

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 4-12-16 County Board Minutes, seconded by Potter. The motion carried 5-0.

AGENDA

The Agenda was amended as followed: Add Aud./Treas. Item #4, "Recognize Retirement Of Denise McCalla, Chief Deputy Auditor/Treasurer" (Hiivala); Correct Aud./Treas. Item C2 to read, "Approve 3-28-16 Committee Of The Whole Minutes Regarding County Ditches"; and remove Items For Consid. #A1, "Personnel Committee Minutes" (Kelly). The Personnel Committee Minutes will be referred to the Health & Human Services Board for approval. Potter moved to approve the Agenda as amended, seconded by Daleiden, and carried unanimously.

CONSENT AGENDA

Daleiden moved to approve Consent Items A-H minus D1, "AUDITOR/TREASURER, Approve Claims as Listed in the Abstract, Subject to Audit, for a Total of \$402,273.91 with 156 Vendors and 229 Transactions." The motion was seconded by Borrell and carried 5-0:

- A. ADMINISTRATION
 - 1. Madden, Galanter & Hansen, LLP - Claim \$2,617.54
- B. ADMINISTRATION
 - 1. Request approval of MOA with Local 49 regarding ability for members to volunteer to staff shifts at 2016 Wright County Fair during unscheduled working hours.
- C. AUDITOR/TREASURER
 - 1. Approve Renewal of Annual Off Sale Liquor License for Lantto's Store, Inc.
- E. HEALTH & HUMAN SERVICES
 - 1. Position Replacement
 - A. Social Worker
- F. HIGHWAY DEPARTMENT
 - 1. Schedule Bid Opening for 11:00 AM, 5-27-16, CSAH 35/CR 34 Roundabout
 - 2. Refer to Ways and Means Committee - Land Rental Contract
 - 3. Approval of 2016 Maintenance Agreement with Six Cities (Delano, Elk River, Maple Lake, Monticello, Montrose, and Waverly)
- G. INFORMATION TECHNOLOGY
 - 1. Refer to the Technology Committee:
 - a. Server Room Updating
 - b. Information Security Assessment status
 - c. Boardroom YouTube testing update
 - d. Wireless site survey
 - e. IT Surveys
- H. MARC MATTICE, PARKS AND RECREATION DIRECTOR
 - 1. Confirm Commissioner District 4 Parks Commission Appointment, Marjory Hart, City of St. Michael Resident, effective immediately term ends on 12/31/2018 (Three Year Term)

Consent Item D1, "AUDITOR/TREASURER, Approve Claims as Listed in the Abstract, Subject to Audit, for a Total of \$402,273.91 with 156 Vendors and 229 Transactions." Daleiden referenced Page 6 of the claims listing, a claim to the Anoka County Sheriff that is coded to Dept. 100. He thought the claim had recently been paid out of the County Attorney and Sheriff budgets. Hiivala will verify there is not a duplicate payment and that it is coded appropriately. Daleiden moved to approve the claims as listed in the abstract, subject to audit, less the claim to the Anoka County Sheriff. The motion was seconded by Potter. Hiivala requested the Board approve the claims

listing as presented and if there is a duplicate payment, he will pull the claim. Otherwise, the coding will be corrected. Daleiden and Potter agreed to the amendment to the motion. The motion carried 5-0.

TIMED AGENDA ITEMS

ADAM TAGARRO, INFORMATION TECHNOLOGY DIRECTOR

Introduction of IT Records Management Analyst, Scott Larson and Sr. Systems Engineer, Brian Malinski.

Tagarro introduced Scott Larson and Brian Malinski, two employees recently hired in the Information Technology Department.

BOB HIIVALA, AUDITOR/TREASURER

Approve a Plat "Peterson Farm" (Rockford Twp.).

Daleiden moved to approve the Plat, seconded by Borrell, and carried unanimously.

Approve 3-28-16 Committee Of The Whole Minutes Regarding County Ditches

Daleiden moved to approve the minutes, seconded by Husom, and carried 5-0. The Committee Of The Whole Minutes follow:

The Wright County Committee of the Whole met at 3:00 P.M. with Husom, Sawatzke, Daleiden, Potter and Borrell present.

Also present was Mike Young, Ditch Inspector; Brian Asleson, Wright County Attorney; Bob Hiivala, Auditor/Treasurer; Janice Edmonson, Auditor's Office; Benefitted landowners from County Ditch 31, Pete Kern, Ron Broll, and Gary Diers.

MIKE YOUNG, DITCH INSPECTOR

Discuss five County Ditch Repairs that have recommendations to proceed based upon the system failing.

1. County Ditch 18 is located in French Lake Township north of Cokato.

I inspected the above system after being contacted by Kyle Ashwill, a landowner on the system. Ashwill explained that the ditch on his property was beginning to slow due to vegetation blocking the channel. Ashwill requested that he be allowed to clean the portion on his property and is willing to do so without charging the benefitted roles for this system.

An inspection of the system revealed that there is significant vegetation blocking the flow of water. Elevation checks showed that there was adequate fall at crossings.

The inspection also showed that the water was stagnated due to the inability to freely flow through the channel and that the culverts along the system were ½ to completely full.

Young said his recommendation would be to cleanout approximately 2000 feet of the system, which would be completed by Ashwill at his expense. The cleanout would be no deeper, or wider than the original ditch at the bottom. Spoils would need to be spread adequately to allow for spraying of the banks and buffer strip to occur.

