

APPENDIX B

Minutes of Board of Commissioners' Proceedings, December 4, 2008 (Item 17)

(See attached)

**BOARD OF COMMISSIONERS' PROCEEDINGS, GOODHUE COUNTY, MN
DECEMBER 4, 2008**

The Goodhue County Board of Commissioners met on Thursday, December 4, 2008, at 4:00 p.m. in the County Board Room, Red Wing, MN with Commissioners Rehtzigel, Allen, Samuelson, Bryant and Seifert all present.

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

C/Rehtzigel stated that they would begin the county board meeting and recess at 5:00 to begin the Truth In Taxation Hearing. At the end of the Truth In Taxation Hearing, the County Board would reconvene and continue with any unfinished business from the agenda.

¹ Moved by C/Allen, seconded by C/Seifert, and carried to approve the November 18, 2008, county board meeting minutes.

² Moved by C/Seifert, seconded by C/Samuelson, and carried to approve the November 18, 2008, committee of the whole meeting minutes.

³ Moved by C/Bryant, seconded by C/Seifert, and carried to approve the November 18, 2008, committee of the whole meeting minutes.

⁴ Moved by C/Samuelson, seconded by C/Allen, and carried to approve the December 4, 2008, County Board agenda as amended:

Administrator Arneson added a list of items to be sold on Public Surplus to the consent agenda. In addition, under Human Resources, item 5 D Union Contracts for LELS #46, AFSME and the Teamsters. Land Use Management also added a proposed CBED Resolution for Goodhue Wind as item F under the Land Use Management Reports.

⁵ Moved by C/Allen, seconded by C/Samuelson, and carried to approve the amended consent agenda as amended:

3. Approve the sale of Public Surplus items.

1. Approve the Household Hazardous Waste Contract Extension.
2. Approve the 2008 Tax Rebates and Valuation Changes.

FINANCE DIRECTOR'S REPORT

Reappointment of County Assessor. According to Minnesota Statutes 273.61, the term of all County Assessors must begin January 1 of every fourth year following 1973. This means the Boards must name their County Assessor prior to January 1, 2009. County Finance Director, Carolyn Holmsten, recommended the board reappoint Margaret Trebil as the Goodhue County Assessor for the next term beginning January 1, 2009.

⁶ Moved by C/Allen, seconded by C/Samuelson, and carried to approve to reappoint Margaret Trebil as the Goodhue County Assessor for the term beginning January 1, 2009.

Board of Appeals. In order for a taxpayer to appeal to the County Board of Appeal and Equalization they must first be in touch with the County Assessor's office or attend the local board meeting. Staff feels it is important to have the same series of activities should the meeting be Open Book rather than traditional. For that reason staff recommended the proposed resolution.

⁷ Moved by C/Allen, seconded by C/Seifert, and carried to approve the following resolution for the Board of Appeals:

WHEREAS, the Goodhue County Assessor's Office is responsible for all property tax assessments throughout Goodhue County, and

WHEREAS, the Goodhue County Board of Commissioners serves as the Local Board of Appeal and Equalization for all open book meetings in Goodhue County, and

WHEREAS, the Goodhue County Board of Commissioners serves as the Goodhue County Board of Appeal and Equalization, and

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WHEREAS, Minnesota Statute 274 requires taxpayers to appeal to the Local Board of Appeal and Equalization before they are allowed to appeal to the County Board of Appeal and Equalization, and WHEREAS, the County Assessor must provide an Alternative Review Meeting for taxpayers of taxing districts that choose not to hold a Local Board of Appeal and Equalization Meeting. NOW, THEREFORE, BE IT RESOLVED that all taxpayers subject to an Alternative Review Meeting must first make an appeal (phone, written or in person) at the Alternative Review Meeting provided by the County Assessor prior to appealing to the County Board of Appeal and Equalization.

