



Carver County Board of Commissioners
 April 17, 2018
Special Session
 County Board Room
 Carver County Government Center
 Human Services Building
 Chaska, Minnesota

PAGE

9:00 a.m.	1.	<ul style="list-style-type: none"> 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 Introductions 1-2 	
	2.	Agenda review and adoption	
	3.	Approve minutes of April 3, 2018, Special Session.....	3-14
	4.	Community Announcements	
9:10 a.m.	5.	CONSENT AGENDA	
		<i>Connections: Develop strong public partnerships and connect people to services and information</i>	
	5.1	Charitable Gambling Application for Exempt Permit-Zoar United Church of Christ	15
	5.2	Application for a 1 Day to 4 Day Temporary On-Sale Liquor License for Augusta Ball Club, Inc.....	16
		<i>Communities: Create and maintain safe, healthy and livable communities</i>	
	5.3	2018 TMDL Priority Sub-Watersheds SSTS Direct Discharge Program.....	17-22
	5.4	A Resolution to enter into an agreement with the State of Minnesota to receive State bond funds	23-25
	5.5	A Resolution in Support of Mental Health Bonding	26-27
	5.6	Contract with Meyer Consulting (community engagement) for the Steiner Kelting Mental Wellness Facility.....	28-29
		<i>Growth: Manage the challenges and opportunities resulting from growth and development</i>	
	5.7	Settlement Agreement for Right of Way Acquisition for the TH 41 Expansion Project - Jonathan Area Phase.....	30-33
		<i>Culture: Provide organizational culture fostering accountability to achieve goals and sustain trust/confidence in County government</i>	
	5.8	Behavioral Health Department FTE changes	34-35
		<i>Finances: Improve the County's financial health and economic profile</i>	
	5.9	Abatements/Additions	36-37
	5.10	Review Social/ Commissioners' Warrants	NO ATT

- 9:10 a.m. **6. GROWTH: Manage the challenges and opportunities resulting from growth and development**
 6.1 USS King Solar LLC - Large Solar Energy System..... 38-46
 6.2 USS Eggo Solar LLC - Large Solar Energy System..... 47-54
- 10:00 a.m. **ADJOURN REGULAR SESSION**

WORK SESSION

- 10:00 a.m. **A. GROWTH: Manage the challenges and opportunities resulting from growth and development**
 1. Road and Bridge CIP 55
- 10:30 a.m. **B. Communities: Create and maintain safe, healthy and livable communities**
 1. Status Update on Construction Plans for Coney Island of the West 56
- 11:15 a.m. **BOARD REPORTS**
 1. Chair
 2. Board Members
 3. Administrator
 4. Adjourn

David Hemze
 County Administrator

UPCOMING MEETINGS

- | | |
|----------------|---|
| April 24, 2018 | 7:30 a.m. Carver County Leaders Meeting |
| April 24, 2018 | 9:00 a.m. Work Session |
| May 1, 2018 | 9:00 a.m. Board Meeting |
| May 8, 2018 | No Meeting |
| May 15, 2018 | 4:00 p.m. Board Meeting |

Carver County Board of Commissioners Request for Board Action



Agenda Item:

New Water Resources Technician

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

Jessica Norby began her service as the Water Resources Technician on April 2 and will be introduced to the Board of Commissioners. She is filling a vacancy caused by a promotion.

ACTION REQUESTED:

Welcome Jessica Norby to the County.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT:

Total

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2018 - 5376

Carver County Board of Commissioners Request for Board Action



Agenda Item:

New Employee Introduction - Angie Stenson, Senior Transportation Planner

Primary Originating Division/Dept: <input type="text" value="Public Works - Program Delivery"/>	Meeting Date: <input type="text" value="4/17/2018"/>
Contact: <input type="text" value="Dan McCormick"/> Title: <input type="text" value="Transportation Manager"/>	Item Type: <input type="text" value="New Employee Intro"/>
Amount of Time Requested: <input type="text" value="5"/> minutes Presenter: <input type="text" value="Dan McCormick"/> Title: <input type="text" value="Transportation Manager"/>	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Strategic Initiative: <input type="text" value="Culture: Provide organizational culture fostering accountability to achieve goals & sustain public trust/confidence in County government"/>	

BACKGROUND/JUSTIFICATION:

Angie Stenson began her duties as our Senior Transportation Planner on March 12th.

This is a new position that will help all of our services and programs. Angie is a certified AICP planner, with an undergrad Bachelor of Science degree from North Dakota State University and a graduate Master's degree in Urban and Regional Planning from the University of Illinois at Urbana-Champaign. Her most recent work has been at Scott County and the St. Cloud Area Planning Organization (APO).

Angie will help with general transportation planning, support, and coordination, including the Comprehensive Plan; Special Reports & Plans; Grant Writing; Corridor Studies; Development Review; and Data Analysis, & Information Services. In a sense her duties are similar to what you might find in Planning and Water Management, but with a public works and transportation focus.

ACTION REQUESTED:

Employee introduction of Angie Stenson to the County Board.

FISCAL IMPACT: <input type="text" value="None"/>	FUNDING
If "Other", specify: <input type="text"/>	County Dollars = <input type="text"/>
FTE IMPACT: <input type="text" value="None"/>	Total <input type="text" value="\$0.00"/>
<input checked="" type="checkbox"/> Insert additional funding source	

Related Financial/FTE Comments:

Office use only:

RBA 2018 - 5377

A Special Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on April 3, 2018. Chair Gayle Degler convened the session at 4:03 p.m.

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

Commissioner Lynch arrived at 4:06 p.m.

Under public comments, Adam Jergens, 9 Riverside Terrace, Watertown, stated he purchased a mobile home in 2016 but has been unable to get the title transferred due to delinquent taxes on the property. He indicated the former owner claimed insolvency, that he was asking for an abatement and it was suggested to him that he contact the County Board. He distributed background information related to his request.

Kevin Goligowski, 408 Westminster Avenue, Watertown, shared his concerns with delinquent taxes due on mobile homes and the amount of time they are allowed to accrue. He stated he hoped to start a conversation for a possible change in the way the taxes are collected rather than allowing them to go delinquent for eight years. He pointed out Mr. Jergens had also provided Statutes that he believed were pertinent.

Ische moved, Lynch seconded, to approve the agenda. Motion carried unanimously.

Workman moved, Maluchnik seconded, to approve the minutes of the March 20, 2018, Regular Session. Motion carried unanimously.

Community announcements were made by the Board.

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

Approved issuing a charitable gambling license to the Ridgeview Foundation for a raffle to be held on June 18, 2018.

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

Approved the Joint Powers Agreement with the City of Waconia for a corridor study for the CSAH 92 construction project-Interlaken Phase, pending finalization of the contract review process.

Approved permit for guy wire and support pole to Northern States Power dba Xcel Energy.

Authorized Public Health to accept \$300 Target gift card donation to be used to support Public Health activities.

Professional services agreement with Stonebrooke Engineering, Inc., for \$156,955 for Bridge No. 10514 Reconstruction project, pending finalization of contract review process.

Resolution #25-18, To Authorize Submission of Legislative Citizen Commission on Minnesota Resources Grant Proposal for Benton Lake Invasive Carp Management Study.

Resolution #26-18, Authorizing Settlement of Compensation to Owner for Acquisition of Real Property Interests Needed for CSAH 20 Bridge Project, (#158795).

Contract with RMB Environmental Laboratories, Inc.

Contract with Patchin Messner Dodd & Brumm for right of way appraisal services for the CSAH 18 Reconstruction Project – Phase 2A, pending finalization of the contract review process.

Adopted Findings of Fact and issue Order #PZ20180006 for the issuance of a Conditional Use Permit, Joshua Kloos, Laketown Township.

Adopted Findings of Fact and issue Order #PZ20180005 for the issuance of a Conditional Use Permit, Mike Wellens, Dahlgren Township.

Resolution #27-18, State of Minnesota Department of Transportation and Carver County Traffic Control Signal Maintenance Agreement.

Resolution #28-18, Awarding of the STPF 1018 (096), TH 41 Improvement Project, Carver County Contract 18-117.

Amendment #2 to PSA for TH 41 expansion project with Bolton & Menk in the amount of \$32,700, pending finalization of the contract review process.

Approved professional services agreement with HDR Engineering., Inc. for construction communication services for the Highway 41 expansion project – Jonathon Area Phase, pending finalization of the contract review process.

30.9510162	Jeremiah Smith
30.9510220	Omar Suzao Olvera
25.6150020	Jody Carlson
40.4400290	Kevin May & Cindy May
75.4490060	David Froehlich & Jennifer Froehlich
75.1300030	Erik Olson & Jeannette Olson
75.3230320	Joseph Epping & Alanna Epping
85.4150130	Edgar Giron & Carly Labra
65.3240210	Casey Fries & Lindsay Fries
40.0500520	Thomas Garlitz & Vanessa Lenzen

75.4470210	Anthony & Regina Bell and William Donaldson
25.5610210	Teja Grandstrand
30.2100090	Gregory Lappin & Dona Lappin
40.4560270	Timothy Mahler & Hui Mahler
30.2200480	John Gaffaney & Stacy Gaffaney
10.0290720	Barry Rauworth
75.5240420	Patrick Arbogast & Hannah Arbogast
58.6520050	Randy Wills & Cheryl Wills
25.8140050	Thomas Schmall & Sandra Schmall
25.8450030	Christopher Ohland & Jennifer Ohland
30.2350050	Robert Cordell & Arlene Cordell
75.5240230	Richard Brooks & Julija Brooks
30.0051800	Elling Olson
25.6600570	Garrett Vincent & Laura Vincent
85.2250130	Samuel Klaustermeier & Denyal Leclaire
75.5750210	Nicole Heinrich
65.2910020	Lindsay Kramer
75.1040380	Lisa Klehr
75.1310180	Krist Kalkes & Sarah Kalkes
75.4620270	Craig Martin
02.0181100	Michael Daus & Jennifer Daus
75.3160020	Woodridge Homes LLC
30.1730260	Andrew Erickson & Ashley Erickson
30.3240320	Rodolfo Lopez & Marcelina Alpizar-Basilio
58.0501760	Richard Kamps & Mariann Kamps
58.0501771	Richard Kamps & Mariann Kamps
75.0501210	Tyler Nelson
85.5310170	Eric Schultz & Mari Schultz
75.1400020	Rose Stenberg

Reviewed March 27, 2018, Community Social Services' actions/Commissioners' warrants in the amount of \$353,278.31 and reviewed April 3, 2018, Community Social Services' actions/Commissioners' warrants in the amount of \$224,700.87.

Motion carried unanimously.

Jason Kamerud, Chief Deputy, explained the months of April and May are opportunities to recognize Sheriff's office employees and the work they perform. He stated the week of May 13th is National Police Week, the first full week of May is National Correctional Officers Week and the week of April 8th is National Public Safety Telecommunications Week.

He pointed out the number of calls for service deputies responded to, the number of 911 calls handled by dispatch and the number of inmates and boarding fees received over the past year by the Sheriff's Office.

The Board congratulated the Sheriff's Office for a job well done and recognized the behind the scenes work many of these employees do.

Ische moved, Workman seconded, to approve and authorize the Proclamations for Public Safety Telecommunications Week; National Correction Officers Week and Police Week. Motion carried unanimously.

Greg Boe, Environmental Services, appeared before the Board to review options related to a proposed brush, leaves and grass transfer site. He noted the February 20th Board meeting that highlighted participation rates had been increasing resulting in long lines and safety concerns for the citizens and staff. He stated they looked at 28 sites and taken comments from cities and the public.

