

FARIBAULT COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
OCTOBER 17, 2023

The Faribault County Board of Commissioners met in regular session at the Courthouse in the City of Blue Earth at 9:00 a.m. on October 17, 2023. The following members were present: Tom Loveall, Bruce Anderson, Bill Groskreutz, John Roper, and Greg Young Commissioners. County Coordinator Brian Hov, Deputy Tom Elmer, Acting Clerk to the Board Sarah Van Moer, and members of the public M. Hanson, K. Mertens, and M. Steele also attended. Participating virtually were Faribault County employees A. Thompson, C. Davis, S. Asmus, M. Lore, L. Mehrhof, L. Frommie, and L. Adams, and member of the public K. Olagbegi.

The meeting was called to order by Chair Anderson.

The pledge of allegiance was recited.

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Young/Groskreutz motion carried unanimously to approve the synopsis and official proceedings of the September 28, 2023 special meeting, October 3, 2023 regular and drainage meetings, and October 9, 2023 special meeting.

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Loveall/Young motion carried unanimously to approve the agenda of October 17, 2023 with additions.

Loveall/Young motion carried unanimously to appoint Commissioner Roper to the personnel committee for the week of October 23rd due to Commissioner Groskreutz being unavailable.

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The calendar was updated.

No public comment was received.

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Committee reports were given. Groskreutz reported on HRA, human services, transit, and MVAC executive and personnel meetings. Roper reported on the insurance committee meeting. Young reported on transit and planning & zoning. Anderson reported on MRCI and planning & zoning.

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Planning & Zoning Administrator Sara Hauskins, Toby Tuttle of Primergy Solar, and landowner Ted Nagel met to discuss a Conditional Use Permit.

Loveall/Young motion carried unanimously to approve Resolution 23-PZ08-80 approving the Conditional Use Permit for Winnebago Solar & Storage LLC / Ted Nagel for a Solar Monitoring

System (MET) tower. Commissioners Groskreutz, Roper, Young, Loveall, and Anderson voted yes.

RESOLUTION
CONDITIONAL USE PERMIT
Winnebago Solar & Storage / Ted Nagel
Prescott Township, Section 07-103-27
#09-23-87

WHEREAS: According to the Faribault County Zoning Ordinance, Winnebago Solar & Storage / Ted Nagel have requested a Conditional Use Permit for a MET Station.

The proposed project is located in the A2 Agriculture District.

Real property situated in the County of Faribault, State of Minnesota, and described as follows:

That part of the North Half of the Northeast Quarter of Section 7, Township 103 North, Range 27 West, Faribault County, Minnesota.

Commencing as the North Quarter corner of said Section 7; thence on an assumed bearing of North 88 degrees 51 minutes 42 seconds East, along the north line of said section, a distance of 805.85 feet to an iron monument, said iron monument being the point of beginning of the tract to be described; thence South 1 degree 08 minutes 18 seconds East a distance of 522.92 feet to an iron monument; thence North 88 degrees 51 minutes 42 seconds East a distance of 910.14 feet to an iron monument; thence North 1 degree 08 minutes 18 seconds West a distance of 522.92 feet to an iron monument located on the north line of said section; thence South 88 degrees 51 minutes 42 seconds West, along said north line, a distance of 910.14 feet to the point of beginning, containing 10.93 acres, subject to easements now of record in said county and state.

WHEREAS: According to the Faribault County Zoning Ordinance, Section 16 – Subdivisions (4–6), the Planning Commission has made its recommendation based on findings with respect thereto and all facts in connection therewith and has designated conditions deemed necessary for the protection of public interest.

WHEREAS: The Planning Commission finds that:

1. The proposed use of the property will not have an adverse impact on health, safety and the general welfare or be injurious to the use and enjoyment of other properties and residents for purposes already permitted in the surrounding neighborhood.
2. The proposed use meets the standards of the Faribault County Zoning Ordinance including that the use is allowed with a Conditional Use Permit in the designated zoning district in which it is proposed.
3. The proposed use will not have an adverse impact on traffic conditions, or that additional measures are being proposed in regard to access roads, traffic conditions, traffic congestion, and traffic hazard.

4. There are adequate public or private facilities and services in place or are being proposed to support the proposed use in regard to water supply, electricity, sewer services, lighting, public services, site drainage and off-street parking.
5. If the proposed use requires storage of materials, that adequate disposal measures are in place.
6. The proposed use will not have an adverse effect on the environment including impacts on the groundwater, surface water, soils, and air quality.
7. The proposed use will not substantially diminish and impair property values within the immediate vicinity and is compatible with the existing neighborhood.
8. The proposed use will not hinder the normal and orderly development and improvement of surrounding properties in the surrounding neighborhood for the uses predominate to the area.
9. The proposed use will have adequate measures in place to prevent or control offensive odors and/or fumes, dust, noise, and vibration, so that none of these will be a disturbance to neighboring properties.
10. If the proposed use requires any additional necessary facilities that they are identified in the permit.

