

BOARD OF COMMISSIONERS' PROCEEDINGS, GOODHUE COUNTY, MN
APRIL 17, 2018

The Goodhue County Board of Commissioners met on Tuesday, April 17, 2018, at 9:00 a.m. in the County Board Room, Government Center, Red Wing, MN with Commissioners Anderson, Majerus, Nesseth, Drotos and Allen were all present.

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

¹ Moved by C/Drotos, seconded by C/Anderson, and carried to approve the March 20, 2018, County Board Minutes.

² Moved by C/Anderson, seconded by C/Majerus, and carried to approve the April 17, 2018, County Board Agenda.

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

C/Drotos removed the AIS Contract from the consent agenda for discussion.

1. Approve the 2018 Annual County Boat & Water Safety Grant Agreement.
- 2.
3. Approve Award of 2018 Traffic Marking Contract.
4. Approve Sale of Public Works Items.
5. Approve the distribution of the balance of the Welch Sewer maintenance account.
6. Approve schedule change for May County Board Meetings.
7. Approve the sale of forfeiture vehicle - 2002 Chevy Avalanche - via Public Surplus Auction

Approve AIS Contract. C/Drotos commented that he had attended meetings and was impressed with how important this work is.

⁴ Moved by C/Drotos, seconded by C/Majerus, and carried to approve the AIS Contract.

COUNTY ADMINISTRATOR'S REPORT

Resolution of Support-Xcel Energy. Ross Loxvold with Xcel Energy addressed the board and requested a resolution of support for House File 3708/Senate File 3504 to provide an additional regulatory option by which the Public Utilities Commission may consider investments made in the plant.

⁵ Moved by C/Allen, seconded by C/Drotos, and carried to approve the following resolution of support for House File 3708/Senate File 3504:

Whereas the Prairie Island Nuclear Generating Plant (the Plant) is located in the County of Goodhue; and

Whereas the Plant provides 1100 megawatts of carbon-free baseload energy to the state; and

Whereas the Plant provides competitive pay and benefits to its 800 full-time employees, and an additional 1000 employees during refueling outages; and

Whereas the Plant is a major contributor to the local property tax base and to the local economy; and

Whereas the Plant is licensed by the Nuclear Regulatory Commission to operate through 2033/2034;

Now, therefore, be it resolved that the Goodhue County Board supports House File 3708/Senate File 3504, to provide an additional regulatory option by which the Public Utilities Commission may consider investments made in the plant.

Set Public Hearing Dates for Tax Abatement Applications. The Goodhue County Economic Development Authority (EDA) Board recommends the County Board conduct a public hearing on Tuesday, May 1, 2018 at 9:00 a.m. to consider the following three tax abatement applications: 1. Zumbrota Veterinary Properties, LLC. 2. Zumbrota Sales,

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LLC. 3. Cannon River Winery.

⁶ Moved by C/Anderson, seconded by C/Majerus, and carried to approve to conduct a public hearing at 9:00 a.m. on Tuesday, May 1, 2018 in room 301 Government Center, Red Wing, MN to consider the following three tax abatement applications:

1. Zumbrota Veterinary Properties, LLC.
2. Zumbrota Sales, LLC.
3. Cannon River Winery.

FINANCE DIRECTOR'S REPORT

SEMMCHRA Purchase of Forfeited Land. Ms. Holmsten and Representatives from South Eastern Minnesota Multi County Housing and Redevelopment Authority requested the county sell forfeited property to them for \$1 to meet MN Statute 282.01, subd. 1a, par.(d).

⁷ Moved by C/Drotos, seconded by C/Anderson, and carried to approve the sale of the following parcels to South Eastern Minnesota Multi County Housing and Redevelopment Authority for \$1 plus \$73.68 for recording fees contingent upon them also obtaining parcel 524560080:

Parcels: 524560090, 0070, 0060, 0050, 0040, 0030, 0020, 0010, 524550010, 0020, 0030, 0040, 0050, 0060, 0070, 0080, 0090, 0100, 0110, and 0120.