COUNTY ADMINISTRATOR'S REPORT

Budget Committee Report. The Budget Committee met on Tuesday, November 25 with the following items on the agenda:

Out of State Travel. Staff presented the 2009 Out of State Travel requests with the addition of one request from the Public Health Department for 2008. The committee recommended approving the requests. All of these except for one are partially or fully paid for by outside organizations.

⁸ Moved by C/Samuelsen, seconded by C/Allen, and carried to approve the proposed 2009 Out of State Travel Requests with the addition of the request for the Public Health Department for 2008.

Goodhue County's Legislative Platform. Bob Davis distributed a list of items that would be discussed at the December 16 Legislative Luncheon.

AMC Legislative Platform. Administrator Arneson announced that Commissioner Richard Samuelson would be receiving the Association of Minnesota Counties Outstanding Service Award for 2008. The award will be presented to him at the AMC Conference in Duluth next week.

The County Board Recessed at 4:50 p.m.

The County Board Reconvened at 6:05 p.m.

LAND USE MANAGEMENT DIRECTOR'S REPORT – Public Hearing

Zoning Ordinance Text Amendment – Timber Harvesting - Proposed Amendment to Goodhue County Zoning Ordinance to restructure regulations and permitting related to Timber Harvesting within rural Goodhue County.

The Planning Commission recommended approval of the Zoning Ordinance Text Amendment for Timber Harvesting.

C/Seifert asked what alternatives an applicant would have if staff denied a permit. Mr. Wozniak stated that the applicant would follow the same process that currently is in place.

C/Rechtzigel opened the public hearing and asked for comments.

Ray Higgins representing the Minnesota Timber Producers distributed material on Timber Harvesting and urged the board to exempt the Minnesota Logger Education Program (MLEP) members from paying permit fees.

There were no further questions or comments.

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

C/Rechtzigel suggested exempting an individual if they are MLEP certified however, if any complaints were received, then they would be brought in.

C/Bryant suggested that the group advertise that they are MLEP members in the time of need.

County Attorney, Steve Betcher, was concerned with having two separate sets of rules depending on a certification.

Ms. Hanni stated that Land Use Management would bring back a follow up report in six months to the Planning

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Commission to see how things are going.

- ¹⁰ Moved by C/Bryant, seconded by C/Allen, and carried to approve the proposed Amendment to the Goodhue County Zoning Ordinance to restructure regulations and permitting related to Timber Harvesting within rural Goodhue County.

Dole Explosives/ Monte Otterness for a Zoning Ordinance Text Amendment - Mineral Extraction- Proposed Amendment to Goodhue County Zoning Ordinance to amend regulations regarding Mineral Extraction to allow for accessory uses of explosives manufacture and storage on mining property within Goodhue County.

The Planning Commission recommended approval of the Zoning Text Amendment.

C/Rechtzigel opened the public hearing and asked for comments.

Richard Hocking, Attorney for Dole Explosives, spoke on behalf of Dole Explosives and was available to answer any questions.

There were not further questions or comments.

- ¹¹ Moved by C/Bryant, seconded by C/Allen, and carried to approve to close the public hearing.
- ¹² Moved by C/Allen, seconded by C/Seifert, and carried to approve the Proposed Amendment to Goodhue County Zoning Ordinance to amend regulations regarding Mineral Extraction to allow for accessory uses of explosives manufacture and storage on mining property within Goodhue County.

LAND USE MANAGEMENT DIRECTOR'S REPORT

Conditional Use Permit- Dole Explosives/Monte Otterness for property located at: T111N, R17W, South 20 acres of Lot 3 and also lot 4, Section 30, Leon Township. The application, if approved, would authorize: a Conditional Use Permit for the existing mining quarry on parcel number 37.030.1000 to be allowed the manufacture and storage of explosives within A-1 Zone District of Leon Township.

With the Amendment that was just approved by the board, it opened the door for the Dole Explosives/Monte Otterness to apply for a conditional use permit.

C/Allen asked about the safety record. Mr. Otterness stated that they have had no issues.

