

**BOARD OF COMMISSIONERS' PROCEEDINGS, GOODHUE COUNTY, MN  
NOVEMBER 2, 2021**

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The Goodhue County Board of Commissioners met on Tuesday, November 2, 2021, at 7:30 a.m. in closed session to discuss employee union contract negotiations, and again in open session 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.

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

- <sup>1</sup> Moved by C/Drotos, seconded by C/Flanders, and carried to approve the October 19, 2021 County Board meeting minutes.
- <sup>2</sup> Moved by C/Flanders, seconded by C/Greseth, and carried to approve the November 2, 2021 County Board Agenda.
- <sup>3</sup> Moved by C/Drotos, seconded by C/Flanders, and carried to approve the consent agenda:

1. Approve Liquor License Renewals 2021-2022.
2. Approve the FY2022 23 Natural Resources Block Grant Agreement.
3. Approve the FY2022 CVS0 Operational Improvement Grant.
4. Approval of Broadband Development Agreement between Goodhue County, Nuvera Communications, and Welch Township.
5. Approve of Drain Tile Change Order - MnDOT TH52 Regrading Project.

**COUNTY ADMINISTRATOR'S REPORT**

**County Veteran's Service Officer Replacement Process.** The board approved moving forward with a second round of interviews with the top three scoring candidates for the Veteran's Service Officer at their October 19, 2021 county board meeting, with a contingent offer to be made to the highest scoring candidate. Second round of interviews were held on October 28, 2021, and after scoring all three candidates, Joel Rustad who is currently the assistant county veteran's service officer, scored the highest.

C/Greseth questioned if the county would move forward with replacing the assistant VSO position, should Mr. Rustad accept the offer. Administrator Arneson stated that following acceptance of the promotion, staff will review the office structure and bring forward a proposal to the next board meeting.

- <sup>4</sup> Moved by C/Drotos, seconded by C/Majerus, and carried to approve to proceed with a job offer for the position of the County Veteran's Service Officer Position to Joel Rustad.

**County Engineer/Public Works Director Position.** Commissioner Majerus and Commissioner Anderson met to negotiate compensation and recommended appointment of our next County Engineer/Public Works Director on October 19th. Included in the board packet is a summary of the request and below you will find a summary of the Chair and Vice-Chair's conclusion:

- Salary - Agreed
- Appointment – Agreed
- Vehicle Allowance Agreed
- Health Insurance – 1 in favor, 1 recommend bringing it to the Board for consideration.

The candidate is requesting fully paid family health insurance just as the current County Engineer / Public Works Director currently receives. By way of background, the County Board had previously chosen to discontinue this practice as department heads/County Board members depart employment. Currently there are 3 department heads that are eligible for this benefit. This is about a \$6,000 additional cost per year.

C/Drotos requested to table the issue until November 16, 2021.

- <sup>5</sup> Moved by C/Drotos, seconded by C/Greseth, and carried (4-1-0) with C/Anderson dissenting to approve to table the issue to hire the replacement County Engineer/Public Works Director Position to November 16, 2021, county board meeting.

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**LAND USE MANAGEMENT DIRECTOR'S REPORT**

**CUP for Non-Metallic Mineral Extraction Facility (Richard O'Brien and Sheila O'Brien Trusts).** The request was for a conditional use permit (CUP), submitted by Richard O'Brien and Sheila O'Brien Trusts (Owners) for a Non-Metallic Mineral Extraction Facility. Proposed activities include a sand/aggregate pit and associated processing/transport equipment and facilities. Parcels 39.034.0500 and 39.034.0800. TBD White Pines Road SE Pine Island, MN 55963. The W ½ of the SE ¼ and Part of the E ½ of the SW ¼ of Section 34 TWP 109 Range 15 in Pine Island Township. A1 Zoned District.

