

APPROVED 5-17-16

WRIGHT COUNTY BOARD
MINUTES
MAY 10, 2016

The Wright County Board met in regular session at 9:00 A.M. with Husom, Sawatzke, Daleiden, Potter and Borrell present.

MINUTES

Husom moved to approve the 5-03-16 County Board Minutes, seconded by Potter. The motion carried 5-0.

AGENDA

Daleiden moved to approve the Agenda as presented, seconded by Borrell, and carried 5-0.

CONSENT AGENDA

Daleiden moved to approve the Consent Agenda as amended, seconded by Husom. The motion carried 5-0:

- A. ADMINISTRATION
 - 1. Approve Charitable Gambling Application Form LG220, St. John's Catholic Church, St. John's Education Center, 17260 Hwy. 12, Cokato MN 55321 (Cokato Twp.).
- B. ADMINISTRATION
 - 1. Refer PWB Deferred Maintenance and Remodel to Building Committee to be held on 5-17-16 at 10:30 AM
- C. AUDITOR/TREASURER
 - 1. Approve Renewal of Annual Club On Sale Liquor License for Cokato Town & Country Club
- D. AUDITOR/TREASURER
 - 1. Approve Claims as Listed in the Abstract, Subject to Audit, for a Total of \$461,901.17 with 265 Vendors and 398 Transactions
- E. HEALTH & HUMAN SERVICES
 - 1. Position Replacement
 - A. Financial Worker
- F. HIGHWAY
 - 1. Approval of Wright County Highway Right-of-Way Plat No. 71 for CSAH 3 Construction Project
- G. HIGHWAY
 - 1. Approve renewal of agreement with Functional Industries for use of wash bay at the current Public Works Building.
- H. SHERIFF'S OFFICE
 - 1. Position Replacement:
 - A. Deputy
- I. SHERIFF'S OFFICE
 - 1. Authorize Signatures On The 2016 Federal Supplemental Boating Safety Patrol Grant Agreement

TIMED AGENDA ITEMS

BOB HIIVALA, AUDITOR/TREASURER

Information Only: Replacing Folding Equipment and Acquiring Software from Neopost to Reduce the Cost of Certified Mail Processing

The postage equipment will be upgraded which will result in lower monthly costs and the ability to track certified mail. Hiivala plans to sign the contract as it is under budget. This was provided as an informational item.

VIRGIL HAWKINS, HIGHWAY ENGINEER

Distribution of 2015 Annual Report

The Annual Report will be placed on the next Agenda for review and approval.

Award 2016 Overlay (Part 2) to Knife River

Potter moved to award the 2016 Overlay (Part 2) Contract to Knife River in the amount of \$654,736.99 (low bid), Contact #1608. The motion was seconded by Daleiden and carried unanimously. Project funding will be 100% local levy dollars.

Approve Final Payment to Structural Specialties for Rockwood Bridge Project

Husom moved to adopt Resolution #16-27 authorizing final payment to Structural Specialties (Hutchinson) in the amount of \$23,268.45 for the Rockwood Bridge Project in Southside Township, Contract #1451. The motion was seconded by Potter and carried 5-0 on a roll call vote.

Approve Final Payment to Knife River for 2015 Overlays

Daleiden moved to adopt Resolution #16-28 authorizing final payment to Knife River (Sauk Rapids) in the amount of \$211,358.33 for the 2015 Pavement Preservation Program, Contract #1501. The motion was seconded by Borrell and carried 5-0 on a roll call vote.

MIKE MACMILLAN - DIRECTOR OF COURT SERVICESDrug Court Informational Session

Mike MacMillan and Judge Michelle Davis presented information WCADC (Wright County Adult Drug Court), a new initiative in Wright County. A team of criminal justice partners committed to addressing problems that persist in traditional probation or treatment alone are working together to break the cycle of recidivism among drug addicted offenders in the court system. Drug Court changes lives, prevents crime, and reduces costs. It significantly reduces crime as much as 45% more than other sentencing options. Nationwide, 75% of drug court graduates remain arrest free at least two years after leaving the program versus 30% of prisoners. Nationwide, for every \$1.00 in Drug Court, taxpayers save as much as \$3.36 in avoided criminal justice costs alone or a total of \$32.3 billion annually. This was provided as an informational item.

The meeting recessed at 9:36 A.M. and reconvened at 9:42 A.M.