2017 Cash Fund Balance. At the May 2, 2017 meeting the Board determined "that any cost savings related to hiring replacement positions at a lower level be reviewed at the end of each year and if any savings exists, it be transferred to the building contingency fund." The cost savings relating to employee changes in 2017 were reported at the Committee meeting to be \$157,735. This amount will be added to the building contingency account. Staff recommended the board make any adjustments based on what may be additional fund balance in December when the projected list of restrictions, commitments and assignments is brought to the board for review. This would be a more efficient and cost effective way to address savings in the future as opposed to the current board motion, and in addition, it would not tie the hands of future boards.

C/Majerus noted that the intent of the original resolution was to see where the employee savings was being spent.

C/Nesseth felt that they were giving up too much board control and were not keeping a close enough eye on employees.

Ms. Holmsten commented that each month the board receives a report on the agenda listing the employees wages who leave along with who they are replaced with which includes the hourly rate.

⁸ Moved by C/Allen, seconded by C/Majerus, and carried (4-1-0) with C/Nesseth dissenting to approve to capture any savings related to change in staff through the reserves and designation process in December each year.

PUBLIC WORKS DIRECTOR'S REPORT

CSAH 5 Turnback to Hay Creek Township. Staff recommended the board approve to set a date to hold a public hearing on June 5 in Hay Creek Township to revoke a portion of CSAH 5.

C/Majerus suggested staff work with Hay Creek Township to determine what time worked best for them.

⁹ Moved by C/Allen, seconded by C/Majerus, and carried to approve to schedule a public hearing on June 5 at.in Hay Creek Township to revoke a portion of CSAH5.

Dedicated Sales Taxes on Auto Parts to the Highway User's Distribution Fund. Staff recommended the board approve the proposed resolution to support the effort to have a Constitutional Amendment on the statewide ballot in this fall's elections that would ask voters to dedicate all sales taxes from auto parts to the Highway User's Distribution Fund.

¹⁰ Moved by C/Anderson, seconded by C/Majerus, and carried to approve the following resolution to support the effort to have a Constitutional Amendment on the statewide ballot in this fall's elections that would ask voters to dedicate all sales taxes from auto parts to the Highway User's Distribution Fund:

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WHEREAS, the construction, reconstruction and maintenance of the highway, road, and bridge system in Minnesota has been underfunded for years; and

WHEREAS, sources for funding the State's transportation system include the Federal Gas Tax, the State's Gas Tax, Bonding, and General Fund Transfers; and

WHEREAS, Goodhue County can also use County levy, Wheelage Tax funds, and the County Board could adopt the Local Optional Sales Tax to fund County transportation projects; and

WHEREAS, last year the State 'statutorily' dedicated \$63 million per year from the current biennium and \$145 million per year starting in FY 2020; and

WHEREAS, the projected sales taxes generated from auto parts in FY 2021 is \$260 million; and

WHEREAS, there is no certainty that these funds will be transferred to the Highway User's Distribution Fund since this is simply a 'statutory' dedication that can be revised at any time by the State Legislature; and

WHEREAS, the Transportation Alliance is proposing a Constitutional Amendment to dedicate all sales taxes from auto parts to the Highway User's Distribution Fund, thus becoming a consistent, dedicated funding source for state highways, county state aid highways, municipal city streets and bridges throughout the state of Minnesota;

NOW, THEREFORE, LET IT BE RESOLVED, that the Goodhue County Board of Commissioners supports the effort to have a Constitutional Amendment on the statewide ballot in this fall's elections that would ask the voters to dedicate all sales taxes generated from the sale of auto parts to the Highway User's Distribution Fund.

Property Acquisition for the Nielsen Memorial Preserve. Staff recommend the Board acquire parcel no. 36.130.0010 from Allan and Jane Story for \$30,000 and dedicate it as part of the Goodhue County Nielsen Memorial Preserve.