- ¹³ Moved by C/Allen, seconded by C/Samuels, and carried to approve a Conditional Use Permit for Dole Explosives/Monte Otterness for property located at: T111N, R17W, South 20 acres of Lot 3 and also lot 4, Section 30, Leon Township for the existing mining quarry on parcel number 37.030.1000 to be allowed the manufacture and storage of explosives within A-1 Zone District of Leon Township to include staff recommendations along with the townships conditions.

Joseph and Sylvia Jerdec (David A. Johnson-Agent) for a Preliminary and Final Plat on property located at: T112N, R13W, Part of SW ¼, NE ¼, Section 24, Florence Township. The application, if approved, would authorize: a Preliminary and Final Plat for the existing property parcel number 32.120.0200 within R-1 Residential District of Florence Township.

Mr. Wozniak distributed an addendum to the information that was included in the board packet to clarify the Planning Advisory Commission recommendation.

- ¹⁴ Moved by C/Bryant, seconded by C/Allen, and carried to approve a Preliminary and Final Plat for Joseph and Sylvia Jerdec (David A. Johnson-Agent) on property located at: T112N, R13W, Part of SW ¼, NE ¼, Section 24, Florence Township for the existing property parcel number 32.120.0200 within R-1 Residential District of Florence Township with the revised Planning Advisory Commission recommended conditions.

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Conditional Use Permit-Ross Lundstrom (Scott Fairbanks-Agent) for property located at: T112N, R13W, Government Lot 1, Section 12, Florence Township. The application, if approved, would authorize: a Conditional Use Permit – to construct an elevated replacement dwelling located within flood fringe area of Lake Pepin to one foot above RFPE on parcel number 32.130.0150, within A-2 Zone District of Florence Township.

Mr. Wozniak distributed an addendum to the report included in the board packet to more accurately reflect the Planning Advisory Commission recommendation. The Planning Commission did recommend approval of the conditional use permit subject to conditions.

C/Bryant asked if the township approved the issue. Mr. Wozniak stated that staff has been in contact with the Township and they did not have any issues with the permit.

- ¹⁵ Moved by C/Bryant, seconded by C/Allen, and carried to approve a Conditional Use Permit for Ross Lundstrom (Scott Fairbanks-Agent) for property located at: T112N, R13W, Government Lot 1, Section 12, Florence Township to construct an elevated replacement dwelling located within flood fringe area of Lake Pepin to one foot above RFPE on parcel number 32.130.0150, within A-2 Zone District of Florence Township with the Planning Advisory Commission recommended conditions.

Conditional Use Permit- Goodhue Wind LLC/Robert J. Gadiant (Tiff Thompson-Agent) on property located at: T111N, R16W, W ½ of NE ¼, Section 13, Belle Creek Township. The application, if approved, would authorize: a Conditional Use Permit to construct a temporary, tip-up 60 meter meteorological test pole on parcel number 25.013.0302 in the A-1 Agricultural Protection District of Belle Creek Township.

- ¹⁶ Moved by C/Allen, seconded by C/Seifert, and carried to approve a Conditional Use Permit for Goodhue Wind LLC/Robert J. Gadiant(Tiff Thompson-Agent) on property located at: T111N, R16W, W ½ of NE ¼, Section 13, Belle Creek Township to construct a temporary, tip-up 60 meter meteorological test pole on parcel number 25.013.0302 in the A-1 Agricultural Protection District of Belle Creek Township.

C-BED Resolution. This issue was discussed at a previous board meeting. Steve Betcher stated that by approving the proposed resolution would not mandate anyone to do anything it only opened up additional possibilities.

