



Carver County Board of Commissioners
 March 21, 2017
 Regular Session
 County Board Room
 Carver County Government Center
 Human Services Building
 Chaska, Minnesota

- 4:00 p.m. 1. **a) CONVENE**
 b) Pledge of allegiance
 c) Public comments (limited to five minutes) *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.*
 d) New Employee Introduction 1
2. Agenda review and adoption
3. Approve minutes of March 7, 2017, Regular Session 2-8
4. Community Announcements
- 4:05 p.m. 5. **CONSENT AGENDA**
- Communities: Create and maintain safe, healthy and livable communities*
- 5.1 Safe and Secure Courthouse Initiative Grant 9
- 5.2 Purchase of Public Works equipment 10
- 5.3 Right-of-way Acquisition for the CSAH 61 Reconstruction - West Chaska Creek Phase 11-14
- 5.4 Carver-Scott FHPHP Resolution 15-16
- Growth: Manage the challenges and opportunities resulting from growth and development*
- 5.5 Settlement Agreement for Right of Way Acquisition for CR 110 Construction Project 17-20
- 5.6 Cooperative Construction Agreement with MnDOT for the CR 110 Construction - Waconia School Phase Project 21-22
- Connections: Develop strong public partnerships and connect people to services and information*
- 5.7 Charitable Gambling Application for Exempt Permit-Zoar United Church of Christ 23
- Finances: Improve the County's financial health and economic profile*
- 5.8 Review Social Services/Commissioners Warrants. NO ATT
- 4:05 p.m. 6. **GROWTH: Manage the challenges and opportunities resulting from growth and development**
- 6.1 Minnesota Solar - Community Solar Garden Request 24-28

4:45 p.m. **ADJOURN REGULAR SESSION**

4:45 p.m. **BOARD REPORTS**
1. Chair
2. Board Members
3. Administrator
4. Adjourn

David Hemze
County Administrator

UPCOMING MEETINGS

March 28, 2017	9:00 a.m. Board Work Session
April 4, 2017	7:30 a.m. Carver County Leaders Meeting
April 4, 2017	9:00 a.m. Board meeting
April 11, 2017	No Meeting
April 18, 2017	4:00 p.m. Board Meeting

Carver County Board of Commissioners Request for Board Action

**Agenda Item:****New Employee Introduction**

Primary Originating Division/Dept: Public Works - Operations

Meeting Date: 3/21/2017

Contact: Michael Legg Title: Operations Manager

Item Type:
New Employee Intro

Amount of Time Requested: 5 minutes

Attachments: Yes No

Presenter: Michael Legg Title: Operations Manager

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

Jerad Payne began his duties as a Shop Mechanic on December 12, 2016. Jerad will be introduced to the County Board

ACTION REQUESTED:

Welcome Jerad Payne to Carver County.

FISCAL IMPACT: None

If "Other", specify:

FUNDING

County Dollars = \$0.00

FTE IMPACT: None

Total \$0.00

 Insert additional funding source**Related Financial/FTE Comments:**

Jerad Payne replaced Dillion Tollsteder who left for MN DOT.

Office use only:

RBA 2017 - 4570

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on March 7, 2017. Chair Tim Lynch convened the session at 9:01 a.m.

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

Members absent: Randy Maluchnik.

Under public participation, Karen Johnson Leuthner, 15735 38th Street, Mayer, explained she was turning over information, that the Board may not be aware of, regarding the radio tower placed in Hollywood Township. She suggested the truth was not told and the individual received the CUP with no intention of using it for the community. She referenced documents she would be providing and stated individuals that requested CUPs should be held accountable.

Chair Lynch explained that due to a flight delay, Commissioner Maluchnik would be arriving late.

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

Ische moved, Degler seconded, to approve the minutes of the February 21, 2017, Regular Session. Motion carried.

Community announcements were made by the Board.

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

Approved the purchase of a tandem axle truck and related equipment from Nuss Truck and Equipment and from Towmaster, Inc., for \$255,720.

Renewed the ESRI software license agreement pending completion of the contract review process.

Contract with Pictometry International Corporation pending completion of the contract review process.

Approved issuing a charitable gambling license to Carver County Ducks Unlimited Chapter 128 for a raffle to be held on April 28, 2017.

Approved the one day to four day temporary on-sale liquor license application for St. Peter Lutheran Church, Watertown for Sunday, May 21, 2017.

Approved changing the date of the County Board of Appeals and Equalization from June 19, 2017, to June 27, 2017 at 1:00 p.m.

Approved the annual renewal of the consumption and display permit for Marsh Lake Hunting Preserve, Inc.

Approved the updated 2017 rate charts for seasonal, temporary and on-call positions.

Reviewed February 28, 2017, Community Social Services' actions/Commissioners' warrants in the amount of \$431,436.79 and reviewed March 7, 2017, Community Social Services' actions/Commissioners' warrants in the amount of \$216,244.95.

