

**BOARD OF COMMISSIONERS' PROCEEDINGS, GOODHUE COUNTY, MN**  
**JUNE 4, 2019**

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The Goodhue County Board of Commissioners met on Tuesday, June 4, 2019, at 5:00 p.m. in the County Board Room, Government Center, 509 West 5<sup>th</sup> Street, Red Wing, MN with Commissioners Anderson, Majerus, Nesseth, and Drotos all present.

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

<sup>1</sup> Moved by C/Majerus, seconded by C/Drotos, and carried to approve the May 21, 2019, County Board Minutes.

<sup>2</sup> Moved by C/Nesseth, seconded by C/Majerus, and carried (3:1:0) with C/Anderson dissenting to approve the June 4, 2019, County Board agenda as amended.

Administrator Arneson added a resolution of support for the Zumbro River Regional Water Trail Application to be added under new business.

C/Anderson addressed the audience on where the county was at with the hiring of a replacement Veteran's Service Officer and offered to have a meeting with the Vets in the county to listen to their concerns, however, personnel issues could not be discussed.

C/Drotos requested that there be a public comment period relating to the Veteran's Service Office.

Recess due to weather alert at 5:19 pm. Meeting reconvened at 5:40 pm.

<sup>3</sup> Moved by C/Nesseth, seconded by C/Drotos, and carried (3-1-0) with C/Anderson dissenting to approve to open the meeting for public comment limited to 90 seconds for comments on the County Veteran's Service Office State Operations.

Annette Workman, Ted Tapanila, Mike McDonald, Steve Carol, Blane Benair, Stan Nerhaughen all spoke to the issue.

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

C/Majerus removed the following items for discussion:

2. Approve the Resolution of Support for the Prairie Island Indian Community Land Reservation.
5. Approve the ADP Service Contract 2019-2022.

1. Approve repurchase of forfeited property.
- 2.
3. Approve the 2019 Annual County Boat & Water Safety Grant Agreement.
4. Approve the internal promotions for the Patrol Sergeant and the Four Seasons Sergeant.
- 5.
6. Approve the appointment of Chuck Schwartau to the Goodhue County Extension Committee.

**Resolution of support for the Prairie Island Indian Community Land Reservation status.** C/Majerus questioned if the county was asked by the Prairie Island Community to show support for the Elk Run and had concerns with what they planned to do with the property. Mr. Arneson commented that Olmsted County approved a similar resolution. C/Nesseth added that he talked with the City of Pine Island and they also were in support.

<sup>5</sup> Moved by C/Drotos, seconded by C/Nesseth, and carried to approve the resolution of support for the Prairie Island Indian Community Land Reservation Status.

WHEREAS, the Prairie Island Indian Community and their ancestors have lived in what is now Minnesota since long before European contact, and have historic ties to the Pine Island area in southern Goodhue and northern Olmstead Counties; and

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WHEREAS, the Community's existing Reservation, located on an island along the Mississippi River, is threatened by flooding of portions of the Community's lands and has other significant safety concerns; and

WHEREAS, the Community has acquired land near Pine Island, commonly known as the "Elk Run Property" and seeks Congressional confirmation of this land as an additional reservation for the Community and its people; and

WHEREAS, the Community has committed to working with the Goodhue County Board of Commissioners and other stakeholders in the region; and

WHEREAS, the development of the Elk Run Property has the potential to bring jobs and economic development to the region in addition to the safety and security of the Community and its people.

NOW THEREFORE BE IT RESOLVED, that the Goodhue County Board of Commissioners supports the Prairie Island Indian Community in its efforts to establish the Elk Run Property as additional reservation land for the Community, and urges the members of the Minnesota Congressional Delegation to similarly support such efforts through the enactment of appropriate federal legislation confirming the reservation status of these lands.

**ADP Service Contract.** C/Majerus questioned the dollar amount. Ms. Cushing stated that the cost was based on the number of employees and for 2019 there was \$75,000 budgeted. The contract would remain the same for the next two years and increase by 2% or \$1,500 for the third year.

<sup>6</sup> Moved by C/Majerus, seconded by C/Nesseth, and carried to approve the ADP Service Contract 2019-2022.

**FINANCE DIRECTOR'S REPORT**

**2019 Financial Policies.** Staff recommended the board approve the proposed Financial Policies Manual as presented.

<sup>7</sup> Moved by C/Drotos, seconded by C/Nesseth, and carried to approve the Goodhue County Financial Policies Manual.