He identified options for three sites and pointed out the positives and negatives for each site. He also explained the option for the County to end providing services and allowing the private sector to provide the service. Boe reviewed the private sector options available, costs and private sector drop off locations. He stated all cities were providing some options and the County is giving money to cities and townships to assist with the costs. He indicated, in other metro counties, it was a mix between allowing the private sector to handle vs handling it themselves.

Boe explained he was asking for direction to transition to end the County's collection of brush, leaves and grass or to transition to a new location and guidance as to that new location.

Maluchnik moved, Ische seconded, to begin a transition to end collection of brush, leaves and grass effective January 1, 2019, and to continue to allow staff to look for a no cost soft search effort until that time.

The Board acknowledged they were looking for a no/low cost site; recognized residents preferred a private sector option and cities wanted to have input on the location. They also recognized the Arboretum had a need; that residents want collaboration and this is still going to be an issue for the east side. They noted the transition would allow cities and citizens to look for other options.

On vote taken on above motion, all voted aye.

The Board was asked to consider CUP requests for solar gardens.

Chair Degler acknowledged the Board had received all of the attorney and citizen letters that had been provided; that they had received Planning Commission recommendations and had been fully advised by the County Attorney on legal issues. He stated they were familiar with the facts and the opinions of the parties. He asked that statements be kept brief and not repeat what has already been submitted. He acknowledged the Board also had received numerous emails and phone messages related to the solar gardens.

Steve Just, Land Management, reviewed USS King Solar's CUP request for a large solar energy system. He indicated pursuant to the Board's direction on February 13th, an order for denial was prepared. He also noted pursuant to the Board's direction at the February 27th meeting, the applicant submitted supplemental information and various layout options. Just stated he was asking for a motion to adopt the Findings for the denial or a motion to prepare an Order for approval.

Peter Schmitt, USS Solar, stated since the last meeting they have continued to take feedback and included a new northwest option. He stated the newest layout keeps the garden the furthest away from the Appaloosa neighborhood and best addresses the concerns they have heard. Schmitt stated they have developed an alternate landscaping plan and have identified a consultant to address any stray voltage issues. He displayed renderings of the site with the proposed fencing and landscaping. He indicated they were in compliance with both the original Ordinance they applied under and the new Ordinance. Schmitt reviewed their deciding factors in proposing the northwest location.

Ross Abbey, USS Solar, stated they recognized the neighborhood concerns and proposed a new location to address them. He referenced the need for farmers to diversify their income due to low commodity prices and indicated USS Solar would do their best to earn the trust of neighbors.

Loren Huepenbecker, Waconia Township, stated screening is a big problem noting when the leaves drop off the nannyberry trees, there would be very little cover. He suggested that spruce trees be planted with two rows staggered. He stated this would allow them to have green cover all year round and suggested they have a slatted fence behind that. Huepenbecker also believed the permit should be denied as this was not an appropriate site and pointed out the need to protect the tile in the field.

Reed Richerson, USS Solar, clarified if they damaged the tile, they would need to fix that. He added as part of erosion control and civil plan development, they do their best to locate the tile and they can install perimeter tile depending on the site.

Quinn O'Reilly, Esq, referenced the letter he previously submitted on behalf of the surrounding property owners and pointed out they have heard from the neighbors. He stressed this was not the right site and the two new locations do not address the screening or glare concerns. He referenced the stray voltage concerns for the ongoing life of the project and questioned what kind of protections were going to be in place for 25 years.

Dennis Jantz, 8825 Appaloosa Drive, pointed out there were many people attending in support of the denial and asked how they could be recognized. Chair Degler noted the sign in sheet would acknowledge their presence at today's meeting.

Tim Thul, 8850 County Road 51, stated his home will overlook the solar garden and displayed a photo of his home in relationship to the garden. He displayed photos of glare from panels, noting glare would create a hazard to his family as the fence would not be high enough.

Richerson stated they have submitted glare studies and indicated their panels are not the same as those depicted in the photos. He clarified their modules are not stationary and rotate.

Rachelle Fetting, 12525 County Road 32, referenced the letter she sent. She stated in her search for a home they visited another home with an electrical substation on it and they chose not to live by that site. She stated people have voices when purchasing homes and a solar garden would deter people from choosing those properties. She added productive farmland would be taken away and questioned if one individual's choice should be allowed to undue their investments.

Mark Free, 8955 Appaloosa Circle, stated this location had the highest residential density than any other location. He pointed out the number of current solar arrays already permitted in the area. He noted the landowners do not farm, that this was an investment and low crop prices will not affect them. Free pointed out they previously addressed the sections of the Ordinance this project did not comply with.

Dan Wilson, 9230 Hackney Drive, stated he was not an expert on stray voltage but was an expert on people who sell land to utility companies who are scared of stray voltage. He stressed the fear was real and people act on fear. He stated this becomes relevant when people look to move to an area; referenced the impact to 43 households and future impacts to the three other undeveloped quadrants. He also pointed out the concern of the affects of stray voltage on humans.

Diane Deering, 8245 Quaas Avenue, questioned who would be supervising the excavation of land to make sure it is done correctly; where the topsoil would be placed and questioned how the property would be brought back to its original ag production considering the trees planted on the site. She questioned the amount set aside for decommissioning. She stated the future productivity of the land would be changed, the land would probably never be farmed again and believed the CUP should be denied.

Steve Just noted they have discussed decommissioning at length in the past and clarified it would be up to the landowners if they wanted to leave the trees after 25 years.

Pearl Becklund, 10825 Highway 7, raised issues that arose when a solar garden was constructed near her property. She questioned the statements made that USS Solar would be a good neighbor and stated she wanted to caution the residents.

Nancy Thul, 8850 County Road 51, pointed out the required 50% screening threshold and indicated that cannot be met from their residence.

Dennis Jantz pointed out the location of his home and indicated he would be looking at the site every day. He displayed photos that showed the height of the fence in relation to the location of the solar panels and indicated he would still be able to see it from his location.

Jody Flatebo, 8805 Appaloosa Circle, stated moving the location to the Northwest corner does not change anything. She stated the owner was an absentee landowner, the number of neighbors that

will be impacted will not change and the stray voltage issue was still present. She stated they have voiced their concerns, sent letters and the Board needed to look at the neighbor's rights as well.

Degler clarified if the applicant meets the requirements it was their duty to grant the CUP.

Leon Kelzer, 12855 County Road 32, stated he was concerned about water and any damages to the tile. He stated he wanted to make sure this did not affect the watershed and this is paid attention to.

The Board inquired if the garden would impact a farm currently sitting idle that might be brought back into production at some point. Just clarified it would not prohibit anyone from developing property for farming and testing for stray voltage would depend on how the conditions are written. Steve Just indicated the water rules would require an engineering permit for excavation and Soil and Water would be involved.

Peter Schmitt reviewed the meeting with the neighbors. He indicated the applicant would prefer the Northwest location but they would be comfortable building on any of the three locations.

Lynch moved, Workman seconded, to deny the USS King Solar CUP application based on 152.251, (B), (H), (I) and stray voltage concerns. Lynch, Workman voted aye. Degler, Ische, Maluchnik voted nay. Motion failed.

Maluchnik moved, Ische seconded, to direct staff to prepare an Order for approval for the Board's consideration at the April 17, 2018, meeting, with the solar garden to be located in the Northwest corner and with direction to staff to work with the Township to come up with the best plan for screening. The Board suggested including a condition for an option to test for stray voltage within one half mile, that the neighbors be contacted to determine where the tile lines are and that fabric be laid down before the crushed rock.

On vote taken on above motion to prepare an Order for approval, Degler, Ische, Maluchnik voted aye. Lynch, Workman voted nay. Motion carried.

Jason Mielke, appeared before the Board to review USS Hollywood Solar's request for a CUP. He stated the Planning Commission recommended denial and identified the location. He noted the previous motion to deny failed and the subsequent motion made to postpone to today's meeting. Mielke referenced the supplemental information provided by the applicant and layout options.

Peter Schmitt, USS Solar, stated they continued to take feedback and produced a new option further from the neighbors. He reviewed the proposed changes and indicated their request complies with the Ordinance under which they applied. Schmitt recognized it did not meet the one mile requirement under the new Ordinance. He noted the concerns raised with the Interconnection Agreement and indicated their application was deemed complete. He stated they have been in contact with MnDOT and have verbal confirmation that the field access is the safest location on site.

He displayed photos of the site both before and after the fence and landscaping is completed. Schmitt stated they have offered to place a flag man and limit traffic time during construction. He reiterated the project meets the Ordinance requirements under which they applied and meets in the middle of the new Ordinance even though it does not apply to this project.

Betty Jopp, 17875 Highway 7, New Germany, explained the proposed agreement related to screening that the applicant asked them to sign. She stated if they signed that agreement, they were required to no longer oppose the project. She suggested the photos submitted were a poor representation of what the garden would look like and it would take many years for the trees to look like they were depicted. She stated, with the elevation, it would not be possible to screen. She submitted a cost estimate to berm her property.

She referenced the July 11th Board meeting where it was stated that an Interconnection Agreement must accompany an application. She stated the Interconnection Agreement is dated August 30th and the application needs to be considered under the new ordinance.

Laura Jaunich, Assistant County Attorney, stated the intent behind the Ordinance and requirement of an Interconnection Agreement is to show the project isn't speculative and is feasible. She indicated the past and current practice has been to accept documentation that the applicant has been accepted into the program.

Ms. Jopp stated she spoke with MnDOT and they indicated to her that the County is the land use authority and MnDOT cannot deny. She stressed this was a dangerous road and submitted a letter from Bruce Johnson for the record.

Tom Schmidt, 17810 53rd Street, questioned the applicant's attempt to work with the neighbors and submitted, for the record, the proposed agreement the neighbors received from the applicant. He pointed out the email the neighbors received asking them to express their preference for a specific location.

Mike Lynch, Hollywood Township Chair, pointed out the Township's reasons not to approve that were submitted previously. He indicated, when the applicant came to the township, they asked them to meet with the neighbors which they did not do. He stated this was not the area to put this in and it would take 10-15 years before the trees are tall enough to cover the fence.

Kathleen Free, 8955 Appaloosa Circle, suggested it was unfair for the applicant, if they wanted to engage the residents, to ask the neighbors where they wanted a solar garden.

Gary Kubasch 28030 Highway 7, pointed out the location of his house was not included in the photos submitted by the applicant. He pointed out he would be looking at a fence vs the countryside he now views.

Ken Johnson, 14780 30th Street, referenced the future of farming and suggested they are taking young farmers out of farming.

Patrick Neaton, Esq., stated he represented a number of landowners in opposition to the permit. He pointed out a previous request had been denied in 2016. In addition, the Planning Commission recommended denial and in February the Board directed staff to prepare findings for denial.

He stated the applicant filed their application the day before the Ordinance was amended. He explained the application was not complete when it was filed in that it did not include a copy of the Interconnection Agreement. He pointed out a one page email from US Solar was submitted and not an Interconnection Agreement. He noted the Interconnection Agreement that was submitted was dated August 30, 2017 and 45 days after the Ordinance change. Neaton stated, as a result, the applicant needed to meet the requirements of the amended Ordinance which they admit they cannot meet.

Neaton referenced 152.251 (B), (D) (E) (H) and (I) and stated these requirements were not met. He stated there was no way a turn lane could be constructed and MnDOT would have to issue a permit if the Board grants the CUP. He stated the landowners have provided their concerns based upon their traveling highway 7.

He referenced the four opinions they produced from realtors which all state solar farms adversely affect their ability to market properties. He noted the Chisago County report referenced by the applicant was not an appraisal and was not an objective analysis. Neaton respectfully requested that the Board deny the application.