Sawatzke inquired whether Kyle Ashwill was a licensed contractor. Young stated that Ashwill was not a contractor but an operator who worked for a contractor. Sawatzke thought if Ashwill had an interest in the maintenance of the ditch, he might be willing to negotiate a good price to clean out the entire ditch system.

Asleson pointed out that if the cost of repairing the entire system is estimated to be \$25,000 or less, the contract may be made upon quotation on at least two quotations. You may award a contract for repair or maintenance work to the contractor offering the best value.

The board gave Young direction to talk with Ashwill, negotiate a price for an entire cleanout, then come back to the board to make a final decision.

2. County Ditch 38 is located in Marysville Township. A portion of it runs under Highway 12 and the mobile home park located in Montrose.

There was recently a redetermination done on this system.

3-28-16 Committee Of The Whole Minutes (cont.):

On 3-22-16, I conducted an inspection on the open portion of County Ditch System #38 including relative elevation checks at crossings in the system.

The inspection showed that there was grade in the ditch, however, throughout the ditch there was significant sediment, vegetation, and other debris holding back the flow of water. Starting from the outlet of the closed portion of the system: The concrete tile that feeds the open ditch is flowing, however, there is some erosion at the outlet and several feet of concrete tile have broken off and are lying in the trench. At the first crossing, the water was flowing slowly and the culvert was 1.4 feet deep with water. Just beyond that point there is significant narrowing of the ditch and vegetation is choking the flow. The ditch conditions are similar through the next four crossings with narrowing, sediment, vegetation and debris choking the effectiveness of the system.

Beyond the culvert marked with relative elevation 981.0 there is a large swamp area. At the time of the inspection, the culvert was completely full and the flow was being forced primarily into a wetland north of the culvert and outside of the established ditch system. This localized flooding has begun to affect sub surface agriculture tile systems. MN TOPO survey indicates that a cleaning of about 1000 feet of the end of the system may reverse the localized flooding in the area just upstream of the culvert indicated.

Also noted at the time of the inspection was evidence that the culvert and roadway has significantly heaved in the last couple years. Contact has been made with the City of Montrose to obtain installed elevations. The City of Montrose is currently in the process of repairing that roadway and was eager to ensure that elevations were correct.

Recommendations:

1. Work with the City of Montrose on the elevation and setting of the culvert.
2. Work with landowners/contractors to establish an elevation that needs to be cleaned in order to ensure the flow can occur from the culvert into the basin without obstruction.

Additional phases of this system will need to be completed. At this time, the only work to be done is marked on the map above in red. Landowner Pat Salonek is working with landowners Graham and Ellen Sones to complete a clean out from Clementa to the marsh. Salonek would complete the work himself and feels he can come to some type of agreement with Sones.

Borrell mentioned that Graham and Ellen Sones had objected to the location of the ditch, during the redetermination process. The Ditch Authority established that the ditch did extend to the natural creek including east of Clementa Ave. The board instructed Young to meet with Graham and Ellen Sones prior to the clean out and if there was no objection on their part to go ahead and proceed cleaning from Clementa to the marsh.

3. County Ditch 13 is located in Buffalo.

I completed an initial inspection of Mr. Gutknecht's property on this system. Mr. Gutknecht is on the very beginning of the system and he has had increasing problems each rain event for many years. I viewed the area crossing under the road on the north end of his property and found that the closed system (closed in that area) did not appear to be working at capacity. I also observed that there was a secondary culvert at a higher elevation that crossed under the roadway.

The south part of the system, to include the closed portion appears to be almost entirely failing. Replacement of the closed portion and cleaning of the open portion appear to be the only way to ensure some relief to the landowners at the beginning of the system.

I had a brief meeting with SWCD in the past and was informed that the wetland area that has now formed due to lack of maintenance of the system falls under their jurisdiction and that any repair would be unlikely without engineering studies and determinations from DNR, SWCD and BWSR.

Daleiden inquired as to the number of benefitted landowners on this system and if there had been a redetermination completed. Young brought up the list of benefitted landowners on drainageDB and pointed out that Al Gutknecht pays over 27% of the benefits. He also stated there has not been a redetermination done on this system or a majority of Wright County systems for decades and this is something that Wright County needs to address as soon as possible. Houston Engineering is currently doing redeterminations from their office without having to go out into the field.

Borrell stated that if SWCD stands on the 25 year rule, meaning if the wetlands have been in existence for more than 25 years, you cannot impact or disturb the wetland, then we can never drain Gutknecht's property and the Ditch Authority can remove him from the benefitted roles. Gutknecht's property cannot significantly or regularly use the drainage system to his benefit.

Young pointed out that Minnesota Statue 103E specifically states that the drainage authority shall maintain the drainage system, not can but shall maintain. If SWCD claims the 25 year rule on the wetland, there are historical photos that show over the years, there were times when the area was completely drained.

3-28-16 Committee Of The Whole Minutes (cont.):

After further discussion the board decided to have Young obtain quotes for the clean out and bring them before the board. Daleiden stated that he thought Young would be able to negotiate with SWCD. The ditch authority might have to hire an engineering service or mediator to assist in coming to an agreement with SWCD. Young thought the required clean outs should be completed in three sections. It would be next spring before we start looking at Gutknecht's'. Young thought it might cost close to \$50 thousand to get to the closed system.