NOW THEREFORE BE IT RESOLVED, that the Faribault County Board of Commissioners approve a Conditional Use Permit to Winnebago Solar & Storage / Ted Nagel in the A2 Agriculture District for Temporary Solar Monitoring System (MET) Tower with the following conditions:

1. All County, State, Federal laws, regulations, and ordinances shall be complied with, and site must be in compliance with all necessary permits and setbacks, with special attention to Sections F-M of *Section 21 – Tower Ordinance* of Faribault County, which addresses General Standards, Routine Maintenance and Removal.
2. Prior to the Tower Permit landowner must provide SSTS design plan and permit, by a license installer.
3. A review of the CUP will be completed by the Planning and Zoning Department every two years.

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Planning & Zoning Administrator Sara Hauskins, Tim Stoner of Blue Earth Light & Water, and landowner Andy Linder met to discuss a Conditional Use Permit.

Loveall/Roper motion carried unanimously to approve Resolution 23-PZ09-81 approving the Conditional Use Permit for Blue Earth Light & Water / Andy Linder for a Solar Energy System Permit. Commissioners Groskreutz, Roper, Young, Loveall, and Anderson voted yes.

RESOLUTION

CONDITIONAL USE PERMIT

Blue Earth Light & Water / Andy Linder
Blue Earth, Section 5 & Prescott, Section 32
#09-23-88

WHEREAS: According to the Faribault County Zoning Ordinance, Blue Earth Light and Water/Andy Linder have requested a Conditional Use Permit for installation and operation of a 4 Mega Watt Solar Array.

The proposed project is located in the A2 Agriculture District.

Real property situated in the County of Faribault, State of Minnesota, and described as follows:

That part of the Northwest Quarter of the Northwest Quarter of Section 5, Township 102 North, Range 27 West and the Southwest Quarter of the Southwest Quarter of Section 32, Township 103 North, Range 27 West all in Faribault County, Minnesota described as follows:

Beginning at the Northwest Corner of said Section 5; thence South 02 degrees 09 minutes 32 seconds West, along the west line of the Northwest Quarter of said Section 5, a distance of 425.70 feet to the northwest corner of a tract of land deeded to Nancy M. Cratsley and recorded and described in the Office of the County Recorder in Document No. 278630; thence South 87 degrees 25 minutes 28 seconds East, along the north line of said Cratsley tract, a distance of 437.00 feet to the northeast corner of said Cratsley tract; thence south 02 degrees 09 minutes 32 seconds West, along the easterly line of said Cratsley tract, a distance of 249.00 feet; thence North 87 degrees 25 minutes 28 seconds West, along the easterly line of said Cratsley tract, a distance of 119.00 feet; thence South 02 degrees 09 minutes 32 seconds West, along the easterly line of said Cratsley tract, a distance of 199.17 feet; thence North 67 degrees 07 minutes 45 seconds East, a distance of 157.26 feet; thence North 76 degrees 53 minutes 32 seconds East, a distance of 757.88 feet to a point on the westerly highway right-of-way line of US Highway 169 as defined by Minnesota Department of Transportation Right of Way Plat No. 22-11, said point lying on the line connecting right of way corners B23 and B24; thence North 25 degrees 23 minutes 53 seconds West, along said highway right-of-way line, a distance of 41.35 feet, to right of way corner B24; thence 37 degrees 45 minutes 25 seconds West, along said highway right-of-way line, a distance of 1500.02 feet to right of way corner B25; thence South 52 degrees 14 minutes 35 seconds West, along said highway right-of-way line, a distance of 194.62 feet to right of way corner 826; thence South 02 degrees 26 minutes 02 seconds West, along said highway right-of-way line, a distance of 450.42 feet, to right of way corner 827, on the north line of the Northwest Quarter of the Northwest Quarter of said Section 5; thence North 89 degrees 34 minutes 56 seconds West, along said north line, a distance of 58 56 feet to the point of beginning.

WHEREAS: According to the Faribault County Zoning Ordinance, Section 16 – Subdivisions (4–6), the Planning Commission has made its recommendation based on findings with respect thereto and all facts in connection therewith and has designated conditions deemed necessary for the protection of public interest.