¹¹ Moved by C/Nesseth, seconded by C/Drotos, and carried to approve the following resolution to acquire

WHEREAS, Goodhue County has dedicated 76 acres of parkland west of Kenyon as the Nielsen Memorial Preserve; and,

WHEREAS, the County seeks to improve access to this parkland which will require additional property to the east of the existing cart path access; and,

WHEREAS, the County has approved a master plan for the Nielsen Memorial Preserve and submitted this master plan, along with an application for regional park designation, to the Greater Minnesota Regional Parks and Trails Commission (GMRPTC); and,

WHEREAS, the GMRPTC criteria for regional designation gives preference to parks achieving 100 acres in size; and,

WHEREAS, Allan and Jane Story currently own a 10 acre parcel to the north of the existing Nielsen Memorial Preserve and to the east of the cart path and are willing sellers at the price of \$3,000 per acre; and,

WHEREAS, this 10 acre parcel will help the County achieve both its access and size goals for the Nielsen Memorial Preserve.

NOW, THEREFORE, BE IT RESOLVED, Goodhue County agrees to purchase the 10 acre parcel no. 36.130.0010 from Allan and Jane Story for the selling price of \$30,000 and dedicate it as part of the Goodhue County Nielsen Memorial Preserve.

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LANDUSE MANAGEMENT DIRECTOR'S REPORT

PUBLIC HEARING: to consider Goodhue County Ordinance updates:

- Article 30 (Commercial Recreational District) regarding setbacks, height limitations, and permitted uses.
- Article 10 (Definitions), Article 11 (Performance Standards) regarding proposed Contractor Yard definition and related performance standards. Article 21 A-1, Agricultural Protection District, Article 22 A-2, Agricultural District, and Article 23 A-3, Urban Fringe District in regards to Contractor Yards.

The Planning Commission recommended approval.

- ¹² Moved by C/Anderson, seconded by C/Allen, and carried to approve to open the public hearing to discuss Article 30 (Commercial Recreational District) regarding setbacks, height limitations, and permitted uses.

C/Majerus asked three times for public comment. There were none.

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

- ¹⁴ Moved by C/Drotos, seconded by C/Majerus, and carried to approve the Planning Advisory Commission recommendation to adopt the staff reports, attachments, and testimony into the record, and APPROVE the proposed amendments to Article 30 (Commercial Recreational District) regarding setbacks, height limitations, and permitted uses.

- ¹⁵ Moved by C/Allen, seconded by C/Majerus, and carried to approve to open the public hearing related to Article 10 (Definitions).

C/Majerus asked three times for public comment. There were none.

- ¹⁶ Moved by C/Anderson, seconded by C/Drotos, and carried to approve to close the public hearing.

The size was the issue that was discussed at the Planning Commission.

C/Nesseth had issues with the proposal and felt there were unattended consequences.

- ¹⁷ Moved by C/Allen, seconded by C/Anderson, and carried (4-1-0) with C/Nesseth dissenting to approve the Planning Advisory Commission recommendation to adopt the staff reports, attachments, and testimony into the record, and APPROVE the proposed amendments to Article 10 (Definitions), Article 11 (Performance Standards), Article 21 A-1, Agricultural Protection District, Article 22 A-2, Agricultural District, and Article 23 A-3, Urban Fringe District as presented and recommend the County Board of Commissioners determine the minimum parcel size (Article 11 Section 33, Subd. 1- A) for proposed Contractors Yards.

Condition Use Permit - Roger Kittelson. Request by Roger Kittelson (applicant) for CUP for a Bed and Breakfast and a CUP for a Non-Agricultural Use associated with Agricultural Tourism (Wedding Event Facility), at 39744 Highway 58 Blvd, Goodhue, MN 55027, Parcel 33.033.0600, Part of the NE ¼ of SE ¼, Sect 33 Twp 111 Range 15, in Goodhue Township. A1 Zoned District.