**LAND USE MANAGEMENT DIRECTOR'S REPORT**

**Conditional Use Permit (CUP) Request for a Feedlot Outside of a Farmyard.** The request was for a CUP, submitted by Edward Fletcher (owner), to operate a Feedlot outside of a farmyard to allow a dwelling to be split from an existing Feedlot. Parcel 35.033.0200. 2636 450th ST, Kenyon, MN 55946. Part of the W ½ of the NE ¼ of Sect 33 Twp 110 Range 18 in Holden Township. A1 Zoned District.

Staff recommended approval with conditions.

Tammy Fletcher addressed the board on the issue.

<sup>8</sup> Moved by C/Nesseth, seconded by C/Majerus, and carried to approve staff 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 Ed Fletcher for a conditional use permit (CUP) for a Feedlot Outside of a Farmyard to allow operation of a 450 Animal Unit existing Swine Feedlot. Subject to the following conditions:

1. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations;
2. Compliance with Goodhue County Zoning Ordinance, including but not limited to Article 13 Confined Feedlot Regulations; and Article 21 A-1, Agriculture Protection District;

**Conditional Use Permit (CUP) Request for Feedlot Expansion and Liquid Manure Storage Exceeding 500,000 Gallons (Dicke).** The request for a CUP, submitted by Sue and Micah Dicke (owner/operators), for an estimated 300 Animal Unit expansion of an existing 444 Animal Unit Beef cattle Feedlot and construction of an animal waste storage pit exceeding 500,000 gallons. Parcel 42.036.0700. 17744 CTY 1 BLVD, Red Wing, MN 55066. Part of the N ½ of the SE ¼ of Sect 36 Twp 112 Range 16 in Vasa Township. A2 Zoned District.

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<sup>9</sup> Moved by C/Majerus, seconded by C/Nesseth, 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 Sue and Micah Dicke (owner/operators), to expand an existing 444 Animal Unit Beef Cattle Feedlot to 744 Animal Units and allow construction of an animal waste storage pit of up to 612,547 gallons. Upon approval, this CUP shall revoke and replace existing CUP 14-CU03. Subject to the following conditions:

1. The Feedlot shall be constructed according to submitted plans, specifications, and narrative unless modified by a condition of this CUP;
2. Applicants shall obtain Building Permit approvals from the Goodhue County Land Use Management Department prior to establishing the use;
3. A stormwater management and erosion control plan shall be submitted for administrative review as part of the Building Permit Application for the project;
4. Compliance with Goodhue County Zoning Ordinance including, but not limited to, Article 22 (Agriculture District) and Article 13 (Confined Feedlot Regulations);
5. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations.

**Conditional Use Permit (CUP) Request to Establish Feedlot and Liquid Manure Storage Exceeding 500,000 Gallons (Kehren).** The request was for a CUP, submitted by Phillip and Annette Kehren (owner/operators), to establish a hog finishing Feedlot for up to 2,400 head (720 Animal Units) and construction of an animal waste storage pit exceeding 500,000 gallons. Parcel 39.009.0300. 2000 470th ST, Zumbrota, MN 55992. NW ¼ and W ½ of NE ¼ of Sect 09 Twp 109 Range 15 in Pine Island Township. A1 Zoned District.

<sup>10</sup> Moved by C/Majerus, seconded by C/Nesseth, 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 Phillip and Annette Kehren (owner/operators), to establish a hog finishing Feedlot for up to 720 Animal Units and construction of an animal waste storage pit of up to 943,623 gallons. Subject to the following conditions:

1. The Feedlot shall be constructed according to submitted plans, specifications, and narrative unless modified by a condition of this CUP;
2. Applicants shall obtain Building Permit approvals from the Goodhue County Land Use Management Department prior to establishing the use;
3. A stormwater management and erosion control plan shall be submitted for administrative review as part of the Building Permit Application for the project;
4. Compliance with Goodhue County Zoning Ordinance including, but not limited to, Article 21 (Agriculture Protection District) and Article 13 (Confined Feedlot Regulations);
5. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations.

**PUBLIC WORKS DIRECTOR'S REPORT**

**Solar Garden Subscription.** Staff requested that the County Board determine if they wish to move forward with making a repair to County Road 23. Staff recommended proposed option #1. Shoulder Edge Drain, Cement Stabilization, Aggregate Surfacing, & Ditching be approved by the Board and that the edge drain be installed during the 2019 construction season utilizing funding currently available and to further find additional funds to construct the remainder of the project in 2020 to perform the cement stabilization and aggregate surfacing.

<sup>11</sup> Moved by C/Drotos, seconded by C/Anderson, and carried to approve to consider a VOS solar garden developer, then the recommendation is to begin negotiations with Nokomis Partners.

**DNR Scientific & Natural Area Property Acquisition From The Trust For Public Lands.** Staff recommended the Board approve the proposed resolution describing lands to be acquired and designated by the Minnesota Department of Natural Resources (DNR) as a Scientific and Natural Area.