PUBLIC HEARING – RESOLUTION, EMERGENCY MORATORIUM ON SOLAR FARMS

Sean Riley, Planning & Zoning Administrator, said the County Board adopted a resolution three weeks ago imposing an emergency moratorium on solar farms. Riley provided copies of written input received from the public, Wright Hennepin Electric, and Rob Davis-Fresh Energy. The resolution being considered today would impose a moratorium for a period not to exceed 12 months and applies to solar energy farms, not solar energy systems. Solar energy systems are the household solar panels for residential and agricultural use, no more than 100 kilowatts, and a CUP may be required dependent on size.

Borrell questioned whether townships that perform their own planning and zoning can be excluded from the moratorium. Greg Kryzer, Assistant County Attorney, stated the moratorium would be County wide. Those townships that have their own planning and zoning must be as least as restrictive as the County. If the moratorium is voted down today, townships can implement their own moratorium as that would be more restrictive. The moratorium will not apply to cities.

Kryzer stated the Monticello Orderly Annexation Area (MOAA) has determined through their Joint Powers Agreement that they have their own ordinance capability. They set their own zoning ordinance within their orderly annexation area. The MOAA Board would make the determination on solar panels and to what extent they are allowed. So far, they have not adopted a solar panel ordinance so solar panels would not be allowed in the MOAA. With regard to the Clearwater Orderly Annexation Area (COAA), Kryzer is not sure whether they have the same ordinance enabling language so the County's Ordinance may apply.

The Public Hearing opened at 9:47 A.M.

Evan Carlson, Innovative Power, said their company works with solar garden projects. He asked that the focus of discussion be kept on topic, that being how the County Solar Ordinance will affect community solar gardens. He thinks the Ordinance is good and is based on information that was gathered. It allows projects to be approved or denied based on input provided at the township and County level. He said there are many great projects that will

not go through if the moratorium is enacted. Carlson said the facts about how many solar gardens there are might be misinterpreted. In Wright County, he said there are 4 community gardens approved. This does not equate to a frenzy or flurry. Aurora Projects are approved at the State level and are not presented for approval to a township or the County. Solar gardens provide a benefit to residents in the form of a reduction in their power bill. Another important piece is that after the solar garden is decommissioned, the land can be returned to its original purpose.

Borrell serves on the Wright County Planning Commission. Information was provided on the Aurora Project that the land would be returned to its original use. However, with the site in Buffalo Township, dirt has been removed, trees clear cut, power poles placed in the middle of ditches, and gravel has been brought in for roads. That site will not be prime farm land in the future. Companies will need to map the tile systems for sites so they do not inadvertently create a wetland preventing the land being returned to farmland. He said there has been a learning curve with solar, and there virtually was no input on the Aurora Project. Carlson said those are reasonable concerns that could be attached to a CUP. Innovative Power's projects are not like that. They use pollenating plants for erosion control. Sawatzke responded that the County may need to take a second look at the Ordinance as some things may have been overlooked.

Sawatzke asked for the number of properties Wright County Planning & Zoning has received a request for information on that are relative to the potential of a solar project. Riley stated over the past two years, they have received initial requests for about 4-5 dozen properties in Wright County's jurisdiction including some in the MOAA.

Potter asked for clarification on the definition of solar garden, farm, and array. Riley understands that a 'solar garden' originates from legislation at the State level allowing a solar garden program and is defined as 1 megawatt. There was some debate on what size a solar garden could be. When Wright County approved the Zoning Ordinance Amendment, it was decided to use the term 'solar farm' with a limit of 10 megawatts on a site. With 'solar systems', the definition is up to 100 kilowatts on a farm and up to 10 kilowatts for residential zoning, and a permit is required. This would not be affected by the moratorium. For the most part, it allows individuals to have an accessory solar system. Riley said the Zoning Ordinance defines that a solar farm is greater than 100 kilowatts and is limited to 10 megawatts. It was clarified that solar farm is defined in the Wright County Zoning Ordinance and solar garden is a term in State Statute.

Daleiden questioned how many have submitted an initial application and are in front of the Planning Commission. Riley responded that there are 4 approved and 2 being decided on. In addition, there are 3 Aurora Projects in the County (not permitted by the County). There are projects in St. Michael and Otsego which do not fall under the County's Ordinance. Riley thought approval has been granted for about 100 megawatts County wide.

Dan Kyllonen, Middleville Township Planning/Zoning Administrator. Kyllonen said Middleville Township has been working on a project with Wright Hennepin for close to a year. Public hearings have occurred and they are ready to move forward. He inquired whether the moratorium will stop the project. Kryzer said it depends on the status of the application (whether the application precedes today's action). Sawatzke suggested Kyllonen contact the County Attorney's Office to determine this.

