



Carver County Board of Commissioners
 March 7, 2017
 Regular Session
 County Board Room
 Carver County Government Center
 Human Services Building
 Chaska, Minnesota

PAGE

9:00 a.m.	1.	a)	CONVENE		
		b)	Pledge of allegiance		
		c)	Public comments - <i>Anyone wishing to address the Board of Commissioners on an item not on the agenda may come forward at this time. Please limit your comments to five minutes.</i>		
		d)	New Employee Introduction		1
	2.	Agenda review and adoption			
	3.	Approve minutes of February 21, 2017, Regular Session			2-4
	4.	Community Announcements			
9:05 a.m.	5.	CONSENT AGENDA			
		<i>Communities: Create and maintain safe, healthy and livable communities</i>			
	5.1	Purchase a new plow truck for Public Works			5
		<i>Connections: Develop strong public partnerships and connect people to services and information</i>			
	5.2	GIS software license renewal with ESRI			6
	5.3	Contract with Pictometry International			7
	5.4	Charitable Gambling Application for Exempt Permit-Carver County Ducks Unlimited Chapter #128			8
	5.5	Application for 1 Day to 4 Day Temporary On-Sale Liquor License for St. Peter Lutheran Church, Watertown.....			9
	5.6	Changing Date for County Board of Appeals & Equalization			10
	5.7	Annual Renewal Application for Consumption & Display Permit for Marsh Lake Hunting Preserve, Inc.			11
		<i>Culture: Provide an organizational culture which fosters individual accountability to achieve goals</i>			
	5.8	Approval of 2017 STOC Wage Scale			12-13
		<i>Finances: Improve the County's financial health and economic profile</i>			
	5.9	Review Social Services/Commissioners Warrants			NO ATT
9:05 a.m.	6.	COMMUNITIES: Create and maintain safe, healthy and livable communities			
	6.1	Metropolitan Mosquito Control Update			14
9:20 a.m.	7.	GROWTH: Manage the challenges and opportunities resulting from growth and development			
	7.1	Minnesota Solar - Community Solar Garden Request			15-20

10:00 a.m. **ADJOURN REGULAR SESSION**

10:00 a.m. **BOARD REPORTS**
1. Chair
2. Board Members
3. Administrator
4. Adjourn

David Hemze
County Administrator

UPCOMING MEETINGS

March 14, 2017	No Meeting
March 21, 2017	4:00 p.m. Board Meeting
March 28, 2017	9:00 a.m. Board Work Session
April 4, 2017	9:00 a.m. Board meeting

Carver County Board of Commissioners Request for Board Action

**Agenda Item:****Jordan Pankonin - New Civil Engineer in Public Works**

Primary Originating Division/Dept: Public Works - Program Delivery

Meeting Date: 3/7/2017

Contact: Darin Mielke Title: Deputy County Engineer

Item Type:
New Employee Intro

Amount of Time Requested: 5 minutes

Attachments: Yes No

Presenter: Darin Mielke Title: Deputy County Engineer

Strategic Initiative:

Culture: Provide organizational culture fostering accountability to achieve goals & sustain public trust/confidence in County government

BACKGROUND/JUSTIFICATION:

Jordan Pankonin began his duties as a Civil Engineer on January 9, 2017, which had been vacant since October. Jordan is a recent graduate from Minnesota State Univeristy - Mankato. Jordan will be introduced to the County Board.

ACTION REQUESTED:

Employee introduction of Jordan Pankonin to the County Board

FISCAL IMPACT: None

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT: None**Total** \$0.00 Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2017 - 4483

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on February 21, 2017. Chair Tim Lynch convened the session at 4:01 p.m.

Members present: Tim Lynch, Chair, James Ische, Vice Chair, Gayle Degler, Randy Maluchnik and Tom Workman.

Members absent: None.

The following amendment was made to the agenda:

Charitable Gambling Application for a Premises Permit-Carver Lions

Degler moved, Workman seconded, to approve the agenda as amended. Motion carried unanimously.

Ische moved, Maluchnik seconded, to approve the minutes of the February 7, 2017, Regular Session. Motion carried unanimously.

Ische moved, Degler seconded, to approve the following consent agenda items:

Professional services agreement with Stonebrooke Engineering for \$99,970 for the Camden Township Bridge No. 10508 reconstruction project, pending finalization of the contract review process.

Approved allocation of .12 FTE from Case Management Associate II to .20 FTE Case Management Associate I.

Approved the donation of the hazmat trailers and equipment to the Cities of Victoria and Watertown.

Resolution #08-17, 2017 Seasonal Road Restrictions.

Resolution #09-17, Authorizing Payment of Settlements of Compensation to Landowners for Easements Required for the CSAH 30 Safety Improvement Project, Project Registry #158789.

Approved an agreement with Xcel Energy for transmission line relocation for the CSAH 110 construction-Waconia School Phase Project, pending finalization of the contract review process.

