

BOARD OF COMMISSIONERS' PROCEEDINGS, GOODHUE COUNTY, MN
OCTOBER 5, 2021

The Goodhue County Board of Commissioners met on Tuesday, October 5, 2021 at 9:00 a.m. by virtual meeting with the County Administrator appearing from the Goodhue County Boardroom, Government Center, Red Wing, MN, with Commissioners Anderson, Majerus, Drotos, Greseth and Flanders all present and appearing by virtual meeting, and again at 10:00 a.m. in closed session to discuss employee union contract negotiations,

C/Anderson asked for any disclosure of interest. There were none.

¹ Moved by C/Drotos, seconded by C/Flanders, and carried to approve the September 21, 2021 County Board meeting minutes.

² Moved by C/Flanders, seconded by C/Majerus, and carried to approve the October 5, 2021 County Board Agenda.

³ Moved by C/Drotos, seconded by C/Majerus, and carried to approve item #1 on the consent agenda:

C/Drotos requested item #2 be removed from the consent agenda for discussion.

1. Approve Final of CSAH 6 Concrete Paving SAP 025-606-021.
- 2.

Approval of 2022 Tandem Hook Truck Order. C/Drotos was concerned with the trucks using diesel fuel and questioned if changes were made to the recycling process, would there be a market to sell them in the future. Mr. Isakson stated that these trucks would be needed regardless of a change in process.

⁴ Moved by C/Majerus, seconded by C/Greseth, and carried (4-1-0) with C/Drotos dissenting to approve to purchase a Tandem Hook Truck for the recycling center.

COUNTY SURVEYOR'S REPORT

County Ditch 1, Lateral B - Set Final Hearing Date. Staff and counsel recommend the County Board: 1) Approve the Resolution to set the Final Public Hearing date for the petition, detailed survey report, and viewers' reports of the proposed improvement to Goodhue County Ditch 1, Branch B, for November 16, 2021 at 9am; and 2) Authorize HEI to prepare plans for the repair of Branches, A, C, and D, so they can be included as part of the Improvement of Branch B construction project and bids.

⁵ Moved by C/Flanders, seconded by C/Greseth, and carried to approve the proposed resolution to set the Final Public Hearing date for the petition, detailed survey report, and viewers' reports of the proposed improvement to Goodhue County Ditch 1, Branch B, for November 16, 2021 at 9am;

⁶ Moved by C/Greseth, seconded by C/Drotos authorize HEI to prepare plans for the repair of Branches, A, C, and D, so they can be included as part of the Improvement of Branch B construction project and bids.

Selling County land along Lake Byllesby. Goodhue County has been working with landowners abutting Lake Byllesby since 2016 to determine a process to sell County owned land to them, and get legislation passed for a direct sale of County property. Staff recommend the County Board pass the proposed resolution and determine the percentage of the value for the sale of the county owned lands

⁷ Moved by C/Drotos, seconded by C/Flanders, and carried to approve the following resolution

WHEREAS, Goodhue County owns parcels abutting Lake Byllesby in Sections 8, 9,16, and 17 Township 112 North, Range 18 West, Goodhue County, MN; and

WHEREAS, Minnesota Session Laws (2021 First Special Session) states:

Sec. 120. GOODHUE COUNTY; LAND TRANSFERS.

Subdivision 1. Land transfers. (a) Notwithstanding Minnesota Statutes, section 373.01, subdivision 1, paragraph (a), clause (3), Goodhue County may sell, lease, or otherwise convey county-owned land that abuts Lake Byllesby to adjoining property owners who after the transfer will have direct access to

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Lake Byllesby. Any sale, lease, or other conveyance must be for the market value of the property as appraised by the county. A sale, lease, or other conveyance under this section must reserve to the county mineral rights according to Minnesota Statutes, section 373.01, and flowage easements relating to water levels of Lake Byllesby.

(b) This section does not apply to any county-owned land that has been developed by the county as public parkland.

Subd. 2. Effective date; local approval. This section is effective the day after the governing body of Goodhue County and its chief clerical officer comply with Minnesota Statutes, section 645.021, subdivisions 2 and 3;

AND WHEREAS, Goodhue County has determined that the County owned parcels as described in the Special Session Laws abutting Lake Byllesby are no longer needed for County purposes; and

WHEREAS, the Land Use Management department has evaluated the described parcels and determined the parcels are of nonconforming size in that zoning district; and

WHEREAS, the County owned parcels between the private land owners and Lake Byllesby will be incorporated into new lots in new plats, with all expenses being paid for by the private landowners; and

WHEREAS, The County reserves the riparian rights to Lake Byllesby, regardless of the water level, and gives no warrantee or guarantee that the water level will remain or be maintained at the 856 (1988, NAVD88) elevation;