Greg Froelke, Novel Energy and MN Community Solar, St. Cloud. Froelke voiced opposition to the moratorium. Their company is looking at a site in Franklin Township. He stated there can only be a certain number of solar gardens, as there is a capacity limit on substations. The capacity will be reached quickly unless more substations are built. Another limitation is the interconnection expense. There may be projects applied for but may not succeed due to expense. He said it would be fair to consider projects individually to include location. Their projects result in clean energy, savings, and allow residents access to a community energy garden counties away. Froelke supported moving ahead with the community solar garden program. The program has been delayed for 3 years, and he did not see where a moratorium would do anyone any good.

Representative Marion O'Neill. Rep. O'Neill represents Buffalo, Monticello and Maple Lake at the State Legislature, and serves on the State's Energy Committee. This topic has been in the forefront over the past couple of years. Rep. O'Neill said there are two types of solar. The first is the community solar garden, which by law was supposed to be 1 megawatt (equivalent to about 10 acres). Court cases changed the definition to a series of up to 5 megawatts in State Statute.

The second type are the Aurora solar projects (utility scale solar) that fall under the 1.5% mandate the State imposed on Excel Energy, Minnesota Power, and Ottertail Power. The Aurora Solar Project includes 16 sites with 3 sites in Wright County.

Rep. O'Neill stated that Excel Energy has changed their resource plan from 100 megawatts to 2,400 megawatts of solar. That is in excess of the 1.5% mandate and equates to 24,000 acres of land coming out of production for something. Solar companies indicate it is not acceptable to utilize a less desirable piece of land used for the projects, such as a gravel pit, but do not indicate why. The projects have ended up on prime agricultural land in Wright County. This is continuing to happen throughout the State.

Borrell questioned the data Rep. O'Neill cited. He said the acreage required to generate 1 megawatt is 5 acres. With 100 megawatts that would equate to 5,000 acres. Rep. O'Neill responded the figure of 1 megawatt = 10 acres comes from Geronimo (Aurora Projects) and 2,400 megawatts has been cited in the new Excel Energy resource plan.

Duane Bauman, Franklin Township Supervisor. Bauman supports passing the moratorium to allow more study. This was recently done in Carver County. Prime agricultural land is being used and companies do not want to answer why. He did not think land used for growing crops or raising cattle should be used, and thinks there is other suitable land.

Don Schmidt, Buffalo Township Supervisor. Schmidt said Buffalo Township wholeheartedly supports the moratorium to slow things down. Two of the large projects will be coming on line by the end of the year. It will allow a test to see whether companies are good neighbors. So far, that is not the case with the Aurora Project in Buffalo Township. It will also provide an opportunity to see how receptive residents are and to consider what the Township and County want to do. Schmidt said reference has been made to returning the land to farmland in 25 years and that the land will be as good as the day it was taken for a solar project. There hasn't been that test of time to see what the results are after 25 years. Schmidt's opinion is that the land will not be what it was like previously.

Ron Bowen, Prairie Restorations. Bowen is the President/Owner of the company, which serves the Midwest. The company restores wetlands and prairies. He suggested looking at potential benefits to the land. His company works with pollinator planting. Plants produce energy but there is also a new need for insect and wildlife populations. He viewed this as a great opportunity State wide. This could be a requirement by the County. Husom questioned whether studies have been performed on the impact of the solar panel hum on bees. Bowen said the U of M is currently studying bees at their farm in Princeton. The real issue is that honey bees are not native to North America and feed on European plants. Bumble bees and other insects are native pollinators and feed on native plants. This would provide a potential benefit.

Dean Leischow, Sunrise Energy Systems. Leischow referenced the 86,000 square miles of land in Minnesota. Even if the 24,000 acres of proposed solar comes to fruition, it represents less than 1/10 of 1% of the land in Wright County. He is of the opinion that the magnitude of the problem is completely overblown. Leischow participated in the permitting process and felt that went well. It keeps the permitting for community solar gardens with the County. Conditions can be improved upon moving forward. He did not feel the moratorium would buy the County anything, as the large solar projects will go through with approval by the Public Utilities Commission (PUC).