Approved professional service contract with Weber Johnson Public Affairs and related budget amendments.

Approved FTE status changes increasing 0.9 FTE Social Worker II to 1.0 FTE status and decreasing 1.0 FTE Social Worker II to 0.9 FTE status, with an effective date of March 6, 2017.

Approved professional services agreement with Bolten and Menk for \$630,000 for the TH 41 Expansion Project Final Design, pending finalization of the contract review process.

Appointed Deborah Everson to serve as the County's appointment on the Greater MSP Partner Advisory Council.

Renewed contract with Madden Galanter Hansen, LLP.

Approved out of state travel for Perry Clark to attend the GIS for Transportation Symposium.

Approved out of state travel for Andy Wigfield and Chad Braun to attend the ATSSA "How To" Conference in Fargo, ND.

Approved issuing a premises permit to the Carver Lions for pull-tabs, tipboards and bar bingo for one year.

Reviewed February 14, 2017, Community Social Services' actions/Commissioners' warrants in the amount of \$362,204.26 and reviewed February 21, 2017, Community Social Services' actions/Commissioners' warrants in the amount of \$713,964.73.

Motion carried unanimously.

Ische moved, Degler seconded, to recess as the County Board and convene as the Carver County Regional Rail Authority. Motion carried unanimously.

Martin Walsh, Parks, requested the Rail Authority approve a lease agreement with the City of New Germany. He identified the location and explained UFC had been leasing but was terminating its lease. He stated the City was interested in the storage building on the property and would like to enter into a lease agreement for that same space.

Ische moved, Degler seconded, to approve the lease agreement with the City of New Germany and authorize the Chair to sign. Motion carried unanimously.

Maluchnik moved, Degler seconded, to adjourn as the Rail Authority and reconvene as the County Board. Motion carried unanimously.

Kerie Anderka, Employee Relations, pointed out during the last meeting the Board held a closed session to discuss the County Administrator's 2016 performance. Anderka provided a summary of the Board's discussion and conclusion that the Administrator's performance in 2016 has been outstanding.

Maluchnik moved, Ische seconded, to approve an overall rating of outstanding for County Administrator's 2016 performance. Motion carried unanimously.

REGULAR SESSION
February 21, 2017

Ische moved, Degler seconded, to go into a closed session to discuss labor negotiations strategy. Motion carried unanimously.

The Board adjourned the closed and Regular Session at 4:40 p.m.

David Hemze
County Administrator

(These proceedings contain summaries of resolutions/claims reviewed. The full text of the resolutions and claims reviewed are available for public inspection in the office of the county administrator.)

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Purchase a new plow truck for Public Works

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:
Consent

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

Carver County Public Works has a large fleet of vehicles and equipment that are used in the Program Delivery, Operations, and Parks departments. The County annual budget and Long Term Financial Plan includes recommendations from the Public Works fleet replacement program. The equipment budget for 2017 is \$465,000.

At this time Public Works is requesting to purchase the following:

1. Mack tandem axle truck chassis
2. Towmaster plow and truck equipment and set up.

The total cost of this equipment is \$ 255,720.00

Staff obtained quotes per the county contract and local preference purchasing policies. All of the equipment is being purchased off of the state contract.

ACTION REQUESTED:

Motion to approve the purchase of a tandem axle truck and related equipment from Nuss Truck and Equipment and from Towmaster Inc. for \$255,720.00.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT:

Total

— Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2017 - 4555

Carver County Board of Commissioners Request for Board Action



Agenda Item:

GIS software license renewal with ESRI

Primary Originating Division/Dept: Public Services - IT

Meeting Date: 3/7/2017

Contact: Peter Henschel Title: Interim IT Director

Item Type:
Consent

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

Connections: Develop strong public partnerships and connect people to services and information

BACKGROUND/JUSTIFICATION:

In 2008, 2011, and 2014 the county signed an Enterprise License Agreement (ELA) with ESRI for unlimited access to their GIS software and Online Subscription Services. The three-year agreement is up for renewal in 2017. The new agreement continues to include the cities of Carver County under one agreement for a fixed cost over the next three years.

ESRI offers the ELA option for small counties and cities to help lower software costs and promote GIS implementation. Over the life of the three-year agreement, the ELA will save the county money on current software maintenance and future software license purchases. The County will be moving to the next tier of the ELA to obtain another 250 user accounts in ESRI's cloud solution ArcGIS Online. With the County and cities on the same ELA agreement, we will add more accounts to ArcGIS Online over the next 3 years. This is the first software cost increase to the county in 9 years based on the additional ArcGIS Online accounts and the growing success of GIS implementations across all organizations.