- ¹⁸ Moved by C/Drotos, seconded by C/Majerus, and carried to approve the Planning Advisory Commission recommendation to adopt the staff report and findings of fact into the record and accept the application, testimony, exhibits, and other evidence presented into record, and APPROVE the request from Roger Kittelson for a CUP to establish a Wedding Event Center with a proposed maximum occupancy of 150 guests. 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 shall be June 1 – September 30 Thursday through Sunday, 8:00 AM to 10:00 PM unless a variance is granted by the Goodhue County Board of Adjustment to allow hours to extend to no later than 12:00 PM on Friday and Saturday evenings.
3. Maximum occupancy shall be limited to 150 guests per event and a maximum of 8 Events per June – September Season with a limit of 1 event per day (Thursday – Sunday);

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4. On-street event parking shall be prohibited; “To effectively promote the safety, health, and well-being of our residents” www.co.goodhue.mn.us Page 3 of 6
5. The Applicant shall provide the County evidence of driveway access approval from MNDOT District 6 prior to start of operations;
6. Use of the property by event guests for over-night stays shall require issuance of a separate CUP/IUP;
7. Security personnel shall be provided at events in which alcohol is served;
8. Applicants shall work with Goodhue County Environmental Health to achieve compliance with the GOODHUE COUNTY SUBSURFACE SEWAGE TREATMENT SYSTEM ORDINANCE. A septic system design and application must be approved prior to any construction on site or use of the property as proposed. The proposed use will be subject to an annual operating permit under the Subsurface Sewage Treatment Ordinance;
9. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations.
10. The applicants must notify event participants of the local crop and animal agriculture farming practices in the area, which could include odors, dust, large farm equipment on the roads, and hauling or spreading of agricultural related products.

At 39744 Highway 58 Blvd, Goodhue, MN 55027, Parcel 33.033.0600, Part of the NE ¼ of the SE ¼ Section 33 Twp 111 Range 15 in Goodhue Township as legally described in Document #638002.

¹⁹ Moved by C/Nesseth, seconded by C/Allen, and carried to approve the Planning Advisory Commission recommendation to

adopt the staff report and findings of fact into the record and accept the application, testimony, exhibits, and other evidence presented into record, and APPROVE the request from Roger Kittelson for a CUP to establish a Bed and Breakfast Inn with a proposed maximum occupancy of 15 guests 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 shall be year round Thursday - Sunday;
3. Maximum occupancy shall be limited to 15 guests per night;
4. No more than 6 rooms shall be designated for guest use;
5. On-street parking shall be prohibited;
6. Applicants shall work with Goodhue County Environmental Health to achieve compliance with the GOODHUE COUNTY SUBSURFACE SEWAGE TREATMENT SYSTEM ORDINANCE;
7. The applicant shall provide evidence to the County that MNDOT District 6 has approved the use of the driveway access to Hwy 58 for the proposed use(s) of the property;
8. All applicable building code requirements must be met prior to start of operations; “To effectively promote the safety, health, and well-being of our residents” www.co.goodhue.mn.us Page 5 of 6
9. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations.
10. The applicants must notify event participants of the local crop and animal agriculture farming practices in the area, which could include odors, dust, large farm equipment on the roads, and hauling or spreading of agricultural related products.

At 39744 Highway 58 Blvd, Goodhue, MN 55027, Parcel 33.033.0600, Part of the NE ¼ of the SE ¼ Section 33 Twp 111 Range 15 in Goodhue Township as legally described in Document #638002.

Ms. Hanni requested the board schedule a special meeting to discuss the Planning Commission items.

²⁰ Moved by C/Anderson, seconded by C/Majerus, and carried to approve to schedule a special session county board meeting on May 8 at 6:30 p.m. in Room 301- Government Center, Red Wing, MN.

COMMITTEE REPORTS:

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|------------|---|
| C/Drotos | • |
| C/Nesseth | • |
| C/Anderson | • |
| C/Majerus | • |

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| | |
|-----------------------|---|
| C/Allen | • |
| Administrator Arneson | • |

New Business.

Budget Workshop. C/Majerus suggested that the budget workshop scheduled for this afternoon be cancelled and instead the commissioners meet to discuss their priorities and how much they wanted to levy to give staff direction on how to move forward.

C/Allen commented that he would like to see the levy for 2019 around 3%.

C/Majerus directed staff to cancel the budget workshop and to focus on a 3% levy and bring options to reduce the budget to get to that level.

