

**OFFICIAL PROCEEDINGS
WINONA COUNTY BOARD OF COMMISSIONERS
SESSION HELD February 28, 2023
7:00 PM WINONA COUNTY BOARD ROOM**

The Winona County Board of Commissioners met in the Commissioners Room on the above date with Commissioner Dwayne Voegeli; Commissioner Marcia Ward; Commissioner Greg Olson; Commissioner Chris Meyer; Interim County Administrator Maureen Holte; County Attorney Karin Sonneman; Finance Director Pat Moga; Assistant County Attorney I Alex Thillman; Health and Human Services Director Karen Sanness; Executive Assistant-HHS Rose Lambert; Deputy Shift Commander Josh Murphy; Planning and Environmental Services Director Kay Qualley; Water Resource Planner Sheila Harmes; Auditor-Treasurer Chelsi Wilbright; Executive Assistant Heidi Hund. Chairperson Meyer called the meeting to order at 7:00 p.m.

Public comments were heard from Linda Johnson, 32530 Bobcat Rd., transparency of County Board; Mike Kennedy, 316 W. 7th, regarding HKGI contract; Bruce Wemette, 18379 Marie Dr., regarding Midwest Monitoring contract.

On motion by Commissioner Ward and seconded by Commissioner Voegeli, to approve the County Board minutes dated February 14, 2023. Vote: Yes – 4.

On motion by Commissioner Ward and seconded by Commissioner Voegeli, to approve the Closed Session minutes dated February 14, 2023. Vote: Yes – 4.

On motion by Commissioner Voegeli and seconded by Commissioner Olson, to acknowledge the Parks and Environment Advisory Committee minutes dated November 1, 2022. Vote: Yes – 4.

On motion by Commissioner Ward and seconded by Commissioner Voegeli, to approve the amended agenda by moving Consent Business item 7.7 to General Business item 8.00. Vote: Yes – 4.

On motion by Commissioner Voegeli and seconded by Commissioner Olson, to approve the following Consent Business:

Approve Applying for DNR Outdoor Recreation Grant for Apple Blossom Park Infrastructure.

Approve HKGI Professional Services Contract for 2023 Housing Study.

Approve Resolution in Support of House File 735 of Providing Ongoing Financial Support to Soil and Water Conservation Districts.

RESOLUTION #2023-04

SWCD Aid - Standing State Statutory General Fund Appropriation

WHEREAS, funding for the state’s soil and water conservation districts (SWCDs) is a shared state and local commitment; and

WHEREAS, Minnesota’s counties remain strong local partners and will continue to contribute local financial resources toward SWCD capacity; and

WHEREAS, for the past several years, state policymakers have expressed a need to permanently fund SWCD capacity. Current funding arrangements have allowed this important work to advance as options were discussed for a general fund solution; and

WHEREAS, the state’s healthy budget and improved economic outlook for the future biennium present the opportune time for establishing a permanent state funding mechanism in the general fund for SWCDs - SWCD Aid; and

WHEREAS, SWCDs are asking legislators through bills HF735 and SF526 to support SWCD Aid as the state's contribution to funding SWCDs, through a statutory general fund appropriation; and

WHEREAS, \$22 million per year in SWCD Aid would get SWCDs statewide closer to fulfilling unmet funding needs; and

WHEREAS, SWCD workload around water quality and soil health efforts continues to grow. But the uncertainty around state funding for SWCDs every two years has put substantial strain on staff; and the loss of those staff can mean the loss of landowner relationships and trust that were built over years of time - all resulting in less conservation practices being implemented, and slower progress toward meeting our clean water and healthy soil goals; and

WHEREAS, SWCDs serve as a connector between private landowners and the financial resources that make this work possible. Without adequate funding for SWCDs, millions of available federal and private dollars cannot be committed to important projects due to cost-share requirements; and

WHEREAS, a standing statutory general fund appropriation from the state would provide stable and predictable funding that would, in turn, allow SWCDs the opportunity to better plan for the future, better serve their constituents and resources, and better deliver on the statutory obligations the state has set out in 103C; and

WHEREAS, the Association of Minnesota Counties that represents the diverse interests of Minnesota's 87 counties, submitted a letter of support for SWCD Aid.