Richerson stated they did approach the neighbors trying to work out issues. He indicated Prairie Restorations would do the plantings and ongoing maintenance. He stated they met or exceed the opacity requirement and they provided proof that their application had been considered complete. He indicated they would continue to work with MnDOT to make sure they have the safest operating conditions. He stressed they met every criteria of the Ordinance under which they applied and have tried to meet the requirements of the new Ordinance even though it did not apply.

Lynch recognized the two calls he received today related to this request from residents not able to attend today due to weather conditions.

Lynch moved, Workman seconded, to adopt Findings of Fact and Issue Order #PZ20170033 for the denial of the Conditional Use Permit based on Ordinance 152.251 and not meeting requirements (B), (D), (H) and (I) and traffic concerns. Lynch, Maluchnik, Workman voted aye. Degler, Ische voted nay. Motion carried.

Just clarified he would work with the County Attorney's office to update the Order for denial for the Chair's signature and the Board concurred.

Steve Just, Land Management, reviewed USS Eggo Solar's request for a CUP for a large solar energy system. He explained the solar development would be located in Section 36 of Benton Township in Gotha's Rural Service District. The Planning Commission recommended approval with

the condition to provide for the option of stray voltage testing and requesting that the applicant address screening with the Township and neighbors. He indicated the applicant had submitted supplemental information, photos and reviewed proposed screening. He added Benton Township recommended denial. He explained he was asking for a motion to direct staff to prepare an Order for approval or denial for the Board's consideration at the April 17th meeting.

Erica Forsman, USS Solar, recapped the history of the project. She indicated the site was designed to meet all the requirements of the new ordinance and is in compliance with the comp plan.

Herman Eggers, landowner, pointed out the limited land the solar garden would take up on his property. He stated solar was clean energy and it can provide services to area residents and the community. He stated he believed he should have a right to do anything legal on his property.

Forsman reviewed two screening plans they were proposing and indicated both options met the ordinance requirements. Photos of both screening options were displayed. She stated they contacted adjacent landowners and the two that gave an opinion preferred the first option. She responded to the issues raised in Attorney Neaton's letter. She referenced 152.097 of the Code allows CUPs in rural service districts. She indicated they have worked with staff and neighbors to develop a landscaping plan and, to address any stray voltage concerns, the Planning Commission added a condition to allow any landowners to request testing. She stated this conforms to the comp plan and the project was compatible with the neighborhood. Forsman concluded the project met all the criteria of the Ordinance and the Findings support approval of the project.

Dave Rambow, 10020 County Road 50, stated he did not have anything against solar energy but did have concerns. He questioned the amount of revenue this would bring into the community, noting many of the construction workers were not permanent residents. He questioned the amount set aside to restore the site considering the cost to remove the trees; questioned how the gardens may affect snow drifting onto the roads and if gardens could attract lightning. He indicated, when rural service districts were initiated, solar energy was not even a consideration and the goal was to keep unwanted businesses out. He questioned the impact to property values in the future.

Mark Ostlund, Esq., stated he represented some of the landowners. Ostlund questioned the intent of rural service districts. He stated the applicant had the burden of proving this is ag related and these belong in a rural service district. He indicated the applicant has not showed that and the permit should be denied.

Patrick Neaton, Esq., indicated he represented various landowners affected by this solar garden. He stated his comments related to the rural service district and how they interact with the CUP and solar energy ordinance. He also referenced Section 152.251 (B), (D) (H) and (I). He stated it was the applicant that has the burden of proof and they need to prove that they comply with the rural service district and the general provisions of the CUP. Neaton referenced the language in 152.097, that the use serve the needs of the surrounding community, and highlighted the seven specific uses cited that could meet the minimum criteria.

He noted the Board amended its solar ordinance in July, 2017, and could have amended the rural service district to include solar facilities as a use but it did not. Neaton stated the Board determined seven uses for rural service districts that could be allowed; that this was not one of them and they cannot create a new use. He indicated rural service districts were to have limited uses and, in this case, solar facilities are not designed to provide electricity to area farmers.

He stressed the Board has denied other CUP requests based on the compatibility of the immediate area and it was up to the Board to determine the specifics of an application and how it affects that neighborhood. He stated the applicants referenced the Kirkland study and Chisago County report on market values but they did not deal with specific properties or properties in Carver County. He pointed out the reports of four separate realtors that all attest to the negative impact that a solar farm has on properties when it comes to marketing those properties. Neaton stated the applicant has not carried its burden of proof that the facility is going to be compatible. He stressed this is not legal under the County's ordinance and the Board must deny.

Richerson clarified the electricity would be consumed in the immediate vicinity. He stated that renewables are permitted in all districts, including the rural service districts, and referenced the Lenzen project that was approved in a shoreland overlay district. He added the Kirkland study covered multiple states.

Ische referenced the opinion of Assistant County Attorney Jaunich that renewable energy was allowed in any district and pointed out the Court of Appeals decision that sided with the County that solar gardens are identified as permitted uses under a CUP and authorized in any district.

Laura Jaunich confirmed that it was her opinion that renewable energy is allowed in any district subject to meeting CUP requirements.

Maluchnik moved, Ische seconded, to direct staff to prepare an Order for approval of the USS Eggo Solar CUP request for the Board's consideration at the April 17, 2018, meeting.

Lynch concurred rural service districts allowed more flexibility. Maluchnik agreed they wanted to move these developments to rural service districts and preserve prime ag land.

Karen Johnson Leuthner, 15735 38th Street, Mayer, suggested that previously rural service districts were more about zoning for adult uses and preparing for that. She stated solar was not an issue at that time.

On vote taken on the above motion, Degler, Ische, Lynch, Maluchnik voted aye. Workman voted nay. Motion carried.

SPECIAL SESSION
April 3, 2018

Ische moved, Lynch seconded, to adjourn the Special Session at 8:20 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:

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 14, 2018 at 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 14, 2018.

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 2018 - 5374

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Application for a 1 Day to 4 Day Temporary On-Sale Liquor License for Augusta Ball Club, Inc.

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:

Augusta Ball Club, Inc., 5950 Hampshire Rd, Chaska, has applied for a 1 Day to 4 Day Temporary On-Sale Liquor License. They are planning an event for Friday thru Sunday, June 1, 2 and 3, 2018. The event will be held at the ball club meeting house and 50' perimeter around the pavilion. The officers are Charles Wickenhauser (President); Charles Wichterman (Vice-President); Mary Olson (Secretary); and Patricia Eiden (Treasurer). There are no delinquent taxes owing on this property.

ACTION REQUESTED:

Motion to approve the 1 Day to 4 Day Temporary On-Sale Liquor License application for Augusta Ball Club, Inc. for Friday thru Sunday, June 1, 2 and 3, 2018.

FISCAL IMPACT: ▼

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT: ▼

Total \$0.00

Insert additional funding source

Related Financial/FTE Comments:

1 Day to 4 Day Temporary On-Sale Liquor License fee: \$100.00 per event

Office use only:

RBA 2018 - 5382

Carver County Board of Commissioners Request for Board Action



Agenda Item:
2018 TMDL Priority Sub-Watersheds SSTS Direct Discharge Program

Primary Originating Division/Dept: ▼

Meeting Date:

Contact: Title:

Item Type:
 ▼

Amount of Time Requested: minutes
Presenter: Title:

Attachments: Yes No

Strategic Initiative:
 ▼

BACKGROUND/JUSTIFICATION:

The Total Maximum Daily Load (TMDL) Implementation Plan for the Bevens, Carver, and Silver Creek Watersheds was approved by the State (MPCA) and the County Board in 2007. The implementation plan calls for a reduction of fecal load sources in the watersheds -- mainly agricultural manure source runoff and direct discharge SSTSs (subsurface sewage -- or septic -- treatment systems). The County Board has approved a landowner incentive program for replacing direct discharge SSTSs annually since 2008. This program has proved successful (see attached map showing completed sub-watershed areas).

The staff is asking the Board to approve the direct discharge program for 2018 as recommended by the Carver County Water Management Organization (CCWMO) Advisory Committee. Funding for SSTS incentives was approved by the Board in the 2018 CCWMO budget. The attached map shows the proposed priority sub-watershed for 2018, and the [attached memo and resolution](#) provide further background.

Funding is derived from the CCWMO levy funds (for direct incentives) and state grants (for the loan portion).

ACTION REQUESTED:

FISCAL IMPACT: ▼

If "Other", specify:

FTE IMPACT: ▼

FUNDING

County Dollars =	<input type="text"/>
CCWMO 2018 incentive	\$60,000.00
Total	\$60,000.00

Insert additional funding source

Related Financial/FTE Comments:

SSTS loan funds are held by the Minnesota Department of Agriculture.

Office use only:

RBA 2018 - 5363



Carver County Water Management Organization

Planning and Water Mgmt Dept
Government Center - Administration Building
600 East 4th Street
Chaska, Minnesota 55318
Phone: (952)361-1820
www.co.carver.mn.us/water

Memo

To: County Commissioners
From: Paul Moline, Planning & Water Management
Date: April 9, 2018
Re: PROPOSED 2018 DIRECT DISCHARGE SSTS COST SHARE PROGRAM

Enclosures: Priority sub-watershed map

The Total Maximum Daily Load (TMDL) Implementation Plan for the Bevens, Carver, & Silver Creek Watersheds was approved by the state (MPCA) and the County Board in 2007. The implementation plan calls for a reduction of fecal load sources in the watersheds, mainly agricultural manure source runoff and direct discharge SSTS systems. The County Board has approved a landowner incentive program for SSTS annually since 2008 which has proved successful.

PROGRAM ACCOMPLISHMENTS

SSTS Direct Discharge Program began in 2008 and has accomplished the following to date:

- **Total participants/SSTS replaced:** 374
- **Number in TMDL area:** 239
- **Number outside TMDL:** 135
- **Loans Taken:** 147
- **Remaining Pending action:** 6 from the last two years.

2018 PROPOSAL

The TMDL implementation plan is continuing in 2018 with funding directed by the Board in the 2018 WMO budget. The CCWMO advisory committee recommended the following TMDL Priority Sub-Watersheds to the board for 2018 at their February meeting: (See attached map)

- Carver Creek: CA 10_4 portion (in Waconia & Laketown Townships)
- Carver Creek: CA1_7 portion (in Dahlgren Township)

2018 FUNDING

Available Incentive Funds – 2018 CCWMO budget has \$60,000 available for SSTS direct discharge incentives (up to 30 systems)

Available loan funds estimate: There is approximately \$690,000 available for loans in 2018, enough to fund approx. 46 systems at the maximum loan amount.

2018 COST SHARE QUALIFICATIONS

Similar to previous years, incentive recipients must sign up for the cost share with no previous SSTS trigger (i.e. current enforcement, compliance inspection as a result of property transfer, complaint, or building permit).

