

**BOARD OF COMMISSIONERS' PROCEEDINGS, GOODHUE COUNTY, MN
SEPTEMBER 3, 2019**

The Goodhue County Board of Commissioners met on Tuesday, September 3, 2019, at 5:00 p.m. in the County Board Room, Government Center, Red Wing, MN, with Commissioners Anderson, Majerus, Nesseth, and Drotos all present.

C/Anderson asked if there were any disclosures of interest. C/Anderson noted that his brother lives south of the Gesme property which was a topic of one items under the Land Use Management's reports.

¹ Moved by C/Majerus, seconded by C/Nesseth, and carried to approve the August 8, 2019, County Board Meeting Minutes.

² Moved by C/Majerus, seconded by C/Drotos, and carried to approve the August 13, 2019, County Board Meeting Minutes.

³ Moved by C/Majerus, seconded by C/Nesseth, and carried to approve the September 3, 2019, County Board agenda.

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

C/Drotos requested to remove the following items for discussion:

1. Approve the 2020 CVS0 Operational Enhancement Grant.
8. Approve Revision to Solar Garden Subscription Agreement.

C/Nesseth requested to remove the following items for discussion:

2. Approve the Letter of Support for Southeastern MN Multi-County Housing & Redevelopment Authority (SEMMCHRA)
12. Approve the Publication of Notice of Bids and Establishment of Bid Opening Date to Consider Sale of the Residential House and Garage.

- 1.
- 2.
3. Approve Deeds to old road alignment.
4. Approve request to sell forfeited property at a private sale (Florence Twp).
5. Approve request to sell forfeited property at a private sale (Red Wing).
6. Approve Final of 2018 Concrete Paving Contract.
7. Approve Final of CSAH 21 Signal Upgrades Contract.
- 8.
9. Approve the Sale of 2010 Dodge Caravan via Public Surplus Auction.
10. Approve the Sale of 2011 Chevrolet Impala.
11. Approve the Sale of 2015 Chevrolet Equinox.
- 12.

1. Approve the 2020 CVS0 Operational Enhancement Grant. C/Drotos noted that the grant was primarily going to be used for Veteran's transportation and questioned how the program would change. Nathan Pelz, Goodhue County VSO addressed the board and explained that the program would stay as it is now. He is talking with the DAV and they are discussing other options for the transportation program, but for right now, it was staying as is.

⁵ Moved by C/Drotos, seconded by C/Majerus, and carried to approve the 2020 CVS0 Operational Enhancement Grant.

2. Approve the Letter of Support for Southeastern MN Multi-County Housing and Redevelopment Authority (SEMMCHRA). C/Nesseth questioned how the move would affect the Goodhue County residents' availability to be housed in SEMMCHRA properties. Administrator Arneson would check with SEMMCHRA and get back to the board.

8. Approve Revision to Solar Garden Subscription Agreement. C/Drotos wanted to point out that this was part of a grant initiative and he supported the idea.

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⁶ Moved by C/Drotos, seconded by C/Majerus, and carried to approve the Revision to Solar Garden Subscription Agreement.

12. Approve the Publication of Notice of Bids and Establishment of Bid Opening Date to Consider Sale of the Residential House and Garage. C/Nesseth questioned the asking price and why the value of the house was so low. County Attorney, Steve O’Keefe, commented that state statute required that it not be sold below 90% of its assessed value and the property was assessed by the county assessor office and given that value.

⁷ Moved by C/Nesseth, seconded by C/Majerus, and carried to approve the Publication of Notice of Bids and Establishment of Bid Opening Date to Consider Sale of the Residential House and Garage.

PUBLIC WORKS DIRECTOR’S REPORT

Award CR 23 Subsurface Drains Contract. Staff recommended the board award CP 025-023-001 Subsurface Drains contract to Traxler Construction Inc. of Le Center, MN, with the lowest responsible bid of \$252,805.00; additionally, staff is requesting change order authority not to exceed 10% of the approved bid.

⁸ Moved by C/Drotos, seconded by C/Majerus, and carried to approve the award of bid for the CP 025-023-001 – Subsurface Drains by Traxler Construction Inc. of Le Center, MN, with the lowest responsible bid of \$252,805.00; and to allow staff change order authority not to exceed 10% above the approved bid.

LAND USE MANAGEMENT DIRECTOR’S REPORT

PUBLIC HEARING: Consider Goodhue County Ordinance Updates (R1). Proposed amendments to Article 24 (R-1, Suburban Residential District) to modify language relating to dimensional requirements, permitted uses, platting requirements, and access standards. After a lengthy discussion at the PAC regarding animals (Livestock) in the R1 District, the Planning Commission elected to modify the “Table of Uses” to allow up to 1 Animal Unit per acre of land as an Interim Use Permit (IUP). Existing R1 regulations allow up to 3 horses on a 5-acre minimum lot size (other animal types (chickens, goats, llamas, etc.) are not permitted). Feedlots are not permissible in the R1 District, so an applicant could not propose more than 9 Animal Units on an R1 lot through the IUP process (Feedlot registration is required at 10 Animal Units).