Motion carried.

Stephan Manweiler, Metropolitan Mosquito Control Director, appeared before the Board for an update on the District, to review the services the District provides and highlight their 2017 plans and budget. He noted they are governed by 18 elected Commissioners, serve a 2,900 square mile area and primarily focus on larval control.

He identified their tax levy and expenditures over the last five years. Manweiler highlighted mosquito biology, common pest species and materials used for control. He pointed out the number of lacrosse and west nile virus cases in 2016 across the State. He noted there were less cases reported in locations where there were control programs. He stated there have been no known cases of the zika virus in Minnesota but people have been infected outside of the United States and returned here. Manweiler pointed out the brochure they have created on the ziki virus and the CDC website to obtain more information on the virus.

He noted they also monitor for tick borne diseases and focus on education to reduce the risk. He stated their plans for 2017 include managing budget and expenditures with a goal of maximizing service levels. He pointed they work with other agencies so they are educated about issues they are facing. He indicated they are reviewing their program to respond to weather variability. Manheiler noted they also have a sustainability program to learn how to integrate other District functions and help them save money.

David Hemze, County Administrator, explained Commissioner Maluchnik would be arriving in approximately 30 minutes due to a flight delay and suggested the Board could recess to allow him to participate in the next agenda item.

Ische moved, Degler seconded, to recess at 9:50 a.m. Motion carried.

Degler moved, Ische seconded, to reconvene at 10:20 a.m. Motion carried unanimously.

Jason Mielke, Land Management, reviewed Minnesota Solar's request for a conditional use permit that would allow them to operate up to a four megawatt community solar garden. He pointed out the public hearing held by the Planning Commission on January 17th and the Planning Commission's recommendation to deny. He identified the site location and indicated this was part of Xcel Energy's solar garden program. He indicated the Planning Commission sited concerns with potential for stray voltage, the proposed use would not be compatible with the adjacent dairy operation and the negative impacts on surrounding property values. He explained today they were requesting that the Board

make a motion to direct staff to prepare an order for approval or denial for the Board's consideration at a future Board meeting.

Michael Krause, Minnesota Solar, stated he believed they had a project that met all of the requirements and pointed out changes that were made throughout the process to address concerns. He noted they have been negotiating to sell subscriptions to various cities so some of the benefits will stay in the County.

Andrew VanDoorn, Potentia Solar, reviewed the Company's structure. He stated they build, own and operate solar gardens for the term of the contracts and design and build to high standards. He indicated they take relationships with the neighbors, landowners and community seriously. He explained they understood the stray voltage concerns and brought in experts today to cover those concerns.

Steve Hansen, EVS Engineering, reviewed the number of solar projects they have designed and engineered. He pointed out the projects he has been responsible for and stated stray voltage issues have been nonexistent. Hanson stated he understood the concerns and they were proposing options to ensure this is not an issue. He added, if there are any issues, they would be taken care of immediately.

Doug Mutcher, Westwood Professional Services, stated his firm has been involved in designing solar systems throughout the country. He understood the concerns of stray voltage to dairy operations but stated a solar facility was no more likely to cause stray voltage than any other type of building connected to that same distribution system. He suggested most causes of stray voltage were related to installation and design. He pointed out the scrutiny solar facilities undergo to make sure they are properly designed and constructed. He indicated once a solar facility is built it is a restricted facility, it is monitored continually and there are protections built in. Mutcher added it was in the best interests of the owner to monitor and make sure it is operational.

Maluchnik inquired how testing for stray voltage would occur if there was a problem. Mutcher explained the process they would follow. VanDoorn proposed doing testing before and after construction to make sure the comparisons are the same. He indicated if there were concerns, they would do testing again to make sure everyone was comfortable they were not contributing anything. He stated, if Mr. Hoese had an issue, he could call their service line and they would investigate. He added they do not believe they would be contributing and would do their part to make sure they are not interjecting anything to the Hoese site.

Maluchnik inquired on the possibility of setting up an escrow in the event there were any problems. VanDoorn indicated they were setting up an escrow for decommissioning and they would be open to tagging it to that.

Degler inquired on the possibility of monitoring not only at the garden but also at the grid. VanDoorn indicated they are already doing that. Degler inquired if the applicant could come up with a list of companies that could do this monitoring and if the applicant would be open to the Township

choosing one. VanDoorn indicated they monitor 24 hours and do the monitoring in house, pointing out the need to protect their assets and revenue.

Maluchnik inquired on the role of the County related to stray voltage issues. Steve Just, Land Management, indicated an annual inspection could be made a part of the compliance review. Maluchnik suggested requiring this was another way of making sure stray voltage is checked.

