

**BOARD OF COMMISSIONERS' PROCEEDINGS, GOODHUE COUNTY, MN
DECEMBER 1, 2020**

The Goodhue County Board of Commissioners met on Tuesday, December 1, 2020, at 9:00 a.m. by virtual meeting with the County Administrator appearing from the County Board Room of the Government Center, Red Wing, MN with Commissioners Anderson, Majerus, Drotos and Flanders all present and appearing by virtual meeting.

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

¹ Moved by C/Anderson, seconded by C/Nesseth, and carried to approve the November 17, 2020, County Board Minutes.

² Moved by C/Anderson, seconded by C/Flanders, and carried to approve the December 1, 2020, County Board Agenda as amended:

- Scott Arneson added a funding request from Zumbro River Water Trail Group.
- C/Anderson requested an update on County Ditch #1

Both items would be added to the start of the agenda.

³ Moved by C/Nesseth, seconded by C/Anderson, and carried to approve the following items on the consent agenda as amended:

C/Nesseth asked for an explanation on item #1. PACE Special Assessment. Finance Director, Brian Anderson noted that the assessment was a routine item and was approved by the board as a matter of administrative approval. Both parties agreed to the assessment.

1. Approve 2021 New PACE Special Assessment
2. Approve the sale of Motorpool Vehicles on Public Surplus

ZUMBRO RIVER WATER TRAIL GROUP

Beau Kennedy with Goodhue County Soil and Water Conservation updated the board on the funding request for the group. After discussion with Administration, it was determined that an appropriate funding option for the county board to consider would be \$5,000,

⁴ Moved by C/Nesseth, seconded by C/Drotos, and carried (4-1-0) with C/Majerus dissenting to approve to fund the Zumbro River Water Trail Group \$5,000 in 2021.

County Ditch #1 Update. Lisa Hanni updated the board on the progress of the County Ditch #1. The board should have a draft report for the board within three weeks.

LAND USE MANAGEMENT DIRECTOR'S REPORT

PUBLIC HEARING: Conservation Subdivision Plat. The request was submitted by Paul Novak (Owner), for Preliminary and Final Plat approval of the proposed "Novak Addition" to rezone 46.21 acres and create a one lot Conservation Subdivision District on property currently zoned A2 (General Agriculture District). Parcel 37.018.1500. TBD Shady Lane Trail, Cannon Falls, MN 55009. The N ½ of the SE ¼ of Section 18 TWP 111 Range 17 in Leon Township. A-2 Zoned District.

The Planning Commission recommended approval. Staff recommended the board conduct a public hearing and upon completion of the hearing approve the request.

⁵ Moved by C/Nesseth, seconded by C/Flanders, and carried to approve to open the public hearing.

C/Drotos asked three times for public comment. Craig Empey, of Empey Law Office spoke to the issue representing Mr. Novak.

Steve Wareham, from Cannon Falls opposed the issue, but noted that Mr. Novak followed the proper policies and procedures that were in place, thus, it would be difficult for the board not to approve it.

Chris Makoutz commented on the issue. Paul Novak responded to Chris Makoutz questions.

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There were no further comments.

⁶ Moved by C/Anderson, seconded by C/Nesseth, and carried to approve to close the public hearing.

⁷ Moved by C/Anderson, seconded by C/Nesseth, and carried to approve the Planning 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 request submitted by Paul Novak (Owner), to rezone 46.21 acres and create a one lot Conservation Subdivision District on property currently zoned A2 (General Agriculture District). Subject to the following conditions:

1. The change of zone shall not occur until the Conservation Easement and Plat have been recorded with the Goodhue County Recorder's Office.

⁸ Moved by C/Anderson, seconded by C/Flanders, and carried to approve to the Planning 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 request submitted by Paul Novak (Owner), for Preliminary and Final Plat approval of the proposed "Novak Addition" to rezone 46.21 acres and create a one lot Conservation Subdivision District on property currently zoned A2 (General Agriculture District). Subject to the following conditions:

PUBLIC HEARING: Consider Goodhue County Zoning Ordinance Amendments. The proposed amendments are to Article 10 (Definitions), Article 11 (Performance Standards), Article 20 (Table of Uses), Article 25 (B-1 General Business District), Article 27 (B-2 Highway Business District), Article 28 (Industry District) and Article 30 (CR Commercial Recreational District) to add Exterior Storage Yards as a Conditional Use with associated Performance Standards.

The Planning Commission recommended approval. Staff recommended the board conduct a public hearing and upon completion of the hearing approve the request.

⁹ Moved by C/Nesseth, seconded by C/Anderson, and carried to approve to open the public hearing.