WHEREAS: The Planning Commission finds that:

1. The proposed use of the property will not have an adverse impact on health, safety and the general welfare or be injurious to the use and enjoyment of other properties and residents for purposes already permitted in the surrounding neighborhood.
2. The proposed use meets the standards of the Faribault County Zoning Ordinance including that the use is allowed with a Conditional Use Permit in the designated zoning district in which it is proposed.
3. The proposed use will not have an adverse impact on traffic conditions, or that additional measures are being proposed in regard to access roads, traffic conditions, traffic congestion, and traffic hazard.
4. There are adequate public or private facilities and services in place or are being proposed to support the proposed use in regard to water supply, electricity, sewer services, lighting, public services, site drainage and off-street parking.
5. If the proposed use requires storage of materials, that adequate disposal measures are in place.
6. The proposed use will not have an adverse effect on the environment including impacts on the groundwater, surface water, soils, and air quality.
7. The proposed use will not substantially diminish and impair property values within the immediate vicinity and is compatible with the existing neighborhood.
8. The proposed use will not hinder the normal and orderly development and improvement of surrounding properties in the surrounding neighborhood for the uses predominate to the area.
9. The proposed use will have adequate measures in place to prevent or control offensive odors and/or fumes, dust, noise, and vibration, so that none of these will be a disturbance to neighboring properties.
10. If the proposed use requires any additional necessary facilities that they are identified in the permit.

NOW THEREFORE BE IT RESOLVED, that the Faribault County Board of Commissioners approve a Conditional Use Permit to Blue Earth Light and Water in the A-2 Agriculture District for a 4MW Solar Energy System. In addition to the General Standards, the following standards shall apply to Large Solar Energy Systems and Solar Farms conditions:

1. Stormwater Management and Erosion and Sediment Control shall meet the requirements of the MPCA Construction Stormwater Permit requirements.

2. The manufacturer's engineer or another qualified engineer shall certify that the foundation and design of the solar energy system is within accepted professional standards, given local soil and climate conditions.
3. Power and communication lines running between banks of solar collectors and to electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.
4. Screening. Systems shall be screened from residential dwelling units, abutting public easements/right-of-way, and/or other land uses. The screening plan shall show the location of fences and residential dwelling units. Fences shall be installed as part of the project and shall be screened.
6. Setbacks. Setbacks shall be measured to the nearest security fence surrounding the Solar Energy System excluding screening or berm.
 - a) Large Solar Energy Systems must meet the minimum building setback for the zoning district and be located a minimum of two hundred (200) feet from a residential dwelling unit not located on the property.
 - b) Large Solar Energy Systems must meet a minimum setback of 100 feet from Drainage Systems. Tile line setback distance is measured from the center line of the tile. Open ditch setback distance is measured from the top of the ditch bank. The location of the tile must be verified.
 - c) Large Solar Energy Systems must meet the minimum Front Yard Regulations for the zoning district.
7. Vegetation requirements and management. The following provisions shall be met related to the clearing of existing vegetation and establishment of vegetated ground cover.
 - a) Large-scale removal of mature trees on the site is discouraged. Restrictions on tree clearing, or mitigation for cleared trees may be included.
 - b) The project site design shall include the installation and establishment of ground cover meeting the beneficial habitat standards consistent with Minnesota Statutes, section 216B.1642, or successor statutes and guidance as set by the Minnesota Board of Water and Soil Resources.
 - c) Beneficial habitat standards shall be maintained on the site for the duration of operation, until the site is decommissioned.
8. Highway department field access permit and 911 Address – will be issued for the access road.
9. A review of the CUP will be completed by the Planning and Zoning Department every two years.

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Loveall/Roper motion carried unanimously to approve renewing the health benefits plan for two years with PEIP.

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Chief Deputy Scott Adams met regarding a proposed agreement with the City of Elmore for law enforcement services.

Roper/Young motion carried unanimously to approve the contract with the City of Elmore for professional services as presented.

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Mark Daly met regarding public works business. Construction updates were given.

A parks committee meeting was set for 11:00am on November 1, 2023, at the highway department.

Loveall/Groskreutz motion carried to give Lura Township until 2024 to pay their \$12,000 share for Project SAP 022-599-124: Replace Br 22512 with Bridge 22J60, completed in 2022. Commissioners Young and Roper voted no, Groskreutz, Loveall, and Anderson voted yes.

Loveall/Young motion carried to accept the formal notification of Mark Daly's retirement as County Engineer/Public Works Director of Faribault County effective December 22, 2023.

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Building/Facilities Maintenance Director Saxon Warmka met regarding office business.