Karla Vehrs, Esq., representing Minnesota Solar, stated they have heard why this is a worthwhile project and why the correct result is to grant the CUP. She noted the legal standards that govern 152.052 of the County ordinance and that section lists the factors that the County is required to consider. She stated they addressed those factors both in the application and Mr. Farley's letter. Vehrs indicated it was pertinent to note that a decision to deny is under greater scrutiny than a decision granting a CUP. She stated it was arbitrary and capricious for the Board to deny if all of the standards listed in the ordinance have been met. She added that it also arbitrary and capricious to deny without imposing conditions that would address those concerns. Vehrs stated this was not the first time that members of a community have voiced concerns in opposition to solar gardens but they have heard from experts as to why stray voltage is not a legitimate concern with this project. She stated stray voltage was not a legitimate basis for denial. She suggested it was a valid point to raise in the conditions but not in the support of a denial. Vehrs stated they believed all eight conditions have been met and the County should permit the applicant to proceed.

Maluchnik suggested it was up to the Board's judgement to decide whether they met the conditions. Vehrs stated when the conditions listed are met by the applicant, the applicant should be allowed to proceed with the CUP.

Steve Just, Land Management, identified the reviews that occur on the County level and indicated they have relied on the applicant's experts.

Scott Hoese, 5590 Polk Avenue, Mayer, pointed out the size of his dairy operation and indicated stray voltage was an issue for them. He stated the applicant has not come up with a definite plan and the applicant cannot guarantee he would not have stray voltage. He stated he has tested his property for stray voltage and they did not find anything at that time. He stated they would not know if stray voltage was an issue until it affected him and had concerns on how it would affect his operations once it occurs. He indicated stray voltage can be a reason for a denial.

Hoese stressed this was a lifestyle for his family and they are committed to their dairy operation. He pointed out other solar farms within two miles. He questioned how many solar gardens are needed and ag land was taken out of production for this. He questioned the actual benefits that cities would reap from this after this was completed.

Neal Johnson, Watertown Township, pointed out the setback requirements included in the feedlot ordinance suggesting that the solar garden would be required to follow the requirements. He displayed maps that highlighted the distances of the Hoese farms to the solar field. He stated that

only half of the property was available for a commercial solar business because the majority of the property would be encroaching on the feedlot.

Steve Just, Land Management, stated the setback distance had been evaluated by Environmental Services and the setback intent related to customers and receptors that might be offended by a feedlot. He indicated they have interpreted the required setback to not to apply to these types of facilities. Just clarified if setbacks did apply, an individual would have an option to apply for a variance through the Board of Adjustment.

Kathy Anderson, Hollywood Township, stated the feedlot setback does not include anything about people or restaurants. She indicated if this is reciprocal and if this is approved, that means that Mr. Hoese has setbacks on two sides of his property and his property would not have the value it has in the ag district as he would no longer be able to use it as a feedlot. She stated the feedlot rules come from the State and the ordinance does not say anything about these exceptions.

She highlighted sections of Mr. Farley's letter and opinion that the community solar garden satisfied all criteria and requirements and believed the solar garden did not meet those requirements. She pointed out CUPs do not expire as referenced in Farley's letter.

Anderson questioned why the applicant's letter and interconnection agreement was not included in the packet. She inquired if the applicant or Xcel would pay for and own the equipment. VanDoorn outlined the costs borne between the solar company and Xcel and ownership. Anderson questioned who would be responsible for decommissioning if the applicant did not own everything. VanDoorn responded that would be their responsibility. She referenced the required easement and inquired what would occur after 25 years. VanDoorn stated it was their understanding they would have to remove the easement.

Anderson pointed out the agreement was for 25 years, the CUP has no end date and questioned, from an energy standpoint, what is going to take their place and where are these going. She stated there was nothing that had an end date.

She noted the lack the consistency of ownership and found this troubling. She stated the applicant has to show why this needs to be at this location and stressed this could be located in any adjacent County and if they wanted to market to the community they did not need to be here to do it. She inquired what wind speed the panels would be designed for and the number of posts. Doug Mutcher stated they would need to follow industry standards and, on this site, the posts would be in the thousands.

She clarified temporary structures are not to have foundations and tie downs. She stated there was no mention of removing foundations in the decommissioning. Anderson stated the use of prime ag land was not addressed and this takes the land totally out of production.

Lynch inquired on the interpretation of the required setback. Laura Jaunich, Assistant County Attorney, stated the 1,000 setback requirement has never been applied to cell phone towers or solar

gardens. She stated the intent behind the setback was to protect individuals from odor, dust and manure that can be generated by the feedlot. She indicated, as the solar garden is not occupied, there was no need to implement that setback. She identified the types of establishments the setback would apply to. She added the setback rules were also reviewed with Environmental Services and MPCA and they were comfortable with that interpretation.

Lynch asked for clarification on essential services. Jaunich responded they believed this application should be treated under 152.039 which points to 152.052 which is the essential services part of the code. She stated their office was comfortable these should be treated as essential services.