Details of Agreement

- The agreement renewal is for an enterprise GIS software solution available to local government.
- The agreement also includes the following participating cities – Chanhassen, Chaska, Norwood Young America, Waconia, Victoria, Watertown, and Mayer.
- The agreement is for three additional years with a cost increase of \$75,000 (\$25,000 per year) to move to the next licensing tier of the ELA. This cost increase is shared between the County and cities.
- The cities' portion of the contract is for \$135,000 (\$45,000 per year).
- The multi-year agreement provides the best cost savings for the County.

Benefits

- The same software versions provide a consistent platform across the County and cities.
- Expands collaborative efforts between the County and cities.
- Licenses the current GIS software deployments within the County.
- A lower cost per unit for licensed software.
- Maintenance on all ESRI software deployed under one agreement.
- Complete flexibility to deploy software products when and where needed.

ACTION REQUESTED:

Motion to renew the ESRI software license agreement pending completion of the contract review process.

FISCAL IMPACT: Included in current budget

if "Other", specify:

FUNDING

County Dollars =	\$202,500.00
Cities' Dollars	\$135,000.00
Total	\$337,500.00

FTE IMPACT: None

Insert additional funding source

Related Financial/FTE Comments:

3 Year Agreement - County: \$67,500/year. Cities: \$45,000/year.

Office use only:

RBA 2017- 4537

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Contract with Pictometry International

Primary Originating Division/Dept: <input type="text" value="Public Services - IT"/>	Meeting Date: <input type="text" value="3/7/2017"/>
Contact: <input type="text" value="Peter Henschel"/> Title: <input type="text" value="Interim IT Director"/>	Item Type: <input type="text" value="Consent"/>
Amount of Time Requested: <input type="text"/> minutes Presenter: <input type="text"/> Title: <input type="text"/>	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Strategic Initiative: <input type="text" value="Connections: Develop strong public partnerships and connect people to services and information"/>	

BACKGROUND/JUSTIFICATION:

Every three years Carver County contracts to acquire updated oblique imagery to support GIS mapping applications. Prior years of collection were in 2008, 2011, and 2014. The contract also includes software licensing and an online hosting solution.

Oblique imagery is used to get a "birds-eye" view of the earth. These are high resolution 4-way shots (north, south, east, west) at a 40-degree angle. The oblique imagery gives the County staff an accurate view of objects that can't be seen in a traditional image taken directly overhead. Oblique imagery answers questions and provides better decisions without having to make a field visit. The oblique imagery is also valuable for emergency response, providing the responder with very detailed views of the incident location.

The staff researched and received quotes from vendors for the acquisition of the oblique imagery and came to the conclusion that staying with the previous vendor, Pictometry, was the best option. Pictometry continues to be a leader in oblique imagery acquisition and software applications, and it has stayed financially competitive. A benefit of staying with Pictometry is that this will be our fourth year of collecting their oblique imagery. All those years are available for historical purposes in the same software application.

This spring 2017 flight will include collaborative efforts between Carver County and cities to fly at the same time to share costs. Cities that participate in the project will share 50 percent of the cost covering their geographic area. Six cities have shown interest in participating in the 2017 project.

ACTION REQUESTED:

Motion to contract with Pictometry International Corp pending completion of the contract review process.

FISCAL IMPACT: <input type="text" value="Included in current budget"/>	FUNDING						
If "Other", specify: <input type="text"/>	<table style="width: 100%;"> <tr> <td style="width: 70%;">County Dollars =</td> <td style="width: 30%; text-align: right;">\$65,330.00</td> </tr> <tr> <td>City Reimbursements</td> <td style="text-align: right;"><input type="text"/></td> </tr> <tr> <td>Total</td> <td style="text-align: right;">\$65,330.00</td> </tr> </table>	County Dollars =	\$65,330.00	City Reimbursements	<input type="text"/>	Total	\$65,330.00
County Dollars =	\$65,330.00						
City Reimbursements	<input type="text"/>						
Total	\$65,330.00						
FTE IMPACT: <input type="text" value="None"/>	<input checked="" type="checkbox"/> Insert additional funding source						

Related Financial/FTE Comments:

Two-year contract agreement: 2017 = \$31,727.50; 2018 = \$33,602.50.

We estimate \$15,250 in reimbursement revenue from the cities' cost-sharing contributions -- to be determined -- which would reduce the County cost.

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Charitable Gambling Application for Exempt Permit-Carver County Ducks Unlimited Chapter #128

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

A Charitable Gambling application for Exempt Permit was received from Carver County Ducks Unlimited Chapter 128. They plan to hold a raffle on April 28, 2017 at the Lake Waconia Event Center located at 8155 Paradise Ln, Waconia, MN 55387. This applicant has received this same type of license previously.

ACTION REQUESTED:

Approval to issue a Charitable Gambling License to Carver County Ducks Unlimited Chapter 128 for a raffle to be held on April 28, 2017.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT:

Total \$0.00

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2017 - 4532

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Application for 1 Day to 4 Day Temporary On-Sale Liquor License for St. Peter Lutheran Church, Watertown.

