

**BOARD OF COMMISSIONERS' PROCEEDINGS, GOODHUE COUNTY, MN
SEPTEMBER 6, 2022**

The Goodhue County Board of Commissioners met on Tuesday, September 6, 2022, at 9:00 a.m. in the Goodhue County Boardroom, Red Wing, MN, with Commissioners Anderson, Majerus, Flanders and Greseth all present. Commissioner District 5 is vacant.

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

¹ Moved by C/Anderson, seconded by C/Flanders, and carried to approve the August 11, 2022 County Board meeting minutes.

² Moved by C/Flanders, seconded by C/Majerus, and carried to approve the August 16, 2022 County Board meeting minutes.

³ Moved by C/Anderson, seconded by C/Greseth, and carried to approve the August 16, 2022 Special Session County Board meeting minutes.

⁴ Moved by C/Greseth, seconded by C/Majerus, and carried to approve the September 6, 2022 County Board Agenda.

Administrator Arneson pulled item number one under the County Administrator's report.

⁵ Moved by C/Anderson, seconded by C/Majerus, and carried to approve the following Consent Agenda:

1. Approve Tax Court Consultant
2. Approve YMCA ARPA Grant Application
3. Approve the FY2023 CVSO Operational Improvement Grant.
4. Approve the Byllesby Platting and Deed Transfer Process until Completion.
5. Approve Community Solar Garden Subscription Amendment.
6. Approve Final of 2022 Aggregate Surfacing Contract.
7. Approve MnDOT Detour Agreement No. 1051369.
8. Approve the 2023-2026 Medical Examiner Contract.

COUNTY ADMINISTRATOR'S REPORT

Public Hearing- Interim District 5 Commissioner. On August 11th, the Board of Commissioners approved to move forward with an appointment process of an Interim County Commissioner for District Five. With this approval, County Administration published a Public Notice for Public Hearing to be held on September 6th, 2022 in addition the following public officials from District 5 have been notified:

Jurisdiction	Name	City,	State,	Zip
US Senate	Amy Klobuchar	Washington	DC	20510
US Senate	Tina Smith	Washington	DC	20510
US House #2	Angie Craig	Burnsville	MN	55337
MN Senate 21	Mike Goggin	St. Paul	MN	55155
MN Senate 21A	Barb Haley	St. Paul	MN	55155
City of Red Wing	Mayor Mike Wilson	Red Wing	MN	55066
City of Red Wing W1&2	Dean Hove	Red Wing	MN	55066
City of Red Wing W2	Donald Kliewer	Red Wing	MN	55066
City of Red Wing W3	Bekcy Norton	Red Wing	MN	55066
City of Red Wing W4	Erin Buss	Red Wing	MN	55066
City of Red Wing W3 & W4	Evan Brown	Red Wing	MN	55066
City of Red Wing At Large	Laural Stinson	Red Wing	MN	55066
SD 256	Anna Ostendorf	Red Wing	MN	55066
SD 256	Arlen Diercks	Red Wing	MN	55066
SD 256	Jim Bryant	Red Wing	MN	55066
SD 256	Jennifer Tift	Red Wing	MN	55066
SD 256	Pam Roe	Red Wing	MN	55066
SD 256	Holly Tauer	Red Wing	MN	55066
SD 256	Nicky Buck	Red Wing	MN	55066

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SD 813	Heath Oeltjen	Lake City	MN	55041
SD 813	Dawn Balow	Lake City	MN	55041
SD 813	Mike Ohlhaber	Lake City	MN	55041
SD 813	Becca Weist	Lake City	MN	55041
SD 813	Michelle Larson	Lake City	MN	55041
SD 813	Kevin Pavelka	Lake City	MN	55041
SD 813	Patrick Dwelle	Lake City	MN	55041
Wacouta Township	John Plehal	Red Wing	MN	55066
Wacouta Township	George Thoma	Red Wing	MN	55066
Wacouta Township	Daryl Franklin	Red Wing	MN	55066
Wacouta Township	Laan Dommer	Red Wing	MN	55066

Letters of interest were accepted until the set deadline of Wednesday, August 21st, 2022 at 4 PM. The following candidates have submitted letters of interest and a proof of residency within the district: Dr. Susan Betcher, and Edward Mortiz.

During the public hearing, Commissioners can hear from persons resident in District Five, where the vacancy exists, regarding the candidates. Staff recommended the Board hold a public hearing, consider all verbal and written testimony, and decide on an interim County Commissioner. This appointee shall serve until a special election, to be held in 2023, determines who will complete the term.