NOW THEREFORE BE IT RESOLVED, the Winona County Board of Commissioners, in support of the Winona County Soil and Water Conservation District, urges the Legislature to support SWCD Aid through proposed state statutory general fund appropriation in the amount of \$22 million per year.

Adopted in Winona, Minnesota this 28th day of February, 2023.

Appoint Commissioner Meyer as Alternate for Regional Emergency Communication Board.

Approve LG220 Gambling Application for Exempt Permit - Ridgeway Elementary School PTA.

Approve Letter of Support for Minnesota Department of Health Budget Period 5 Community Health Board Grant Project Agreement Priorities for Public Health Emergency Preparedness.

Approve Renewal of Grant and Business Associate Agreements with City of Winona through Winona Friendship Center for Advocacy, Information, and Referral Services.

Approve Resolution to Submit, Adopt and Implement WinLaC Comprehensive Watershed Management Plan.

RESOLUTION #2023-05

Submit, Adopt and Implement the WinLaC Comprehensive Watershed Management Plan

WHEREAS, Winona County entered into a planning Memorandum of Agreement to develop the Mississippi River-Winona/La Crescent (WinLaC) Comprehensive Watershed Management Plan (Plan); and

WHEREAS, Winona County has been an active participant on the WinLaC Policy Committee to oversee the development of the WinLaC Plan; and

WHEREAS, the WinLaC Policy Committee submitted the Plan for 60-day formal review on October 5th, 2022 and hosted a public hearing on January 26th, 2023; and

WHEREAS, all comments received during the 60-day review and public hearing have been addressed by the WinLaC Policy Committee; and

WHEREAS, the WinLaC Policy Committee recommended approval of the Plan to each of the participating boards and council at their January 26th, 2023 meeting; and

WHEREAS, Minnesota Statutes §103B.101, subd. 14 allows a local water management plan developed or amended, approved and adopted, according to chapter 103B to be replaced with a comprehensive watershed management plan but only to the geographic area of the Plan and consistent with the One Watershed, One Plan suggested boundary map.

NOW THEREFORE BE IT RESOLVED, Winona County approves submission of the Plan to the Board of Water and Soil Resources (BWSR). Contingent on recommendation of Plan approval by the BWSR Southern Region Committee and subsequent BWSR approval (according to Minnesota Statutes §103B.801 and Board Resolutions #18-14 and #19-41), Winona County hereby adopts and will begin implementation of the approved Plan for the area of the county identified within the Plan. The approved Plan will replace the local water management plan for that geographic area of the county within the WinLaC for the duration of the state approved Plan.

BE IT FURTHER RESOLVED, after the adoption of the Plan, the county shall amend existing water and related land resources plans and official controls as necessary to conform them to the Plan.

BE IT FURTHER RESOLVED, after the adoption of the Plan or amendments to the plan, Winona County shall notify local units of government within the WinLaC. The local units of government are required to submit existing water and related land resources plans and official controls within 90 days to the county for review as per Minnesota Statutes, Section 103B.321.

BE IT FURTHER RESOLVED, that within 180 days, the county shall review the submitted plans and official controls and identify any inconsistencies between the local plans and official controls and the Plan. Winona County shall specify applicable and necessary measures to bring the local plans and official controls into conformance with the Plan.

BE IT FURTHER RESOLVED, if a local unit of government disagrees with any changes to its plan, the local unit has 60 days after receiving the county's recommendations to appeal the recommendations to BWSR.

BE IT FURTHER RESOLVED, after receiving the recommendations of the county, or a resolution of an appeal, a local unit of government has 180 days to initiate revisions to its plan or official controls. The new or revised plans and official controls must be submitted to the county for review and recommendations.

Adopted in Winona, Minnesota this 28th day of February, 2023.

Approve Joint Powers Agreement for Implementation of WinLaC Comprehensive Watershed Management Plan.