C/Drotos asked three times for public comments. Teresa Gadiant opposed the issue.

¹⁰ Moved by C/Anderson, seconded by C/Nesseth, and carried to approve to close the public hearing.

C/Nesseth did not agree with the proposed ordinance and would not support it. C/Flanders agreed that she was not in support of the ordinance.

C/Nesseth called the question.

C/Nesseth made a motion to approve the County Zoning Ordinance Amendments. Motion failed for lack of a second.

C/Anderson commented that he would like more time to think through the issue.

Ms. Hanni requested the board take some type of action. If they chose to table the issue, then provide staff with what additional information they would like to see, otherwise approve or deny.

¹¹ Moved by C/Nesseth, seconded by C/Flanders, and carried (4-1-0) with C/Anderson dissenting to approve to DENY the Planning Commission recommendation on the proposed county zoning amendments to Article 10 (Definitions), Article 11 (Performance Standards), Article 20 (Table of Uses), Article 25 (B-1 General Business District), Article 27 (B-2 Highway Business District), Article 28 (Industry District) and Article 30 (CR Commercial Recreational District) to add Exterior Storage Yards as a Conditional Use with associated Performance Standards.

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PUBLIC HEARING: 2021 Proposed Fees. Staff recommended the board conduct a public hearing and upon completion of the hearing, approve the 2021 Fee Schedule.

¹² Moved by C/Anderson, seconded by C/Flanders, and carried to approve to open the public hearing.

C/Drotos asked three times. There were no comments.

¹³ Moved by C/Anderson, seconded by C/Majerus, and carried to approve to close the public hearing.

¹⁴ Moved by C/Anderson, seconded by C/Drotos, and carried to approve to the 2021 County Fee Schedule.

Conditional Use Permit (CUP) Request for a Utility-Scale Solar Energy System (SES). The request, submitted by ReneSola Power (Applicant) and Shirley Thomforde (Owner) for a Utility-Scale Photovoltaic Ground 1-Megawatt Solar Energy System (SES) occupying approximately 8.0 acres. Parcel 33.026.0302. TBD County 9 BLVD, Goodhue, MN 55027. Part of the NE ¼ and part of the NW ¼ of Section 26 TWP 111 Range 15 in Goodhue Township. A1 Zoned District.

¹⁵ Moved by C/Flanders, seconded by C/Majerus, and carried to approve to the Planning 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 request for a CUP, submitted by ReneSola Power (Applicant) and Shirley Thomforde (Owner) for the MN Goodhue 9-1 LLC Utility-Scale Photovoltaic Ground 1-Megawatt Solar Energy System (SES) occupying approximately 8.0 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 MN Goodhue 9-1 LLC 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. A stormwater management and erosion control plan shall be submitted for administrative review as part of the Building Permit Application for the project;
6. Applicant shall work with the Goodhue County Soil and Water Conservation District to determine an appropriate seed mix for disturbed areas of the site and should submit "seed tags" to the Land Use Management Department prior to final inspection;
7. Applicant shall obtain an Access Permit from the Goodhue County Public Works Department prior to performing work within the CTY 9 BLVD Right-Of-Way;
8. Applicant 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 (Agricultural 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) Request for a Utility-Scale Solar Energy System (SES). The request, submitted by ReneSola Power (Applicant) and Michael Stehr (Owner) for a Utility-Scale Photovoltaic Ground 1-Megawatt Solar Energy System (SES) occupying approximately 8.0 acres. Parcel 33.028.0100. TBD County 9 BLVD, Goodhue, MN 55027. Part of the NE ¼ of Section 28 TWP 111 Range 15 in Goodhue Township. A3 Zoned District.

¹⁶ Moved by C/Majerus, seconded by C/Anderson, and carried to approve to the Planning 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 CUP request, submitted by ReneSola Power (Applicant)

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and Michael Stehr (Owner) for the MN Goodhue 9-2 LLC Utility-Scale Photovoltaic Ground 1-Megawatt Solar Energy System (SES) occupying approximately 8.0 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 MN Goodhue 9-2 LLC 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. A stormwater management and erosion control plan shall be submitted for administrative review as part of the Building Permit Application for the project;
6. Applicant shall work with the Goodhue County Soil and Water Conservation District to determine an appropriate seed mix for disturbed areas of the site and should submit "seed tags" to the Land Use Management Department prior to final inspection;
7. Applicant shall obtain an Access Permit from the Goodhue County Public Works Department prior to performing work within the CTY 9 BLVD Right-Of-Way;
8. Applicant 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 23 (Urban Fringe 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.