Bob Jax, 12050 Highway 7, Mayer, stated his property was located across the highway and he believed the solar garden would reduce the value of his property. He noted the study he previously had done related to the installation of a passing lane that showed that lane reduced the value of his property. He stated it was unclear if they were proposing a berm or trees and there were unanswered questions. He questioned the amount of escrow for decommissioning and the uncertainty of the value of those materials in 25 years.

Lynch requested clarification on the screening and maintenance of the site.

VanDoorn clarified it may be a combination of berm and trees and there was a plan to conform to whatever screening is required. He added the site would be maintained at least two times a year.

Richard Krause stated they did include screening and the landscaping would be maintained on a monthly basis. He suggested they could use the stray voltage testing Mr. Hoese had previously done on his farm as a baseline and evaluate that every five years. He noted Bongards Creamery had installed their own facility. He stated if there were any problems, the landowners were not signing away any of their rights to seek redress for anything they feel happened because of operation of the site. He stated not every one of the posts has its own foundation. He pointed out there was a fairly substantial substation up the road from this site and this site will be fully screened.

Vehs suggested Mr. Jax' study on values was related to losing acreage and cannot be compared to the installation of a solar garden across the highway. She noted similar concerns have been raised on the loss of property values and the Board has heard testimony from experts on other projects that there are no applicable differences in property values. She suggested these issues do not warrant the denial of a CUP.

VanDoorn clarified testing for stray voltage would be done by a third party. He reviewed the protocol they would follow for stray voltage testing and would do this until the parties were comfortable. If issues arose, they would call in the third party again.

Hoese pointed out the height of the trees necessary to adequately screen the site from his property. He noted Bongards was in a rural service district and there were not any dairy operations across the road.

Maluchnik moved, Degler seconded, that the Carver County Board direct staff to prepare an order for approval of the Minnesota Solar large solar energy system CUP on the land described in the permit application.

Ische voiced his concern for stray voltage and no guarantee that it would never happen.

The Board discussed whether strong conditions could be added that could adequately address any stray voltage, monitoring and screening concerns.

On vote taken to direct staff to prepare an order for approval, Maluchnik, Degler voted aye. Ische, Lynch, Workman voted nay. Motion failed.

Ische moved, Workman seconded, to direct staff to prepare an order to deny the application for the CUP for the Board's consideration.

Ische reiterated his concerns with the potential for stray voltage, that this was not compatible with an adjacent dairy operation and possibly decrease surrounding property values. Workman explained his concerns related to the dairy operation, the required setback issue and the request not meeting 152.251, finding (b), (d) and (e) and taking prime ag land out of production. Lynch also cited 152.251 and (i) the use and development not compatible with the neighborhood.

On vote take to direct staff to prepare an order for denial, Ische, Lynch, Workman voted aye. Degler, Maluchnik voted nay. Motion carried.

Ische moved, Degler seconded, to adjourn the Regular Session at 12:30 p.m. Motion carried unanimously.

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:

Safe and Secure Courthouse Initiative Grant

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:

The Chief Justice of the Minnesota Supreme Court has established a grant program to improve the safety and security of courthouses. The Minnesota Legislature provided \$1 million for the grant program.

Any county board or other local government entity responsible for providing a courthouse is eligible to apply. Grants can be used to help pay for security equipment, training, assessments, or other projects that improve the safety and security of a court facility. The requesting entity must demonstrate a 50% match in funds or in-kind.

The County staff, in partnership with Court Administration, proposes to submit a grant for additional interior and exterior cameras in and around the courts building.

ACTION REQUESTED:

Motion to authorize the submittal of the safe and secure courthouse initiative grant proposal.

FISCAL IMPACT: ▼

If "Other", specify:

FTE IMPACT: ▼

FUNDING

County Dollars =	\$8,193.00
County In-Kind	\$5,600.00
Grant	\$13,793.00
Total	\$27,586.00

Insert additional funding source

Related Financial/FTE Comments:

The County received a quote from VTI Security in the amount of \$21,986 plus an estimate of \$5,600 for cabling for a total cost of \$27,586. The County is required to provide a 50% match (\$13,793). The County will do the cabling in-house and use the security improvement budget in Fund 30 to provide the remainder of the match (\$8,193).

Office use only:

RBA 2017 - 4562

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Purchase of Public Works equipment

Primary Originating Division/Dept: <u>Public Works - Operations</u>	Meeting Date: <u>3/21/2017</u>
Contact: <u>Michael Legg</u> Title: <u>Operations Manager</u>	Item Type: <u>Consent</u>
Amount of Time Requested: <input type="text"/> minutes	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Presenter: <input type="text"/> Title: <input type="text"/>	

Strategic Initiative:

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

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. HydroSeeder
2. UTV side by side.

The total cost of this equipment is \$ 40,500.00

Staff obtained quotes per the county contract and local preference purchasing policies.