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<sup>12</sup> Moved by C/Nesseth, seconded by C/Drotos, and carried to approve the following review of proposed state land acquisition and designation:

In accordance with Minnesota Statutes 84.944, Subd. 3 and 97A.145, Subd. 2, 2004 and accordance with Minn. Sess. Law Serv. Ch. 262, Sec. 3 (West), Amending Minn. Stat. Sec. 84.033 (2002), the Commissioner of the Department of Natural Resources on June 4, 2019, provided the county board with a description of lands to be acquired and designated by the State of Minnesota as a Scientific and Natural Area. Lands to be acquired and designated are described as follows: See Exhibit A, attached.

All that part of Section 21, Township 113 North, Range 15 West, Goodhue County, Minnesota described as follows:

The Southwest Quarter of the Northeast Quarter EXCEPTING therefrom a strip of land 50 feet in width on each side of center line of railroad track of the Chicago, Milwaukee & St. Paul Railway Company extending across said Southwest Quarter of the Northeast Quarter;

And

The Northwest Quarter of the Southeast Quarter;

And

All that part of the Southwest Quarter of the Southeast Quarter, lying North of the railway right-of-way of the Chicago, Great Western Railway company as now located across the same;

And

The Southeast Quarter of the Northwest Quarter EXCEPTING therefrom a strip of land 50 feet in width on each side of center line of railroad track of the Chicago, Milwaukee & St. Paul Railway Company extending across said Southeast Quarter of the Northwest Quarter;

And

The Northeast Quarter of the Southwest Quarter;

And

The Southeast Quarter of the Southwest Quarter EXCEPT that part of the Southeast Quarter of the Southwest Quarter described as follows:

Beginning at a point at the intersection of the North right-of-way line of the Chicago Great Western Railroad and the west line of said Southeast Quarter of the Southwest Quarter, 287 feet North of the Southwest corner of said Southeast Quarter of the Southwest Quarter, then run Northeasterly along the North right-of-way line of said Railroad to a point on the North right-of-way line of said Railroad 800 feet East and 378.5 feet North of said Southwest corner of the Southeast Quarter of the Southwest Quarter, then run North to the center of channel of Cannon River, then run Southwesterly along the center of said River channel to the West line of said Southeast Quarter of the Southwest Quarter, then run South along the said West line for 270 feet to the place of beginning.

AND EXCEPT, a strip of land 100 feet in width extending over and across the South half of the Southwest Quarter, said strip of land being 50 feet in width on each side of the center line of the main track of the Minnesota Central Railroad Company (later the Wisconsin, Minnesota and Pacific Rail Road Company, the Chicago Great Western Railway Company, now the Chicago And North Western Transportation Company), as said main track center line was originally located and established over and across said Section 21.

AND EXCEPT, that part of the Southeast Quarter of the Southwest Quarter lying southerly of the southerly right of way of the Minnesota Central Railroad Company (later the Wisconsin, Minnesota and Pacific Rail Road Company, the Chicago Great Western Railway Company, now the Chicago and North Western Transportation Company) as said main track centerline was originally located and established over an across said Section 21.

**Purchase Land from the Trust for public Lands for the Cannon Valley Trail.** Staff recommended the board approve the proposed agreement for the purchase of land from the Trust for Public Lands for the Cannon Valley Trail, and approve the proposed resolution authorizing this purchase.

<sup>13</sup> Moved by C/Majerus, seconded by C/Drotos, and carried to approve the following resolution authorizing the purchase of land from the Trust for Public Lands for the Cannon Valley Trail:

WHEREAS: The Cannon Valley Trail Joint Powers Board is the operator of the Cannon Valley Trail.

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WHEREAS: Goodhue County is a member of the Cannon Valley Trail Joint Powers Board and also owns the property that the Cannon Valley Trail uses for operations.

WHEREAS: The Cannon Valley Trail Master Plan has several parcels identified for potential acquisition to meet the long term goals of the Trail.

WHEREAS: One such Parcel is Parcel 557210290 which is adjacent to the Trail and Camp Pearson.

WHEREAS: The Trust for Public Lands is working to acquire property from Lutheran Social Services, including Parcel 557210290.

WHEREAS: The Trust for Public Lands is working with the DNR to accept all of the Lutheran Social Services properties, except for Parcel 557210290.

WHEREAS: The Trust for Public Lands has been working with County and Cannon Valley Trail staff to sell Parcel 557210290 to Goodhue County for use and control by the Cannon Valley Trail Joint Powers Board.