1. Located in 2018 TMDL Priority Sub-Watersheds – The County will provide a cash grant of 25% of the cost of a new system up to \$2,000 for the upgrade of systems identified as a likely direct discharge system in the priority sub-watersheds. Owners of likely direct discharge systems in the priority sub-

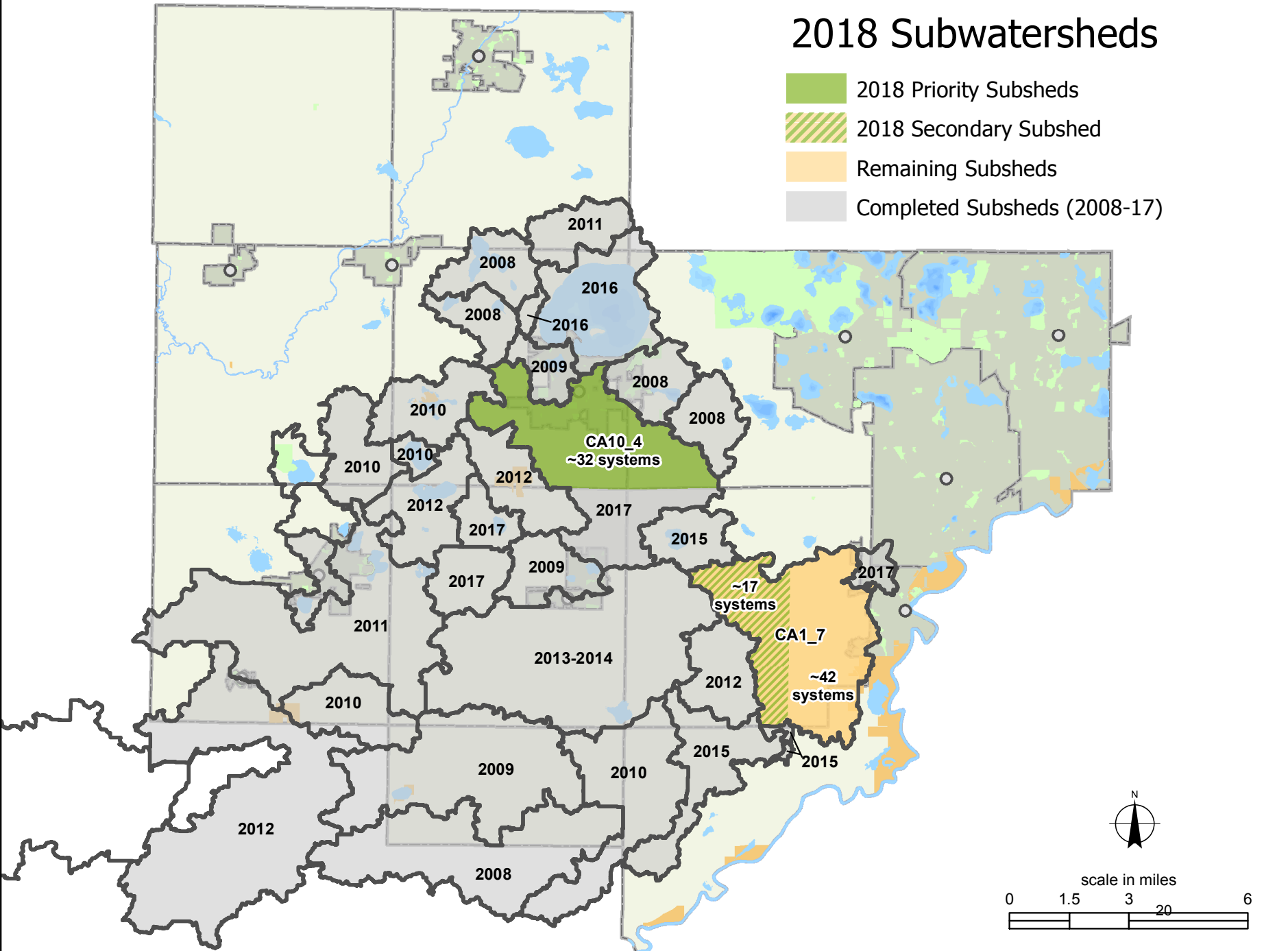
watersheds with no previous trigger (i.e. current enforcement, compliance inspection as a result of property transfer, complaint, or building permit) must sign up by September 30, 2018, and must install the system by September 30, 2019. Owners that do not sign up shall be required to submit a Compliance Inspection to the County by September 30, 2018. The County will also offer a low interest loan with an amortization of up to 10 years to qualified applicants.

2. Located outside 2018 TMDL Priority Sub-Watersheds – For systems outside of Carver & Bevans Creek priority sub-watersheds, the loan funds with an amortization of up to 4 years and the cash incentive of \$2,000 will be available on a first-come, first-serve basis after September 30, 2018 until allocated funds are depleted. For systems outside of the priority sub-watersheds, the owner would be required to replace SSTS within ten months of completing Cost Share Form.

Payment will be issued to the SSTS contractor upon successful completion of the project (as determined by Environmental Services Staff).

2018 Subwatersheds

- 2018 Priority Subsheds
- 2018 Secondary Subshed
- Remaining Subsheds
- Completed Subsheds (2008-17)



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

DATE: April 17, 2018
MOTION BY COMMISSIONER:

RESOLUTION NO. __-18
SECONDED BY COMMISSIONER:

**A Resolution Continuing the Elimination of Direct Discharge
Sub-Surface Treatment Systems (SSTS) Program**

WHEREAS approximately 4,500 homes and businesses in Carver County are served by a private sewer system on the property; of these systems, about 700 are in cities and 3800 lie in unincorporated areas; as of 2008, approximately 550 of the systems in the unincorporated areas were still served by systems that likely had little or no treatment of sewage prior to discharge into the surface water and are considered Direct Discharge Systems; and

WHEREAS Carver County is responsible for the management and regulation of SSTS in the County except in cities that have elected to assume responsibility; and

WHEREAS Carver County is responsible for water management, including water quality within the Carver County Water Management Organization (CCWMO); and

WHEREAS EPA and MNPCA regulations require that all lakes, rivers, and streams ultimately meet water quality standards; and

WHEREAS Carver County has conducted a Total Maximum Daily Load (TMDL) study for fecal coliform bacteria contamination in the Carver and Bevens Creek watersheds; the studies have found loads of fecal coliform bacteria substantially in excess of standards in these watersheds and further identified direct discharge of untreated human sewage into the waters of the State as a significant contributor to the load; the County subsequently developed a TMDL Implementation Plan to reduce the fecal coliform bacteria loads to meet standards; the County submitted the Plan to the Minnesota PCA and the US EPA; both agencies subsequently approved it for implementation; and

WHEREAS the Carver County Board of Commissioners has determined that it is necessary to institute a program to accelerate the replacement of Direct Discharge Systems in order to reach public health and water quality goals;

WHEREAS the Carver County Code (52.043) gives the Board the authority to identify priority areas for SSTS compliance, including elimination of direct discharge systems, and to establish programs, including incentives and deadlines; and

WHEREAS the programs for SSTS Direct Discharge from 2008 through 2017 were largely successful in their goals; and

WHEREAS the 2018 sub-watersheds are identified with a total of 30 “likely systems;” and

WHEREAS the CCWMO Citizens Advisory Committee has recommended the 2018 SSTS Direct Discharge Program, funding, and sub-watersheds to the County Board;

THEREFORE, BE IT RESOLVED, THAT the Carver County Board of Commissioners hereby adopts the “Carver County 2018 Direct Discharge Elimination Acceleration Program” as follows:

Carver County 2018 Direct Discharge Elimination Acceleration Program

Part I. The County Board identifies sub-watersheds in the Carver and Bevens/Silver Creek watersheds as priority sub watersheds:

- Carver Creek: CA 10_4 portion (in Waconia & Laketown Townships)
- Carver Creek: CA1_7 portion (in Dahlgren Township)

The County will provide a cash grant of 25% of the cost of a new system up to \$2,000 for the upgrade of systems identified as a likely direct discharge system in the priority sub-watersheds. Owners of likely direct discharge systems in the priority sub-watersheds with no previous trigger (i.e. current enforcement, compliance inspection as a result of property transfer, complaint, or building permit) must sign up by September 30, 2018, and must install the system by September 30, 2019. Owners that do not sign up shall be required to submit a Compliance Inspection to the County by September 30, 2018. The County will also offer a low interest loan with an amortization of up to 10 years to qualified applicants.

Part II. For systems outside of Carver & Bevens Creek priority sub-watersheds, the loan funds with an amortization of up to 4 years and the cash incentive of \$2,000 will be available on a first-come, first-serve basis after September 30, 2018 until allocated funds are depleted. For systems outside of the priority sub-watersheds, the owner would be required to replace SSTS within ten months of completing Cost Share Form.

Part III. Authorize the Finance Director, in cooperation with the Public Services Division, to continue to operate the current “safety net” loan program to assist property owners with extremely limited financial capability.

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

STATE OF MINNESOTA
COUNTY OF CARVER

I, David 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 17th day of April, 2018, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 17th day of April, 2018.

David Hemze, County Administrator

Carver County Board of Commissioners Request for Board Action



Agenda Item:

A Resolution to enter into an agreement with the State of Minnesota to receive State bond funds

Primary Originating Division/Dept: <input type="text" value="Health & Human Services"/>	Meeting Date: <input type="text" value="4/17/2018"/>
Contact: <input type="text" value="Rod Franks"/> Title: <input type="text" value="HHS Director"/>	Item Type: Consent <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="Communities: Create and maintain safe, healthy, and livable communities"/>	

BACKGROUND/JUSTIFICATION:

In order to complete a Grant Agreement with the State of Minnesota to receive the \$1,250,000 in bond funds to improve and modify the Steiner Kelting Mental wellness Facility, the Carver County Board of Commissioners must approve a resolution regarding entering into such an agreement with the State .

ACTION REQUESTED:

Motion to approve the resolution to enter into Grant Agreement to receive State bond funds.

FISCAL IMPACT: <input type="text" value="None"/> <p><i>If "Other", specify:</i> <input type="text"/></p>	FUNDING <table style="width: 100%;"> <tr> <td>County Dollars =</td> <td><input type="text"/></td> </tr> <tr> <td>State bonding</td> <td style="text-align: right;">\$1,250,000.00</td> </tr> <tr> <td>Total</td> <td style="text-align: right;">\$1,250,000.00</td> </tr> </table> <input checked="" type="checkbox"/> Insert additional funding source	County Dollars =	<input type="text"/>	State bonding	\$1,250,000.00	Total	\$1,250,000.00
County Dollars =	<input type="text"/>						
State bonding	\$1,250,000.00						
Total	\$1,250,000.00						
FTE IMPACT: <input type="text" value="None"/>							

Related Financial/FTE Comments:

Office use only:

RBA 2018 - 5383



BOARD OF COUNTY COMMISSIONERS CARVER COUNTY, MINNESOTA

Date: _____

Resolution No.: _____

Motion by Commissioner: _____

Seconded by Commissioner: _____

WHEREAS, Carver County Health and Human Services has been designated by the Board of Commissioners as the Local Mental Health authority and as such charged with providing mental health services in accordance with Minnesota Statutes 245.466, and

WHEREAS, the adult mental health service system developed by each County are to include residential treatment services in accordance with Minnesota Statutes 245.472, which include services to stabilize crisis admissions (Sub.1(4)).

WHEREAS, Carver County is the owner of a facility located at 9120 Shady Oak Drive, located in the City of Chaska, Carver County MN, and

WHEREAS, that with modification and improvement, this facility would be appropriate to provide residential crisis stabilization services under the oversight of Carver County Health and Human Services. The cost for the necessary modifications and improvements to the facility is \$1,250,000.00, and

WHEREAS, the State of Minnesota has approved through legislative action \$1,250,000.00 in State Bond financial assistance for the improvement and modification of the facility, and that such improvement and modification is not anticipated to exceed the approved State Bond financial assistance amount. If in the event additional funds are needed to complete the project, the Board shall approve that accumulated funds in the County Year End Savings account, or other adequate funding source be utilized for such purpose.

WHEREAS, Carver County has the legal authority to receive financial assistance from the State.

THEREFORE, BE IT RESOLVED that the Carver County Board of Commissioners commits to the completion of the improvement and modification of the facility at 9120 Shady Oak Drive, Chaska MN, for the purpose to provide residential crisis stabilization services, and

BE IT FURTHER RESOLVED the Carver County Board of Commissioners may enter into a Grant Agreement with the State of Minnesota to receive financial assistance for the above purpose, and that the County certifies it will comply with all applicable laws and regulations as stated in all such agreement, and

BE IT FURTHER RESOLVED that the County Administrator be authorized to sign the agreements and any other related documents on behalf of the County.