NOW THEREFORE BE IT RESOLVED, that the Goodhue County Board of Commissioners hereby direct the County Auditor to offer for sale the qualifying parcels abutting Lake Byllesby for 100 % of the fair market value, as determined by the County Assessor, at the time of the sale

LAND USE MANAGEMENT DIRECTOR'S REPORT

Conditional Use Permit (CUP) for a Utility-Scale Solar Energy System (SES). The request was submitted by Pivot Energy (MN Solar 18 LLC, Applicant) and David Wickum (Owner) for a Utility-Scale Photovoltaic Ground 1-Megawatt Solar Energy System (SES) occupying approximately 8.0 acres. Parcel 36.011.0200. TBD 50th Avenue Kenyon, MN 55946. SE ¼ and the W ½ of the NE ¼ of Section 11 TWP 109 Range 18 in Kenyon Township. A-1 Zoned District. The Planning Commission recommended approval.

⁸ Moved by C/Drotos, seconded by C/Greseth, 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 Pivot Energy (MN Solar 18 LLC, Applicant) and David Wickum (Owner) for a Utility-Scale Photovoltaic Ground 300 Kilowatt (KW) 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 Pivot Energy (MN Solar 18 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 copy of the NPDES and SWPPP shall be submitted for administrative review as part of the Building Permit Application for the project;
6. Applicant should specify the seed mix to be used during the Building Permit approval process and shall submit "seed tags" to the Land Use Management Department prior to final inspection;
7. Applicant shall obtain Building Permit approvals from the Goodhue County Land Use Management Department prior to establishing the use;
8. 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

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by the Zoning Administrator for compliance with applicable zoning requirements upon completion of the project;

9. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations;

10. This CUP shall expire 30 years from the date of approval unless terminated prior to that date.

County Attorney, Steve O’Keefe indicated that he sent a memo to the County Board last week regarding a settlement from lawsuit in 2019. Nelson Auto Center over charged municipalities for law enforcement. Consensus was to accept the settlement.

COMMITTEE REPORTS:

C/Drotos	• Homeless Committee Report and affordable housing.
C/Greseth	•
C/Anderson	•
C/Majerus	•
C/Flanders	•
Administrator Arneson	•

Review and Approve the County Claims

⁹ Moved by C/Greseth, seconded by C/Drotos, and carried to approve to pay the County claims in the amount of 01- General Revenue \$426,465.13, 03-Public Works \$571,604.83, 11- Human Service Fund \$139,446.75, 12- GC Family Services Collaborative \$00, 15- County Ditch 1 \$7,925.36, 21-ISTS \$00, 25- EDA \$00, 30-Capital Improvement \$00, 31-Capital Equipment \$00, 34-Capital Equipment \$22,073.26, 35-Debt Services \$00, 40-County Ditch \$00, 61-Waste Management \$13,522.41, 62-Recycling Center \$00, 63-HHW \$00, 72-Other Agency Funds \$272,184.44, 81-Settlement \$24,592.71, in the total amount of \$1,477,814.89.

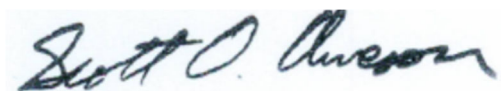
¹⁰ Moved by C/Flanders, seconded by C/Majerus and carried to approve to move to a Closed Session County Board Meeting at 10:00 a.m.

¹¹ Moved by C/Drotos, seconded by C/Flanders and carried to approve to open the Closed Session County Board meeting at 11:49 a.m.

Adjourn

¹² Moved by C/Flanders, seconded by C/Greseth and carried to approve to adjourn the October 5, 2021, County Board Meeting at 11:51 a.m.

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SCOTT O. ARNESON
COUNTY ADMINISTRATOR



BRAD ANDERSON, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

MINUTE

1. Approved the September 21, 2021 County Board Meeting Minutes. (Motion carried 5-0)
2. Approve the October 5, 2021 County Board Meeting Agenda. (Motion carried 5-0)
3. Approved the Consent Agenda as amended. (Motion carried 5-0)
4. Approved to purchase a tandem truck. (Motion carried 4-1-0)
5. Approved to set a public hearing date for County Ditch 1. (Motion carried 5-0)
6. Approved the resolution to sell land along Lake Byllesby. (Motion carried 5-0)
7. Approved a Conditional Use Permit for a Utility Scale Solar Energy System (SES) in Kenyon Township. (Motion carried 5-0)
8. Approved the county claims. (Motion carried 5-0)
9. Approved to move to a closed session county board meeting. (Motion carried 5-0)
10. Approved to move to an open session county board meeting. (Motion carried 5-0)
11. Approved to adjourn the October 5, 2021 County Board Meeting. (Motion carried 5-0)