THEREFORE, LET IT BE RESOLVED, That the Goodhue County approve the purchase of Parcel 557210290 for use and control by the Cannon Valley Trail Joint Powers Board, and authorize the County Chair to sign the Agreement of Purchase and Sale with the Trust for Public Lands as presented (and finalized) at the Goodhue County Board meeting on June 4th, 2019.

**COMMITTEE REPORTS:**

C/Drotos	<ul style="list-style-type: none"> <li>• AMC Annual Meeting in Winona.</li> </ul>
C/Neseth	<ul style="list-style-type: none"> <li>•</li> </ul>
C/Anderson	<ul style="list-style-type: none"> <li>•</li> </ul>
C/Majerus	<ul style="list-style-type: none"> <li>•</li> </ul>
C/Safe	<ul style="list-style-type: none"> <li>•</li> </ul>
Administrator Arneson	<ul style="list-style-type: none"> <li>•</li> </ul>

**New and Old Business.**

<sup>14</sup> Moved by C/Neseth, seconded by C/Drotos, and carried to approve the following resolution supporting regional park or trail designation application in greater Minnesota:

**BE IT RESOLVED** that the City of Oronoco as lead applicant, has the authority to act as legal public sponsor for the application described in the *Request for Designation as a Regional Park or Trail in Greater Minnesota*. As joint applicant(s)/partner(s) Goodhue County formally support and authorize the applicant's submission on behalf of the partnership.

**BE IT FURTHER RESOLVED** that as lead applicant and joint applicants we are fully aware of the information provided in the application and associated responsibilities, including long-term commitments as defined in the application and related master plan and supporting information as submitted.

**BE IT FURTHER RESOLVED** that, should the Zumbro Water Trail receive formal designation as a Regional park or trail in Greater Minnesota by the Commission, that as the lead applicant or joint applicant(s)/partner(s) we have the legal authority to enter into formal designation and funding agreements with the Commission for the referenced park or trail.

**BE IT FURTHER RESOLVED** that listed applicant and joint applicant(s)/partner(s) certify they will comply with all applicable laws and regulations associated with regional designation and any future grant funding for their respective portions of any project.

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**Review and Approve the County Claims**

- 15 Moved by C/Nesseth, seconded by C/Majerus, and carried to approve to pay the County claims in the amount of 01-General Revenue \$860,518.77, 03-Public Works \$38,651.18, 11- Human Service Fund \$26,678.93, 21-ISTS \$00, 25- EDA \$14,309.00, 30-Capital Improvement \$00, 31-Capital Equipment \$00, 34-Capital Equipment \$472,499.97, 35-Debt Services \$00, 40-County Ditch \$00, 61-Waste Management \$6,898.15, 62-Recycling Center \$00, 63-HHW \$00, 72-Other Agency Funds \$00, 81-Settlement \$9,279,155.25, in the total amount of \$10,698,711.25.
- 16 Moved by C/Nesseth, seconded by C/Anderson, and carried to approve to adjourn the June 4, 2019, County Board Meeting.



SCOTT O. ARNESON  
COUNTY ADMINISTRATOR



BRAD ANDERSON, CHAIRMAN  
BOARD OF COUNTY COMMISSIONERS

MINUTE

1. Approved the May 21, 2019 County Board Meeting Minutes. (Motion carried 4-0)
2. Approved the June 4, 2019 County Board Meeting Agenda as amended. (Motion carried 3-1-0)
3. Approved to open the meeting for public comments. (Motion carried 3-1-0)
4. Approved the Consent Agenda as amended. (Motion carried 4-0)
5. Approved the resolution of support for the Prairie Island Indian Community Land Reservation Status. (Motion carried 4-0)
6. Approved the ADP Contract. (Motion carried 4-0)
7. Approved the Financial Policies. (Motion carried 4-0)
8. Approved a conditional use permit for Edward and Tammy Fletcher, Holden Township. (Motion carried 4-0)
9. Approved a conditional use permit for Sue and Micah Dicke, Vasa Township. (Motion carried 4-0)
10. Approved a Conditional Use Permit for Phillip and Annette Kehren, Pine Island Township. (Motion carried 4-0)
11. Approved to consider a VOS solar garden developer and begin negotiations with Nokomis Partners. (Motion carried 4-0)
12. Approved the proposed state land acquisition and designation. (Motion carried 4-0)
13. Approved the Cannon Valley Trail property acquisition from the trust for public lands. (Motion carried 4-0)
14. Approved a resolution of support for the Zumbro River Regional Water Trail. (Motion carried 4-0)
15. Approved the County Claims. (Motion carried 4-0)
16. Approved to adjourn the June 4, 2019 County Board Meeting. (Motion carried 4-0)