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 _____, 2010, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this ____ day of _____, 20____

County Administrator

Carver County Board of Commissioners Request for Board Action



Agenda Item:
A Resolution in Support of Mental Health Bonding

Primary Originating Division/Dept: <input type="text" value="Health & Human Services"/>	Meeting Date: <input type="text" value="4/17/2018"/>
Contact: <input type="text" value="Rod Franks"/> Title: <input type="text" value="HHS 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 checked="" type="radio"/> Yes <input type="radio"/> No
Strategic Initiative: <input type="text" value="Communities: Create and maintain safe, healthy, and livable communities"/>	

BACKGROUND/JUSTIFICATION:

This resolution is in support of the use of bonding for mental health infrastructure to help strengthen the mental health continuum of care through regional triage centers for crisis intervention, and the creation of new housing options. These proposals would benefit counties in multiple ways. The triage center approach would reduce the number of people in mental health crisis that are brought to the jail as a last resort. The housing funds would create additional opportunities for moving individuals out of the Anoka Metro Regional Treatment Center in a more timely manner, reducing the cost share pressure on county budgets.

ACTION REQUESTED:

Motion to approve resolution supporting Mental Health Bonding.

FISCAL IMPACT: <input type="text" value="None"/> <p><i>If "Other", specify:</i> <input type="text"/></p>	FUNDING County Dollars = <input type="text"/> <input type="text"/> Total <input type="text" value="\$0.00"/>
FTE IMPACT: <input type="text" value="None"/>	<input checked="" type="checkbox"/> Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2018 - 5384



BOARD OF COUNTY COMMISSIONERS CARVER COUNTY, MINNESOTA

Date: _____

Resolution No.: _____

Motion by Commissioner: _____

Seconded by Commissioner: _____

A Resolution affirming Carver County’s support for state capital investments for regional behavioral health crisis program facilities and permanent supportive housing for people with behavioral health needs.

WHEREAS, Minnesota’s mental health continuum of care is underdeveloped, creating harmful and expensive gaps in an individual’s treatment; and

WHEREAS, Minnesota’s mental health system does not have the capacity to consistently respond to the needs of individuals in crisis with appropriate treatment options; and

WHEREAS, individuals experiencing a mental health crisis are often diverted to jails and other facilities ill-equipped for their care while awaiting inpatient treatment; and

WHEREAS, individuals ready for discharge from inpatient treatment can be detained at inpatient facilities because there is a scarcity of supportive housing units to transition to; and

WHEREAS, the gaps in Minnesota’s mental health system are not only damaging to individuals and their families, but also result in an inefficient use of taxpayer dollars; and

WHEREAS, Minnesota has an opportunity to improve its mental health continuum of care through investments in new permanent supportive housing and regional behavioral health crisis program facilities; now, therefore,

BE IT RESOLVED, Carver County supports state capital investments for regional behavioral health crisis program facilities and permanent supportive housing for people with behavioral health needs.

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 ____, 2010, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this ____ day of _____, 20_____

County Administrator

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Contract with Meyer Consulting (community engagement) for the Steiner Kelting Mental Wellness Facility

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

Meyer Consulting will provide Carver County Health and Human Services (Carver County) with support, facilitation and project management of an advisory task force and a process to provide guidance to the development of the new Regional Crisis Stabilization Center (projected opening in fall 2019). Services will be invoiced for on an hourly basis, and total cost of this contract is not to exceed \$39,000. Excess one time crisis infrastructure funds will be utilized to fund this contract. No additional County levy dollars are required.

ACTION REQUESTED:

Motion to approve contract with Meyer Consulting pending approval of County Attorney and risk management.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =	<input type="text" value=""/>
Crisis infrastructure \$	\$39,000.00
Total	\$39,000.00

FTE IMPACT:

Insert additional funding source

Related Financial/FTE Comments:

Existing funds will be used. No additional levy dollars required. The \$39K Meyer Consulting contract will be accounted for in the Health and Human Services operating budget. The County Board approved a total Capital Project Budget of \$3.8M on 11/21/17 which included a State Grant of \$1.25M to acquire the property and develop a Mental Health Wellness Facility.

Office use only:

RBA 2018 - 5385

Budget Amendment Request Form



To be filled out AFTER RBA submittal

Agenda Item: Contract with Meyer Consulting (community engagement) for the Steiner Kelting Mental Wellness Facility

Department:

Meeting Date:

Fund:

- 01 - General
- 02 - Reserve
- 03 - Public Works
- 11 - CSS
- 15 - CCRRA
- 30 - Building CIP
- 32 - Road/Bridge CIP
- 34 - Parks & Trails
- 35 - Debt Service

Requested By:

DEBIT			CREDIT		
Description of Accounts	Acct #	Amount	Description of Accounts	Acct #	Amount
Professional Services	11-480-751-0000-6260	\$39,000.00	Infrastructure Grant	11-480-742-0000-...	\$39,000.00
TOTAL		\$39,000.00	TOTAL		\$39,000.00

Reason for Request:

Use of Infrastructure Grant funds to contract with Meyer Consulting for the Steiner Kelting Mental Wellness Facility.

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Settlement Agreement for Right of Way Acquisition for the TH 41 Expansion Project - Jonathan Area Phase

Primary Originating Division/Dept: <input type="text" value="Public Works - Program Delivery"/>	Meeting Date: <input type="text" value="4/17/2018"/>
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 2018 construction season includes reconstruction of State Highway 41 from US Highway 212 on the south to Pioneer Trail (CSAH 14), on the north. Additional right-of-way is needed to complete this project. Carver County has obtained appraisals completed by a certified appraiser for the acquisition of permanent roadway, drainage and utility, noise wall and temporary easements along the construction corridor. The County Board previously authorized initial offers to property owners based on the opinions of value in the appraisals.

Public Works staff has negotiated a settlement with a property owner being impacted by the project at PID #30.3060310, shown on exhibit A.

ACTION REQUESTED:

Motion to adopt a resolution authorizing payment of the negotiated settlement for the TH 41 Reconstruction Project - Jonathan Area Phase (County Project #148758).

FISCAL IMPACT: <input type="text" value="Included in current budget"/>	FUNDING
If "Other", specify: <input type="text"/>	County Dollars = <input type="text"/>
FTE IMPACT: <input type="text" value="None"/>	TED Funding <input type="text" value=""/> \$2,350.00
	Total <input type="text" value=""/> \$2,350.00
	<input checked="" type="checkbox"/> Insert additional funding source
Related Financial/FTE Comments: <input type="text"/>	

Office use only:

RBA 2018 - 5375

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

Date: April 17, 2018

Resolution No: _____

Motion by Commissioner: _____

Seconded by Commissioner: _____

Resolution Authorizing Settlement of Compensation to Owners for Acquisition of Real Property Interests Needed for Project Registry No. 148758

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, and pursuant to Minnesota Statutes, § 163.02, subd. 2; §117.012; and § 117.042, to acquire land and other real property interests in Carver County which the County needs for a public use or public purpose; and

WHEREAS, the County proposes to construct highway and related improvements in Carver County for the TH 41 expansion project (“Project”); and

WHEREAS, to complete the Project, the County must acquire the real property interests described in Exhibit A, attached hereto, from the Owners of the real property interests identified in said Exhibit A; and

WHEREAS, the County obtained an independent appraisal report(s) from a licensed real estate appraiser which estimates the full amount of damages which the County’s proposed acquisition of the property interests described in said Exhibit A will cause to Owners of said real property interests; and

WHEREAS, County must determine and submit an initial written offer of just compensation to the Owners of said needed real property interests covering the full amount of damages caused by the County’s proposed acquisitions; and

WHEREAS, the Owners of said real property interests may obtain an independent appraisal by a qualified appraiser of the real property interests which the County proposes to acquire for the Project; and

WHEREAS, the Owners of said real property interests are entitled to reimbursement for the reasonable costs of the appraisal from the County up to a maximum of the limits stated in Minn. Stat. §117.036, provided the Owner submits to County the information necessary for reimbursement; and

WHEREAS, the Carver County Board of Commissioners authorized the Public Works Division Director or agents under his supervision, to make initial written offers of just compensation to the Owners within the Project from whom property interests are required, in the amounts of the independent real estate appraiser’s opinions; and

WHEREAS, the Public Works Division Director or agents under his supervision, have negotiated settlement(s) with the Owners impacted by the project as described in said Exhibit A.

NOW, THEREFORE, BE IT RESOLVED that County's acquisition of the real property interests described in said Exhibit A and the construction of highway and related improvements of the TH 41 expansion project constitute a valid public use or public purpose; and

BE IT FURTHER RESOLVED that based upon the independent appraisal report(s) of damages obtained by the County from an independent real estate appraiser and the negotiations between said Owner(s) and the Public Works Division Director or agents under his supervision, County shall make a payment of compensation to the Owners within the Project from whom the County must acquire needed real property interests, in the amounts as described in said Exhibit A; and

BE IT FURTHER RESOLVED that the Carver County Board of Commissioners hereby authorizes and directs the Carver County Board Chairman and Carver County Administrator to enter into Stipulation of Settlement Agreement with said property owner(s), in the name of the County of Carver for the Project.

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 April 17, 2018, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 17th Day of April, 2018.

Dave Hemze

County Administrator

Insert Exhibit A
to
Resolution Authorizing Settlement of Compensation to Owners for Acquisition of Real Property
Interests

(Acquisition)

P.I.D. No. 30.3060210

Leticia C Dayrit & Edsel G Dayrit

Taking of a temporary easement for construction purposes over TH 41, (containing 1,042 sq. ft., more or less).

Settlement Amount: \$2,350.00.

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Behavioral Health Department FTE changes.

Primary Originating Division/Dept: <u>Health & Human Services</u>	Meeting Date: <u>4/17/2018</u>
Contact: <u>Rod Franks</u> Title: <u>HHS Director</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:

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

BACKGROUND/JUSTIFICATION:

Workload demands in the Behavioral Health Department necessitate changes in Full Time Equivalent (FTE) assignment in three positions.

Due to an increased need for administrative support at First Street Center, which includes supporting the Crisis Team, it is necessary to increase a vacant 0.6 FTE HHS Administrative Assistant to 1.0 FTE HHS Administrative Assistant. This position recently became vacant due to a retirement. This change is projected to cost \$29,603 more than what was budgeted for the current year. Two other changes are requested in the Mobile Crisis Response Team:

Currently all but one of the Crisis Therapist positions are 0.9 FTE. To assist in providing 24-hour schedule coverage and to maintain consistency within the Crisis Team, it is recommended to increase the current vacant 0.8 FTE Crisis Therapist position to a 0.9 FTE Crisis Therapist. The cost of this FTE change is projected at \$7,722.

Additionally, one current Crisis Therapist has agreed to a voluntary increase in FTE from 0.9 to 1.0 FTE. This change is projected to cost \$9,027 more than currently budgeted. Currently there is also a need for temporary supervisory support, and this individual is temporarily assigned to work out of class in a supervisory role. The change in assigned FTE is requested to be effective upon Board approval while working out of class, and will continue following return to the employee's regular assignment of Crisis Therapist.

The total cost of all three FTE changes is \$46,352. There is currently a vacant 0.5 FTE Crisis Therapist position, budgeted at \$46,941, that has gone unfilled. It is proposed that this half-time position be eliminated, and the savings used to fund the requested FTE changes outlined above. No additional levy dollars are required for the recommended FTE changes.

ACTION REQUESTED:

Motion to implement the following changes in the Health and Human Services Division – Behavioral Health Department:

1. Increase 0.6 FTE HHS Administrative Assistant to 1.0 FTE HHS Administrative Assistant;
2. Increase 0.8 FTE Crisis Therapist to 0.9 FTE Crisis Therapist;
3. Increase 0.9 FTE Crisis Therapist to 1.0 FTE Crisis Therapist; and
4. Eliminate 0.5 FTE Crisis Therapist vacancy.