ACTION REQUESTED:

Motion to approve the purchase of a side by side Bobcat UTV from Lano Equipment, of Norwood Inc. for \$10,500.00 and the Finn T60 Hydroseeder from Trenchers Plus in Burnsville, MN for \$30,000.00

FISCAL IMPACT: Included in current budget

If "Other", specify:

FUNDING

County Dollars =	\$40,500.00
<input style="width: 100%; height: 20px;" type="text"/>	<input style="width: 100%; height: 20px;" type="text"/>
Total	\$40,500.00

FTE IMPACT: None

Related Financial/FTE Comments:

Office use only:

RBA 2017 - 4569

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Right-of-way Acquisition for the CSAH 61 Reconstruction - West Chaska Creek Phase

Primary Originating Division/Dept: ▼

Meeting Date:

Contact: Title:

Item Type:
 ▼

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

▼

BACKGROUND/JUSTIFICATION:

The 2017 construction season includes the replacement of the bridge over West Chaska Creek along CSAH 61 as well as other improvements to CSAH 61 from CSAH 44 on the west to TH 41 on the east. Additional right-of-way is needed to complete this project. The Carver County Public Works has obtained appraisals from a certified appraiser to determine the values for the acquisition of permanent roadway, drainage and utility and temporary easements along the construction corridor. The purchase of the permanent and temporary easements is necessary to fulfill the project charter.

ACTION REQUESTED:

Adopt a resolution to authorize written offers of compensation based on certified appraisals for easements required for the CSAH 61 Reconstruction - West Chaska Creek Phase Project (#158784)

FISCAL IMPACT: ▼

If "Other", specify:

FUNDING

County Dollars =

County Turnback Funds	\$26,900.00
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FTE IMPACT: ▼

Total	\$26,900.00
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Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2017 - 4580

**BOARD OF COUNTY COMMISSIONERS
CARVER COUNTY, MINNESOTA**

Date: _____
Motion By Commissioner: _____

Resolution No: _____
Seconded by Commissioner: _____

**Resolution Authorizing Offers of Compensation to Landowners for
Easements Required for the CSAH 61 Bridge & Roadway,
Project #158784**

WHEREAS, the Board of Commissioners of Carver County is the official governing body of Carver County (“County”); and

WHEREAS, the County, acting by and through its Board of Commissioners, is authorized by law to acquire land and other interests in real estate which are needed for public use or purpose; and

WHEREAS, Carver County wishes to reconstruct the bridge over Chaska Creek and complete other improvements to CSAH 61 from TH 41 on the east to CSAH 44 on the west, Project #158784 (“Project”); and

WHEREAS, in order to complete the Project it is necessary for the County to purchase property interests from each of the properties described in Exhibit A attached hereto; and

WHEREAS, the County has obtained certified appraisals to provide the County with estimates of the damages caused by the County’s acquisition of the property interests required for the Project; and

WHEREAS, upon completion of the appraisals, the County must make offers of compensation to the land owners for the needed property interests consistent with the appraiser’s estimate of the damages being incurred by the various owners as a result of the County’s acquisitions.

NOW, THEREFORE, BE IT RESOLVED by the Carver County Board of Commissioners as follows:

1. The Board of Commissioners finds that it is necessary and for a public purpose for the County to acquire the property interests described in Exhibit A for the Project.
2. Based upon appraisals completed by a certified appraiser, the Director of Public Works or agents under his supervision shall make written offers of compensation to the property owners within the Project from whom property interests are required, in

the amounts of the independent appraisers' opinions (which total an aggregate amount of \$26,900.00 for Three Parcels).

YES	ABSENT	NO
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

STATE OF MINNESOTA)
) ss.
 COUNTY OF CARVER)

I, Dave Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 21st day of March, 2017, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 21st day of March, 2017.

 Dave Hemze County Administrator

Subscribed and sworn to before me
 this ___ day of _____, 2017.

Notary Public _____

My Commission Expires _____

Notary Stamp

Exhibit A

**Property Interests Required for the Bridge Reconstruction and Other Improvements to
CSAH 61 Between TH 41 and Existing CSAH 44.
Project #158784**

(Acquisition)

P.I.D. No. 30.0500310

Lease Finance Group, Inc

Taking of permanent easement for right of way purposes over County State Aid Highway No. 61 (containing 0.03 acres, more or less).

Taking of permanent easement for drainage & utility purposes over County State Aid Highway No. 61 (containing 0.03 acres more or less).

Taking of a temporary easement for right of way purposes over County State Aid Highway No. 61 (containing 0.04 acres, more or less).

(Acquisition)

P.I.D. No. 30.0500312

Allan W Mayer, (deceased) & Deberah L Mayer

Taking of permanent easement for right of way purposes over County State Aid Highway No. 61 (containing 0.02 acres, more or less).

Taking of permanent easement for drainage & utility purposes over County State Aid Highway No. 61 (containing 0.02 acres more or less).