Approve Altura Well Sealing Grant Agreement.

Approve Resolution for Solar Energy System Security Deposit Agreements for Decommissioning and Vegetation Management.

RESOLUTION #2023-06

WHEREAS, the Winona County Board of Commissioners, Winona, Minnesota met at 7:00 p.m. on the 28th day of February 2023, in the Commissioner's room, County Office Building, Winona, Minnesota. Notice was published in the Winona Post on February 28, 2023; and

WHEREAS, under Minn. Stat. 394.21 Winona County is authorized to carry on planning and zoning activities for the purpose of promoting the health, safety, morals, and general welfare of the community; is authorized to acquire and hold property for the use by the County under Minn. Stat. 373.01 Subd. 1 (2); is authorized to make all contracts and do all other acts in relation to the property and concerns of the county necessary to the exercise of its corporate powers under Minn. Stat. 373.01 Subd. 1 (5); and the County Board may delegate its authority to pay certain claims under Minn. Stat. 375.18 Subd. 1.; and

WHEREAS, Winona County has enacted the Winona County Zoning Ordinance (WCZO), which includes specific regulatory and permitting requirements for solar energy systems in Winona County, and the County Board has from time to time approved various permits and variances relating to solar energy systems; and

WHEREAS, in order to promote the health, safety, morals, and general welfare of the community, as a condition for approval of a solar energy system permit or variance, the County has required that the permittee deposit funds with the County as a surety to ensure that permitted solar systems are properly decommissioned at the end of their useful life and that the site vegetation plans are adhered to; and

WHEREAS, in furtherance of this objective it is the desire of the County Board to delegate signature authority for Solar Project Security Deposit Agreements, as well as the authority to pay out monies related to Solar Project Security Deposits as set forth below.

NOW THEREFORE, the Winona County Board of Commissioners approves the following:

1. When final approval for a solar energy project related permit, variance, or land use decision has been granted by the Winona County Board, signature authority for any corresponding security deposit agreement is vested in the Department Head of the Winona County Planning and Environmental Services Department.
2. When final approval for a solar energy project related permit, variance, or land use decision has been granted by the Winona County Board and a corresponding Security Deposit Agreement has been executed, either the Winona County Auditor-Treasurer or the Head of the County Finance Department may release security deposit funds pursuant to the terms of the Security Deposit Agreement.

Adopted in Winona, Minnesota this 28th day of February, 2023.

Approve Agreement with Minnesota Pollution Control Agency for Operation of Household Hazardous Waste Program and State of MN.

Accept Certificate of Performance and Authorize Final Payment for CSAH 12 Reconstruction in Ridgeway.

Award Bid for CSAH 1 Resurfacing Project.

Approve Resolution Establishing the Need and Responsible Governmental Unit for an EAW for the CSAH 30 Reconstruction Project.

RESOLUTION #2023-07

Establish Need for an Environmental Assessment Worksheet (EAW) for the Proposed Reconstruction of County State Aid Highway 30

WHEREAS, Minnesota Rules, chapter 4410 establishes the requirements for the preparation of an Environmental Assessment Worksheet (EAW); and

WHEREAS, Winona County is proposing to reconstruct 1.6 miles of County State-Aid Highway (CSAH) 30, from 1.1 miles east of the intersection with TH 74 (on the west end) to the intersection with CSAH 31 (on the east); and

WHEREAS, the CSAH 30 reconstruction includes the realignment of an adjacent waterway that conveys water from top of the bluff to the Whitewater River, and a portion of said waterway is designated trout stream tributary; and

WHEREAS, Minnesota Rules, part 4410.4300, subpart 26 establishes the requirements for the preparation of an EAW, which is mandatory for the diversion, realignment, or channelization of any designated trout stream; and

the courts have determined that a trout stream tributary must be considered in this regard the same as a trout stream; and

WHEREAS, the project is not associated with a bridge or culvert replacement or considered to be routine maintenance, and is therefore not exempt from EAW preparation; and

WHEREAS, the Responsible Governmental Unit identified for the administration of the EAW process is either the Minnesota Department of Natural Resources (Mn DNR) or the local governmental unit; and

WHEREAS, Winona County is the project proposer and has the capability and experience required to administer the EAW process; and

WHEREAS, the Mn DNR has been engaged in the design process and has indicated they concur with Winona County administering the EAW process.