- ¹⁷ Moved by C/Bryant, seconded by C/Allen, and carried to approve the following resolution acknowledging Community-Based Energy Development (C-BED) status for the Goodhue wind LLC Wind Energy Project (Goodhue Wind):

WHEREAS, it is the policy of the State of Minnesota to foster Community-Based Energy Development (C-BED) projects; and

WHEREAS, the state C-BED statute calls for County Board approval of C-BED projects – Minn. Stat. § 216B.1612, subd.2 (f) (3); and

WHEREAS, the development of small scale wind projects in Goodhue County provides economic opportunity for residents of the County; and

WHEREAS, the Goodhue Wind Energy Project is proposed for development in Goodhue and Belle Creek Townships will be owned by a Minnesota limited liability company organized by Minnesota Residents; and

WHEREAS, the developers understand and accept responsibility for securing all necessary permits for development of wind turbines and towers; and

WHEREAS, this project calls for the development of up to 78 megawatts of wind energy to be produced by approximately 39 2.0 MW turbines; and

WHEREAS, the projects are structured to ensure that a majority of the financial benefit of the project accrues to the local owners of the project.

NOW, THEREFORE, BE IT RESOLVED, that the Goodhue County Board of Commissioners hereby indicates its support for the development of the Goodhue Wind Energy Project as a C-BED project, subject to the authority of said County Board to grant or deny any applications for permits or licenses for said project as may be provided by state statute or local ordinances, rules or regulations.

Planning Advisory Commission Appointments. The Land Use Management department submitted requests for

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Planning Advisory Commission (PAC) appointments. The following members' terms will expire January 1, 2009.

3rd District: Bernie Overby will conclude his first 3-year appointment ending January 1, 2009.

4th District: Sam Michels has come to the end of his third and final term of serving on the Planning Advisory Commission. A new member will have to be appointed to fill this position.

5th District: Howard Stenerson has come to the end of his second term of serving on the Planning Advisory Commission.

Staff recommended the first Planning Advisory Commission meeting for 2009 be on January 12th, 2009.

Staff also recommended that the County Board make the Planning Advisory Commission appointments at their December 16, 2009 meeting.

Richard Samuelson left the board meeting at 6:50 p.m.

HUMAN RESOURCE DIRECTOR'S REPORT

Personnel Committee Report. The Personnel Committee met on Tuesday, November 25 with the following items on the agenda:

Hours of Business for Public Works Building. The Personnel Committee recommended the approval of changing the office hours for the Public Works Building located in Red Wing to 7:00 a.m.- 3:30 p.m.

- ¹⁸ Moved by C/Allen, seconded by C/Seifert, and carried to approve a change in office hours of the Goodhue County Public Works Building to 7:00 a.m.- 3:30 p.m.

C/Allen left the meeting at 7:05 p.m.

Revised Organizational Chart for Public Works Department. The Personnel Committee recommended approval of the revised organizational chart for the Public Works Department along with all revised job descriptions sent to the Hay Group for evaluation. The Committee also recommended hiring a replacement Engineering Technician.

C/Bryant suggested that the board deal with the request as two separate issues. He asked Mr. Isakson if he was comfortable with waiting until the middle of January to hire the replacement. Mr. Isakson agreed.

- ¹⁹ Moved by C/Bryant, seconded by C/Seifert, and carried to approve the revised Organizational Chart for the Public Works Department.

- ²⁰ Moved by C/Bryant, seconded by C/Seifert, and carried to approve to table the motion of hiring the Engineering Technician position to the second meeting in January 2009.

Probationary Period. Ms. Cushing stated that this issue would be addressed at a future meeting.

First Lab Contract. Included in the board packet was the proposed contract and amendment with FirstLab for the random drug and alcohol testing program. This proposed contract has been reviewed by MCIT and Stephen O'Keefe, Assistant County Attorney. Staff recommended the Board sign the proposed contract and amendment to begin January 1, 2009.

C/Rechtzigel asked if there was an impact on the budget. Ms. Cushing stated there was no change to the budget.

- ²¹ Moved by C/Seifert, seconded by C/Bryant, and carried to approve the contract and amendment with First Lab for the random drug and alcohol testing program.