FISCAL IMPACT: Budget amendment request form

If "Other", specify:

FUNDING

County Dollars = **(\$589.00)**

<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>
---	---

FTE IMPACT: Other staffing change (grade, classification, hours, etc.)

Total **(\$589.00)**

Related Financial/FTE Comments:

No additional Levy Dollars required for requested changes.

Budget Amendment Request Form



To be filled out AFTER RBA submittal

Agenda Item: Behavioral Health Department FTE changes.

Department:

Meeting Date:

Fund:

- 01 - General
- 02 - Reserve
- 03 - Public Works
- 11 - CSS
- 15 - CCRRA
- 30 - Building CIP
- 32 - Road/Bridge CIP
- 34 - Parks & Trails
- 35 - Debt Service

Requested By:

DEBIT		
Description of Accounts	Acct #	Amount
FT Salaries	11-405-600-4801.6111	\$10,249.00
FT Salaries	11-405-700.6111	\$58,078.00
FT Salaries	11-480-747-6510.6111	\$7,722.00
FT Salaries	11-480-747-3510.6111	\$9,027.00
Levy savings		\$589.00
TOTAL		\$85,665.00

CREDIT		
Description of Accounts	Acct #	Amount
PT Salaries	11-405-600-4801....	\$5,808.00
PT Salaries	11-405-700.6112	\$32,916.00
PT Salaries	11-748-3510.6112	\$46,941.00
TOTAL		\$85,665.00

Reason for Request:

Budget for FTE changes within the Behavioral Health Department.

Carver County Board of Commissioners Request for Board Action



Agenda Item:
Abatements/Additions

Primary Originating Division/Dept: ▼

Meeting Date:

Contact: Title:

Item Type:
 ▼

Amount of Time Requested: minutes
Presenter: Title:

Attachments: Yes No

Strategic Initiative:
 ▼

BACKGROUND/JUSTIFICATION:

Abatements requested by taxpayers. See attached listing.

ACTION REQUESTED:

Motion to approve.

FISCAL IMPACT: ▼
If "Other", specify:

FUNDING

County Dollars =	(\$670.58)
Other	(\$837.42)
Total	(\$1,508.00)

FTE IMPACT: ▼

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2018 - 5386



Property & Financial Services
 Government Center - Administration
 Building
 600 East 4th Street
 Chaska, MN 55318-2102

Laurie Huepenbecker Davies, Manager
 Property Tax, Elections and License Centers
 Phone: (952) 361-1907
 Email: ldavies@co.carver.mn.us

Angela Johnson, Carver County Assessor
 Phone: (952) 361-1961
 Email: ajohnson@co.carver.mn.us

**Abatements presented to the
 Carver County Board of Commissioners
 April 17, 2018**

Abatement approval is recommended by the Carver County Assessor and Property Tax, Elections & License Centers Manager on the following properties for the reasons listed.

Payable Year	Parcel Number	Name	Reason for Abatement	Original Tax Amount	Adjusted Tax Amount	Total Amount of Tax Adjustment	Reduction in Penalties and/or Interest Paid	Total Amount of Adjustment	County Dollars Abated
2018	50.7000070	City of Mayer	Exempt - Remove SWF	\$ 180.00	\$ -	\$ (180.00)	\$ -	\$ (180.00)	\$ (180.00)
2018	65.0134500	City of Victoria	Exempt - Remove SWF	\$ 30.00	\$ -	\$ (30.00)	\$ -	\$ (30.00)	\$ (30.00)
2018	30.9520572	Alba Sanchez	Omitted Parcel	\$ -	\$ 480.00	\$ 480.00	\$ -	\$ 480.00	\$ 131.76
2018	30.9520509	Paulette & Mike Pulkrabek	Omitted Parcel	\$ -	\$ 260.00	\$ 260.00	\$ -	\$ 260.00	\$ 67.73
2018	40.2600120	Michael Falck & Ashlee Falck	Homestead	\$ 3,268.00	\$ 3,062.00	\$ (206.00)	\$ -	\$ (206.00)	\$ (60.36)
2018	75.3810220	Curtis Larson & Amy Larson	Homestead	\$ 3,720.00	\$ 3,548.00	\$ (172.00)	\$ -	\$ (172.00)	\$ (50.03)
2018	30.2580270	Steven Kokesh	Homestead	\$ 2,158.00	\$ 1,924.00	\$ (234.00)	\$ -	\$ (234.00)	\$ (83.32)
2018	4.0070300	Mary Neaton & John Neaton	Classification Change	\$ 3,350.00	\$ 3,024.00	\$ (326.00)	\$ -	\$ (326.00)	\$ (127.70)
2018	50.2510020	Jordan Huckey	Homestead	\$ 1,828.00	\$ 1,470.00	\$ (358.00)	\$ -	\$ (358.00)	\$ (98.57)
2018	30.1900200	Audrey Schmitt	Homestead	\$ 1,784.00	\$ 1,520.00	\$ (264.00)	\$ -	\$ (264.00)	\$ (94.14)
2018	85.4520270	James Gilchrist & Trista Gilchrist	Homestead	\$ 3,308.00	\$ 3,034.00	\$ (274.00)	\$ -	\$ (274.00)	\$ (70.18)
2018	25.0610450	Charles White & Margaret White	Relative Homestead	\$ 2,384.00	\$ 2,180.00	\$ (204.00)	\$ -	\$ (204.00)	\$ (75.77)
			TOTALS	\$ 22,010.00	\$ 20,502.00	\$ (1,508.00)	\$ -	\$ (1,508.00)	\$ (670.58)

Carver County Board of Commissioners Request for Board Action



Agenda Item:

USS King Solar LLC - Large Solar Energy System

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 #PZ20170025. The Planning Commission recommended approval of a Conditional Use Permit (CUP), pending a revised landscaping/screening plan, for USS King Solar LLC (US Solar - Peter Schmitt) for a Large Solar Energy System (Community Solar Garden or CSG) of up to one megawatt (1 MW). The proposed site is owned by Robert and Peggy King, and is located in Section 21 of Waconia Township. The CSG would be located on approximately 9 acres (currently tillable soils) of the 80.48-acre parcel. The remaining acreage would consist of agricultural production land and wetland areas.

Pursuant to the Board's direction at the April 3, 2018 meeting, an Order for Approval is attached for consideration. The applicant has also provided an updated landscape plan (attached), which includes the revised plantings (Black Hills Spruce) for the site.

ACTION REQUESTED:

A motion to adopt the attached Findings of Fact and issue Order #PZ20170025 for the approval of the Conditional Use Permit.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT:

Total

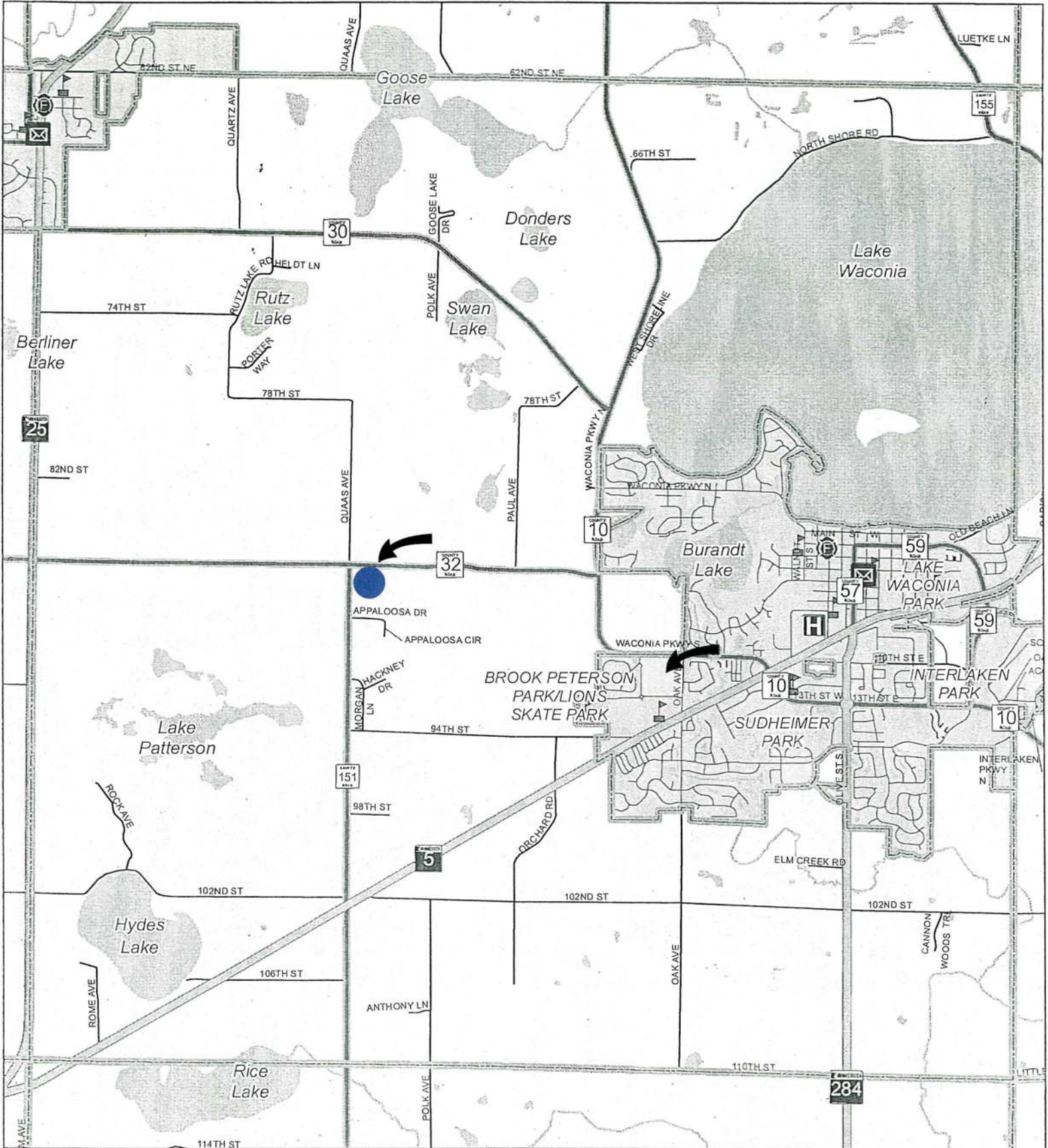
Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2018 - 5379

WACONIA 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.



39 **4-8**

Map Created by Carver County GIS



Buffer Planting Schedule

KEY	QTY.	COMMON/BOTANICAL NAME	SIZE	SPACING	MATURE HEIGHT
●	190	Black Hills Spruce / <i>Picea glauca densata</i>	6' HT BB	20' DIAG (TYP.)	30'-40'

NOTE: QUANTITIES ON PLAN SUPERSEDE LIST QUANTITIES IN THE EVENT OF A DISCREPANCY.