NOW THEREFORE, BE IT RESOLVED, that the Winona County Board makes the following findings of fact:

1. The proposed 1.6 miles of CSAH 30 reconstruction includes the realignment of a waterway draining to the Whitewater River.
2. The waterway has been designated by the Mn DNR as a trout stream tributary.
3. Any diversion or realignment of a designated trout stream or designated trout stream tributary requires the preparation of an EAW.
4. Winona County is accepting the role of the Responsible Governmental Unit (RGU) for the preparation of an EAW and completion of the review process.
5. The Mn DNR has been notified of the intent for Winona County to be the RGU.
6. Short Elliott Hendrickson Inc has been retained to assist Winona County with administration of the EAW process; and

BE IT FURTHER RESOLVED, that the Winona County Board makes a positive declaration regarding the need for an EAW for the proposed reconstruction of CSAH 30.

BE IT FURTHER RESOLVED, that Winona County is designating themselves the Responsible Governmental Unit for the administration of the EAW process.

Adopted in Winona, Minnesota this 28th day of February, 2023.

Confirmed Payment of Disbursements.

02/08/23 - 02/21/23		
Fund		
1	Revenue	\$ 390,051.66
2	Recycling & Solid Waste Fund	\$ 93,111.60
3	Road and Bridge	\$ 78,940.30
4	Transportation Sales Tax	\$ 14,286.35
5	Health & Human Services	\$ 317,333.77
7	Road and Bridge State Aid	\$ 13,554.50
27	CLFRF (Coronavirus) #21.027	\$ 215,174.51
37	Jail Expenses Fund	\$1,241,521.09
42	Capital Improve & Equip Fund	\$ 1,400.63
76	Employee Benefit	\$ 6,712.55
82	Misc Taxes Fund	\$ 141.00
83	State Revenue Fund	\$ 122,062.32
Total		\$2,494,290.28

107 Vendors Paid Less Than \$2000
totaling \$64,813.62

Vote: Yes – 4.

On motion by Commissioner Ward and seconded by Commissioner Olson, to table Purchase of Service and Business Associate Agreements with Midwest Monitoring until the March 14th County Board meeting. Vote: Yes – 4.

On motion by Commissioner Ward and seconded by Commissioner Voegeli, to appoint Michael Miller to Planning Commission. Vote: Yes – 2; No – 2 (Olson, Meyer).

On motion by Commissioner Olson and seconded by Commissioner Meyer, to appoint Jon Nicholson to Planning Commission. Vote: Yes – 4.

On motion by Commissioner Voegeli and seconded by Commissioner Ward, to Approve County Board Ground Rules Policy with modified language to Section B.2. to state “or verbally requesting during a County Board meeting”. Vote: Yes – 4.

On motion by Commissioner Voegeli and seconded by Commissioner Olson to Approve Veteran's Service Office Advisory Committee. Vote: Yes – 4.

On motion by Commissioner Voegeli and seconded by Commissioner Olson, to Approve Employment Agreement with Maureen L. Holte as County Administrator with modified language to section 6a, 8a and 14c. Vote: Yes – 4.

On motion by Commissioner Ward and seconded by Commissioner Voegeli, to add discussion of a potential time change to the evening County Board meeting from 7:00 p.m. to 6:00 p.m., to the Committee of the Board on March 14, 2023.

On motion by Commissioner Olson and seconded by Commissioner Voegeli, to adjourn the County Board meeting at 8:04 p.m. Vote: Yes – 4.

WINONA COUNTY BOARD OF COMMISSIONERS

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Chris M. Meyer

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Chris M. Meyer

Board Chair

Attest:

DocuSigned by:

Maureen L. Holte

Maureen L. Holte, County Administrator