4. County Ditch 31 is located Woodland Township south of Waverly on both side of County Road 8.

An inspection of the end portion of County Ditch 31 was made in the spring of 2015 after a request was made during a meeting in the fall of 2014. Several trees had fallen into the system. There was also sediment in several areas due to blockages. Parts of this system have been cleaned out by landowners at their own expense; Broll, Babatz, Diers, Bakebergs and Nikkos.

About 30 years ago, there was a bridge on Fillmore Ave SW near County Road 30 and the Township made it into a culvert. The culvert level was raised quite a bit from the bottom of the ditch. That, in effect, created wetlands upstream. Because the culvert has been so high for so long, the rest of the ditch is full of sediment from Fillmore to County Road 30. Woodland Township is willing to do whatever the County directs them to do, regarding the culvert. The replacement of the culvert would be funded by the Township.

County Ditch 31 is an altered natural water course in that it is public water and a county ditch system. When I originally met with DNR their position was a permit would not be required. A week later the DNR changed their position and indicated that they are going to take it on a case-by-case analysis as it is their position that if the repair substantially affects a public water, a permit or permission is required. DNR did a high water study and sent me about a 30 page engineering report to complete to determine if we can put in a new culvert.

Gary Diers, landowner on County Ditch 31, stated that the ditch was constructed with a floating dredge and much of what was done was to keep the dredge afloat. Water was brought from Ruckles and Lauzers Lake in an effort to float the dredge. The ditch was very flat and the peat sloughed in very fast.

Pete Kern, landowner on County Ditch 31, thought the problem started when the ditch was cleaned and spoil piles were not spread which is now blocking the water running out of Ruckles Lake. Young didn't think any dirt had been moved and did not see an obstruction in this area but the ground was still frozen when he completed his inspection. Young said he is willing to inspect this area again with Mr. Kern.

Daleiden thought there was two different ways to approach the needed repairs. We can take the risk of getting in trouble with the agencies by not applying for the permits or we can hire an engineering firm or hydrologist to show that 25 years ago this wasn't a wetland.

Young stated that SWCD believes the County does not have jurisdiction in this area and no further work should be done in these areas without completing the proper forms and conversing with all the agencies that believe they have jurisdiction.

Sawatzke asked if sending an official letter to SWCD regarding the fact that the culvert was input at the wrong elevation and stating we would maintain the wetland, if that would eliminate having to apply for permits. Daleiden stated he had spoken with Andrew, from SWCD, and he was willing to help Young fill out the required permits. Young stated that it is not the completion of the permit that is a problem, it is the engineering studies and conditions required after you file for the permit.

The board decided that Young should complete another inspection in the area Peter Kern was referring to. The board felt no further decisions could be made today regarding County Ditch 31.

5. County Ditch 33 is located in Monticello

Do to time constraints, I will not go into a lot of detail on County Ditch 33. Due to debris and sediment the system is unable to drain and the water remaining stagnant in the area along 84th is increasing year by year. There is evidence of mature trees that had grown just north of 84th that are now dead and in standing water.

Sawatzke said he would like to set a time with Young to complete an on-site inspection of County Ditch 33 and then make some decisions afterwards.

3-28-16 Committee Of The Whole Minutes (cont.):Discuss delay tactics from different agencies and Jurisdiction.

Recently I met with SWCD, DNR, BWSR, and the Army Corps of Engineers. Basically, I repeatedly got the same answer from each agency, which was "obtain all required permits" prior to the repair or clean out. In many cases, a permit is required from one or more of these agencies before proceeding with the project. Each time you apply for a permit, that agency can give you conditions that you are bound by and that must be met. Minnesota Statutes does not require that the drainage authority apply for permits. Statutes do require you to follow the law, but do not require that you apply for permits. Once you apply for a permit those agencies then have jurisdiction.

The board decided to allow Young to start the permitting process on County Ditch 18, as an educational process to see what if any type of conditions the agencies placed on the repair.

Gary Diers, landowner on County Ditch 31 had one last question for the board. As a landowner, because the County Board has been negligent over decades in maintaining and repairing these systems, is it fair that the landowners are now paying the price of that? Sawatzke thought that to a great extent there is some responsibility both by the landowners and the ditch authority in these ditches not being taking care of properly and not hiring a drainage inspector until now. The law states that the ditches must be maintained.

Since there was no further discussion the meeting was adjourned at 5:15 P.M.
(End of 3-28-16 Committee Of The Whole Minutes)

Approve March Revenue/Expenditure Budget Report

Daleiden moved to approve the Report, seconded by Potter, and carried 5-0.

Recognize Retirement Of Denise McCalla, Chief Deputy Auditor/Treasurer

Denise McCalla, Chief Deputy Auditor/Treasurer, will retire on 4-21-16 after 28 years of service. Hiivala said McCalla is an asset to Wright County and Minnesota, and was involved with many steering committees on the Minnesota tax system.

VIRGIL HAWKINS, HIGHWAY ENGINEERAward CSAH 39 Turn Lanes Project

Bids were opened for Contract 1604 on 4-08-16. Hawkins recommended accepting the low bid from Hardrives, Inc. of Rogers in the amount of \$139,639.88 (15.33% under estimate). Daleiden moved to approve the recommendation, seconded by Potter. The motion carried 5-0.