Taking of a temporary easement for right of way purposes over County State Aid Highway No. 61 (containing 0.04 acres, more or less).

(Acquisition)

P.I.D. No. 30.1720022

317 Properties, LLC

Taking of permanent easement for sidewalk, sign & light fixture purposes over County State Aid Highway No. 61 (containing 0.02 acres, more or less).

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Carver -Scott FHPHP Resolution

Primary Originating Division/Dept: Health & Human Services

Meeting Date: 3/21/2017

Contact: Rod Franks Title: HHS Director

Item Type:
Consent

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

Each Biennium, Carver and Scott Counties develop and submit an application with the Minnesota Housing Financing Agency (MHFA) for the Family Homeless Prevention Assistance Program (FHPHP) grant. The Resolution would also designate Carver County as the fiscal agent for the grant. Grant funds are used to address issues of homelessness accross our community for the grant period of July 1, 2017 through June 30, 2019. The approved Resolution is necessary to submit the application.

ACTION REQUESTED:

Motion to approve the Carver- Scott FHPHP Resolution for the upcoming biennium.

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 - 4583

**BOARD OF COUNTY COMMISSIONERS
CARVER COUNTY, MINNESOTA**

Date: _____ Resolution No: _____
Motion By Commissioner: _____ Seconded by Commissioner: _____

Carver County is accepting responsibility as the Grantee and as the Fiscal Agent regarding the Carver – Scott FHPAP Grant. The CAP Agency and The Salvation Army being the Sub-Grantees and venders of Carver County, providing direct services as directed by the FHPAP Grant.

WHEREAS, Minnesota Housing has been authorized to undertake a program to provide funds for Family Homeless Prevention and Assistance Program Projects; and

WHEREAS, Carver County, in collaboration with Scott County is developing an application for the Minnesota Housing Family Homeless Prevention and Assistance Program; and

WHEREAS, Carver County has been named the Grantee regarding the FHPAP grant for grant period July 1, 2017 to June 30, 2019; and

WHEREAS, Carver County has agreed to be the fiscal agent for funds distributed by The Minnesota Housing Financing Agency via the rewarding of the FHPAP Grant for the grant period July 1, 2017 to June 30, 2019; and

WHEREAS, Carver County, in its role as the Fiscal Agent, agrees to distribute grant dollars to the CAP Agency and The Salvation Army, Carver County’s sub-grantees, as defined in the Sub-Grantee Contracts, Grant Application, and Work Plan.

NOW, THEREFORE BE IT RESOLVED, That Carver County will meet all the requirements of the MHFA as the Grantee of the FHPAP grant and meet its responsibilities as defined in Grant Application as well as the Work Plan which has been submitted to MHFA.

YES	ABSENT	NO
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

STATE OF MINNESOTA)
) ss.
COUNTY OF CARVER)

I, Dave Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the day of _____ 2017, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dave Hemze County Administrator

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Settlement Agreement for Right of Way Acquisition for CR 110 Construction Project

Primary Originating Division/Dept: <input type="text" value="Public Works - Program Delivery"/>	Meeting Date: <input type="text" value="3/21/2017"/>
Contact: <input type="text" value="Patrick Lambert"/> Title: <input type="text" value="Right-of-Way Agent"/>	Item Type: <input type="text" value="Consent"/>
Amount of Time Requested: <input type="text" value=""/> minutes Presenter: <input type="text" value=""/> Title: <input type="text" value=""/>	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
Strategic Initiative: <input type="text" value="Growth: Manage the challenges and opportunities resulting from growth and development"/>	

BACKGROUND/JUSTIFICATION:

The 2017 construction season includes the construction of the CR 110 Construction Project- Waconia School Phase (# 148765), which is the new future realignment of CSAH 10, from TH 5 to Waconia Parkway S. Additional right-of-way is needed to complete this project. Carver County has obtained fair market value appraisals for the acquisition of permanent roadway, drainage & utility and temporary easements along the construction corridor for the project

The Carver County Right of Way Agent has negotiated a settlement with the property owners of the parcel on PID # 09.0220120 , Richard M Dupont & Janet E Sandison Dupont.

ACTION REQUESTED:

Approve a settlement agreement with the property owners of PID # 09.0220120 for easements required for the CR 110 Construction - Waconia School Phase Project (148765) pending completion of the contract review process and adopt a resolution authorizing payment of negotiated settlement.

FISCAL IMPACT: <input type="text" value="Included in current budget"/>	FUNDING
If "Other", specify: <input type="text" value=""/>	County Dollars = <input type="text" value="\$22,500.00"/>
FTE IMPACT: <input type="text" value="None"/>	Total <input type="text" value="\$22,500.00"/>
<input checked="" type="checkbox"/> Insert additional funding source	

Related Financial/FTE Comments:

This is a joint project with the City of Waconia with Carver County being the lead agency. Right of Way costs will be split between Carver County and the City of Waconia in accordance with the terms in the approved JPA between the agencies. Carver County pays 100% of right of way costs for segment 2 of the project, except for city requested items.