HRA Account Access. The Insurance Review Committee is recommending a change to the current process whereby former employees would have access to their HRA on the first day of the month following their termination. This

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process will allow former employees earlier access to their dollars. The new process will encourage employees to use their HRA dollars and remove them from the accountability of the County. The Insurance Review Committee recommended changing the current policy to allow former employees' access to their HRA on the first day of the month following their termination.

- ²² Moved by C/Bryant, seconded by C/Seifert, and carried to approve the recommendation of the Insurance Review Committee to change the current HRA Account Access process to allow former employees' access to their HRA on the first day of the month following their termination.

Union Contracts.

C/Rechtzigel noted that typically the board does not deal with major issues when the full board is not present. He did not want to cause any anxiety but with the entire board not here he felt it would be appropriate to table voting on the union contracts until the next board meeting when the entire board could be present.

- ²³ Moved by C/Seifert, seconded by C/Bryant, and carried to approve to table the approval of the following union contracts: LELS #78, LELS #91, LELS #92, LELS# 46, AFSME and Teamsters.

PUBLIC WORKS DIRECTOR'S REPORT

Common Roads Agreement between Goodhue and Wabasha County. Staff from Goodhue and Wabasha County met to establish a workable solution for the maintenance and construction of 'common roads' between our two counties. The end result was the proposed agreement included in the board packet. County Attorney's of both counties have review the agreement and find it to be fine as to form and execution. The Wabasha County Board has approved the Agreement and staff was recommending the Goodhue County Board do the same.

- ²⁴ Moved by C/Bryant, seconded by C/Seifert, and carried to approve the following resolution approving the Common Roads Agreement between Goodhue and Wabasha County:

BE IT RESOLVED that the County of Goodhue enter into an agreement with the County of Wabasha for the following purposes, to wit:

To provide maintenance and construction on Common Roads bordering the two counties in accordance with the terms and conditions set forth and contained in Agreement No. 25-79-2008 a copy of which is hereto attached.

BE IT FURTHER RESOLVED that the proper County officers be and hereby are authorized to execute such agreement and any amendments, and thereby assume for and on behalf of the County of Goodhue all of the contractual obligations contained therein.

FUTURE MEETING DATES:

1. December 4 at 12:00- Cannon Falls Chamber of Commerce Annual Business Luncheon: Cannon Falls Country Club.
2. December 4 at 1:30 p.m.- Insurance Committee: Conference Room 105, Government Center, Red Wing.
3. December 4 at 1:30 p.m.- Park Board Committee: Public Works, Red Wing.
4. December 4 at 3:00 p.m.- Committee of the Whole: County Board Room, Red Wing.
5. December 4 at 3:30 p.m.- County Board Closed Session: County Board Room.
6. December 4 at 5:00 p.m.- Truth in Taxation Meeting: County Board Room, Red Wing.
7. December 4 following Truth in Taxation- County Board Meeting: County Board Room, Red Wing.
8. December 5 at 9:00 a.m.- Met Council Neighboring County Officials Meeting: St. Paul.
9. December 7-10 – Duluth, Minnesota.
10. December 12 at 1:00 p.m.- Extension Committee: Conference Room 103, Government Center, Red Wing.
11. December 15 at 4:00 p.m.- Goodhue County Historical Society: Red Wing History Center.
12. December 16 at 8:15 a.m.- Committee of the Whole: County Board Room, Red Wing.
13. December 16 at 12:00 noon- Legislative Luncheon: Law Enforcement Center, Red Wing.
14. December 16 at 1:30 p.m.- Committee of the Whole: County Board Room, Red Wing.
15. December 18 11:30-1:00 p.m. – County Staff Christmas Luncheon
16. March 4 at 7:00 p.m.- Comprehensive Plan Meeting: Zumbrota Library.
17. April 8 at 7:00 p.m.- Comprehensive Plan Meeting: Zumbrota Library.