Award CSAH 35 Flood Control Project

Bids were opened on 4-08-16 for Contract 1602. Hawkins recommended accepting the low bid from Landwehr Construction, Inc., in the amount of \$648,313.09 (22.01% under estimate). Potter moved to approve the recommendation, seconded by Husom, and carried 5-0.

ITEMS FOR CONSIDERATION**4-13-16 BUILDING COMMITTEE MINUTES**

Daleiden moved to approve the minutes and one recommendation relating to proceeding with Requests For Proposals for exterior lighting. The motion was seconded by Potter and carried 5-0:

The Building Committee Minutes follow:

I. EXTERIOR LIGHTING RETROFIT PROJECT – NEXT STEPS

Dahl provided an overview regarding the status of the lighting retrofit project. The purpose of the project is to replace existing lighting at the Government Center, Heritage Center (aka Historical Center) and the Human Services Center with LED lighting. Overall the County will be able to utilize the existing poles and locations except for a few areas that have been identified, these will be identified as alternative bid options for purposes of the RFP.

Fixtures with the DLC certification, which will provide the highest rebate to the County, have been identified. Emanuelson-Podas will work with the contractor and the utility company to ensure that the County does get the best rebate.

Discussed utilizing motion sensors where applicable to the area and type of lighting fixture being replaced/installed.
Recommendation:

4-13-16 Building Committee Minutes (cont.):

To proceed with the preparation of the RFP with the alternatives as presented. Once RFP is prepared it shall be placed on the website and contacts will be made with local vendors.

II. PA Systems

Dahl informed the Committee that he has been working with IT regarding the issues they have been having with the current public announcement system. Each building has its own separate system, which works over the phone system. Currently these systems continue to have issues, failing to be able to send out public announcements, such as severe weather warnings. At times they work, and at other times they do not. Tagarro added that the County has four (4) systems with no support.

They have reached out to IFS to identify what options are available for updating/replacing the systems. IFS quoted a price for hardware and software of \$26,758, utilizing some of the existing equipment. This would allow activating notices to all buildings; as well as departments having the ability to utilize the system for paging. To add a weather module to the system would increase the cost by \$2,000. It was suggested that this could be a CIP budgeted item, rather than utilizing Site Improvement funds.

It was noted that the system they are currently proposing is the same system that is being installed into the new public works facility.

Recommendation:

The Committee requested that this matter be explored further. No action at this time.

III. IT Expansion – Final Budget

Tagarro updated the Committee on the IT expansion project. Currently he has figures for most of the work, however is still waiting for the costs of the office furnishings, and needs an estimate for some additional patching that will be required where old furniture is currently located. To date, excluding those items the estimate for the expansion is at \$32,000.

One other item impacting moving the IT expansion is the annex restroom remodel project being considered. The restroom is adjacent to the office area IT is expanding into, and appears that they may need to move the restroom wall six feet into the area the proposed IT area. This is needed to adequately make the restrooms handicap accessible.

Recommendation:

None, this was informational only. Will bring back to Committee on April 27, if all additional information is available.

IV. County Building Standards

Kelly informed the Committee that currently we are unable to obtain same colors for all furnishings, therefore looking at modifying the standards for the Government Center. Examples of what is being proposed were viewed. They are similar to current, trying to retain neutral colors. One deviation being recommended is that we no longer utilize wallpaper. Also would like to recommend that we consider going to tile or burnished cement floors for public areas; office areas would retain carpet.

Recommendation:

None, this was informational only

V. Update on Past Project Costs

Vergin provided the Committee with a summary of project costs for 2015 – 2016, as previously requested by Commissioner Daleiden, see attached. The report identifies the approved budget and the actual costs of the projects.

Recommendation:

None, this was informational only

(End of 4-13-16 Building Committee Minutes)

TIMED ITEMS**SHERIFF JOE HAGERTY**Presentation of Retirement Plaque to Sgt. Michael Laurent

Hagerty presented a retirement plaque to Sgt. Mike Laurent for his 36 years of service in the Wright County Sheriff's Office. Laurent worked in the areas of Patrol, Patrol Sergeant, Internal Affairs, and Emergency Response Team. Hagerty described Laurent as reliable, dependable, and said his professionalism will be missed. The Board extended congratulations to Laurent.

STEVE BERG, EMERGENCY MANAGEMENT COORDINATOR

Adoption of the Wright County All-Hazard Mitigation Plan by Resolution

In July, 2014, a grant proposal was presented to the County Board for renewing the All-Hazard Mitigation Plan for Wright County. Since that time the Plan was finished, sent to the State and FEMA, and approved. The next step is for the County to adopt a resolution approving the Plan. The Plan will then be sent to FEMA for approval and final grant payments will follow. Husom moved to adopt Resolution #16-24, seconded by Daleiden. The motion carried 5-0 on a roll call vote.