Board chair called for a recess. C/Drotos reconvened the meeting at 11:20 a.m.

Conditional Use Permit (CUP) Request for a Kennel. The request is for a CUP submitted by Dan Williams (owner) to establish a kennel for up to 5 adult dogs. Parcel 31.002.1300. 28051 CTY 1 BLVD, Red Wing, MN 55066. Part of the NW ¼ of the NE ¼ of Section 2 TWP 112 Range 15 in Featherstone Township. A3 Zoned District.

Ms. Hanni noted that it was recommended that this be considered an Interim Use Permit (IUP) rather than a Conditional Use Permit (CUP) and an additional condition be added that the IUP terminates upon sale or transfer of the property.

¹⁷ Moved by C/Anderson, seconded by C/Nesseth, and carried to approve to the Planning 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 request from Dan Williams to establish a dog Kennel for up to 5 dogs. Subject to the following conditions:

1. Kennel operations shall be conducted according to submitted plans, specifications, and narrative unless modified by a condition of this IUP;
2. No more than 5 adult dogs shall be kept on the property;
3. The Kennel shall not be open to the general public;
4. On-street parking shall be prohibited;
5. Compliance with Goodhue County Zoning Ordinance including, but not limited to, Article 11, Section 26, Kennels and Article 23 A3, Urban Fringe District;
6. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations.
7. The Kennel and run shall be relocated to the north side of the property and a solid fence should be constructed between the Kennel and the property to the north (parcel 55.602.0100).
8. The Kennel shall be relocated to the north side of the property no later than January 1, 2021 and the solid fencing between the relocated Kennel and parcel 55.602.0100 shall be completed no later than June 1, 2021.
9. The IUP terminates when Mr. Williams sells or transfers the property.

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Utility Scale SES Bonds Discussion. At their November 16, 2020 meeting the Planning Advisory Commission discussed utility-scale SES bonds and whether bonds should be required between the landowner and the Solar Company or should be held by Goodhue County. To date, the County Board has not exercised the ordinance option to require a utility-scale SES project to provide a bond between the Applicant/solar company and the County. Typically, the Solar Company and the landowner will establish a bond contractually as part of the lease agreement for the site. The County has generally required that private financial surety be maintained as a condition of the Conditional Use Permit approval. The Goodhue County Zoning Ordinance Article 19 Section 6 Decommissioning (Attached) specifies that a decommissioning plan should be prepared by a competent party and that the financial resources available to pay for the decommissioning be identified in the plan. Solar companies will provide this information to the landowner prior to the establishment of the array. Article 19 Section 6 Subd. 4 provides the County Board the option to require an Applicant to provide financial security in the form of a cash escrow or irrevocable letter of credit up to 125% of the proposed decommissioning costs. The Planning Advisory Commission requested that staff review adjacent Minnesota counties' financial surety practices for comparison. Included in the board packet were staff's findings, communications with other Zoning officials, and communications with the applicant for the solar projects that were considered at the November 2020 Planning Commission meeting.

Ms. Hanni noted that this item was for information only and no board action was necessary at this point.

Reappoint PAC and BOA Members. Staff recommends the County Board approve the re-appointment of Commissioner Richard Nystuen to his third 3-year term and the re-appointment of Commissioner Howard Stenerson to his second 3-year term as members of the Planning Advisory Commission. Mr. Nystuen and Mr. Stenerson would serve until December 31, 2023.

¹⁸ Moved by C/Anderson, seconded by C/Drotos, and carried to approve the re-appointment of the following Commissioners to the Planning Advisory Commission for a term ending December 31, 2023:

1. re-appointment of Commissioner Richard Nystuen to his third 3-year term
2. re-appointment of Commissioner Howard Stenerson to his second 3-year term

and carried to approve the re-appointment of the following Commissioner to the Board of Adjustment for a term ending December 31, 2023:

1. re-appointment of Commissioner Daniel Knott to his second 3-year term

PUBLIC WORKS DIRECTOR'S REPORT

TH 52 Southbound Regrading Project Update. Staff recommended the County Board approve the inclusion of the Park and Ride Lot in the design of the TH 52 project, with the County being responsible for the construction and maintenance of this lot.

¹⁹ Moved by C/Anderson, seconded by C/Drotos, and carried (4-1-0) w/Majerus dissenting to approve the inclusion of the Park and Ride Lot in the design of the TH 52 project, with the County being responsible for the construction and maintenance of this lot.