- 6 Moved by C/Greseth, seconded by C/Drotos, 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 from Richard O'Brien and Sheila O'Brien Trusts (Owners) for a Conditional Use Permit to establish a Non-Metallic Mineral Extraction Facility. 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 limited to 7:00 a.m. to 7:00 p.m., Monday through Friday and 7:00 a.m. to 12:00 p.m. Saturday. Any exceptions must comply with Article 14, Section 6, Subd. 4;
  3. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations. Evidence shall be provided to the County of all required permits prior to the start of Mining Operations;
  4. Compliance with Goodhue County Zoning Ordinance including, but not limited to, Article 14 Mineral Extraction and Article 21 Agricultural Protection District;
  5. Site Reclamation after completion of mineral extraction shall be performed according to submitted plans, specifications, and narrative in accordance with Article 14 Section 6 Subd. 4S;
  6. The operation shall be annually registered with Goodhue County in accordance with Article 14 Section 6 Subd. 2;
  7. Security. The applicant/owner (Richard O'Brien and Sheila O'Brien Trusts) of the properties on which the mineral extraction is occurring, shall post a letter of credit, bond, or cash escrow of \$240,000. If the required Security is provided in the form of a "Letter of Credit" or a "Performance Bond", it shall be subject to review and approval by the County Attorney prior to the start of Mining Operations. Goodhue County shall be listed as the eligible party to access the Security to reimburse the following costs upon failure of the Applicant/Owner to comply with requirements of this Conditional Use Permit;
  8. Mineral Extraction and related activities are limited to the 38.96 acres as legally described on the Certificate of Survey for Bruening Rock Products O'Brien Sand Pit (Sheet 1B);
  9. Applicant shall obtain Building Permit approvals from the Goodhue County Land Use Management Department prior to constructing any structures on the property; and
  10. The Applicant shall obtain approval for access to White Pines Road SE from the City of Pine Island and submit said approval to the County Zoning Administrator prior to beginning mining operations.

**CUP Request for a Utility-Scale Solar Energy System (SES).** The request submitted by Impact Power Solutions (Brian Keenan, Applicant) and Heimer Family Trust (Owner) for a Utility-Scale Photovoltaic Ground 1-Megawatt Solar Energy System (SES) occupying approximately 8.24 acres. Parcels 39.011.0100 and 39.011.0200. TBD HWY 60 BLVD Mazeppa, MN 55956. The E ½ of the NE ¼ of Section 11 TWP 109 Range 15 in Pine Island Township. A-1 Zoned District.

- 7 Moved by C/Drotos, seconded by C/Flanders, 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 Impact Power Solutions (Applicant) and Heimer Family Trust (Owners) for a Utility-Scale Photovoltaic Ground 1 Megawatt Solar Energy System (SES) occupying approximately 8.24 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;

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3. A decommissioning agreement between the landowner and Impact Power Solutions shall be established prior to Building Permit approval;
4. LUM staff shall be notified by the landowner or solar company 30 days prior to ownership transfer or operator changes;
5. Applicants shall work with the Goodhue 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;
6. A stormwater management and erosion control plan shall be submitted for administrative review as part of the Building Permit Application for the project;
7. Applicants shall obtain Building Permit approvals from the Goodhue County Land Use Management Department prior to establishing the use;
8. Parcels 39.011.0100 and 39.011.0200 shall be combined into one legal parcel prior to building permit submittal;
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
10. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations; and
11. This CUP shall expire 30 years from the date of approval unless terminated prior to that date.

**COUNTY SURVEYOR'S REPORT**

**Byllesby Land.** The County Board passed a resolution at their October 5, 2021 meeting to sell County owned land along Lake Byllesby at 100% of the assessed value as determined by the County Assessor. Since that time, staff met with the Department of Revenue and was instructed to hire an outside appraiser to determine the land value. That information will be brought to the Board when it is completed. Prior to any sale, the County needs to pass a resolution and file a certificate with the Secretary of State in order for this process to be statutorily effective. Staff recommended the board approve the proposed resolution and direct the County Administrator to file the appropriate certificate with the Secretary of State's Office.