⁶ Moved by C/Anderson, seconded by C/Flanders, and carried to approve to open the public hearing.

C/Majerus asked for public comment. The following people living within district 5 spoke to the issue:

Bruce Aause, Randy McLaughlin, Ann Wildenborg, Sara Ousky, George Thoma, Laura Lutjen, Susan Johnson, Helene Olson-reed, Mickey Payne, Jill Mehrkens, and Susan Betcher spoke in favor of appointing Susan Betcher as interim commissioner.

Edward Moritz spoke in support of himself being named interim commissioner.

C/Majerus asked three times for any additional public comment. There was none.

⁷ Moved by C/Anderson, seconded by C/Flanders, and carried to approve to close the public hearing.

⁸ Moved by C/Anderson, seconded by C/Flanders, and carried to approve the following resolution for the appointment of county commissioner for District Five:

WHEREAS, Goodhue County has established five individual Commissioner Districts; and,
 WHEREAS, Paul Drotos was elected to the office of Goodhue County Commissioner from the Fifth District for a term that expires on December 31, 2024; and,
 WHEREAS, Paul Drotos passed away on August 4, 2022, creating a vacancy in the Fifth District seat; and
 WHEREAS, pursuant to Minnesota Statute 375.101, a special election will be held to fill the vacancy; and,
 WHEREAS, pursuant to Minnesota Statute 375.101, Subd. 4, the Goodhue County Board wishes to appoint a person to fill the vacancy until a successor qualifies pursuant to the special election; and,
 WHEREAS, a public hearing relating to the qualifications of prospective appointees was conducted and notice provided pursuant to Minnesota Statute 375.101, Subd. 5, and
 WHEREAS, two persons who are residents of District Five and otherwise qualified to hold office, submitted their names for consideration.
 NOW, THEREFOR, BE IT RESOLVED, that Dr. Susan Betcher is hereby appointed to fill the vacancy in Goodhue County Commissioner District Five seat. Said appointment shall continue until a special election is held and a successor qualified.

Judge Kevin Mark administered the Oath of Office to Dr. Susan Betcher as commissioner of District 5.

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Introduction of new Human Resource Staff. Administrator Arneson introduced Tom Day as the newly hired HR Manager and Heather Poncelet as the newly hired HR Specialist.

Appoint Goodhue County Veteran's Service Officer. The County Board Chair administered the Oath of Office to appoint Mr. Justin Kent as the Goodhue County Veteran's Service Officer for a four year term, with the first term being September 6, 2022 – September 6, 2026. Upon positive performance, Mr. Kent would be eligible for future re-appointments.

HUMAN RESOURCE MANAGER'S REPORT

September 6, 2022 Personnel Committee Report. The Personnel Committee recommended the full board discuss the following item which was submitted to the Personnel Committee for review:

Deputy I - Civil Overlap Request. Staff received written notification that one of the Deputies assigned to civil division as court security and bailiff will be retiring on January 6, 2023. On August 25, we received notification that another Deputy assigned to civil division will be out on a leave of absence for an undetermined amount of time. In an effort to reduce the voids in our civil division, staff requested County Board approval to hire a Deputy I position who will be trained and a replacement ready to fill the vacancy on January 6, 2023. This position will be hired from the current hiring list. The total cost for a three-month overlap including salary and all benefits would be \$21,872. Staff recommended the board approve the hiring of a Deputy I and the overlap.

⁹ Moved by C/Anderson, seconded by C/Greseth, and carried to approve a Deputy I position with a three month overlap.

2023 Health Insurance. The Goodhue County Insurance Committee recommended the county board increase the deductible and out of pocket maximums for Plan 1 and Plan 2 as outlined above starting January 1, 2023.

¹⁰ Moved by C/Greseth, seconded by C/Betcher, and carried to approve the following deductible and out of pocket maximum and Health Savings Account for plan 1 and plan 2:

	Plan 1:	Plan 2:
<u>Deductible</u>		
Single	\$ 3,000	\$ 7,500
Family	\$ 6,000	\$ 15,000
<u>Out of Pocket Max</u>		
Single	\$ 3,400	\$ 7,500
Family	\$ 6,800	\$ 15,000
<u>Health Savings Account (HSA)</u>		
Single	\$ 1,500	\$ 3,750
Family	\$ 3,000	\$ 7,500

FINANCE DIRECTOR'S REPORT

Contract for Purchase Agreement Cannon Falls EDA. After review by County staff and the County Attorney, staff recommended approval of the Contract for Purchase Agreement between Goodhue County and the Cannon Falls EDA for the sale of real property in the amount of One Dollar (\$1.00).