BOB HIIVALA, AUDITOR/TREASURER

Joint Ditch 14 Bid Opening

At 9:33 A.M., the bidding process was closed by Commissioner Sawatzke. Hiivala opened and read the bids received. Daleiden moved to accept the bids and forward them to the Joint Ditch 14 Committee. The motion was seconded by Potter and carried 5-0. The bids follow:

Bidder	Bid Bond	Area 1	Area 2	Area 3	Area 4	Area 5	Total
Wuetherich Drainage Norwood MN Emailed bid Bid includes Areas 1-5	No						\$124,400
Consolidated Landcare Inc.	No	\$62,750	\$135,520	\$16,620	\$18,620	\$4,600	\$238,110
A&T Septic & Excavating, Inc. Bid Bond \$7,300	Yes	\$40,000	\$64,000	\$17,000	\$17,000	\$8,000	\$146,000
Dude's Tiling Inc. Murdock MN Bid Bond \$5,067.20 If award includes specific areas, they are willing to provide cashier's check for those portions	Yes	\$30,328	\$44,868	\$10,922	\$11,763	\$3,463	\$101,344
Litzau Farm Drainage Letters of recommendation were emailed	No	\$48,450	\$44,825	\$18,160	\$14,575	\$8,000	\$134,010

SEAN RILEY, PLANNING & ZONING ADMINISTRATOR

1. Public Hearing Continued from the County Board Meeting of 3-22-16 to consider the following:

Accept the findings and recommendation of the Planning Commission to accept amendments to the Wright County Zoning Ordinance as follows:

ADD THE FOLLOWING TO SECTION 762.2 Solar Energy Farms Requirements and Standards:

Solar Energy Farms and Systems will be considered by the Planning Commission on restricted parcels of land zoned General Agricultural (AG).

ADD THE FOLLOWING TO SECTION 762.3 Solar Energy System Requirements and Standards:

Solar Energy Systems will be considered by the Planning Commission on restricted parcels of land zoned General Agricultural (AG).

Riley stated the Public Hearing held on 3-22-16 was closed at that time, but the Board could take action to reopen it if desired. Many meetings have been held and the townships discussed this at their most recent meeting. The Attorney's Office provided a letter on potential options for the Board to consider, which includes language on an emergency moratorium. Franklin Township has imposed a moratorium and Buffalo Township has discussed this option. Riley provided an overview of a map reflecting solar farms that have been applied for in Wright County. Three are Aurora projects that have been approved by the State in the areas of Montrose/Waverly, Buffalo, and Annandale. There are six projects under the County's jurisdiction, with three permitted and three yet to be decided upon. One is located in Middleville Township and approved by the Township. In Franklin Township, a

rezoning request has been dismissed at the request of the applicant because of the moratorium imposed by the Township.

Discussion followed on the amount and location of power poles being required for solar farms by Xcel Energy. Also referenced was the Aurora Project east of Buffalo where it was initially conveyed the land alteration would be minimal but has since been extensive. Borrell stated those sites are separate from what is proposed which would relate to land that is restricted due to sectioning off building sites. With the site near Cokato, members of the Cokato Township Board conveyed to him that it is an ideal site for panels.

Husom said the County has a Land Use Plan. Her overriding concern is that the County does not currently allow industry on restricted agricultural land per the Plan. If the County approves solar farms as an acceptable use on restricted agricultural land, the County may be approached with requests for other uses. Husom referenced the use of solar panels on homes as potentially a more effective use in the future versus taking up acreage with solar panels.

Daleiden said an overlay district has been discussed and asked for an estimate of time associated with that effort. Greg Kryzer, Assistant County Attorney, responded that it could take six to twelve months. Sawatzke referenced Borrell's comment that the discussion at hand relates to restricted parcels. That is where the discussion began, but four weeks ago the Board discussed the potential of an overlay district and opening this up beyond restricted parcels. The purpose of laying discussion over for four weeks was to hear options. He asked Kryzer to review the options the Board can consider today.

Summary of options:

1. Adopt the proposed amendment.
2. Decline to adopt the proposed amendment and proceed with the current ordinance.
3. Direct staff to initiate the process to impose a moratorium.
4. Propose additional Amendments without a moratorium.

Kryzer said if the Board chooses to proceed with a moratorium, they should adopt the emergency moratorium and in three weeks proceed with adopting a moratorium. The County Attorney's Office recommends Option 3 if the Board is considering an overlay district or substantial changes to the Ordinance. A moratorium can be canceled.

Borrell stated that Aurora projects, approved by the State, can be on restricted lands. If the Board chooses to proceed with an overlay district it could include an abandoned gravel pit on restricted land. He thought discussion today was focusing on allowing more sites to be looked at. Borrell is not opposed to further review. Some suggested items for review include clusters of power poles that are not needed, land alteration, transition areas, and entitlements. Borrell said that at last week's Planning & Zoning Meeting, quite a few of the members had pause when they saw the interconnection issue. Further discussion occurred on the potential of an overlay district and what that might include. Kryzer stated that when an ordinance is adopted, the Board must be reasonable so as not to be seen as arbitrary and capricious. Criteria must be applied. He would not recommend adopting based on political boundaries but rather on underlying land use, zoning, topography, etc. Kryzer was asked whether the criteria could apply differently to townships without appearing arbitrary and capricious, potentially having some flexibility based on how much local control there is. Kryzer felt that could be done as long as it is reasonable. He stated that is what happened with the Land Use Plan.

Daleiden made a motion to proceed with the emergency moratorium for one year. Daleiden then withdrew the motion so as to allow those present for discussion an opportunity to speak.

On a motion by Borrell, second by Potter, all voted to reopen the Public Hearing at 10:08 A.M. on the proposed amendments to Section 762.2 Solar Energy Farms Requirements and Section 762.3 Solar Energy System Requirements and Standards of the Wright County Zoning Ordinance.