Office use only:

RBA 2017 - 4565

**BOARD OF COUNTY COMMISSIONERS
CARVER COUNTY, MINNESOTA**

Date: March 21, 2017 _____
Motion By Commissioner: _____

Resolution No: _____
Seconded by Commissioner: _____

**Resolution Authorizing Payment of a Settlement of Compensation to
Landowner for Easements Required for the CR 110 Road Construction,
Project # 148765**

WHEREAS, the Board of Commissioners of Carver County is the official governing body of Carver County (“County”); and

WHEREAS, the County, acting by and through its Board of Commissioners, is authorized by law to acquire land and other interests in real estate which are needed for public use or purpose; and

WHEREAS, Carver County wishes to construct CR 110 from TH 5 on the south to Waconia Parkway S on the north, Project #148765 (“Project”); and

WHEREAS, in order to complete the Project it is necessary for the County to purchase property interests from the property owners described in Exhibit A attached hereto; and

WHEREAS, the County has retained independent real estate appraisers to provide the County with the appraisers’ estimates of the damages caused by the County’s acquisition of the property interests required for the Project; and

WHEREAS, upon completion of the appraisals, the County made offers of compensation to the land owners for the needed property interests consistent with the appraiser’s estimate of the damages being incurred by the various owners as a result of the County’s acquisitions; and

WHEREAS, a settlement has been reached with a property owner impacted by the project.

NOW, THEREFORE, BE IT RESOLVED by the Carver County Board of Commissioners as follows:

1. The Board of Commissioners finds that it is necessary and for a public purpose for the County to acquire the property interests described in Exhibit A for the Project.
2. Based upon appraisals obtained by the County from independent real estate appraisers and negotiations with the affected property owners the Director of Public Works or

agents under his supervision pay to said property owner the negotiated settlement amount totaling \$22,500.00.00.

YES	ABSENT	NO

STATE OF MINNESOTA)
) ss.
 COUNTY OF CARVER)

I, Dave Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 21st day of March, 2017, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 21st day of March, 2017.

 Dave Hemze County Administrator

Subscribed and sworn to before me
 this ___ day of _____, 2017.

Notary Public _____

My Commission Expires _____

Notary Stamp

Exhibit A

**Property Interests Required for the Construction of CR 110 From TH 5 to Waconia
Parkway S
Project #148765**

(Acquisition)

P.I.D. No. 09.0220120

Richard M Dupont & Janet E Sandison Dupont, husband and wife

Permanent Right-of Way Easement totaling .07 acres

Temporary Construction Easement totaling .08 acres

Settlement Amount: \$22,500.00

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Cooperative Construction Agreement with MnDOT for the CR 110 Construction - Waconia School Phase Project

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

In 2017 and 2018, Carver County and the City of Waconia will be jointly undertaking the CR 110 Construction - Waconia School Phase Project, which is the future County State Aid Highway (CSAH) 10, between Trunk Highway (TH) 5 and existing CSAH 10. This new segment of highway is identified in the Carver County 2030 Comprehensive Plan as a portion of the Waconia Ring Road. As a part of this project a roundabout will be constructed at the intersection of TH 5 and Orchard Road, which is future CSAH 10. Carver County applied for and was selected to receive funds to construct the TH 5 roundabout through the Municipal Agreement Program.

Upon the receipt of the signed Cooperative Agreement No. 1002021, with all of the necessary attachments, that includes a signed resolution by Carver County agreeing to the various terms stated in the agreement, bids for the project can be opened and the county board can then award to the low responsible bidder.

ACTION REQUESTED:

Adopt a resolution to approve a cooperative agreement with the Minnesota Department of Transportation for the CR 110 Construction - Waconia School Phase Project

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT:

Total

Insert additional funding source

Related Financial/FTE Comments:

Carver County will receive \$710,000 in municipal agreement funding by completing this agreement with MnDOT.

Office use only:

RBA 2017 - 4579

**BOARD OF COUNTY COMMISSIONERS
CARVER COUNTY, MINNESOTA**

Date: March 21, 2017

Resolution No: _____

Motion by Commissioner: _____

Seconded by Commissioner: _____

IT IS RESOLVED that Carver County enter into MnDOT Agreement No. 1002021 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for payment by the State to the County of the State's share of the costs of the roundabout construction and other associated construction to be performed upon, along and adjacent to Trunk Highway No. 5 from 0.14 miles west of Orchard Road to 0.22 miles east of Orchard Road on County State Aid Highway No. 10 from 0.11 mile south of Trunk Highway No. 5 to 0.54 miles north of Trunk Highway No. 5 designated by the County as S.A.P. 010-610-051 and by the State as State Project No. 1002 109 (T.H. 5=121).

