

**BOARD OF COMMISSIONERS' PROCEEDINGS, GOODHUE COUNTY, MN
NOVEMBER 19, 2019**

The Goodhue County Board of Commissioners met on Tuesday, November 19, 2019, at 8:00 a.m. in closed session in the IT Conference Room, then again at 9:00 a.m. in open session in the County Board Room, Government Center, Red Wing, MN, with Commissioners Anderson, Majerus, Nesseth, Flanders and Drotos all present.

- ¹ Moved by C/Majerus, seconded by C/Drotos, and carried to approve to open the Tuesday, November 19, 2019 County Board Meeting.

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

The Honorable, First Judicial District Judge, Bayley, administered the Oath of Office for County Commissioner Linda Flanders.

- ² Moved by C/Nesseth, seconded by C/Majerus, and carried to approve the November 5, 2019, County Board Meeting Minutes.

- ³ Moved by C/Drotos, seconded by C/Majerus, and carried to approve the November 19, 2019, County Board agenda.

C/Anderson noted that the board would be going back into closed session following the Health and Human Services Board Meeting to discuss property acquisition.

Ms. Hanni added a Conditional Use Permit request from James Phehal, to Elevate a Structure within a Floodplain by Means Other than fill.

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

1. Approve the 2019-2021 Snowmobile Grant contract.
2. Approve the Application to Conduct Off-Site Gambling for the Frontenac Sportsman Club on February 8, 2020.
3. Approve Tuition Reimbursement for Chelsea Lawson, Dispatch.
4. Approve Tuition Reimbursement for Kris Johnson, HHS.

LAND USE MANAGEMENT DIRECTOR'S REPORT

PUBLIC HEARING: Request for Map Amendment (Rezone) – Colleen and Douglass Hill. Request for map amendment, submitted by Colleen and Douglas Hill (Owners), to rezone 15.23 acres from A3 (Urban Fringe District) to R1 (Suburban Residence District). Parcel 31.001.4300. 1790 Bluebird Lane, Red Wing, MN 55066. Part of the NW ¼ of the NE ¼ of Sect 01 Twp 112 R15 in Featherstone Township.

The Planning Commission recommended approval.

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

Doug Hill addressed the board and commented that he could address any public concerns or questions Peter Eberlein, Joe Lommel, and Mary Lee Machnik all spoke to the issue.

C/Anderson asked three times for further comment. There was no further comment.

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

- ⁷ Moved by C/Drotos, seconded by C/Majerus, and carried 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 map amendment request from Colleen Hill (Property Owner) to rezone parcel 31.001.43000 from A3 (Urban Fringe District) to R1 (Suburban Residence District).

PUBLIC HEARING: Request for Map Amendment (Rezone) – Larry Thomforde and the Goodhue County Agricultural Society. Request for map amendment, submitted by Larry Thomforde (Buyer) and the Goodhue County Agricultural Society (Owner), to rezone 1.10 acres from A3 (Urban Fringe District) to R1 (Suburban Residence District). Parcel 38.025.0200. 44279 CTY 6 BLVD, Zumbrota, MN 55992. Part of the NE ¼ of section 25 Twp 110 Range 16 in Minneola Township.

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The Planning Commissioner held a public hearing on November 18, 2019 to discuss the issue and recommended approval.

⁸ Moved by C/Nesseth, seconded by C/Drotos, and carried to approve to open the public hearing.

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

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

¹⁰ Moved by C/Nesseth, seconded by C/Majerus, and carried 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 map amendment request from Larry Thomforde (Buyer) and the Goodhue County Agricultural Society (Owner) to rezone 1.10 acres from A3 (Urban Fringe District) to R1 (Suburban Residence District). Subject to the following condition:

1. The 1.10 acres to be rezoned shall be platted and combined with PID 38.105.0030

CONSIDER: "Sugarloaf Estates First Addition" Preliminary/Final Plat Review- Larry Thomforde. Request, submitted by Larry Thomforde (Buyer/Owner), for Preliminary and Final Plat review of the proposed Sugarloaf Estates First Addition to expand an existing parcel by approximately 1.10 acres. Parcels 38.105.0030 and 38.025.0200. 17468 Sugarloaf Parkway, Zumbrota, MN 55992. Lot 3 Block 1 of the Sugar Loaf Estates plat located in the NW ¼ and NE ¼ of section 25 Twp 110 Range 16 in Minneola Township.

The Planning Commission recommended approval.

¹¹ Moved by C/Nesseth, seconded by C/Majerus, and carried 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 submitted by Larry Thomforde (Buyer/Owner) for Preliminary and Final Plat approval of the proposed Sugarloaf Estates First Addition.

Conditional Use Permit Request- James Plehal. The request is for a Conditional Use Permit to Elevate a Structure within a Floodplain by Means Other than Fill Request, submitted by James Plehal (Owner), to elevate a proposed storage building above the base flood elevation of a Floodplain area by means of foundational walls.

The Planning Commission recommended approval of the request.