PUBLIC COMMENT

Monticello Township. An email was received from Monticello Township indicating opposition to the amendment relative to entitlements.

Riley said when this issue was discussed previously, Buffalo and Franklin Townships made comment and the other townships were silent.

DeWayne Baumen, Franklin Township Chair. Baumen supports the County Board passing an emergency moratorium providing the opportunity to learn more. He referenced Buffalo Township, where 6-8 acres of trees were cleared and the moving of 215 cu. yds. of soil (associated with the Aurora Project). He described it as a disaster. Baumen also looked at the property on Dempsey Avenue south of Waverly. He described that as a beautiful farm field and did not feel solar panels should be placed there.

Don Schmidt, Buffalo Township Chair. Schmidt supports a moratorium and said this needs to slow down. He said people are appalled at what happened in Buffalo Township. It will provide an opportunity to look at the whole picture and the effect on the County and Townships. Sawatzke did not attend the meeting in Buffalo Township set up by Representative Marion O'Neill but did drive by the site. He referenced new poles recently erected in the right-of-way and the old poles still remaining. Schmidt expressed frustration on the lack of information that has been provided to the Township. He understood there would be an underground feeder line to the substation, but instead new power poles were erected. The new poles could cause a safety issue based on where they were installed in the right of way. Schmidt said Rep. O'Neill stated there was a committee hearing in St. Paul. She is proposing an amendment that would not allow clear cutting of any more than 3 acres of wooded property. He said Rep. O'Neill is unsure whether it will pass because of the opposition she is receiving on that end.

Daleiden stated the problem is the Public Utilities Commission (PUC) is not communicating with local government. Schmidt said the Township was not told of the tremendous amount of dirt being moved in Buffalo Township. Daleiden said if it is done in Buffalo Township, it could be done in other areas as well. He feels the PUC needs to be held accountable. The Board then discussed potentially sending a letter to the PUC voicing concern and questioning such things as the trees and the soil, the power lines, and the power poles in the right-of-way. It was the consensus that the letter should go to the PUC, Xcel Energy, and Aurora. Husom attended the Buffalo Township Meetings previously on the Aurora project and what transpired was very different than what was proposed.

Sawatzke mentioned that there are other companies that do things differently than what happened in Buffalo Township. He did not want to imply that other companies are guilty by association.

John Csanstkowski, Sr., Franklin Township Supervisor. Csanstkowski received an email from Rep. O'Neil. He said she is concerned with the long-term picture and economic impacts of taking farm land out of production. Csanstkowski supports a moratorium on solar arrays. He said this could be implemented by township as every township is different and did not feel it would be good policy to place arrays in open fields. He said 25 years is a long time and that it will not be helpful to the local economy.

Phyllis Latour, Southside Township Board Chair. Latour said there was a request at their Township Meeting Monday to consider a solar panel farm on a restricted piece of land. The Township decided to place the request on hold to see how things go with solar issues. Latour was told it is not feasible to place solar farms in gravel pits. She said it is also proposed to place a solar farm in the City of South Haven for solar energy. At the Township Meeting, she questioned whether it is economically feasible to invest that kind of money for 197 people and did not receive a response.

Latour would like to see a moratorium to allow the opportunity for more review, to determine whether it is feasible, and to see how many companies stay with the projects. She referenced the potential overlay district and requested the Board take consideration on how many gravels pits will be allowed in each township. Southside Township has many gravel pits and they do not want to see a solar farm in each one. When the Land Use Plan was adopted, a public meeting was held by the Township to see what residents preferred. The Plan was approved as they want to maintain the open country feeling. She thought residents in Southside Township would be disappointed if 5-6 solar farms were placed in the Township. She agreed with Husom that if solar farms are allowed on restricted parcels, it will open this up for other requests.

Steve Nisbet, Wright Hennepin Electric. Nisbet said Wright Hennepin is not part of the Aurora or Geronimo process, nor are they part of the Xcel Community Gardens. They have worked with the townships and counties directly since the 1930's. Wright Hennepin has intentionally chosen smaller acreage (10-15 acres) for projects so it doesn't change the look and feel of the landscape, and proximity to a substation is paramount because of economics. Borrell asked whether Wright Hennepin Electric has anything proposed on restricted land. Nisbet replied there is in Maple Lake Township west of CR 12 and CR 37. The site is low so it isn't farmed. The southern part of the property is still able to be farmed.

Brett Holker, Monticello Township Chair. Holker requested that if a moratorium is imposed, the County should get together with industry to discuss the engineering and technology pieces and the location to substations. If an overlay district is formed, that should be a piece of it. He said the recommendation of the Township is based on what Husom referred to with regard to restricted parcels (other industries are not being allowed on restricted parcels).

Alyson Smith, Sunshare Community Solar Company. Sunshare is developing a garden in the City of Waverly with about 80% residential subscribers, which is different than some of the solar farms. Solar arrays are restricted based on electrical land, what the solar resource of the area is, and what the consumer interest is. Smith said the garden in Waverly is sold out. It can be difficult to incorporate all of those things into traditional land use ordinances. It requires a different approach to land use regulation. She asked that the restrictions (the electrical lines, who is interested and wants to host, etc.) guide the development rather than the traditional things that don't quite fit but they are the tools that have always been available.