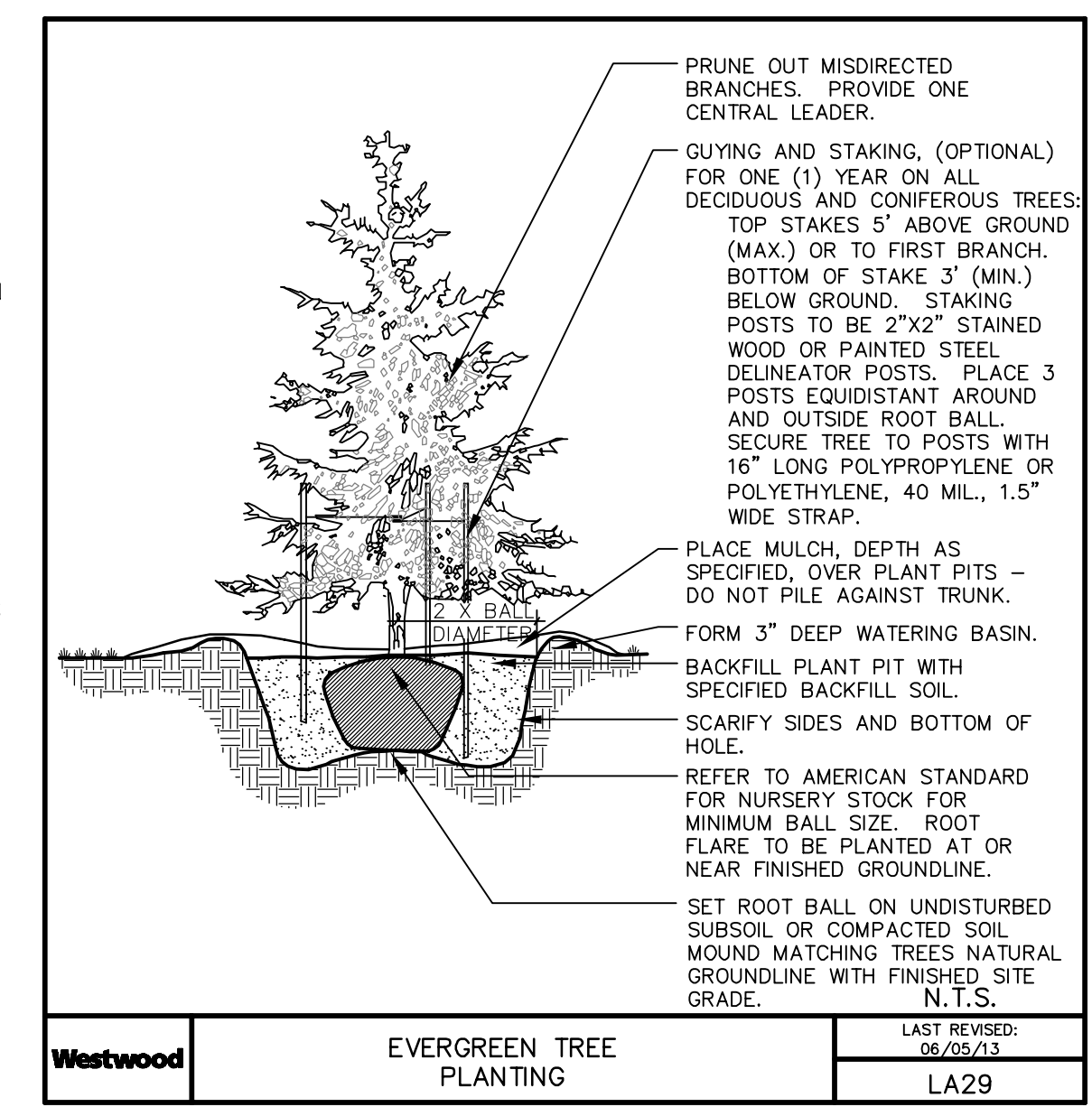
Planting Notes

- CONTRACTOR SHALL CONTACT GOPHER "ONE CALL" (651-454-0002 or 800-252-1166) TO VERIFY LOCATIONS OF ALL UNDERGROUND UTILITIES PRIOR TO INSTALLATION OF ANY PLANTS OR LANDSCAPE MATERIAL.
- ACTUAL LOCATION OF PLANT MATERIAL IS SUBJECT TO FIELD AND SITE CONDITIONS.
- NO PLANTING WILL BE INSTALLED UNTIL ALL GRADING AND CONSTRUCTION HAS BEEN COMPLETED IN THE IMMEDIATE AREA.
- ALL SUBSTITUTIONS MUST BE APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO SUBMISSION OF ANY BID AND/OR QUOTE BY THE LANDSCAPE CONTRACTOR.
- CONTRACTOR SHALL PROVIDE ONE YEAR GUARANTEE OF ALL PLANT MATERIALS. THE GUARANTEE BEGINS ON THE DATE OF THE LANDSCAPE ARCHITECT'S OR OWNER'S WRITTEN ACCEPTANCE OF THE INITIAL PLANTING. REPLACEMENT PLANT MATERIAL SHALL HAVE A ONE YEAR GUARANTEE COMMENCING UPON PLANTING.
- ALL PLANTS TO BE SPECIMEN GRADE, MINNESOTA-GROWN AND/OR HARDY. SPECIMEN GRADE SHALL ADHERE TO, BUT IS NOT LIMITED BY, THE FOLLOWING STANDARDS:
ALL PLANTS SHALL BE FREE FROM DISEASE, PESTS, WOUNDS, SCARS, ETC.
ALL PLANTS SHALL BE FREE FROM NOTICEABLE GAPS, HOLES, OR DEFORMITIES.
ALL PLANTS SHALL BE FREE FROM BROKEN OR DEAD BRANCHES.
ALL PLANTS SHALL HAVE HEAVY, HEALTHY BRANCHING AND LEAFING.
CONIFEROUS TREES SHALL HAVE AN ESTABLISHED MAIN LEADER AND A HEIGHT TO WIDTH RATIO OF NO LESS THAN 5:3.
- PLANTS TO MEET AMERICAN STANDARD FOR NURSERY STOCK (ANSI Z60.1-2004 OR MOST CURRENT VERSION) REQUIREMENTS FOR SIZE AND TYPE SPECIFIED.
- PLANTS TO BE INSTALLED AS PER MNLA & ANSI STANDARD PLANTING PRACTICES.
- PLANTS SHALL BE IMMEDIATELY PLANTED UPON ARRIVAL AT SITE. PROPERLY HEEL-IN MATERIALS IF NECESSARY; TEMPORARY ONLY.
- PRIOR TO PLANTING, FIELD VERIFY THAT THE ROOT COLLAR/ROOT FLAIR IS LOCATED AT THE TOP OF THE BALLED & BURLAP TREE. IF THIS IS NOT THE CASE, SOIL SHALL BE REMOVED DOWN TO THE ROOT COLLAR/ROOT FLAIR. WHEN THE BALLED & BURLAP TREE IS PLANTED, THE ROOT COLLAR/ROOT FLAIR SHALL BE EVEN OR SLIGHTLY ABOVE FINISHED GRADE.
- REMOVE POT ON POTTED PLANTS; SPLIT AND BREAK APART PEAT POTS.
- PRUNE PLANTS AS NECESSARY - PER STANDARD NURSERY PRACTICE AND TO CORRECT POOR BRANCHING OF EXISTING AND PROPOSED TREES.
- THE NEED FOR SOIL AMENDMENTS SHALL BE DETERMINED UPON SITE SOIL CONDITIONS PRIOR TO PLANTING. LANDSCAPE CONTRACTOR SHALL NOTIFY LANDSCAPE ARCHITECT FOR THE NEED OF ANY SOIL AMENDMENTS.
- BACKFILL SOIL AND TOPSOIL TO ADHERE TO MN/DOT STANDARD SPECIFICATION 3877 (COMMON TOPSOIL BORROW) AND TO BE EXISTING TOP SOIL FROM SITE FREE OF ROOTS, ROCKS LARGER THAN ONE INCH, SUBSOIL DEBRIS, AND LARGE WEEDS UNLESS SPECIFIED OTHERWISE. MINIMUM 12" DEPTH TOPSOIL FOR TREE, SHRUBS, AND PERENNIALS.
- PROVIDE MULCH FOR ALL TREE AND SHRUB PLANTINGS PER DETAIL. MULCH TO BE SHREDDED HARDWOOD AND FREE OF DELETERIOUS MATERIAL. MULCH 3' DIAMETER RING AROUND ALL TREES AND SHRUBS TO A DEPTH OF 4". KEEP MULCH OFF TRUNK.
- CONTRACTOR SHALL PROVIDE NECESSARY WATERING OF PLANT MATERIALS UNTIL THE PLANT IS FULLY ESTABLISHED OR IRRIGATION SYSTEM IS OPERATIONAL. OWNER WILL NOT PROVIDE WATER FOR CONTRACTOR.
- REPAIR, REPLACE, OR PROVIDE SOD/SEED AS REQUIRED FOR ANY ROADWAY BOULEVARD AREAS ADJACENT TO THE SITE DISTURBED DURING CONSTRUCTION.
- REPAIR ALL DAMAGE TO PROPERTY FROM PLANTING OPERATIONS AT NO COST TO OWNER.

Buffer Planting Materials



Planting Details



Westwood	EVERGREEN TREE PLANTING	LAST REVISED: 06/05/13
		LA29

Westwood

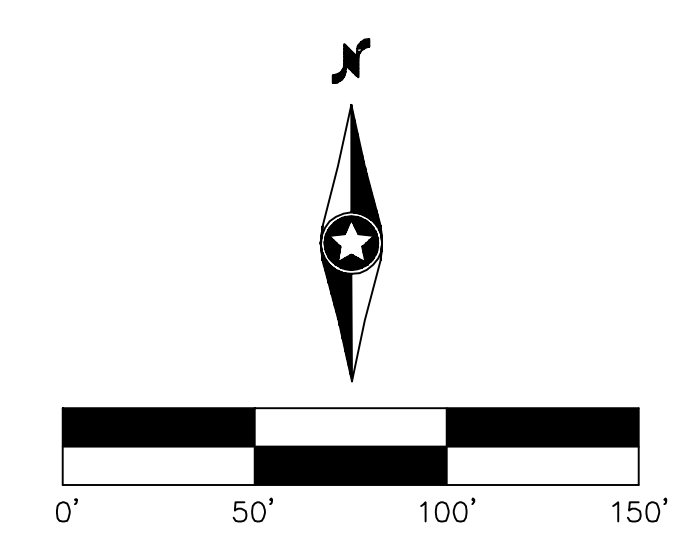
Phone (952) 937-5150 7699 Anagram Drive
 Fax (952) 937-5822 Eden Prairie, MN 55344
 Toll Free (888) 937-5150 westwoodps.com
 Westwood Professional Services, Inc.

Designed: MDO
 Checked: KMP
 Drawn: MDO
 Record Drawing by/date:

Revisions	DATE	DESCRIPTION

Prepared for:

100 N 6th St #218c
 Minneapolis, MN 55403



USS King 2 LLC
 Carver County, Minnesota
 12695 County Rd 32
 Waconia, MN 55387

Landscaping Plan

Not for Construction

Date: 04/09/18
 Sheet: C.500

**COUNTY OF CARVER
BOARD OF COMMISSIONERS**

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

DATE: April 17, 2018

ORDER #: PZ20170025

FILE #: PZ20170025

APPLICANT: Peter Schmitt (United States Solar Corporation)
(Site Name: USS King 2 Solar LLC)

OWNER: Robert and Peggy King

SITE ADDRESS: 89XX Co Rd 151, Waconia Township

PERMIT TYPE: Renewable Energy – Large SES

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

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 09-021-0200

A public hearing was held on this matter on November 21, 2017, by the Carver County Planning Commission, and additional information was heard and submitted at the County Board meetings on February 13, 2018, February 27, 2018, and April 3, 2018, 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 80.48 acres) is owned by Robert & Peggy King and is located in the NW ¼ of Section 21, Waconia Township. The proposed request is located on approximately 9 acres of the 80.48 acre parcel consisting of production land located in the Agricultural Zoning District and the CCWMO – Carver Creek watershed.
2. The applicant, US Solar, USS King 2 Solar LLC (Peter Schmitt), is requesting to construct, operate (by lease), and maintain up to a one (1) 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 part of Xcel Energy’s Community Solar Garden Program, which was established by the State of Minnesota in 2013. The Energy contract with Xcel Energy for this program is 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 Carver County Board of Commissioners approved an ordinance amendment to Zoning Code section, 152.039 Renewable Energy, on July 11, 2017. The applicant’s complete application was submitted (and accepted) to the Carver County Land Management Department on July 10, 2017, therefore; the application would be reviewed against the previous ordinance standards. The applicant has stated that they have modified the proposed site plan to also meet the current Zoning Code requirements.
5. On July 25, 2017, the Carver County Land Management Department received an e-mail from US Solar LLC requesting the application be heard at the November 21, 2017 Planning Commission meeting; waiving the “60 day law” deadline.
6. The 2030 Carver County 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 LU-19 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 agriculture 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.