With reference to having a voice with the PUC on these projects, Leischow suggested having State officials meet with the PUC to voice concerns. Borrell said Sunrise Energy Systems brought forth information to the Planning Commission on potential concerns, including the interconnection issue. Daleiden asked whether the County has heard back from the PUC in response to a letter sent voicing concerns with the Aurora Project in Buffalo Township. Lee Kelly, County Coordinator, said that the PUC has not responded but an Aurora Project representative emailed today indicating the County can contact them. Leischow said it is important to let the PUC know that Wright County has an Ordinance and that the County wants them to use it.

Sawatzke stated that Wright County has the responsibility to do the right thing and hopefully that is being done across the country. In Wright County, it may not seem like much if less than 1% of farm land is solar. However, to

find alternate locations would be doing it better; if prime agricultural land is used, assuring it that it will be viable for farming in the future. Sawatzke referenced comments by Rep. O'Neill about 24,000 acres being used in the State and stated that equates to about 1.25 million acres in the nation. Less viable property could be used versus taking the land out of good production. He hopes that this type of discussion is being held at Boards through the nation to make sure the land is protected.

Alan Johnson, Woodland Township. Johnson said many of the points brought forth were what he was going to voice himself. He said the Board is intent on doing the best thing for Wright County. The moratorium will allow review. He referenced the 3-17-16 Planning Commission meeting where Commissioner Borrell commented that the farmland involved in Woodland Township is some of the finest in the State. Johnson said this comes down to bidding solar against farmland. Land rental rates are 1/3 of what the solar industry is willing to pay. He added that there is not a place in the U.S. that takes used solar panels. He asked whether the County is allowing prime land to become hazardous dumps in the future. A moratorium would allow time to look into this further. Johnson closed by reading the Wright County Mission Statement, "To preserve and enhance the quality of life of its citizens by providing quality service, through a participatory process, that holds the welfare of its citizens and their environment as its primary objective."

Colleen Hollinger, Prairie Restorations. Hollinger said while it may see advantageous to place solar farms in gravel pits, those are generally remote locations far from substations. She asked if a young farmer did with the land what Aurora did, in order to bring more land into agricultural production, whether there would be a request for a moratorium. The response was that there are limitations on clear cutting and being involved in the farm program. Hollinger said Stearns County held a similar meeting recently. The idea was discussed of potentially asking solar developers to be good neighbors by planting with prairie plants. This releases carbon into the soil which helps with maintaining the land in case it is returned to farming. It may also help with pollination of crops on adjacent properties. She suggested tall prairie grasses for buffers. Stearns County tabled the issue and are setting up a short-term task force.

Karen Edwards, Woodland Township. Edwards said the mission should be about preserving land and listening to residents. Those that have spoken in favor thus far are those making money, not those that have lived on family farms that have gone through generations. Companies involved with the Aurora Project in Buffalo Township are from Italy and Greece. Land is being given to people who could care less about the properties, and the energy created is not benefiting Wright County residents.

Edwards referenced a project at 70th Street and Dempsey and asked that the project be included in the moratorium. She referenced a study that targets those leasing or selling land for solar farms. Some of the points brought forward include: Solar is not a farm but a factory and power plant; solar farms will change the future productivity of the land; solar panels contain chemicals and lead which could leach into farm land if the panel is broken; and it is unlikely that the land will be farmed again due to the lost productivity and change in the land. Business is dependent on farming as well (seed, fertilizer, chemical, hardware & lumber, equipment manufacturers, etc.). Decommissioning needs to be addressed. She attempted but could not locate Minnesota Solar on the internet. An Excel Energy articles states that Excel will not take responsibility for any claims or contracts for solar operators. Excel has released their name and logo for use. In addition, solar farms are not good use of land and are inefficient in producing energy. She said the reason it is a viable project is because of generous tax credits, the waiving of property taxes, zero interest start up loans, and federal/state mandates.

Edwards cited an article by the US Fish & Wildlife Service reflecting bird deaths associated with solar sites. The plants are now under federal investigation. Edwards referenced the approved project near Dempsey and 70th Street that would surround a property with panels (50' setback). Sawatzke explained that the County Board can't include a project in the moratorium if it has been approved. The Planning Commission can address what types of conditions to place on the project. Edwards referenced an article on the panel manufacturing which reflects that solar farms are mostly erected on surfaces that are not suitable for agriculture (landfills, former military areas, abandoned mining sites, industrial properties, commercial wastelands, and desert regions).