Young/Roper motion carried unanimously to approve the bid in the amount of \$61,529.00 from Schwickerts Tecta America to repair the interior roof and landing floor in the courthouse tower.

Roper/Loveall motion carried unanimously to approve the low bid in the amount of \$36,678.00 from Paape Companies to update the HVAC control system at the law enforcement center.

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Young/Roper motion carried unanimously to approve courthouse HVAC project pay applications totaling \$48,618.65 as follows:

Pay application #13 in the amount of \$33,622.10 total paying to: Donald Frantz Concrete \$4,095.45; Custom Drywall \$25,656.65; Steinbrecher Painting \$3,870.00.

Pay application #14 in the amount of \$12,343.95 total paying to: Midwest Specialty Maintenance \$744.32; Ramsey Excavation \$2,964.08; Custom Drywall \$6,372.85; Associated Mechanical Contractors \$1,693.21; Laketown Electric \$569.49.

Pay application #16 in the amount of \$2,652.60 total paying to: Ramsey Excavating.

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Groskreutz/Young motion carried unanimously to approve the proposal from Abdo Solutions for human resources services.

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Loveall/Young motion carried unanimously to reschedule the first board meeting of December to Thursday, December 7, 2023, at 9:00am.

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Groskreutz/Loveall motion carried unanimously to approve appointing Gloria Pederson to the EDA Committee for a 5-year term beginning January 1, 2024.

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Roper/Loveall motion carried unanimously to approve appointing Brian Hov as MCIT voting delegate alternate.

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Loveall/Young motion carried unanimously to approve updating the AMC voting delegates as presented.

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Groskreutz/Roper motion carried unanimously to approve the hire of Jaqueline Frederickson as a full-time dispatch/jailer.

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Young/Groskreutz motion carried unanimously to approve the training requests from B. Hov to attend the AMC Annual Conference in Minneapolis, V. Do to attend an online Emergency Medical Responder Recertification training, and A. Sathoff to attend a Year End Department of Revenue training in St. Paul.

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Roper/Groskreutz motion carried unanimously to pay the following bills:

Auditor warrants for September 1 to September 30, 2023 totaling \$1,419,354.98 as follows:

Auditor Warrant Approval List for September 1 to September 30, 2023

| Date | Warrant # | Amount | Description |
|----------------------|-----------|--------------|------------------------|
| 9/7/2023 0:00 Total | | 228,719.62 | Auditor Warrants |
| 9/14/2023 0:00 Total | | 498,368.17 | Auditor Warrants |
| 9/21/2023 0:00 Total | | 200,736.08 | Auditor Warrants |
| 9/28/2023 0:00 Total | | 491,531.11 | Auditor Warrants |
| Grand Total | | 1,419,354.98 | Total Auditor Warrants |

ACH-EFT warrants for September 1 to September 30, 2023 totaling \$1,105,136.83 as follows:

| ACH/EFT Warrant Approval List for September 1 to September 30, 2023 | | | |
|---|-----------|--------------|-----------------------|
| Date | Warrant # | Amount | Description |
| 9/5/2023 Total | | 409,910.53 | Commissioner Warrants |
| 9/7/2023 Total | | 107,802.35 | Auditor Warrants |
| 9/14/2023 Total | | 374,027.81 | Auditor Warrants |
| 9/19/2023 Total | | 127,312.64 | Commissioner Warrants |
| 9/21/2023 Total | | 77,501.57 | Auditor Warrants |
| 9/28/2023 Total | | 8,581.93 | Auditor Warrants |
| Grand Total | | 1,105,136.83 | |

Audit list and auxiliary totaling \$ 281,454.67 as follows:

| | |
|------------------------------|---------------|
| GENERAL REVENUE FUND | \$ 180,883.73 |
| PUBLIC WORKS FUND | 46,685.71 |
| COUNTY LIBRARY FUND | 1,200.00 |
| DITCH FUND | 17,669.44 |
| FORFEITED TAX SALE FUND | 46.00 |
| ADVANCE TAX & OTHER | 600.14 |
| TAX & PENALTIES (ODD) | 2,733.00 |
| SETTLEMENT AGENCY FUND | 27,431.86 |
| SETTLEMENT AGENCY FUND - REC | 3,931.50 |
| NON-REV/DISB A | 273.29 |
| | <hr/> |
| | \$ 281,454.67 |

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Loveall/Groskreutz motion carried unanimously to adjourn.

The meeting was adjourned for October 2023.

Bruce Anderson, Chair

Sarah Van Moer, Acting Clerk to the Board