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:

Amount of Time Requested: minutes
Presenter: Title:

Attachments: Yes No

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

St. Peter Lutheran Church, 3030 Navajo Ave, Watertown has applied for a 1 Day to 4 Day Temporary On-Sale Liquor License. They are planning an event for Sunday, May 21, 2017. The event will be held in the church parking lot and grounds. The officers are: Dale Muhs (President); Brenda Dressel (Vice-President); Deborah Muhs (Secretary) & Joyce DeNomme (Treasurer). There are no delinquent taxes on this property.

ACTION REQUESTED:

Motion to approve the 1 Day to 4 Day Temporary On-Sale Liquor License application for St. Peter Lutheran Church, Watertown for Sunday, May 21, 2017.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT:

Total

Insert additional funding source

Related Financial/FTE Comments:

License fee: \$100.00 per event.

Office use only:

RBA 2017 - 4557

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Changing Date for County Board of Appeals & Equalization

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:
Consent

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

County Board of Appeals & Equalization original date was June 19, 2017 at 5 PM.

ACTION REQUESTED:

Approve changing the date of the County Board of Appeals & Equalization from June 19, 2017 to June 27, 2017 at 1 PM.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT:

Total \$0.00

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2017 - 4561

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Annual Renewal Application for Consumption & Display Permit for Marsh Lake Hunting Preserve, Inc.

Primary Originating Division/Dept: ▼

Meeting Date:

Contact: Title:

Item Type:
 ▼

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

▼

BACKGROUND/JUSTIFICATION:

Shawn Eastman, Manager of Marsh Lake Hunting Preserve, Inc. has applied for annual renewal of their Consumption & Display permit for 2017-2018. Marsh Lake Hunting Preserve, Inc. is located at 5785 Hunters Road, Chaska. There are no delinquent real estate taxes on this property.

ACTION REQUESTED:

Motion to approve the annual renewal of the Consumption & Display Permit for Marsh Lake Hunting Preserve, Inc.

FISCAL IMPACT: ▼
If "Other", specify:

FUNDING
County Dollars =

Total \$0.00

FTE IMPACT: ▼

Insert additional funding source

Related Financial/FTE Comments:

License Fee: \$150.00

Office use only:

RBA 2017 - 4563

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Approval of 2017 STOC Wage Scale

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:
Consent

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

Carver County Employee Relations Division maintains a schedule of wage ranges for various seasonal, temporary and on-call (STOC) positions, which in addition to regular full-time and part-time employees, allow the County to effectively deliver services in a variety of areas. Where seasonal or occasional assistance is required, these positions play a valuable role in our workforce.

The Board last approved wage ranges for STOC positions on May 3rd, 2016. Employee Relations recommends an update to the Seasonal Maintenance Worker – Highway STOC position based on recently gathered data for comparable positions, and to bring the wage in line with the requirement to have a minimum of a Class B driver's license. In addition, the 2017 Rates for STOC Positions have been adjusted to reflect the increased minimum wage effective August 1, 2016, if applicable.

The STOC position list and wage ranges proposed for approval reflect the following changes:

- Update Seasonal Maintenance Worker – Highway, \$14.00-\$18.00 per hour
- Update Seasonal Park Services Attendant, \$9.50-\$11.00 per hour (minimum previously at \$9.00 per hour)
- Update Park & Campground Attendant, \$9.50-\$12.25 per hour (minimum previously at \$9.00 per hour)

ACTION REQUESTED:

Motion to approve the updated attached 2017 rate charts for seasonal, temporary and on-call positions.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT:

Total **\$0.00**

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2017 - 4554

2017 Rates for Seasonal, Temporary, and On-call Positions

Seasonal Park Services Attendant	\$9.50 - \$11.00
Seasonal Maintenance Worker - Parks	\$9.50 - \$12.25
AIS Watercraft Inspector (level 1)	\$11.00-\$12.50
AIS Watercraft Inspector (level 2)	\$12.50-\$14.00
AIS Lead Inspector	\$14.50-\$16.00
Outdoor Recreation Instructor - On Call / Seasonal	\$10.00 - \$14.00
Park & Campground Attendant	\$9.50 - \$12.25
Seasonal Maintenance Aide - Highway (Non CDL Required)	\$9.50 - \$12.25
Seasonal Maintenance Worker - Highway (CDL Required)	\$14.00 - \$18.00
Shop Helper	\$9.50 - \$11.00
Seasonal Engineering Assistant	\$12.00 - \$14.00
Seasonal Surveying Assistant	\$12.00 - \$14.00
GIS Assistant	\$12.00 - \$14.00
Election Judges	\$10.00 - \$12.25
License Center Greeter	\$10.00 - \$12.25
On-Call / Temporary Support Personnel (Library Shelves, Library Assistants, Receptionists, File Clerks, Accounting Clerks, Administrative Assistants, Paraprofessionals, etc.)	\$9.60 - \$20.00
On-Call / Temporary Professional Level Personnel (Associate Librarian, Librarian, Therapists, Social Workers, Attorney I's, PHN's & other Degreed Professionals)	\$16.80 - \$33.50
On-Call / Temporary Computer Support Personnel	\$16.65 - \$31.00
On-Call / Temporary Computer Systems Application Analyst Personnel	\$21.55 - \$57.50
On-Call / Temporary 911 Dispatcher	\$14.33 - \$22.52
On-Call / Temporary Detention Deputy	\$15.89 - \$25.00
On-Call / Temporary / Part-time Patrol Officer	\$17.29 - \$26.50