COUNTY ADMINISTRATOR'S REPORT

Award HHS Generator Contract. The County Board authorized the use of CARES funding to purchase and install a generator to run the Health and Human Services Building. It is expected that in the near future Health and Human Services will be storing community vaccine related to COVID-19. It was estimated that the entire project would cost approximately \$300,000 generator and \$30,000 budgeted for soft costs. Staff recommended the board approve the recommendation of Short Elliott Hendrickson to award the contract to the lowest bidder, NEO Electrical Solutions, LLC, in the amount of \$184,600.

²⁰ Moved by C/Anderson, seconded by C/Drotos, and carried (4-1-0) with C/Neseth dissenting to approve to award the Health and Human Services Generator contract to the lowest bidder, NEO Electrical Solutions, LLC, in the amount of \$184,600.

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FINANCE DIRECTOR'S REPORT

Postpone Sale of Series 2020A Bonds. Staff is recommending the County Board make a motion to Postpone the Sale of Series 2020A Bonds as previously approved by Resolution on November 3rd .

²¹ Moved by C/Anderson, seconded by C/Flanders, and carried to approve to postpone the Sale of Series 2020A Bonds as previously approved by resolution on November 3, 2020.

Goodhue County CARES Act Funding Program Update. Finance Director, Brian Anderson, updated the board on the CARES Act Funding Program approved previously by the board.

COMMITTEE REPORTS:

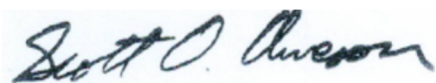
C/Drotos	•
C/Nesseth	•
C/Anderson	•
C/Majerus	•
C/Flanders	•
Administrator Arneson	•

Review and Approve the County Claims

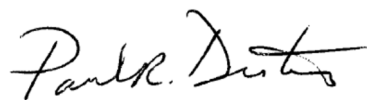
²² Moved by C/Anderson, seconded by C/Drotos, and carried to approve to pay the County claims in the amount of 01-General Revenue \$341,015.24, 03-Public Works \$610,283.78, 11- Human Service Fund \$52,493.69, 12- GC Family Services Collaborative \$00, 21-ISTS \$00, 25- EDA \$2,742.50, 30-Capital Improvement \$00, 31-Capital Equipment \$00, 34-Capital Equipment \$38,671.48, 35-Debt Services \$00, 40-County Ditch \$00, 61-Waste Management \$14,155.46, 62-Recycling Center \$00, 63-HHW \$00, 72-Other Agency Funds \$242,664.62, 81-Settlement \$5,017.016, in the total amount of \$1,307,043.78.

Adjourn

²³ Moved by C/Flanders, seconded by C/Nesseth, and carried to approve to adjourn the December 1, 2020, County Board Meeting.



SCOTT O. ARNESON
COUNTY ADMINISTRATOR



PAUL DROTOS, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

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MINUTE

1. Approved the November 17, 2020 County Board Meeting Minutes. (Motion carried 5-0)
2. Approve the December 1, 2020 County Board Meeting Agenda as amended. (Motion carried 5-0)
3. Approved the Consent Agenda. (Motion carried 5-0)
4. Approved the funding request for the zumbro river watershed trail group. (Motion carried 4-1-0)
5. Approved to open the public hearing. (Motion carried 5-0)
6. Approved to close the public hearing. (Motion carried 5-0)
7. Approved the rezone for Paul Novak, Leon Township. (Motion carried 5-0)
8. Approved the preliminary and final plat for Paul Novak, Leon Township. (Motion carried 5-0)
9. Approved to open the public hearing. (Motion carried 5-0)
10. Approved to close the public hearing. (Motion carried 5-0)
11. Approved to deny the proposed zoning ordinance amendments. (Motion carried 4-1-0)
12. Approved to open the public hearing. (Motion carried 5-0)
13. Approved to close the public hearing. (Motion carried 5-0)
14. Approved the 2021 county fee schedule. (Motion carried 5-0)
15. Approved a conditional use permit for Shirley Thomforde, Goodhue Township. (Motion carried 5-0)
16. Approved a conditional use permit for Michael Stehr, Featherstone Township. (Motion carried 5-0)
17. Approved a conditional use permit for Dan Williams, Featherstone Township. (Motion carried 5-0)
18. Approved the board of adjustment and planning commission appointments. (Motion carried 5-0)
19. Approved the inclusion of a park and ride lot in the design of the TH52 project. (Motion carried 4-1-0)
20. Approved to award the HHS generator contract. (Motion carried 4-1-0)
21. Approved to postpone the sale of series 2020A Bonds. (Motion carried 5-0)
22. Approved the county claims. (Motion carried 5-0)
23. Approved to adjourn the December 1, 2020 County Board Meeting. (Motion carried 5-0)