¹² Moved by C/Drotos, seconded by C/Nesseth, and carried 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 submitted by James Plehal (Owner) to elevate a proposed storage building above the base flood elevation of a Floodplain area by means of foundational walls. 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. Applicant shall provide an as-built Elevation Certificate verifying final grade and floor elevations and that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities meet or exceed the regulatory flood protection elevation (RFPE) of 682.5 feet mean sea level;
3. Compliance with Goodhue County Zoning Ordinance including, but not limited to, Article 24 (Suburban Residence District), Article 31 (Shoreland Regulations), and Article 32 (Floodplain District).

Nelson Property Abatement Costs. The county is currently cleaning the Nelson property according to an agreement signed by Mr. Nelson. The cleanup started on November 12, 2019 and is still in progress. Staff recommended assessing the first round of costs in order to get them on the 2020 tax statement. The remainder of the costs will be brought to the Board in 2020 to be added to the 2021 tax statement.

¹³ Moved by C/Majerus, seconded by C/Nesseth, and carried to approve to assess the Nelson property abatement costs to the following parcels: 41-140-0020, 41-140-0030, 41-140-0050; and direct the Auditor to charge an annual interest rate of 4.5% on the unpaid balance to be paid in full in 1 year, beginning January 1, 2020 unless paid in full by 12:00pm, December 31, 2019.

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Buffer Compliance Update. Ms. Hanni updated the board on the Buffer Compliance which was enacted by the legislature. In December 2018, staff sent a Corrective Action and Administrative Order letter for 43 parcels considered non-compliant to 37 landowners. This letter gave the landowners until November 1, 2019 to come into compliance without a penalty. A reminder, Final Notice letter, was sent on September 25, 2019 to 24 parcels (21 landowners). As of November 13, 2019, we still have 18 parcels (14 landowners) who are not compliant. Of those 14 landowners, 7 have indicated they will take action yet this fall to become compliant and 2 have already seeded their buffers and need verification in the spring of 2020. The remaining 5 landowners have made no efforts to become compliant under the Buffer Law. According to the county's administrative procedures, the parcels will start accruing penalties on December 1, 2019.

County Ditch Attorney Services Contract. Staff recommended the county retain the law firm of Rinke Noonan as counsel for the County Ditch 1 project and execute the Retainer agreement using Proposal Option 2 which the fee is based on an hourly service only.

- ¹⁴ Moved by C/Majerus, seconded by C/Drotos, and carried to approve to retain the law firm Rinke Noonan as counsel for the County Ditch 1 project and execute the retainer agreement using option 2 where the fee is based on an hourly service only.

FINANCE DIRECTOR'S REPORT

Purchase Agreement for 501 Belle Street, Cannon Falls. Staff recommended the board approve the proposed purchase agreement for the sale of 501 Belle Street, Cannon Falls, MN 55009 in the amount of \$105,500.

- ¹⁵ Moved by C/Nesseth, seconded by C/Majerus, and carried to approve the proposed purchase agreement for the sale of 501 Belle Street, Cannon Falls, MN 55009 in the amount of \$105,500.

HUMAN RESOURCE DIRECTOR'S REPORT

Personnel Committee Report. The Personnel Committee met on November 19, 2019 with the following items on the agenda:

Southeast Service Coop Internship Opportunity. The Personnel Committee recommended approval to budget \$4,500 in both the Administration budget and the IT budget for the cost of a summer intern through the Southeast Service Coop Internship Opportunity. The interns would only be hired if the county received the grant dollars to help cover the cost.

- ¹⁶ Moved by C/Drotos, seconded by C/Nesseth, and carried to approve to apply for the Southeast Service Coop Internship program grant and budget \$4,500 in both the Administration budget and the IT budget. The interns would only be hired if the county received the grant dollars to help cover the cost.

Replace Highway Maintenance Worker. The Personnel Committee recommended approval to replace two highway maintenance worker positions, one position immediately and the other position in the 4th quarter of 2020. Ms. Cushing suggested the board address each position separately.

C/Majerus commented that there has never been a desire by the board to change the way things are done with plowing snow and make changes to be more efficient. He would not support any additional staff.

C/Flanders questioned if the 2nd position to be filled in the 4th quarter would come up for discussion at a future time. C/Anderson commented that the board would go through another budgeting process prior to this position being hired and could either pull out the position or add the position at that time.

- ¹⁷ Moved by C/Nesseth, seconded by C/Drotos, and carried (4-1-0) with Majerus dissenting to approve to replace a highway maintenance worker due to a recent retirement effective immediately.

- ¹⁸ Moved by C/Drotos, seconded by C/Anderson, and carried (2-3-0) with C/Majerus, C/Nesseth and C/Flanders dissenting to approve to replace a highway maintenance worker the fourth quarter of 2020 providing adequate funding is available in the Public Works budget, with the idea that the position would be fully trained prior to bad weather.

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Extension. The Personnel Committee recommended approval to support the hiring of a summer intern to assist the 4-H Youth Development office workload. The position would be a University employee with funding shifted from the current part-time line item to the contracted services line item. Total cost to the county would be an additional \$4,000.