¹¹ Moved by C/Anderson, seconded by C/Greseth, and carried to approve the Contract for Purchase Agreement between Goodhue County and the Cannon Falls EDA for the sale of real property in the amount of One Dollar (\$1.00).

Special Election District 5. Staff recommended the County Board set a special election to fill the vacancy in the office of the Goodhue County Commissioner for the 5th District. In the event that three or more candidates file for the open seat, it is recommended that a special primary election be set for February 14, 2023 and a special general

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election be set for April 11, 2023. Alternatively, if two or fewer candidates file for the open seat, the special general election be set for February 14, 2023.

¹² Moved by C/Anderson, seconded by C/Flanders, and carried to approve the following resolution for Goodhue County to set a Special Election to fill the vacancy in Office of Goodhue County Commissioner for the 5th District:

WHEREAS, Goodhue County has established five individual Commissioner Districts; and
 WHEREAS, Paul Drotos was elected to the office of Goodhue County Commissioner for the 5th District for a term expiring January 6, 2025; and
 WHEREAS, Commissioner Drotos has recently passed away on August 4, 2022; and
 WHEREAS, Minn. Stat. § 375.111, Subd. 1 requires that, if one year or more remains in the unexpired term, a special election must be held to fill a vacancy in the office of a county commissioner; and
 WHEREAS, Under Minn. Stat. § 205.11, Subd. 3a, a special election must be held on the second Tuesday of February, April, May or August, or on the first Tuesday after the first Monday in November.
 THEREFORE BE IT RESOLVED, That the Goodhue County Board hereby calls for a special election to fill the vacancy in the office of the Goodhue County Commissioner for the 5th District.
 FURTHER RESOLVED, That in the event three or more candidates file for the open seat, a special primary election shall be held in the 5th District on February 14, 2023, and a special general election shall be held in the 5th District on April 11, 2023.
 FURTHER RESOLVED, Alternatively, that in the event two or fewer candidates file for the open seat, a special general election shall be held in the 5th District on February 14, 2023.
 FURTHER RESOLVED, That any proper notices of these special elections shall be given, that the nomination and election of candidates be conducted and all things pertaining thereto be done as provided by relevant Minnesota law.

LAND USE MANAGEMENT DIRECTOR'S REPORT

Request for Conditional Use Permit (CUP) for a Non-Agricultural Use Associated with Agri-Tourism (Wedding and Event Center). Request, submitted by Michael Barck (Owner) to establish a wedding and event center with a proposed maximum occupancy of 250 guests. Parcel 38.016.1000. 42593 Highway 52 BLVD Zumbrota, MN 55992. Part of the E ½ of the SE ¼ of Section 16 TWP 110 Range 16 in Minneola Township. A-1 Zoned District.

The planning commission addressed this issue and recommended denial of the permit. Since that time, staff did additional research on the issue including talking with MnDOT. With the change to a permanent structure instead of a tent, the receipt of additional comments from MnDOT, and staff's research into the current zoning ordinance, staff recommended approval with conditions.

¹³ Moved by C/Anderson, seconded by C/Majerus, and carried to approve the Planning Advisory Commission recommendation and adopt the staff report into the record; accept the testimony, exhibits, and other evidence presented into the record; and APPROVE the request from Michael Barck to establish a wedding/event facility with a maximum occupancy of 250 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 Friday through Sunday, May through October from 9:00 AM to midnight;
3. Maximum occupancy shall be limited to 250 guests per event;
4. On-street loading and parking shall be prohibited;
5. All exterior signage located on the property must follow Goodhue County Zoning Ordinance Article 11 Section 17 (Sign Regulations). The Applicant shall consult the appropriate road authority prior to placing signs within road right-of-way;
6. Applicant shall obtain Building Permit approvals for change-of-use of existing structures and construction of new structures from the Goodhue County Building Permits Department prior to establishing the use;
7. Applicant shall obtain appropriate permits from Goodhue County Environmental Health for well and septic systems;
8. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations. Applicant shall provide proof of MnDOT access approval to staff prior to commencing operations; and

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9. Compliance with Goodhue County Zoning Ordinance including, but not limited to, Article 11 Section 30 Non-Agricultural Uses Associated with Agricultural Tourism and Article 21 Agricultural Protection District.

Board of Adjustment Appointments. Staff recommends the County Board approve the appointment of Scott Breuer to his first three-year term as a member of the Board of Adjustment. Mr. Breuer would serve until December 31, 2025.