Seasonal, temporary and on-call workers shall generally be paid within the first quartile of the range listed above for the type of work they will perform. The Employee Relations Division Director or designee may authorize a higher wage based on the qualifications and background of the worker or related market conditions. Movement within the range shall be based on the specific situation of each worker, given the nature of the assignment. No STOC worker shall be paid above the maximum listed above for any given position.

**Minimum wage requirements will be adjusted to comply with the large employer provisions for MN. Beginning January 1, 2018, Minnesota's minimum wage will be indexed to inflation; the inflationary increase is capped at 2.5% per year. Impacted minimum wages will be adjusted accordingly.*

Approved by the County Board on _____

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Metropolitan Mosquito Control Update

Primary Originating Division/Dept: Administration (County)

Meeting Date: 3/7/2017

Contact: Dave Hemze Title: County Administrator

Item Type:
Regular Session

Amount of Time Requested: 20 minutes

Attachments: Yes No

Presenter: Stephen Manweiler Title: MMCD Director

Strategic Initiative:

Communities: Create and maintain safe, healthy, and livable communities

BACKGROUND/JUSTIFICATION:

Dr. Stephen Manweiler, MMCD Executive Director and Mike McLean, Public Affairs Coordinator, will be presenting their annual update to the Board. Jon Peterson, MMCD Regional Operations Manager for Carver and Scott Counties, will also be present.

ACTION REQUESTED:

Information only.

FISCAL IMPACT: None

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT: None

Total \$0.00

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2017 - 4497

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Minnesota Solar - Community Solar Garden Request

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

File #PZ20160028. The Planning Commission has recommended denial of a Conditional Use Permit (CUP) for Minnesota Solar CSG 11 LLC's (Minnesota Solar) request for a Community Solar Garden (CSG) of up to 4 megawatts (MW). The proposed site is located in Section 33 of Watertown Township. The property is owned by Lowell Baker (Howard Schwimmer, Trustee). The request is part of Xcel Energy's CSG program, which was established by the State of Minnesota in 2013.

The proposed Minnesota Solar facility would be considered a Large Solar Energy System (SES) under the Renewable Energy section of the Carver County Zoning Code - Chapter 152. The community solar garden would be located on approximately 27 acres (now crop production land) of the 36.67 acre parcel. The remaining acreage would consist of road right-of-way and required setbacks. The energy contract with Xcel Energy for this program is for a minimum of 25 years (to approximately 2042).

The Planning Commission cited concerns about the potential for stray voltage and that the proposed use would not be compatible with adjacent dairy operations and might cause a decrease in property values. The Watertown Town Board also recommended denial of the request.

The Planning Commission Resolution is attached for the Board's consideration.

ACTION REQUESTED:

Motion to direct the staff to prepare an Order for the Board's consideration in a future Board Meeting. The staff asks that the Board's motion indicate whether the Order should approve or deny the application for a CUP.

FISCAL IMPACT:

FUNDING

If "Other", specify:

County Dollars =

FTE IMPACT:

Total

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2017 - 4527

**COUNTY OF CARVER
PLANNING COMMISSION RESOLUTION**

FILE #: PZ20160028

RESOLUTION #: 17-01

WHEREAS, the following application for a Conditional Use Permit has been submitted and accepted:

FILE #: PZ20160028

APPLICANT: Minnesota Solar, CSG 11 LLC (Minnesota Solar)

OWNER: Lowell Baker (Howard Schwimmer – Trustee)

SITE ADDRESS: 55XX Polk Ave Mayer, MN

PERMIT TYPE: Renewable Energy – Large Solar Energy System (SES)

PURSUANT TO: County Code, Section 152.039 B 2(b),
And 152.052

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 10-033-0510

WHEREAS, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meeting of January 17, 2017; and,

WHEREAS, the Carver County Planning Commission finds as follows:

1. The subject property (approximately 36.67 acres) is owned by Lowell Baker and is located in the North Half (N½) of the Northeast Quarter (NE¼) of Section 33, Watertown Township. The subject parcel consists of agricultural production land and is located in the Agricultural Zoning District and the CCWMO (Crow River watershed).
2. The applicant, Minnesota Solar, is requesting to construct, operate (owned or leased) and maintain up to a four (4) Mega-Watt (MW) Community Solar Garden (CSG) as a Renewable Energy (Large – Solar Energy System) – Conditional Use Permit (CUP) on the subject parcel. The request is being proposed as a part of Xcel Energy’s Community Solar Garden program, which was established by the State of Minnesota in 2013 and is pertinent to every county within Xcel’s service area. The Xcel Energy program allows contracts for a minimum of 25 years.
3. The proposed request is considered a Large Solar Energy System (SES) based on the fact that the current (DC) rate capacity exceeds 100 kilowatts and would produce energy that would be added to Xcel Energy’s existing grid system. A Large SES requires a CUP pursuant to Section 152.039 and 152.052 of the Zoning Code.
4. The 2030 Comprehensive Plan identifies a land use summary table (similar to all Township land use tables), which was required by the Metropolitan Council. It is for informational purposes only and it is not a land use policy. Policy LU19 under the Agricultural Policy Area states that “certain other uses of land may be necessary or appropriate in the policy area”. Policy LU-16 under the Agricultural Policy Area states that “undue restrictions on solar access and renewable energy should be avoided”. The use of agricultural land is temporary in nature and the impervious areas would be minimal. The amount of long term agricultural land utilized for the large SES is small in relation to the total acreage of the Xcel Energy service area. These factors are compatible with the 2030 Comprehensive Plan.
5. The applicant has noted in their operational plan (dated: December 21, 2016) that Minnesota Solar, LLC is the parent company of Minnesota Solar CSG 11 LLC (“Minnesota Solar”), which is a full service community solar developer. Minnesota Solar CSG 11 LLC coordinates projects, permits, finance, construction, management, insurance, maintenance, monitoring, and customer service on all projects.

6. The applicant has indicated that they selected the subject property because of its solar resource, physical characteristics, and proximity to the existing electrical infrastructure/distribution lines. The landowner and applicant have currently entered into a Purchase Option Agreement (attached); however, the landowner and applicant may also be working on a long term lease agreement for the subject property. Whether the site is owned or leased, an application for the project has been submitted to Xcel Energy's Community Solar garden program for formal review.
7. The applicant is proposing to construct and operate up to four (4) co-located one (1) MW solar gardens. Each garden array would consist of approximately 4,356 modules in rows spaced at 33 feet; total modules for the project would be approximately 17,424 modules. The panels would be on fixed-tilt solar racks tilted at a 30 degree angle and would not exceed 8-10 feet off of the ground. Fixed-tilt racks are installed with piles driven into the ground; they do not require cement foundations and are easily removed during the decommissioning of the project. The panels would feed through inverters and ultimately connect to the electric grid at a point of interconnection at the northwest corner of the property. Concrete pads would be installed for each of the four (4) inverter stations proposed at each one (1) MW array. The exact panel, array, inverter and electrical interconnection configuration and dimensions may change based on the actual equipment and manufacturer selection; however, the ultimate locations must remain within the approved site plan.
8. No substantial grading has been proposed on the site with the exception of a 16-foot wide unpaved access road; soil removed would be utilized on site for a small landscape berm on the northeast corner of the property. The berm would be seeded only and not planted with trees in order to allow for restoration of the access road at the time of decommissioning.
9. Screening has been proposed in the operational plan and would be provided by fencing, landscaping, and vegetation. A seven (7) foot mesh fence has been proposed to surround the perimeter of the operational area. Landscaping in the form of arborvitae and spruce trees, six (6) feet tall at the time of planting, would be installed along the north easterly edge screening from adjacent property owner, as noted in the January 6, 2017 e-mail, as well as the west and south boundaries of the operational area. A pollinator native seed mix would be planted surrounding the solar array while a native grass seed mix has been proposed throughout the array area. Final implementation of the seeding plan shall be subject to review/recommendations by the CCWMO. The vegetation would be maintained for the duration of the project by a contractor hired by Minnesota Solar. Based on testimony received, verification of the southerly lot line was requested as it currently may not be properly identified on the proposed site plan.
10. The submitted site plan identifies access to the site off of Polk Avenue. Additionally, the applicant has indicated they have discussed access off of Hwy 7 with MnDOT although, the applicant has indicated it is unlikely MnDOT would be in favor of granting access off of Hwy 7. If the proposed access remains off of Polk Ave, Township approval would be required.
11. According to the applicant, once completed, the facility would operate twenty four hours per day, seven days a week, 365 days a year. The array would be monitored remotely, would require minimal traffic including quarterly visits to the site for preventative maintenance, and would be locked and monitored at all times. Vegetation maintenance would be conducted on a monthly basis during the growing season.
12. The Carver County Zoning Code includes a standard which requires foundation posts to be installed using noise mitigating equipment such as a vibrating post driver or any other noise reduction method as may be stipulated by the CUP, with which the applicant would need to comply.
13. The applicant noted in the December 21, 2016 operational plan that there is no known drain tile map. The applicant has since reviewed the property (e-mail dated: January 6, 2017) and noted that they are aware of some existing tiles. As a part of the engineering phase of the project, the applicant would need to identify existing drain tile as part of Carver County Planning and Water Department stormwater review. A preliminary drainage study (dated: October 25, 2015) has been submitted. The applicant would be responsible for the maintenance and/or replacement of any/all drain tile servicing this site (if problems occur).
14. Xcel Energy has conducted and completed an engineering cost estimate and provided an Interconnection Agreement and Statement of Work, dated June 13, 2016 (the entire interconnection agreement and statement of work has been