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18. May 6 at 7:00 p.m.- Comprehensive Plan Meeting: Zumbrota Library.
 19. June 3 at 7:00 p.m.- Comprehensive Plan Meeting: Zumbrota Library.
 20. July 1 at 7:00 p.m.- Comprehensive Plan Meeting: Zumbrota Library.

COMMITTEE REPORTS: Deferred

C/Seifert	•
C/Rechtzigel	•
C/Samuelson	•
C/Bryant	•
C/Allen	•
Administrator Arneson	•

Review and approve county claims.

- ²⁵ Moved by C/Bryant, seconded by C/Seifert, and carried to approve to pay the County claims in the amount of 01-General Revenue \$209,623.49, 03-Public Works \$52,125.56, 07-Public Health \$542.58, 11- Human Service Fund \$560,875.21, 19-Land Use Management \$2,161.56, 21-ISTS \$6,692.20, 25- EDA \$00, 30-Capital Improvement \$00, 31-Capital Equipment \$00, 34-Capital Equipment \$48,956.58, 35-Debt Services \$687.02, 40-County Ditch \$00, 61-Waste Management \$1,734.48, 62-Recycling Center \$00, 63-HHW \$00, 72-Other Agency Funds \$120,060.44, 81-Settlement \$61.37, in the total amount of \$1,003,520.49.

ADJOURN

- ²⁶ Moved by C/Seifert, seconded by C/Bryant, and carried to approve to adjourn the December 4, 2008, county board meeting.

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SCOTT O. ARNESON
COUNTY ADMINISTRATOR

DAN RECHTZIGEL, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

Minute Summary

1. Approved the November 18, 2008 County Board Meeting Minutes as written. (Motion carried 5-0)
2. Approved the November 18, 2008 Committee of the Whole Meeting Minutes as written. (Motion carried 5-0)
3. Approved the November 18, 2008 Committee of the Whole Meeting Minutes as written. (Motion carried 5-0)
4. Approved the December 4, 2008 Board Meeting Agenda. (Motion carried 5-0)
5. Approved the December 4, 2008 Consent Agenda as amended. (Motion carried 5-0)
6. Approved to reappoint Margaret Trebil beginning January 1, 2009. (Motion carried 5-0)
7. Approved a resolution for the Board of Appeals. (Motion carried 5-0)
8. Approved the 2009 Out of State Travel requests. (Motion carried 5-0)
9. Approved to close the Public Hearing. (Motion carried 5-0)
10. Approved the Zoning Ordinance Text Amendment for Timber Harvesting (Motion carried 5-0)
11. Approved to close the Public Hearing. (Motion carried 5-0)
12. Approved to amend the Goodhue County Zoning Ordinance for Mineral Extraction. (Motion carried 5-0)
13. Approved a conditional use permit for Dole Explosives/Montee Otterness of Leon Township. (Motion carried 5-0)
14. Approved a Preliminary and Final Plat for Joseph and Sylvia Jerdee of Florence Township. (Motion carried 5-0)
15. Approved a Conditional Use Permit for Ross Lundstrom of Florence Township. (Motion carried 5-0)
16. Approved a Conditional Use Permit for Goodhue Wind LLC/Robert Gadiant of Belle Creek Township. (Motion carried 5-0)
17. Approved a resolution for CBED. (Motion carried 5-0)
18. Approved the change in hours of the Public Works Building in Red Wing. (Motion carried 4-0)
19. Approved the Re-Organizational Chart of the Public Works Department. (Motion carried 4-0)
20. Approved to table the hiring of an Engineering Technician in the Public Works Department. (Motion carried 4-0)
21. Approved the First Lab Contract. (Motion carried 3-0)
22. Approved the Health Reimbursement Account Access change. (Motion carried 3-0)
23. Approved to table the approval of union contracts. (Motion carried 3-0)
24. Approved the Common Roads Agreement with Wabasha County. (Motion carried 3-0)
25. Approved the county claims. (Motion carried 3-0)
26. Approved to adjourn the December 4, 2008 County Board Meeting Agenda. (Motion carried 3-0)