¹⁴ Moved by C/Anderson, seconded by C/Majerus, and carried to approve to appoint Scott Breuer to his first three-year term as a member of the Board of Adjustment and serve until December 31, 2025.

PUBLIC WORKS DIRECTOR’S REPORT

2023 Early Equipment Order. This item was removed from the agenda.

Eminent Domain for CSAH 1 Grading Contract. Staff recommended the County Board pass the proposed resolution authorizing the commencement of eminent domain proceedings to obtain the unacquired parcels of land needed for the construction of S.A.P. 025-601-038, with those eminent domain proceedings to include provisions of early possession or “quick take” by Goodhue County.

¹⁵ Moved by C/Anderson, seconded by C/Majerus, and carried to approve the following resolution authorizing the commencement of eminent domain for the construction of S.A.P. 025-601-038:

WHEREAS, the construction of Goodhue County State Aid Highway (CSAH) No. 1 down to CSAH 9 is part of the approved Goodhue County Five-Year Construction Plan; and,

WHEREAS, the process for acquiring necessary right of way land for the project has been underway for several months; and,

WHEREAS, the County needs possession of this right of way before the commencement of the 2023 construction season.

NOW, THEREFORE, BE IT RESOLVED, that the Goodhue County Board of Commissioners authorizes the Public Works Director and the County Attorney to begin eminent domain proceedings, at the appropriate time, against unacquired parcels of land needed for the construction of S.A.P. 25-601-038, with those eminent domain proceedings to include provisions of early possession or “quick take” by Goodhue County

COMMITTEE REPORTS:

C/Betcher	•
C/Greseth	•
C/Anderson	•
C/Majerus	•
C/Flanders	• Railroad Commission.
Administrator Arneson	•

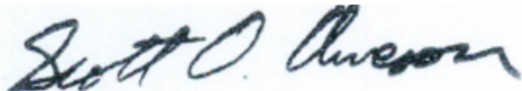
Review and Approve the County Claims

¹⁶ Moved by C/Greseth, seconded by C/Anderson, and carried to approve to pay the County claims in the amount of 01-General Revenue \$261,525.73, 03-Public Works \$2,439,926.15, 11- Human Service Fund \$66,546.88, 12- GC Family Services Collaborative \$00, 15- County Ditch 1 \$80,161.56, 21-ISTS \$00, 25-EDA \$12,117.00, 30-Capital Improvement \$00, 31-Capital Equipment \$00, 34-Capital Equipment \$85,235.32, 35-Debt Services \$00, 40-County Ditch \$00, 61-Waste Management \$31,893.61, 62-Recycling Center \$00, 63-HHW \$00, 72-Other Agency Funds \$204,543.98, 81-Settlement \$7,477.63, in the total amount of \$3,189,425.86.

Adjourn

¹⁷ Moved by C/Anderson, seconded by C/Flanders, and carried to approve to adjourn the September 6, 2022, County Board Meeting.

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SCOTT O. ARNESON
COUNTY ADMINISTRATOR



JASON MAJERUS, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

MINUTE

1. Approved the August 11, 2022, board meeting minutes (Motion carried 4-0)
2. Approved the August 16, 2022, board meeting minutes. (Motion carried 4-0)
3. Approved the August 16, 2022, Special Session board meeting minutes. (Motion carried 4-0)
4. Approved the county board agenda as amended. (Motion carried 4-0)
5. Approved the consent agenda. (Motion carried 4-0)
6. Approved to open the public hearing. (Motion carried 4-0)
7. Approved to close the public hearing. (Motion carried 4-0)
8. Approved the appointment of Susan Betcher as County Commissioner of District 5. (Motion carried 4-0)
9. Approved to hire a Deputy I with a three-month overlap. (Motion carried 5-0)
10. Approved the 2023 county employee health insurance changes. (Motion carried 5-0)
11. Approved the Contract for Purchase Agreement with the Cannon Falls EDA. (Motion carried 5-0)
12. Approved to set a special election to fill the vacancy in office of County Commissioner District 5. (Motion carried 5-0)
13. Approved a CUP for Michael Barck, Minneola Township. (Motion carried 5-0)
14. Approved the Board of Adjustment Appointments. (Motion carried 5-0)
15. Approved the Eminent Domain for CSAH 1 Grading Contract. (Motion carried 5-0)
16. Approved the county claims. (Motion carried 5-0)
17. Approved to adjourn the August 16, 2022 County Board Meeting. (Motion carried 5-0)