John Czantskowski, Franklin Township Supervisor, supports the solar moratorium. He said solar goes against the City of Delano's Land Use Plan and the Township's Land Use Plan. Overwhelmingly, the residents that come to meetings don't want solar farms, and he said they should listen to those that live in this area. Regarding farm land

and the comment that it can return to that use, Czantskowski said those farmers will be gone in 25 years. He conversed with an electrician who indicated that when subsidies are gone, the solar panels can't pay for themselves. Czantskowski said that it is time that government be brought back to the local people and not listen to unelected officials like the PUC. He restated that he supports the moratorium to provide more time to obtain more information.

David Holland. Holland owns 40 acres below a proposed solar area. He said this discussion is not about solar versus non solar; solar is good for the environment. However, he said the proposed site is ludicrous. It is prime farm land. For 30 years he has planted trees and seedlings on his property. Those involved with the solar industry are in it for the money. There is the potential for solar companies to file bankruptcy and then taxpayers will be responsible for the site. Holland said that if this goes through, he will consider placing a casino on his 40 acres which will bring jobs to the area. He said the Commissioners are elected to do the right thing. Sawatzke clarified that if a project was applied for prior to the Public Hearing today, the moratorium will not apply.

Julie Mader, Woodland Township. Mader inquired about health impacts to residents given the impact of solar on birds, insects and cattle. She lives in an area where a project was approved by the County. A hearing was held but potential health issues were not discussed. Mader supports the moratorium, and thinks the companies in support of solar are looking at the financial gain. It has been proven that solar panels are not very efficient.

Andy Melka, Minnesota Solar Connection. Melka said Minnesota Solar Connection has no Minnesota projects. He referenced a USDA Farm Report from 6-30-15 which reflects that in 2013, Minnesota had 19,450,000 acres planted; in 2015, that number had grown to 20,630,000 acres. There are many different drivers of the agricultural market (worldwide commodity prices, weather, and technology). Farmers are making the decision voluntarily to lease the land as they can make more money than farming the land.

Harlan Anderson, Cokato Township. Anderson said his family is planting their 147th crop this year with two generations to follow. He extended appreciation to the Board and to Planning & Zoning for their efforts both now and in the past. Anderson went on to say that farmers are being used as pawns in this situation, with statements being made about taking care of the farmers. He referenced the million acres of land affected by buffer strip legislation with no compensation to farmers and no way for farmers to have input. He said that instead of worrying about the farmers and saving agricultural land, it would be good to find out what the special interest is of those involved. Anderson is confident in the rules set by the County and lives by those rules. If there is an ordinance on solar panels, he said it should be followed. Townships have a right to a moratorium if they choose differently. He asked the Board to be cautious with the PUC. If a moratorium is implemented, then the PUC may proceed with approval of Aurora projects. As a farmer, Anderson said he is not opposed to panels. Alternative energies need to be looked into.

Steve Nisbitt, Wright Hennepin Electric, Rockford MN. Nisbitt said Wright Hennepin is not part of the Excel Community Solar Garden Program. Wright Hennepin has no State mandate for solar projects. The solar projects they are working on are based on the request of members. He said 24,000 of the 50,000 cooperative consumers are located in Wright County, with 63% expressing an interest in having solar power as part of the future. Nisbitt said Wright Hennepin Electric has been in the County since 1936 and will be here through the life of the panels and beyond. A memorandum was submitted by Wright Hennepin to the Board for consideration to allow smaller scale projects to proceed that are low impact for farmers, are close to substations, and do not involve clear cutting. Two Wright Hennepin sites will be affected by the moratorium. They are within 400' of a substation and both take up 10 acres. Regarding the project in Middleville Township, CUP approval was received from the Township. Because the property does not have an entitlement, they are waiting for the decision by Wright County for restricted parcels to move forward. The site in Maple Lake Township would be affected by this.

Chuck Beisner, SunShare, Community Solar Developer, Minneapolis. Beisner said the Ordinance in place is good, and conditions can be imposed if needed. He requested the Board not impose a moratorium. If the Ordinance needs to be changed, he asked that Wright County form a task force. Borrell is unsure whether the Ordinance will change, but feels there needs to be review on conditions that can be imposed. Some of the conditions that should be looked at are possibly using membranes when placing gravel, bonding, and reclamation. Husom stated that in the history of the Land Use Plan, 3 years is a short period of time. It is a completely new industry that wasn't anticipated 3 years ago. Potter stated there needs to be local control. The PUC is bypassing local officials.

Jerry Mcraith, Waverly. Mcraith asked that consideration be given to the safety of neighboring property owners and how solar panels will affect property values. Sawatzke responded that those items can be discussed as part of the CUP approval process.