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

C/Anderson asked three times for public comment. There was none.

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

¹¹ Moved by C/Nesseth, seconded by C/Majerus, and carried to approve the Planning Commissioner recommendation to adopt the staff report into record, accept the testimony, exhibits, and other evidence presented into the record and APPROVE the amendments to Article 24 (R-1, Suburban Residential District), Article 20; section 7 (Table of Uses), and Article 10 (Definitions)..

PUBLIC HEARING: Consider Goodhue County Ordinance Updates (Kennel Definition). Proposed amendments to Article 10 (Definitions) and Article 11; section 26 (Kennel Performance Standards) to modify language defining the age of adult pets from 4 months to 7 months for kennel operations.

The Planning Commissioner recommended approval.

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

C/Anderson asked three times for public comment. There was none.

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

¹⁴ Moved by C/Nesseth, seconded by C/Majerus, and carried to approve the Planning Advisory Commission recommendation to adopt the staff report into the record, and APPROVE the following amendments:

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• ARTICLE 10. WORD USAGE AND DEFINITIONS
SECTION 2. DEFINITIONS

KENNEL. Animal - Any place where four (4) or more of any type of domestic or exotic pets over four (4) months 28 weeks of age are owned, boarded, bred, or offered for sale.

• ARTICLE 11. PERFORMANCE STANDARDS
SECTION 26. KENNELS

Subd. 1. Application and standards. In addition to the other requirements, the application for conditional use permit shall be accompanied by 25 copies of the plans, which indicate or address the following:

B. The species and maximum number of animals that will be at the site (include all animals over the age of four months 28 weeks on the property).

CONSIDER: IUP Request to Establish a Home-Based Business. Request for an Interim Use Permit (IUP) submitted by Nick Tennessen (Highview Woodworking) to establish a home-based cabinetry business. Parcel 41.171.0020. 32348 59th Avenue Way Cannon Falls, MN 55009. Lot 2 Block 1 of Oxford Oaks Replat in Stanton Township. R1 Zoned District

The Planning Commission recommended approval.

¹⁵ Moved by C/Nesseth, seconded by C/Drotos, and carried to approve to the Planning Advisory Commission recommendation and 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 from Nick Tennessen for an IUP to establish a Tier-2 Home Business. Subject to the following conditions:

1. Activities shall be conducted according to submitted plans, specifications, and narrative unless modified by a condition of this IUP;
2. Primary hours of operation shall be Monday through Friday, 7:00 AM to 5:00 PM;
3. On-street parking shall be prohibited;
4. On-street loading or off-loading shall be prohibited;
5. Applicant shall obtain Building Permit approvals for the proposed structure from the Goodhue County Building Permits Department prior to constructing the building; "To effectively promote the safety, health, and well-being of our residents" www.co.goodhue.mn.us Page 2 of 2
6. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations;
7. Compliance with Goodhue County Zoning Ordinance including, but not limited to, Article 11, Section 12, Home Businesses and Article 24 R-1, Suburban Residence District.

"Gesme Addition" Preliminary and Final Plat Review. Request, submitted by David Rapp (surveyor/agent) on behalf of Keith Gesme (owner), for Preliminary and Final Plat review of the proposed Gesme Addition Plat comprising approximately 55.61 acres. Parcels 28.006.0101, 28.006.0100, and 28.005.0900. 28170 HWY 20 Cannon Falls, MN 55009. Part of the East ½ of the NE ¼ and Part of the N ½ of the SE ¼ of section 6 and part of the W ½ of section 5 in TWP 112 Range 17 in Cannon Falls Township. A3 Zoned District.

¹⁶ Moved by C/Nesseth, seconded by C/Majerus, and carried to approve to the Planning Advisory Commission recommendation and 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 submitted by David Rapp (surveyor/agent) on behalf of Keith Gesme (owner) for Preliminary and Final Plat approval of the proposed "Gesme Addition" Plat comprising approximately 55.61 acres.

CONSIDER: "Hayes Addition" Preliminary and Final Plat Review. Request, submitted by Josie Hayes (owner), for Preliminary and Final review of the proposed Hayes Addition Plat comprising approximately 157.91 acres. Parcel 28.007.0100. 300 Carlson Road Cannon Falls, MN 55009. Part of the NE ¼ of Section 7 in TWP 112 Range 17 in Cannon Falls Township. A3 Zoned District.

¹⁷ Moved by C/Nesseth, seconded by C/Majerus, and carried to approve to the Planning Advisory Commission

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recommendation and 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 Josie Hayes (owner) for Preliminary and Final Plat approval of the proposed “Hayes Addition” comprising 157.91 acres (PID: 28.007.0100).

CONSIDER: SES Conditional Use Permit Amendment Request. Request to amend CUP z17-0043 submitted by Park Avenue Solar Solutions LLC (applicant) and Hader Farms Partnership (owners) to modify approved site plan and vegetative screening requirements for a Utility-Scale Photovoltaic Ground 1 Megawatt Solar Energy System (SES) occupying approximately 5.0 acres. Parcel 38.028.1800. 14373 ST HWY 60 BLVD, Zumbrota, MN 55992. Part of the SE ¼ and E ½ of SW ¼ Sec 28 Twp 110 Range 16 in Minneola Township. A1 Zoned District.