Funding of Treatment Court in Goodhue County. C/Drotos commented that he would like to have this item on a future meeting. There was consensus from the board for staff to get updated information on costs associated with creating a treatment court in Goodhue County. A future Committee of the Whole meeting will be scheduled to discuss the issue.

County owned land. C/Nesseth requested that staff look into possibly selling the 110 acres that Goodhue County owns located west of Byllesby Park.


Minnesota Assessor's Website. C/Nesseth questioned why there are photos of tax ID properties on the Minnesota Assessor's website. He was interested in getting costs associated with the staff time involved in uploading the photos. Ms. Holmsten stated that there was not much cost involved. She was the one that uploaded the photos and it only took approximately three minutes to press a button and then an hour to upload on its own.

Review and approve county claims.

²¹ Moved by C/Allen, seconded by C/Majerus, and carried to approve to pay the County claims in the amount of 01-General Revenue \$185,488.19, 03-Public Works \$29,176.61, 11- Human Service Fund \$21,129.36, 21-ISTS \$00, 25- EDA \$00, 30-Capital Improvement \$00, 31-Capital Equipment \$00, 34-Capital Equipment \$23,247.86, 35-Debt Services \$2,300, 40-County Ditch \$00, 61-Waste Management \$5,874.78, 62-Recycling Center \$00, 63-HHW \$00, 72-Other Agency Funds \$72,716.83, 81-Settlement \$9,445.71, in the total amount of \$349,379.34.

²² Moved by C/Allen, seconded by C/Majerus, and carried to approve to pay the County claims in the amount of 01-General Revenue \$373,054.06, 03-Public Works \$102,860.42, 11- Human Service Fund \$128,081.44, 21-ISTS \$00, 25- EDA \$1,457.62, 30-Capital Improvement \$00, 31-Capital Equipment \$00, 34-Capital Equipment \$15,713.46, 35-Debt Services \$500.00, 40-County Ditch \$00, 61-Waste Management \$11,756.56, 62-Recycling Center \$00, 63-HHW \$00, 72-Other Agency Funds \$1,475.00, 81-Settlement \$19.02, in the total amount of \$634,917.58.

²³ Moved by C/Anderson, seconded by C/Drotos, and carried to approve to adjourn the April 17, 2018, County Board Meeting.



SCOTT O. ARNESON
COUNTY ADMINISTRATOR



JASON MAJERUS, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

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MINUTE

1. Approved the March 20, 2018 County Board Meeting Minutes. (Motion carried 5-0)
2. Approved the April 17, 2018 County Board Meeting Agenda. (Motion carried 5-0)
3. Approved the Consent Agenda as amended. (Motion carried 5-0)
4. Approved the AIS Contracts. (Motion carried 5-0)
5. Approved the resolution of support for Xcel Energy. (Motion carried 5-0)
6. Approved to set public hearings for tax abatements. (Motion carried 5-0)
7. Approved the sale of forfeited land to SEMMCHRA. (Motion carried 5-0)
8. Approved to make adjustments to fund balances in December. (Motion carried 4-1)
9. Approved to set a public hearing for the CSAH 5 Turnback. (Motion carried 5-0)
10. Approved the resolution of support for dedicated sales tax on auto parts. (Motion carried 5-0)
11. Approved the property acquisition for Nielsen Memorial Preserve. (Motion carried 5-0)
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 Goodhue County Ordinance text amendments. (Motion carried 5-0)
15. Approved to open the public hearing. (Motion carried 5-0)
16. Approved to close the public hearing. (Motion carried 5-0)
17. Approved the Goodhue County Ordinance text amendments. (Motion carried 4-1)
18. Approved a conditional use permit for Roger Kittleson. (Motion carried 5-0)
19. Approved a conditional use permit for Roger Kittleson. (Motion carried 5-0)
20. Approved to set a special session county board meeting for May 8 at 6:30 p.m.. (Motion carried 5-0)
21. Approved the county claims. (Motion carried 5-0)
22. Approved the county claims. (Motion carried 5-0)
23. Approved to adjourn the April 17, 2018 County Board Meeting. (Motion carried 5-0)