Scott Johnson, Excel Energy Community Relations Manager. Johnson stated that Excel is not leasing the company name or logo to any community developer. Excel is taking action on those that are using their name. Businesses are their own entity applying to use the community solar program. There are two programs including the utility based program and the community solar program. Johnson participated on solar breakout sessions in McLeod County that worked well.

Sawatzke referenced the Aurora Project in Excel territory in Buffalo Township and asked the power poles in the road right of ways. Johnson did not know the specifics of the project but was informed the 10 poles referenced were separate from the existing power poles in case of issues with the substation. They do not want to interrupt power to other consumers. Sawatzke said the poles on Eaken Avenue were not supposed to be there and are far into the road right of way. He asked whether that can be corrected. Johnson said that on the site, he understands those facilities have to be underground. Excel's practice is to put the poles along the edge of the road right of way but understands trees may have impacted the pole location. Those poles are not part of the State's permitting process as they are outside of the site. It is part of the permitting process through the Township. Board members conveyed that they would like Johnson to assure communications occur between Excel Energy and Buffalo Township.

DeWayne Bauman, Franklin Township Supervisor. Bauman said that Gordy Simonson of Solar Stone offered his assistance with Franklin Township's moratorium. Bauman feels it is important to keep the moratorium going to get a handle on things. He was approached by Minnesota Solar after the last Planning & Zoning Meeting with a question on what they need to do. Bauman said going forward in 2017-2018, the requests should not involve prime agricultural land.

Greg Froelke, Novel Energy and MN Community Solar, St. Cloud. Froelke said the location is limited for placement of solar to make them financially viable. Because of this, he does not feel there will be endless sites that can be developed. He offered the suggestion of a dual use property. Two of their locations near St. Cloud include a cemetery and an abandoned parcel. The reason it is desirable to locate near a power station is economics. Froelke said it doesn't make sense to have a blanket moratorium to cover everything. There will be solar, it is just a matter of when. He referenced solar in Colorado and at St. John's University in Minnesota (1 megawatt). At St. Johns, there have not been dead birds or animals. While on a recent tour of the site, he heard a hum from the tracking system but viewed it as a lot less noise than the nearby freeway. Borrell stated the County Board and members of the Planning Commission toured the site at St. John's. The inverter does make noise but probably can't be heard 100' away. He is unsure of the impacts on bees.

Pauline Stoll. Owns property next to an approved solar location. In response to Stoll, Sawatzke said that if the site has been permitted prior to the moratorium, the moratorium will not apply. Riley stated that panels can be installed 50' of the property line but the Planning Commission can require more distance. Riley provided his contact information to Stoll.

Don Schmidt, Buffalo Township Supervisor. Schmidt referenced a large project approved north of Buffalo (not the Aurora project) which went before the Planning Commission. He stated Buffalo Township was adamantly opposed from the beginning. At the Planning Commission level, two members were also adamantly opposed. One member was absent so there was a tie vote. Eventually the vote passed 5:2, against the wishes of the Township. Schmidt said the reason Planning Commission members gave was the applicants met the criteria so they had to vote for approval. Schmidt said it takes the control out of their hands. If denied, the applicants would have the option of District Court. Sawatzke said that is why the Ordinance needs to be amended. Right now, an applicant can come in with a request for a parcel of prime agricultural land and meet the criteria. It is difficult to deny and have it stand up in court.

Karen Edwards, Woodland Township. Edwards said the issue of financial viability continues to be brought forth when discussing prime agricultural land and proximity to a substation. When a person opens a business, they pay

the associated costs and do not infringe upon the rights of others. Regarding the noise associated with solar, she does not want noise. That is the reason she moved to the country. Prime agricultural land should not be used for solar farms. If that doesn't work, then it is not a viable business. She said that once some of the solar factories have gained right to the property, other uses are occurring (cell and microwave towers, wells being dug). She said what can be located on the property should be considered when they are writing guidelines. Edwards restated that Excel is not taking responsibility for claims and contracts offered by solar plants.

Leander Wetter, Buffalo. Wetter brought forth the suggestion of companies providing bonding for land that is used. In 1972, Planning & Zoning required a \$500 bond for a gravel pit located near them. Today, the cost estimate to clean that land is \$16,000. He reiterated that discussions should include remediation of the land.