Gordy Simonson, Solar Stone. Simonson echoed the comments and is willing to participate in a workshop to discuss the solar industry. With regard to the comment made on using solar on roof tops, Simonson said only 25% of homes in the U.S. would qualify due to variables such as roof pitch, orientation to the sun, and shading characteristics. He did not think it will be seen from this renewable energy initiative.

Simonson attended the recent Township Officers Meeting in Marysville Township. Information was provided at that meeting that 22,000-24,000 acres will be used by Xcel Energy. The State has mandated that by 2020, 1.5% of Xcel's energy load is to be solar (about 450 megawatts), and equates to about 2,200 to 2,300 acres. At the Township Meeting, it was stated there are 89 gravel pits in the County. As developers, they will try to come in with solutions. There are questions relating to pit location and whether they are operational. Simonson said prime agricultural land is at the bottom of what they are looking for, primarily due to cost. Solar Stone has the project in Cokato and they don't consider that prime agricultural land.

Simonson said a question that arose at the Township Meeting was whether other counties are experiencing these issues. He stated that Dakota County had over 100 applications and there are less than 12 projects. Chisago County had a problem last summer, but it related to an Aurora project. With the Aurora project in Buffalo Township, the trust level was violated. Developers need to take responsibility and work with Xcel Energy.

Solar Stone received approval on two CUP's last October and November in the cities of Sartell and Scandia. In December, Simonson said Xcel Energy indicated that the solar gardens would require 85' poles to provide emergency communications back to the substation. Solar Stone took the initiative to meet with Xcel on other available technologies. Simonson said it is now proposed to use a 12' post with a satellite dish. Solar Stone will need to go back to the cities for approval but he pointed out that they are going back with a solution. Simonson referenced the issue of power poles that was discussed and said they approached Xcel with a solution using different technology. Xcel is currently reviewing this technology. He informed the Board that there are things that Solar Stone is working with Xcel Energy on to come to a solution.

Simonson has been attending meetings on solar in Wright County since November. Solar Stone is interested in the deed restriction. He understands there are other issues relative to solar. He is trying to draw a line between the deed restriction and building eligibility as opposed to other challenges with solar. Simonson said no solar garden can be functional without access to a transmission or distribution line and access to some type of easement to reach that line.

Potter supports taking time to study solar farms further. Relative to the Aurora project in Buffalo Township, the Township was told one thing and something completely different occurred. There is not enough information to make a good decision.

Sawatzke referenced a comment made by Simonson on the quality of developers. He said that unfortunately, the County can't eliminate developers and is required to take applications if criteria is met. That is why the County has to impose rules.

Simonson extended appreciation for the diligence and vetting of the process. He said the message received is that the County is interested in solar but needs to make sure it is done in the right and responsible way.

Bill Langenbacher, Clearwater Township Supervisor. Langenbacher said he wasn't speaking on behalf of the Township Board but wanted to express his concern and support for the other townships. He suggested that a moratorium is probably something the County Board should consider.

Laura Caspari, SoCore Energy. SoCore Energy is working on two projects located in Maple Lake and Middleville Townships. The Townships have expressed their support for the projects. SoCore is working with Wright Hennepin so it has nothing to do with the Aurora projects. Relative to the entitlement issue, there is risk that all projects will be thrown out for reasons that have nothing to do with their projects. She asked that the entitlement issue be lifted in those areas as those projects are supported by the Townships. Discussion about a moratorium for one year is concerning. Caspari mentioned the timeline with permitting projects through the Xcel Energy Interconnection queue. It could result in projects not happening. Discussion followed on the Xcel meeting the solar energy requirement by law and the improvements in economics with solar gardens.

Riley said Xcel Energy approved permits well over a year ago. The permits did not include anything related to checking with the County, zoning approval, and CUP approval. At the last Planning Commission Meeting, they a developer provided information on Xcel placing poles in road right of way. Riley has attempted to obtain information from Xcel on these details.

Sawatzke called for further public comment. With no further comment, Daleiden moved to close the Public Hearing at 10:54 A.M, seconded by Potter. The motion carried unanimously.

Daleiden made a motion to adopt Resolution #16-25 adopting an Emergency Interim Zoning Ordinance Instituting an Emergency Moratorium on Solar Energy Farms for a one-year time period. Kryzer stated that the Resolution is an interim, temporary moratorium that will be in place until the Public Hearing is held which is required under Minn. Stat. § 375.51. Another moratorium will be imposed at that point. Daleiden amended the motion to not include the 12-month reference but instead have it effective until there is a public hearing held. The motion was seconded by Husom.

Kryzer clarified that applications that are currently filed with Planning & Zoning are still going to be processed under ordinary course. The Resolution does direct staff to administratively deny any applications after the Board adopts the Resolution. Sawatzke said the expectation is that staff will come to the Board with a suggested course on how to study this. There may be a need for a committee to be formed and include representation from the Planning Commission, County Board, and some of the townships. The motion to adopt Resolution #16-25 carried 5-0 on a roll call vote.

RESOLUTION 16-25

RESOLUTION ADOPTING AN EMERGENCY INTERIM 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 may vote to adopt 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, an emergency situation exists and a temporary emergency moratorium is necessary to protect public health, safety, and general welfare until public hearings can be conducted on a longer term moratorium; and

Whereas, the Wright County Board of Commissioners finds:

1. A temporary 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 temporary moratorium until a public hearing can be noticed and published pursuant to Minn. Stat. § 375.51.