<sup>8</sup> Moved by C/Flanders, seconded by C/Majerus, and carried to approve the following resolution for the Goodhue County Land Transfer-Byllesby:

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, Article 2) 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 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;

WHEREAS, Minnesota Statutes 645.021, Subd. 2 states "A special law shall not be effective without approval of the local government unit or units affected, .... Approval shall be by resolution adopted by a majority vote of all members of the governing body of the unit unless another method of approval is specified by the particular special law."

NOW THEREFORE BE IT RESOLVED, that the Goodhue County Board of Commissioners hereby approves the above referenced legislation by majority vote of its Board, a quorum of the Board being present and the vote being unanimous; and

BE IT FURTHER RESOLVED, that the County Administrator shall promptly file with the Minnesota Secretary of State the Certification required by Minnesota Statute §645.021, Subd. 3

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**COMMITTEE REPORTS:**

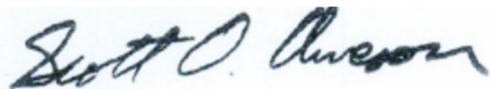
C/Drotos	<ul style="list-style-type: none"> <li>Meet with the City of Red Wing and the County Administrator to discuss a sustainability program.</li> </ul>
C/Greseth	<ul style="list-style-type: none"> <li></li> </ul>
C/Anderson	<ul style="list-style-type: none"> <li>AMC District 9 meeting.</li> </ul>
C/Majerus	<ul style="list-style-type: none"> <li></li> </ul>
C/Flanders	<ul style="list-style-type: none"> <li>Tribal Government Training has been scheduled for January. Technology Committee update.</li> </ul>
Administrator Arneson	<ul style="list-style-type: none"> <li></li> </ul>

**Review and Approve the County Claims**

- <sup>9</sup> Moved by C/Majerus, seconded by C/Drotos, and carried to approve to pay the County claims in the amount of 01- General Revenue \$438,848.48, 03-Public Works \$1,440,979.72, 11- Human Service Fund \$144,441.02, 12- GC Family Services Collaborative \$00, 15- County Ditch 1 \$1,433.50, 21-ISTS \$00, 25- EDA \$00, 30-Capital Improvement \$00, 31-Capital Equipment \$00, 34-Capital Equipment \$90,224.39, 35-Debt Services \$00, 40-County Ditch \$00, 61-Waste Management \$20,108.15, 62-Recycling Center \$00, 63-HHW \$00, 72-Other Agency Funds \$27,364.80, 81-Settlement \$6,311,058.83, in the total amount of \$8,718,458.88.

**Adjourn**

- <sup>10</sup> Moved by C/Greseth, seconded by C/Drotos, and carried to approve to adjourn the November 2, 2021, County Board Meeting.



SCOTT O. ARNESON  
COUNTY ADMINISTRATOR



BRAD ANDERSON, CHAIRMAN  
BOARD OF COUNTY COMMISSIONERS

**MINUTE**

1. Approved the October 19, 2021 County Board Meeting Minutes. (Motion carried 5-0)
2. Approve the November 2, 2021 County Board Meeting Agenda. (Motion carried 5-0)
3. Approved the Consent Agenda. (Motion carried 5-0)
4. Approved to move forward with an employment offer for the County Veterans' Service Officer. (Motion carried 5-0)
5. Approved to table the replacement for the County Engineer/Public Works Director. (Motion carried 4-1-0)
6. Approved a conditional use permit for Richard and Sheila O'Brien Trusts, Pine Island Township. (Motion carried 5-0)
7. Approved a conditional use permit for Impact Power Solutions and Heimer Family Trust, Pine Island Township. (Motion carried 5-0)
8. Approved a resolution for Land Transfer at Lake Byllesby. (Motion carried 5-0)
9. Approved the county claims. (Motion carried 5-0)
10. Approved to adjourn the November 2, 2021 County Board Meeting. (Motion carried 5-0)