¹⁸ Moved by C/Drotos, seconded by C/Nesseth, and carried to approve to the Planning Advisory Commission recommendation and 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 to amend CUP z17-0043 submitted by Park Avenue Solar Solutions LLC (applicant) and Hader Farms Partnership (owners) to modify approved site plan and vegetative screening requirements for a Utility-Scale Photovoltaic Ground 1 Megawatt Solar Energy System (SES) occupying approximately 5.0 acres

Subject to the following conditions:

1. The Applicant shall work with the Goodhue County Soil and Water Conservation District to establish and maintain a vegetative buffer to include coniferous plantings near the eastern edge of the leased area near the Devlaeminck house and the southern edge near Hwy 60, as submitted as referenced in CUP Application #Z19-0037, Letter from EOR dated July 31, 2019 and illustrated in Attachment D.
2. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations;
3. Compliance with Goodhue County Zoning Ordinance; including but not limited to Article 19 Solar Energy System (SES) Regulations;
4. The owners will cooperate with inspections of the facility in coordination with Land Use staff;
5. The project is limited in location, size, and scope according to the submitted plan (revised site layout submitted with CUP Application #Z19-0037 as Attachment B) proposed in the application submittals; minor adjustments may be made to the site plan with approval from the Zoning Administrator;
6. The project must be decommissioned according to Article 19 Section 6 of the Goodhue County Zoning Ordinance;
7. A decommissioning agreement between the landowner and the solar energy system company must be maintained to assure that the area is reclaimed;
8. The Conditional Use Permit must be reviewed administratively every 5 years;
9. LUM staff will be notified within 30 days by the landowner or solar company if there are any ownership or operator changes;
10. The Applicant shall work with the Goodhue County Soil and Water Conservation District to determine an appropriate seed mix of native vegetation to establish on disturbed areas of the site after the project equipment is installed.
11. This CUP will expire 30 years from the date of approval of the project by the Goodhue County Board.

COMMITTEE REPORTS:

C/Drotos	•
C/Nesseth	•
C/Anderson	• South Country Health Alliance update.
C/Majerus	•
C/Safe	•
Administrator Arneson	•

Review and Approve the County Claims

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- 19 Moved by C/Drotos, seconded by C/Majerus, and carried to approve to pay the County claims in the amount of 01-General Revenue \$286,492.47, 03-Public Works \$154,492.01, 11- Human Service Fund \$38,712.89, 21-ISTS \$00, 25- EDA \$00, 30-Capital Improvement \$00, 31-Capital Equipment \$00, 34-Capital Equipment \$154,217.45, 35-Debt Services \$00, 40-County Ditch \$00, 61-Waste Management \$14,798.63, 62-Recycling Center \$00, 63-HHW \$00, 72-Other Agency Funds \$239,206.52, 81-Settlement \$37,812.02, in the total amount of \$925,731.99.
- 20 Moved by C/Drotos, seconded by C/Majerus, and carried to approve to adjourn the September 3, 2019, County Board Meeting.



SCOTT O. ARNESON
COUNTY ADMINISTRATOR



BRAD ANDERSON, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

MINUTE SUMMARY

1. Approved the August 8, 2019 County Board Meeting Minutes. (Motion carried 4-0)
2. Approved the August 13, 2019 County Board Meeting Minutes. (Motion carried 4-0)
3. Approved the September 3, 2019 County Board Meeting Agenda. (Motion carried 4-0)
4. Approved the Consent Agenda as amended. (Motion carried 4-0)
5. Approved the 2020 CSVO Operational Enhancement Grant. (Motion carried 4-0)
6. Approved the Revised Solar Garden Subscription Agreement. (Motion carried 4-0)
7. Approved the Notice of Bids and Establishment of Bid Opening Date. (Motion carried 4-0)
8. Approved to Award CR23 Subsurface Drains Contract . (Motion carried 4-0)
9. Approved to open the public hearing. (Motion carried 4-0)
10. Approved to close the public hearing. (Motion carried 4-0)
11. Approved the proposed amendments to the Goodhue County Ordinance, Article 24. (Motion carried 4-0)
12. Approved to open the public hearing. (Motion carried 4-0)
13. Approved to close the public hearing. (Motion carried 4-0)
14. Approved the amendments to the Goodhue County Ordinance Article 10. (Motion carried 4-0)
15. Approved the Interim Use Permit for Nick Tennessen, Stanton Township. (Motion carried 4-0)
16. Approved the Preliminary and Final Plat for the Gesme Addition, Cannon Falls Township. (Motion carried 4-0)
17. Approved the Preliminary and Final Plat for the Hayes Addition, Cannon Falls Township. (Motion carried 4-0)
18. Approved a Conditional Use Permit Amendment for Park Ave Solutions and Hader Farms, Minneola Township. (Motion carried 4-0)
19. Approved the County Claims. (Motion carried 4-0)
20. Approved to adjourn the September 3, 2019 County Board Meeting. (Motion carried 4-0)