesseth, seconded by C/Drotos, and carried to approve the Planning Advisory Commission recommendation to adopt the staff report into the record; adopt the findings of fact; accept the application, testimony, exhibits, and other evidence presented into the record; and APPROVE the request for a CUP submitted by IPS Solar (applicant) and Genevieve Siems (owner) for a Utility-Scale Photovoltaic Ground 1

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Megawatt Solar Energy System (SES) occupying approximately 7.41 acres. 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 IPS Solar 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. Applicants 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. Applicants 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; vegetative screening shall be established within 1 year of SES operation;
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 (General Agriculture 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.
12. A 100-foot long double row of six (6) foot tall Black Hills Spruce trees shall be established in view of the dwelling south of the proposed project unless another screening agreement is reached between the south property owner (Bruce Goetsch) and the applicants (IPS Solar) prior to construction;
13. A single row of Black Hills Spruce trees shall be established along the length of the east side of the northern array adjacent to the existing woods unless another screening agreement is reached between the property owner to the east (Fran Reuter) and the applicants (IPS Solar) prior to construction.

**UPDATE: Planning Commission Solar Energy Systems Discussion.** At their April 15, 2019 meeting the Planning Advisory Commission reviewed the status of Solar Energy System permits, installations, and ordinance provisions in Goodhue County. The goal of the workshop was to gain a better understanding of the roles of developers and Xcel Energy, answer questions about the permitting process beyond county zoning approvals, and discuss existing ordinance provisions. Topics of discussion included permitting and application processes, an overview of Xcel Energy solar energy program, and current and future distribution of Solar Energy Systems in Goodhue County. The Planning Commission recommended no action at this time.

**Cannon Falls Staffing Agreement.** The County Board approved a shared staffing agreement in effect from April 2017- December 2020. The agreement term is expiring and both Goodhue County and the City of Cannon Falls would like to modify the existing agreement.

- <sup>11</sup> Moved by C/Nesseth, seconded by C/Majerus, and carried to approve the proposed staffing agreement with Cannon Falls which would terminate the shared services effective January 1, 2020.

**COUNTY SURVEYOR'S REPORT**

**Cannon Falls Proposed Annexation.** The County Board was in favor of selling excess property no longer needed for road purposes. Staff discussed the property west of County 24 Boulevard and north of 318th Street in Cannon Falls Township. Staff request approval to be co-applicants to the annexation request, moving County owned parcels in Cannon Falls Township (28-019-4400, 28-019-44700, and that part of parcels 28-019-0300 and 28-019-0400 lying westerly of County 24 Boulevard) into the City of Cannon Falls.

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- <sup>12</sup> Moved by C/Majerus, seconded by C/Anderson, and carried to approve to be co-applicants to the annexation request, moving County owned parcels in Cannon Falls Township (28-019-4400, 28-019-44700, and that part of parcels 28-019-0300 and 28-019-0400 lying westerly of County 24 Boulevard) into the City of Cannon Falls.

**PUBLIC WORKS DIRECTOR'S REPORT**

**County Road 23 Repair Recommendation.** Staff requested that the County Board determine if they wish to move forward with making a repair to County Road 23. Staff recommended proposed option #1. Shoulder Edge Drain, Cement Stabilization, Aggregate Surfacing, & Ditching be approved by the Board and that the edge drain be installed during the 2019 construction season utilizing funding currently available and to further find additional funds to construct the remainder of the project in 2020 to perform the cement stabilization and aggregate surfacing.

C/Majerus was in favor of cleaning the ditch and not installing the drain and see how the road holds up.

C/Anderson was in favor of doing both, cleaning the ditch and installing the drain.

C/Neseth was not in favor of spending the money and upsetting the road plan. He suggested doing the ditch cleaning.

Mr. Isakson suggested staff prepare additional information and bring the issue back to a future Committee of the Whole meeting.

- <sup>13</sup> Moved by C/Neseth, seconded by C/Majerus, and carried to approve to move forward with normal maintenance of cleaning clean the ditch and put in the shoulder edge drain.

**Park Pavilion Concept & Grant Application.** Staff recommended the board approve the park pavilion design concept and authorize staff to submit a grant to the Greater Minnesota Regional Parks and Trails Commission to fund the construction of this pavilion.

C/Majerus commented that he could not support this when the county was looking for money to fix roads.

- <sup>14</sup> Moved by C/Drotos, seconded by C/Neseth, and carried (3-1-0) with C/Majerus dissenting to approve the following resolution for the Park Pavilion Concept and Grant Application:

BE IT RESOLVED that Goodhue County has the legal public authority to sponsor a grant funding request for a Park Pavilion located in Goodhue County's Byllesby Park, which has been previously designated by the Greater Minnesota Regional Park and Trail Commission (Commission) as a regional park.

BE IT FURTHER RESOLVED that as we are fully aware of the information provided in the funding request, including any non-state match and other long-term commitments (as defined in the funding request), related master plan and any supporting information as submitted.