Representative Marion O'Neill. Rep. O'Neill commended the Board for holding the Public Hearing to listen to people and to weigh both sides. She is not pro either side but pro Wright County and making sure they are doing what is right for people. Rep. O'Neill introduced a bill amendment relating to not permitting if 3 or more acres of trees will be clear cut. Part of the reason is the clear cutting of 11 acres of mature hardwood trees in Buffalo Township. She asked the Commissioners to think about the 1.5% State mandate will do to Minnesota.

Rep. O'Neill recently spoke with a Minnesota Power representative. Their projects are mostly in the Duluth area. She was told that clear cutting 100% of forested land is required to put in solar panels and fields. She asked the Board to think about the concept that there is no law that prohibits clear cutting. For every acre of trees, 6 tons of carbon is captured. Rep. O'Neill said if this about carbon and saving the earth, she does not understand why the movement would be first to a forested area versus last.

Representative O'Neill said the entire State will be looking at what is being done in Wright County. Land use is incredibly important. There are great concerns when prime agricultural land is taken. She had a researcher at the House of Representatives look at the initial filings from Geronimo Energy and Enel Energy, and it was not approved for them to cut trees down. That may result in a lawsuit. She appreciates the County taking time for review, and asked them to consider the State-wide impact as well.

Greg Froelke, Novel Energy and MN Community Solar, St. Cloud. Froelke owns a cabin northwest of Brainerd. He referenced the DNR logging projects and the resulting mess that is not cleaned up. He asked where the concern is about that problem. With regard to prime agricultural land, he said there are opportunities to locate solar elsewhere.

Dan Kyllonen, Middleville Township Planning/Zoning Administrator. He stated that it is a Federal Law that clear cutting can only occur on an 18 acre spot. The area can be close but not continuous.

Dean Leischow, Sunrise Energy Systems. Leischow said almost every property they are working with is being farmed today. Their largest argument to a township or county is the future use of the property, which is generally development. Leischow's opinion is that they have the control they need and a moratorium will not help. He offered to participate in the review process.

Sawatzke called for additional public comment. Hearing none, the Public Hearing was closed at 11:50 A.M.

Daleiden questioned whether the Ordinance requires township approval in this situation. Kryzer stated it does not require township approval but input. That input is evaluated by the Planning Commission. Daleiden asked if a township does not support a request, would that argument hold up in court. Kryzer stated if the Board denies an application solely based on the township's denial of it, the Court may have a hard time finding that to be reasonable. The County needs to apply the facts that are given to the Planning Commission to the criteria in the Ordinance. Specific findings need to be made detailing how it would impact the health, safety, property values, and general welfare as part of the denial process. Neighborhood opposition cannot be used by itself as a basis for denial of an application. Concrete facts are needed as to why it the application is denied. That was the issue for the Planning Commission for the parcel approved in Buffalo Township. They didn't have concrete facts supporting the health, safety and welfare on that denial. If challenged in court, he thought this would have been a difficult defense on the part of the County.

Husom asked whether the Ordinance could be amended to include township approval. Sawatzke said that can't be done. However, they could discuss this more in depth with townships and create an overlay district. Kryzer felt creating an overlay district would be appropriate, as well as conditions that could be used as a potential denial if they are not met. Kryzer estimated it could take up to a year to create an overlay district. Minor changes, to include public hearings, could be 2-3 months.

Daleiden made a motion to adopt Resolution 16-29 to continue the moratorium for 3 months. Kryzer stated that the draft resolution is for 1 year, which is the maximum for the moratorium. It was the consensus that "3 months" will be replaced in the resolution anywhere "12 months" is cited. The motion was seconded by Borrell.

Sawatzke suggested that the 3-month timeline may be inadequate and offered a timeline of 6 months. He also supports putting together a task force to discuss this further. Those on the task force could include the County Board, Townships, Wright Hennepin, Excel, and representation from the solar industry.

Daleiden and Borrell amended the motion to include "6 months" replacing "12 months" throughout the resolution language. Sawatzke commented that there was input today by those in the industry asking the County not to move forward with the moratorium and indicated safeguards that could be put into place on a case-by-case basis. Sawatzke said that currently there may be cases where the location is not ideal and could be problematic but the County would not have the ability to deny those based upon the Ordinance. He stated there are items that possibly should be included in the Ordinance relative to vegetation, running of the power from the facility to the substation, bonding, and land alteration. It was the consensus that the establishment of the committee should be placed on the next County Board Agenda. Anyone interested in serving on that committee should contact Sean Riley, Planning & Zoning Administrator. The motion to adopt Resolution #16-29 carried 5-0 on a roll call vote.