submitted and is on file). Xcel Energy provides the results of the engineering study to inform the applicant of the costs required to proceed with the proposed CSG project. Required updates for the proposed site include installation of remote monitoring and communications system, installation of metering equipment, and extension of primary distribution facilities to the Point of Interconnection. If the applicant chooses to move forward with the project, Xcel Energy requires the name of the corporation or LLC on the Interconnection Agreement must be registered with the Minnesota Secretary of State and documentation provided to Xcel Energy.

15. The applicant's operational plan (dated: December 21, 2016) states that decommissioning of the site would take place within 12 months of non-operation as required by the site lease. All equipment would be removed from the site with minimal impacts. The site would be restored to the applicable land use at the time of decommissioning. MN Solar would be responsible for all decommissioning costs and would set aside a security in the amount of \$25,000 available to the landowner as well as Carver County to ensure in the event Minnesota Solar is unable to commence with decommissioning.
16. The applicant is proposing stray voltage testing and a continuous monitoring program by a third party electrical company. An initial test would be conducted upon commissioning of the garden. Testing and monitoring would be conducted continuously after construction and during the 25 year operational life of the garden. Equipment on site would monitor data continually, and would be collected annually and analyzed by a third party. Results of the annual data collection would be submitted to the Land Management Department as a part of the annual compliance review. Any indication of stray voltage at the property requires action to be taken within 30 days as noted in the applicant's January 6, 2017 e-mail. Testimony received indicates neighboring property owners' concerns with the delay in notification of stray voltage and that this delay in notification would be detrimental to the welfare of their dairy farm business.
17. The applicant has provided contacts in the operational plan (dated: December 21, 2016) for maintenance and operations. These contacts would be available to address any issues at the property including weed control, screen, questions or general maintenance requests. Many of the site subcontractor details are not addressed until a solar company and Xcel Energy have reached a final design plan phase for a project. Therefore, a list of emergency contacts and an emergency plan would be required for the project. All signage posted on site would need to be in compliance with Chapter 154 – Sign Regulations. Internal signage would be required for labeling of electrical equipment to provide safety information.
18. The Carver County Planning and Water Management Department (CCWMO) and Carver Soil & Water Conservation District (SWCD) would be reviewing the project with respect to the County Water Rules (Chapter 153), and for site stabilization requirements and Best Management Practices (BMP's). The applicant would be required to comply with any/all permitting requirements.
19. The applicant has indicated that certificates of liability and workers compensation insurance would be furnished to the Land Management Department, and Carver County would be listed as an additional on the insurance.
20. Great River Energy (GRE) submitted comments (dated: January 3, 2017) requiring setbacks from the existing transmission line on the north side of the subject site. Encroachment within 25 feet of either side of the line would not be permitted, and encroachment within 35 feet would not be permitted without approval from GRE. The submitted site plan indicates several areas of encroachment, and the applicant has not adequately addressed the feasibility of the project as it relates to GRE's requirements.
21. Neighboring property owners provided public testimony, at the Planning Commission meeting on January 17, 2017, regarding the incompatibility of the proposed use with the neighborhood, potential for increased drainage across neighboring properties, and the negative impact on the township road and property values.
22. Testimony was also received, during the January 17, 2017 Planning Commission meeting, from neighboring property owners expressing concerns about the potential for stray voltage. Concerns include the increase in stray voltage potential for properties and dairy operations, because the proposed project would be located near the end of the Xcel Energy transmission line. Again, the applicant has not established an agreement or viable site plan with GRE regarding the required setbacks from the transmission line along the north property line.

23. The Watertown Town Board reviewed the request during their December 5, 2016 Town Board meeting and recommended denial based on the following:

- a. Use not provided for in the Carver County Comprehensive Plan.
- b. Not an essential service.
- c. The potential of stray voltage effecting local dairy farm adjacent to proposed site.

24. Pursuant to Section 152.251 REQUIRED FINDINGS of the Carver County Zoning Code, an order for the issuance of a CUP or IUP can be adopted only if all ten (10) Findings of Fact (A-J) can be found as fact. Any conditions imposed by the permit or actions required as part of the order shall be considered in making findings. The request does not meet the required Findings of Fact pursuant to Section 152.251 (B)(E)(I) as follows:

(B) The conditional or interim use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

- 1. Based on public testimony, the request may be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted including animal agriculture, residential homes, and farms.