IT IS FURTHER RESOLVED that the Carver County Board of Commissioners Chair and the Carver County Administrator are authorized to execute the Agreement and any amendments to the Agreement.

YES

ABSENT

NO

STATE OF MINNESOTA
COUNTY OF CARVER

I, Dave Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the _____ day of _____, 2017, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this _____ day of _____, 2017.

Dave Hemze

County Administrator

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Charitable Gambling Application for Exempt Permit-Zoar United Church of Christ

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 Zoar United Church of Christ. They plan to hold a raffle on October 15, 2017 at the Zoar United Church of Christ located at 7030 Highway 212, Chaska, MN 55318. This applicant has received this same type of license previously.

ACTION REQUESTED:

Approval to issue a Charitable Gambling License to Zoar United Church of Christ for a raffle to be held on October 15, 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 - 4567

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 recommended denial of Minnesota Solar's request for a Community Solar Garden (CSG) of up to 4 megawatts (MW). The proposed site is located in Section 33 of Watertown Township.

Findings for denial include the following: the proposed land use may be injurious to the use and enjoyment of other property in the immediate vicinity; there would be a potential for stray voltage and negative impacts on neighboring property values; the access road and drainage controls may not be adequate; the use would not be compatible with the rural neighborhood (prime crop production land & adjacent dairy farms); and the Watertown Town Board has recommended denial of the request.

Pursuant to the Board's direction in its March 7, 2017 meeting, the staff has prepared an Order for denial, attached.

ACTION REQUESTED:

Motion to adopt the Findings of Fact and issue Order #PZ20160028 for the denial of the Conditional Use Permit.

FISCAL IMPACT:
If "Other", specify:

FUNDING
County Dollars =

Total

FTE IMPACT:

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2017 - 4581

**COUNTY OF CARVER
BOARD OF COMMISSIONERS**

**AN ORDER FINDING CERTAIN FACTS AND ORDERING
THE DENIAL OF A CONDITIONAL USE PERMIT**

DATE: March 21, 2017

ORDER #: PZ20160028

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 Sections 152.039 B 2(b) & 152.052

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 10-033-0510

A public hearing was held on this matter on January 17, 2017, by the Carver County Planning Commission and additional information was heard and submitted at the County Board meeting on March 7, 2017, and all information entered into the public record was duly considered in the issuance of this order.

FINDINGS OF FACT

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(s) would be conducted, and again upon commissioning of the garden. Testing and monitoring would be conducted during the first 3 to 5 years of operation and as needed during the 25 year operational life of the CSG. Equipment on site would monitor data continually, and would be collected and analyzed annually 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 would require action to be taken within 30 days, as noted in the applicant's January 6, 2017 e-mail. Testimony was received during the January 17, 2017 Planning Commission meeting, and the March 7, 2017 County Board 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. Testimony received also 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. Additionally, the interconnection infrastructure would be located adjacent to the dairy operation and would be controlled by Xcel Energy, which would not be subject to the County's land use regulations or stray voltage monitoring condition(s).
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, screening, stray voltage, and 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. 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.
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. The site selection process utilized by the applicant was not adequate or reasonable, because there are no natural buffers and screening would be difficult at best, and the site consists of very good (prime) crop production land, which would not be a practical location

for a large CSG.

22. The Watertown Town Board reviewed the request during their December 5, 2016 Town Board meeting and recommended denial based on the following:
- a. “Not provided for in the Carver County Comprehensive Plan.”
 - b. “Not an essential service.”
 - c. “The potential of stray voltage affecting local dairy farm (adjacent).”
23. 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. The request does not meet the required Findings of Fact pursuant to Section 152.251 (B)(D)(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.
- (D) The effects of the proposed use will not be detrimental to the health, safety and welfare of Carver County or to the occupants of the immediate neighborhood.**
1. The interconnection infrastructure would be located adjacent to a dairy operation, which would be controlled by Xcel Energy and would not subject to the County’s land use regulations or monitoring for stray voltage. The applicant has not submitted an adequate or clear plan for mitigating the potential for stray voltage or for compensating neighbors in the event that stray voltage became a problem. Therefore, the applicant would not be able to guarantee that the CSG would not be detrimental to the neighboring farm(s).
- (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 the close proximity to active farms and concerns regarding the potential for stray voltage, the proposed use would not be compatible with the adjacent dairy operation(s), and it might decrease surrounding property values.
 2. The site selection process utilized by the applicant was not adequate or reasonable, because there are no natural buffers or setbacks from adjacent properties and screening would be difficult at best. Also, the site consists of very good (prime) crop production land, which would not be a practical location for a large CSG.

THEREFORE, IT IS ORDERED THAT A CONDITIONAL USE PERMIT FOR A LARGE SOLAR ENERGY SYSTEM IS HEREBY DENIED ON PROPERTY LEGALLY DESCRIBED IN EXHIBIT “A”.

Tim Lynch, Chair
Carver County Board

Dave Hemze
County Administrator