**RESOLUTION #16-29
ADOPTING A ZONING ORDINANCE
INSTITUTING AN EMERGENCY MORATORIUM ON SOLAR ENERGY FARMS**

Whereas, the Wright County Zoning Ordinance contains standards for the issuance of a conditional use permit for Solar Energy Farms; and

Whereas, the Office of Planning and Zoning has been accepting a number of applications related to the creation of Solar Energy Farms and this has resulting in a number of comments being made by townships, cities, and members of the general public; and

Whereas, the Office of Planning and Zoning and the Wright County Planning Commission are under great development pressure with applications related to Solar Energy Farms; and

Whereas, the Wright County Board of Commissioners has been reviewing the Wright County Zoning Ordinance with respect to Solar Energy Farms and changes may be necessary to protect public health, safety, and general welfare; and

Whereas, pursuant to Minnesota Statute § 394.34, the Wright County Board of Commissioners adopted a temporary interim zoning ordinance instituting a moratorium on the processing of any future applications to allow time to classify and regulate uses and related matters and to determine whether a proposed ordinance amendments should be adopted and implemented to protect the public health, safety and general welfare; and

Whereas, notice was published and a public hearings was conducted on a long term moratorium not to exceed six months; and

Whereas, the Wright County Board of Commissioners finds:

1. An emergency zoning ordinance instituting a moratorium prohibiting further Solar Energy Farms is necessary in order to hold discussions and hearings to determine whether a longer term moratorium zoning

ordinance shall be adopted and implemented, to protect the public health, safety, and general welfare of the residents of Wright County.

2. An emergency exists because based on the recent development pressure as well the comments received from the community, the townships, and the cities, the Wright County Zoning Ordinance does not afford the protection needed to ensure that the residents of Wright County are not adversely affected.

3. It is in the interests of public health, safety, and the general welfare to impose a moratorium for a period not to exceed six months.

NOW THEREFORE BE IT RESOLVED, by the Wright County Board of Commissioners, that this resolution adopting an emergency zoning ordinance instituting a six month moratorium on approval and acceptance of applications for Solar Energy Farms shall become effective immediately upon its passage and publication and shall remain in effect for a period not to exceed six months; and

BE IT FURTHER RESOLVED, that the Wright County Office of Planning and Zoning is directed to administratively deny any applications during the period in which this interim ordinance is in effect; and

FINALLY, BE IT FURTHER RESOLVED, that the Wright County Office of Planning and Zoning shall schedule, publish, and notice public hearings as necessary for the purpose of studying and drafting proposed amendments and changes to the Wright County Solar Ordinance and that a final hearing on any proposed changes or amendments shall be held within six months.

(End of Resolution #16-29)

The meeting recessed at 12:07 P.M. and reconvened at 12:15 P.M.

ITEMS FOR CONSIDERATION

Resolution Designating The Week Of May 15-21, 2016 As Emergency Medical Services Week

On a motion by Husom, second by Potter, roll call vote carried 5-0 to adopt Resolution #16-30 designating the week of May 15-21, 2016 as EMS Week in Wright County.

Resolution Authorizing Appropriate County Officials (Director Of Parks & Recreation) To Sign Grant Applications, Agreements, And Certifications In Regards To The Wright County Snowmobile Association Participation In The Grant In Aid Snowmobile Assistance Program For The 2016-2017 Season

On a motion by Potter, second by Daleiden, roll call voted carried 5-0 to adopt Resolution #16-31 authorizing the requested action.

Cancel Board Meeting In August (5 Tuesdays)

Daleiden moved to cancel the 8-09-16 County Board Meeting. The motion carried 5-0 on a second by Potter.

Schedule Committee Of The Whole Meeting Re: Transfer Of Nuclear Emergency Preparedness Department To The Emergency Manager's/Sheriff's Department (Kelly)

Daleiden moved to schedule a Committee Of The Whole Meeting for 5-25-16 at 1:00 P.M. The motion was seconded by Husom and carried 5-0.

ADVISORY COMMITTEE / ADVISORY BOARD UPDATES

1. Transportation Day at the Capitol. Potter attended the conference committee hearing last week.
2. Owners Committee. Sawatzke and Potter attended. It included a tour of the new Highway Building.
3. SWCD. Daleiden will attend a meeting on 5-12-16 regarding Ditch 31 and a culvert that Woodland Township inquired about.
4. SWCD. Borrell attended a SWCD Meeting on 5-09-16. The Regal Creek project has been completed.

The meeting adjourned at 12:28 P.M.