(E) The adequate utilities, access roads, drainage and other facilities have been or are being provided.

- 1. Based on testimony, increased traffic may have a negative impact on the township road.
- 2. Based on public testimony, proposed drainage and stormwater management may not provide sufficient mitigation for the site as water drainage is intense from the south.

(I) The use or development is compatible with the land uses in the neighborhood.

- 1. Based on concerns regarding the potential for stray voltage, the proposed use would not be compatible with the adjacent dairy operations, and it may decrease surrounding property values.

THEREFORE, BE IT RESOLVED, THAT The Carver County Planning Commission hereby recommends **denial** of the subject permit for a Large Solar Energy System (SES) - Conditional Use Permit on the land described in Exhibit "A" of the permit application.

ADOPTED by the Carver County Planning Commission this 17th day of January, 2017.

DocuSigned by:

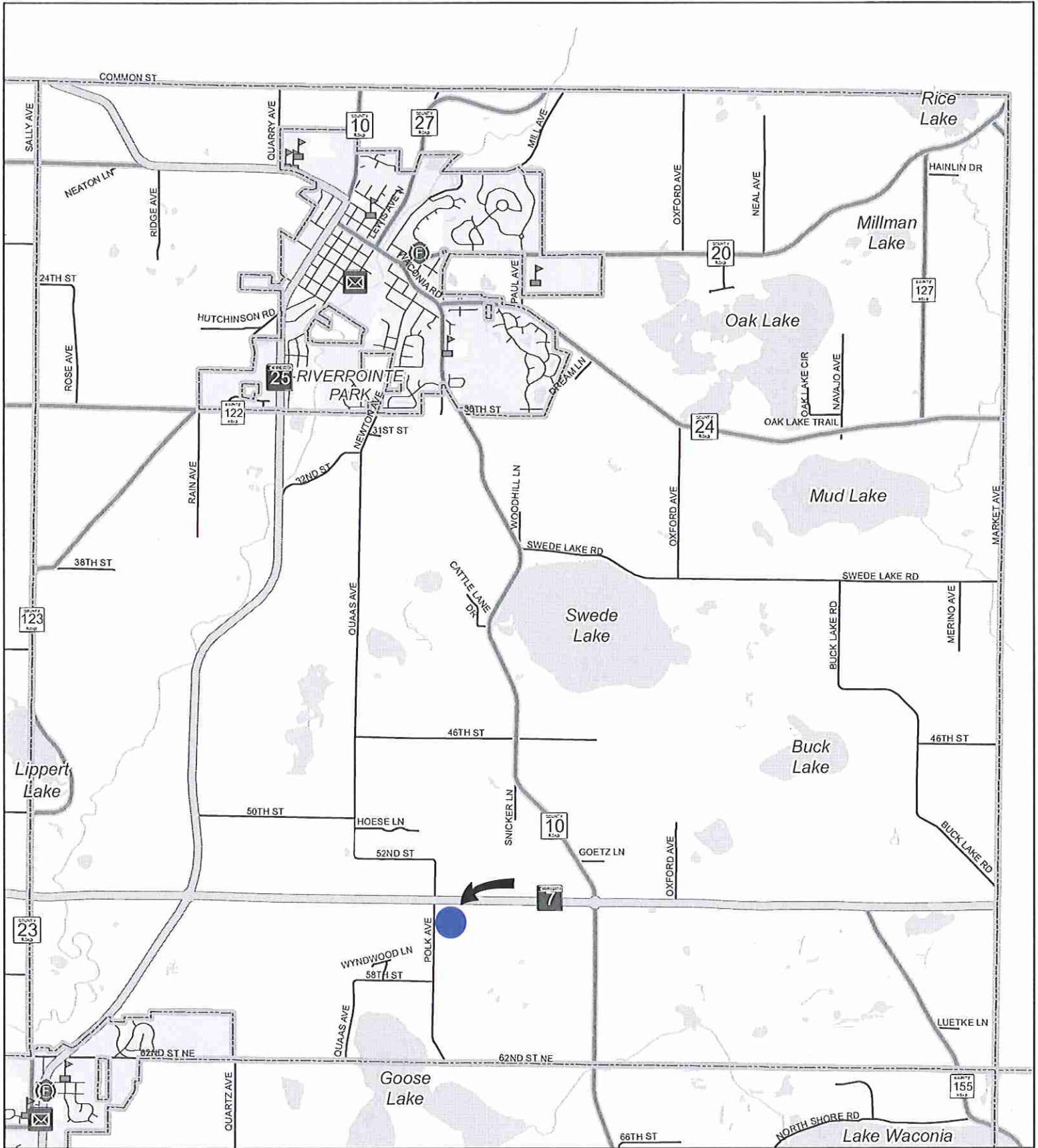
Jim Burns

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Planning Commission Chair

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WATERTOWN TOWNSHIP



This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible for any inaccuracies contained herein.