BE IT RESOLVED that, if selected for funding by the Commission, Goodhue County shall act as legal sponsor for the Byllesby Park Pavilion project contained in the State's Department of Natural Resources (DNR) Parks & Trails Legacy Grant Application and that Greg Isakson is hereby authorized to apply to the Department of Natural Resources for funding of this project on behalf of Goodhue County.

BE IT FURTHER RESOLVED that Goodhue County has not incurred any development costs and is not planning to acquire any property in the funding request or in the State's Department of Natural Resources (DNR) Parks & Trails Legacy Grant Application.

BE IT FURTHER RESOLVED that Goodhue County owns in fee title the land described in the funding request and therefore, also in the State's Grant Application for regional parks.

BE IT FURTHER RESOLVED that, upon approval of its application by the state, the applicant may enter into an agreement with the State of Minnesota for the above-referenced project, and that the applicant certifies that it will comply with all applicable laws and regulations as stated in the grant contract including dedicating the

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park property for uses consistent with the grant program into perpetuity.

NOW, THEREFORE, BE IT RESOLVED that Greg Isakson is hereby authorized to execute such agreements as are necessary to implement the project on behalf of Goodhue County.

**Investigate Acquisition of Scenic Cliffs Property.** Staff recommended the board notify the Boy Scouts that the County is interested in exploring opinions to greatly reduce or eliminate the odds of the public being hurt by cliff jumping. If a suitable option is found then the County would be interested in holding negotiations concerning the acquisition of the parcel as shown on the attachment, or similar. If the Boy Scouts are willing to give the County time, then it is recommended that staff explore operational options to reduce or eliminate the liability from cliff jumping.

C/Majerus questioned why the county would be interested in taking on someone else's liability.

<sup>15</sup> Moved by C/Nesseth, seconded by C/Drotos, and carried to approve to direct staff to contact MCIT regarding the liability issues with the Scenic Cliffs property.

**COMMITTEE REPORTS:**

C/Drotos	<ul style="list-style-type: none"> <li>• Drug Addiction Program at the Red Wing Public Library at the public library on May 29 from 6-7:00 p.m. Historical Society RFP to deal with the old hospital building.</li> </ul>
C/Nesseth	<ul style="list-style-type: none"> <li>• Three Rivers expansion.</li> </ul>
C/Anderson	<ul style="list-style-type: none"> <li>•</li> </ul>
C/Majerus	<ul style="list-style-type: none"> <li>•</li> </ul>
C/Safe	<ul style="list-style-type: none"> <li>•</li> </ul>
Administrator Arneson	<ul style="list-style-type: none"> <li>•</li> </ul>

**Review and Approve the County Claims**

<sup>16</sup> Moved by C/Majerus, seconded by C/Drotos, and carried to approve to pay the County claims in the amount of 01-General Revenue \$337,925.15, 03-Public Works \$132,592.13, 11- Human Service Fund \$127,511.79, 21-ISTS \$00, 25- EDA \$00, 30-Capital Improvement \$00, 31-Capital Equipment \$00, 34-Capital Equipment \$44,191.80, 35-Debt Services \$00, 40-County Ditch \$00, 61-Waste Management \$23,010.37, 62-Recycling Center \$00, 63-HHW \$00, 72-Other Agency Funds \$127,420.05, 81-Settlement \$2,388.00, in the total amount of \$795,039.29.

<sup>17</sup> Moved by C/Drotos, seconded by C/Majerus, and carried to approve to adjourn the May 21, 2019, County Board Meeting.



SCOTT O. ARNESON  
COUNTY ADMINISTRATOR



BRAD ANDERSON, CHAIRMAN  
BOARD OF COUNTY COMMISSIONERS

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MINUTE

1. Approved the May 7, 2019 County Board Meeting Minutes. (Motion carried 4-0)
2. Approved the May 13, 2019 County Board Special Session Meeting Minutes. (Motion carried 4-0)
3. Approved the May 21, 2019 County Board Meeting Agenda. (Motion carried 4-0)
4. Approved the Consent Agenda. (Motion carried 4-0)
5. Motion to appoint Scott Safe as interim commissioner for District 1. (Motion fails 2-2)
6. Approved to open the public hearing. (Motion carried 4-0)
7. Approved to close the public hearing. (Motion carried 4-0)
8. Approved the rezone for Bradd Strelow and Debbie Bjerk of Stanton Township. (Motion carried 4-0)
9. Approved a Conditional Use Permit for Brenda Luhman, Minneola Township. (Motion carried 4-0)
10. Approved a Conditional Use Permit for Genevieve Siems, Pine Island Township. (Motion carried 4-0)
11. Approved the Cannon Falls staffing agreement. (Motion carried 4-0)
12. Approved to be co-applicants for the Cannon Falls proposed annexation. (Motion carried 4-0)
13. Approved the County road 23 Repair. (Motion carried 4-0)
14. Approved the park pavilion concept and grant application. (Motion carried 3-1)
15. Approved to direct staff to look into liability concerns relating to cliff jumping. (Motion carried 4-0)
16. Approved the County Claims. (Motion carried 4-0)
17. Approved to adjourn the May 21, 2019 County Board Meeting. (Motion carried 4-0)