¹⁹ Moved by C/Majerus, seconded by C/Drotos, and carried to approve an addition of \$4,000 to the Extension budget to pay for a part-time intern to help with the 4-H Youth Development Office workload.

Public Works Director's Report

Final CP 025-023-001 Subsurface Drains Contract. Staff recommended the County Board approve the proposed resolution to accept and approve final payment disbursement of contract CP 025-023-001 Subsurface Drains including a change order adding CR 54.

²⁰ Moved by C/Majerus, seconded by C/Nesseth, and carried to approve the following resolution for the final payment disbursement of contract CP 025-023-001:

WHEREAS, Contract No. 23001, CP 025-023-001 Subsurface Drains, has in all things been completed, and the County Board being fully advised in the premises; and,

WHEREAS, documentation for the project has been finalized, and final payment to the contractor, Traxler Construction, Inc. is \$19,686.06;

NOW, THEREFORE, BE IT RESOLVED, that the Goodhue County Board of Commissioners does hereby accept said completed project for and on behalf of the County of Goodhue and authorize final payment as specified herein.

Authorization to Send Solid Waste Designation Draft to MPCA. Staff recommended the board submit the draft solid waste designation ordinance as written to the MPCA for review and approval.

C/Majerus questioned the penalties and how they came up with the amount. County Attorney, Steve O'Keefe, commented that the penalties were based on state statute of civil enforcement and would be the assessed by the courts.

C/Nesseth commented that he has been adamantly opposed to the ordinance because it was unfair to residents in his district.

²¹ Moved by C/Drotos, seconded by C/Flanders, and carried (3-2-0) with C/Nesseth and C/Majerus dissenting to approve to submit the draft solid waste designation ordinance as written to the MPCA for review and approval.

COMMITTEE REPORTS:

C/Drotos	•
C/Nesseth	•
C/Anderson	• Cannon River Watershed District gave a brief presentation.
C/Majerus	•
Vacant	•
Administrator Arneson	•

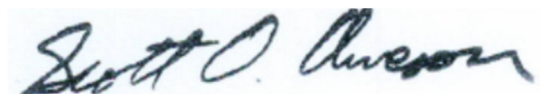
Review and Approve the County Claims.

²² Moved by C/Majerus, seconded by C/Drotos, and carried to approve to pay the County claims in the amount of 01-General Revenue \$346,368.95, 03-Public Works \$724,302.41, 11- Human Service Fund \$155,833.76, 21-ISTS \$00, 25- EDA \$00, 30-Capital Improvement \$00, 31-Capital Equipment \$00, 34-Capital Equipment \$130,442.71, 35-Debt Services \$00, 40-County Ditch \$00, 61-Waste Management \$30,315.13, 62-Recycling Center \$00, 63-HHW \$00, 72-Other Agency Funds \$217,412.34, 81-Settlement \$33,748.56, in the total amount of \$1,638,423.86.

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Recess until after the Closes Session.

- ²³ Moved by C/Nesseth, seconded by C/Anderson, and carried to approve to adjourn the November 19, 2019, County Board Meeting.



SCOTT O. ARNESON
COUNTY ADMINISTRATOR



BRAD ANDERSON, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

MINUTE SUMMARY

1. Approved to open the November 19, 2019 County Board Meeting. (Motion carried 5-0)
2. Approved the November 5, 2019 County Board Meeting Minutes. (Motion carried 5-0)
3. Approved the November 19, 2019 County Board Meeting Agenda as amended. (Motion carried 5-0)
4. Approved the consent agenda. (Motion carried 5-0)
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 map amendment for Colleen and Douglas Hill, Featherstone Township. (Motion carried 5-0)
8. Approved to open the public hearing. (Motion carried 5-0)
9. Approved to close the public hearing. (Motion carried 5-0)
10. Approved the map amendment for Larry Thomforde, Minneola Township. (Motion carried 5-0)
11. Approved the Preliminary and Final Plat Review for Sugarloaf Estates First Addition. (Motion carried 5-0)
12. Approved a conditional use permit for James Plehal. (Motion carried 5-0)
13. Approved to assess abatement costs for cleanup of the Nelson property. (Motion carried 5-0)
14. Approved the county ditch attorney services contract. (Motion carried 5-0)
15. Approved the purchase agreement for 501 Belle Street, Cannon Falls. (Motion carried 5-0)
16. Approved the Southeast Service Coop Internship Opportunity Grant Applications. (Motion carried 5-0)
17. Approved to hire a replacement highway maintenance worker effective immediately. (Motion carried 5-0)
18. Motion failed to hire a replacement highway maintenance worker the 4th quarter of 2020. (Motion failed 2-3-0)
19. Approved to support the hiring of a part-time Extension Youth Group Development worker. (Motion carried 5-0)
20. Approved the final CP 025-023-001 Surface Drains Contract. (Motion carried 5-0)
21. Approved to send the solid waste designation draft to the MPCA. (Motion carried 5-0)
22. Approved the County Claims. (Motion carried 5-0)
23. Approved to adjourn the November 19, 2019 County Board Meeting. (Motion carried 5-0)