NOW THEREFORE BE IT RESOLVED, by the Wright County Board of Commissioners, that this resolution adopting an emergency temporary zoning ordinance instituting a temporary 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 until such time as a public hearing is conducted pursuant to Minn. Stat. § 375.51; 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 a public hearing before the Wright County Board of Commissions, during a regularly scheduled meeting, as soon as is permitted under the time considerations and requirements of Minnesota Statute § 375.51 for the purpose of considering an interim zoning ordinance moratorium which shall not exceed twelve months.

(End of Resolution #16-25)

Potter made a motion to deny the proposed Ordinance Amendment. The motion was seconded by Husom and carried 5-0.

Potter moved to schedule a Public Hearing on 5-10-16 at 9:30 A.M. for the purpose of discussing a longer term moratorium. The motion was seconded by Daleiden and carried unanimously.

A **Ways & Means Committee Meeting** was held on 4-13-16. At today's County Board Meeting, Husom moved to approve the minutes and recommendations. The motion was seconded by Daleiden. It was the consensus to have staff create the cross reference table for the codification, because of the estimated cost of \$1700-\$2100 to have American Legal Publishing complete this task. The motion carried 5-0. The Committee minutes follow:

UPDATE ON CODIFICATION AND RESTATEMENT OF COUNTY ORDINANCES

Kryzer provided an overview of the process that is required for the adoption of the updated and restated ordinances of the County. There will be a public hearing held by the Wright County Planning Commission on May 12, 2016 at 7:30 p.m. in the County Boardroom. The recommendation from the public hearing will be directed to the County Board; if the recommendation is for adoption, the Board will adopt a Resolution enacting the code of ordinances for the County with an effective date of July 1, 2016.

4-13-16 Ways & Means Committee Minutes (cont.):

Discussed the ordinance amendment that is currently being considered regarding "Supportive Care to Frail and Elderly or Disabled." Kryzer stated that he recommends that we codify the ordinances first, then proceed with the amendment. Kryzer also noted that ordinance "Right-of-Way Management," currently located in Chapter 150 should be relocated in Chapter 50, Public Works. To republish and correct would cost approximately \$1200 – \$1600.

Kryzer indicated that the County should also be codifying any new or amended ordinances into the code once a year. The cost is approximately \$18 per page.

S. Backes questioned numbering of new ordinances and the retention of ordinances. Kryzer stated that she should continue to number the ordinances as she has done; at year end any new ordinances would be provided to the codifier for the annual update. As to retention of ordinances, they are permanent records and will continue to be retained by the County.

Discussed the creating of a cross reference table, identifying locations of ordinances within the new document. Commissioner Sawatzke suggested that Planning and Zoning may be able to do this more efficiently and faster due to their familiarity with the ordinances.

Vergin questioned the placement of the codified ordinances on the website. Kryzer stated that the ordinances will be available in both word and pdf format.

Recommendation: Move ordinance "Right-of-Way Management" from Chapter 153 to Chapter 51; and refer the proposed ordinance amendments to the Planning Commission for a public hearing on May 12, 2016.

(End of 4-13-16 Ways & Means Committee Minutes)

On a motion by Daleiden, second by Husom, all voted to authorize Potter to attend the 45th Annual Washington D.C. Fly-In, June 7-9, 2016, in Washington D.C.

On a motion by Borrell, second by Husom, all voted to authorize attendance at the Greater MSP Newcomer Experience in Golden Valley on 4-29-16 at 8:30-10:30 A.M.

ITEMS FOR CONSIDERATION

ADVISORY COMMITTEE / ADVISORY BOARD UPDATES

1. Clearwater River Watershed District. Husom said that the CRWD discussed a letter from the Stearns County Board requesting term limits for appointments for Wright and Sherburne Counties. The CRWD Board does not see if a problem with Stearns following that practice and Wright and Meeker continuing not to implement term limits. Husom requested this be placed on the next Wright County Board Agenda for discussion.
2. Highway 55 Corridor Coalition. Husom referenced various projects along TH 55 at CR 116, CR 115, CSAH 14, CR 3, and Vicksburg Lane. The TH 25 construction project includes a roundabout near the intersection of TH 55. Husom said the location of the roundabout has been questioned but she has been assured it will work well, even with the railroad tracks in that vicinity. Left turn lanes are planned. Potter attended as well.
3. AMC Transportation Regional Policy Committee. Potter said the group is visiting various parts of the State, most recently in Brainerd.
4. Tri-County Regional Forensic Lab. Potter said the meeting was held on 4-12-16 with attendance by several Board members from Wright County. Anoka and Sherburne Counties provided assurance that the funding formula amendments are something that will be discussed and that Commissioners from those counties will be part of that discussion.
5. Library Legislative Day at the Capital. Potter attended the meeting on 4-13-16, as did Karen Pundsack of the GRRL.
6. Regional Active Living. Potter attended on 4-14-16. They are coming to the end of the effort to interconnect all trails within the Quad County area (Wright, Sherburne, Benton & Stearns).
7. AMC Board Meeting, St. Paul. Potter attended the Board of Directors orientation meeting.
8. CR 75/TH 25 Construction. Sawatzke said construction started today in Monticello.

The meeting adjourned at 11:25 A.M.