7. The applicant has noted in its operational plan “cover letter” (dated: July 8, 2017) that USS King 2 Solar LLC has submitted the application on behalf of United States Solar Corporation (“US Solar”), a small business headquartered out of Minneapolis and responsible for coordinating all projects including development, permits, finance, construction, management, insurance, maintenance, monitoring, and customer service.
8. The applicant has indicated the site was selected due to its solar resource, physical characteristics (limited grading, no impact to wetlands, neighbors, and soils), proximity and access to high-value 3-phase distribution facilities (on project-side, east side, of Co Rd 151), applicable zoning and permit requirements, and willingness of the landowner. The applicant has also provided information that there would be negligible impact to the rural character of the area, and no impact on neighboring property values. Robert and Peggy King have entered into a minimum 25 year lease agreement with USS King 2 Solar LLC.
9. The applicant is proposing to construct and operate up to a one (1) mega-watt (MW) solar garden on the site. The major equipment components of the solar array include the solar modules, inverters, and racking. The panels would be on single-axis trackers, which rotate from east to west and will be a maximum of 10 feet in height and do not require concrete foundations therefore are easily removed during decommissioning. The applicant has indicated the size and style of the panels, with the tracking system, would virtually eliminate the potential for glare. The energy produced on the site would be fed to 40 inverters installed throughout the site, which would be enclosed and meet all applicable codes and standards. From the inverters, energy would be transferred to the interconnection location on the west side of the project area through underground, medium-voltage cable, to the proposed new utility pole location within an Xcel Energy easement area to the west of the proposed operational area. The exact panel, array, inverter and electrical interconnection configuration and dimensions may change based on the actual equipment and manufacturer selection however, the ultimate panel/fencing locations must remain within the approved site plan.
10. According to the applicant, leveling/ cutting (approx. 2 feet) of the higher elevation is being proposed in the design of the solar array, including the construction of a 15-foot wide unpaved access road. The proposed solar racking is noted to accommodate the existing terrain allowing for maintenance of the existing drainage and runoff patterns, minimizing the impact to surrounding lands. Any/all grading will be pursuant to the final engineering design and building permit submittal.
11. During construction the hours of operation are proposed to be 7:00 a.m. – 7:00 p.m. Monday through Friday (weekends if needed). After construction, the CSG would operate 24 hours a day, 365 days a year. Site operations (energy productivity) would be monitored remotely with equipment determined and approved by Xcel Energy. There would be no daily traffic after completion of construction although, one (1) quarterly site visit (one vehicle with two authorized employees) will take place to perform routine maintenance. During the first few years of operations, approximately two (2) landscape maintenance employees would visit the site monthly, during the growing season, to ensure landscaping is establishing efficiently. After vegetation has been established, traffic to the site would include one (1) quarterly visit; one (1) vehicle with approximately two (2) authorized employees to perform routine maintenance.
12. USS King 2 Solar LLC is proposing to drive piles (metal posts) into the ground to support the single-axis tracker racking system. The applicant has noted the piles would be installed with noise mitigating, vibrating piles that are anchored into the ground based on structural analysis which also facilitate decommissioning as they do not require cement foundations and are easily removed. 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 surrounding land uses consist of agriculture, and single family dwellings. It appears the closest neighboring residence is approximately 657 feet from the operational area, the nearest feedlot is located more than a mile from the operational area, and the nearest township (local) road is approximately 703 feet from the project operational area. Landscape screening has been proposed on all sides of the operational area, including two rows of Black Hills Spruce trees. The applicant has proposed, in its supplemental information (dated: March 23, 2018), installation of an eight (8)

foot chain-link fencing with plastic slats to provide 100 percent opacity around the perimeter of the operational area, and for security measures, and offered \$800 for additional screening (upon request) to 3 neighboring property owners, located to the south and west.

14. Xcel Energy has conducted and completed an engineering cost estimate and provided an Interconnection Agreement, dated June 23, 2017. Xcel Energy provides the study results to inform the applicant of the engineering indicative cost estimate, where they are located in the interconnection queue, and to identify the maximum generation capacity (in MW) which can be accommodated at the site location. The interconnection location, located to the west of the operational area, would be constructed pursuant to Xcel Energy's standards and would also require a minimum of three (3) utility poles (at the interconnect point).
15. US Solar LLC would take on the responsibility and costs of the decommissioning of the site at the end of the operational life of the CSG as noted in the lease between the property owner and US Solar LLC. Decommissioning would commence after twelve (12) months of non-operation. The project site would be restored to pre-construction conditions after removal of the structures and restoration of soil and vegetation. USS King 2 Solar LLC and/or property owner would be responsible for all costs associated with the decommissioning. The applicant has indicated the garden is comprised of multiple recycled materials including glass, semiconductor material, steel, aluminum, copper, and plastics. Fencing would be removed and recycled and the soils and access would be reclaimed and soils replaces where needed. The site could be restored to productive farmland. A decommissioning fund, in the amount of \$25,000, would be provided as a letter of credit or escrow fund available to the property owner and County in the event USS King 2 Solar LLC was unable, or unwilling, to decommission the site as outlined in the supplemental statement (dated: November 13, 2017).
16. The applicant's operational plan includes acknowledgement of the public's concerns regarding stray voltage and provides additional informational materials. The applicant has also provided additional stray voltage information in their supplemental statement (dated: November 13, 2017) including a letter from Westwood Engineering's Electrical Engineering Manager. A condition of the permit would require that any stray voltage be remediated within 30 days of detection and verification, and all test results would be sent to Carver County for reference and made publicly available. The applicant has agreed to provide stray voltage testing, pre and post construction, for current and future landowners with livestock, within a one-half mile radius of the operational area of the array, as requested by the Board. The property owner(s) would be responsible for contacting US Solar –USS King Solar LLC in order to participate.
17. The applicant has provided contact information for any maintenance and operation questions or concerns in their operational plan (dated: July 8, 2017). The applicant would need to provide a more detailed emergency response plan as well as contractor details pertaining to drainage, weed maintenance, screening, site maintenance, stray voltage, etc. It is understood that many of the subcontractor details are not addressed until a solar company and Xcel Energy have reached the final design plan phase for a project. The applicant would be required to submit (to the Carver County Land Management Department) the list of emergency contacts (during the construction phase) with an emergency plan prior to the issuance of any building permits. Updated contacts for post construction would be required to be submitted within 30 days of the issuance of the Building Permit Certificate of Occupancy (C.O.). The applicant would be required to provide signage with referenced contact information to be placed on the security fencing at this entrance to the operational area. All signage posted on site would be in compliance with Chapter 154 – Sign Regulations. Internal signage is required for labeling of electrical equipment to provide safety and support good practices.
18. The applicant has completed a preliminary drainage plan although, a full drainage report would be completed as part of the Stormwater and Pollution Prevention Plan (SWPPP) permit to be reviewed by the CCWMO as part of their stormwater management standards. A condition should be placed on the permit request which states, "The Permittee shall be responsible for the maintenance and/or replacement of any/all drain tile servicing this site (if problems occur) for the duration of the CUP".
19. 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. As part of their formal review, they will also:

- a. Review project plans to ensure that there are no upstream or downstream impacts caused by the project;
 - b. Review project plans to ensure that existing drain tile servicing the site has been identified and will be avoided during construction. Or, if any changes to the site's existing natural and subsurface drainage system are proposed, review changes to ensure that the proposed drainage system has the same capacity as the existing system;
 - c. Review proposed erosion and sediment control BMP's to ensure the site will be managed in a way that prevents offsite erosion or deposit of sediment during construction and is permanently stabilized following construction;
 - d. Review other items as needed to demonstrate compliance with County Water Rules (Chapter 153);
 - e. Collect a surety of \$1,000 per acre up to a maximum of \$50,000 to ensure for faithful performance of the approved plans and to finance any necessary remedial work. The surety shall be held until the following conditions are met (additional conditions may be added during review):
 - i. The project is complete;
 - ii. The site has been re-vegetated (90% vegetative cover across the site, 100% vegetative cover with no signs of erosion in areas of concentrated flows);
 - iii. All erosion and sediment control measures have been removed.
20. The applicant has committed to using pollinator-friendly and native grasses underneath the solar panels and in the surrounding areas. The vegetation would be chosen to reduce stormwater runoff, expand habitat for pollinators, and preserve and improve soils to enhance the surrounding agricultural activity. USS King 2 Solar LLC would control weeds and maintenance throughout the life of the project. Final implementation of the seeding plan shall be subject to review/recommendations by the CCWMO. USS King 2 Solar LLC would ensure ground cover at the site is maintained and mowed.
21. USS King 2 Solar LLC would work with the local road authority (Carver County Public Works) to allow for an access off of County Road 151. The access road would be approximately 15 feet wide with approximately four – eight inches of aggregate material. The applicant has indicated geo-fabric would be installed prior to installation of any composite materials for the access road. The applicant would be required to secure an access permit from the road authority.
22. The applicant has indicated that they are committed to meeting Minnesota state requirements for liability insurance coverage. In their July 8, 2017 operational plan, they identify the insurance coverage requirements. The state guidelines require the Permittee to maintain a comprehensive public liability insurance policy which is written by an insurance carrier and must be authorized by law.
23. The Waconia Town Board reviewed the request during their November 13, 2017, Town Board meeting and has recommended denial. The Carver County Planning Commission reviewed the request at their November 21, 2017 meeting and recommended approval. The Carver County Board considered the Town Board's recommendation for denial, and has ruled otherwise on the grounds that the applicant meets the Zoning Code requirements for a Large Solar Energy System.
24. The County Board has considered all of the factors required by Section 152.251 of the Carver County Code and finds that all are either true, in this case, or that they can be mitigated by conditions placed on the permit.

IT IS HEREBY ORDERED THAT THE CARVER COUNTY ZONING ADMINISTRATOR SHALL ISSUE CONDITIONAL USE PERMIT #PZ20170025. THIS PERMIT IS ISSUED PURSUANT TO THE CARVER COUNTY CODE FOR A RENEWABLE ENERGY - LARGE SOLAR ENERGY SYSTEM (SES), ON PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A". THE FOLLOWING CONDITIONS SHALL BE ATTACHED TO THE PERMIT:

1. The permit is subject to Compliance Review. The permit allows for a community solar garden (CSG) on the subject 80± acre property (approx. 9± acre operational area) and it is not transferable to another parcel and/or another area of the parcel subject to the permit. Upon notice to the Carver County Land Management Department, the permit, including all rights and obligations therein, may be assigned, in whole or in part, to any Permittee affiliate and any party with experience owning and operating energy generation facilities. Any other proposed change in facility ownership shall be cause for the permit to be reviewed by the Carver County Land Management Department for a determination as to whether an application for an amendment or similar consideration is necessary, and any such

proposed owners and/or operators of the solar site are encouraged to contact Land Management as early on in the timeline of the proposed change as possible.

2. Permittee shall operate in accordance with the submitted CSG Application (submittal date: July 10, 2017) and Supporting Documentation (dated: July 8, 2017, November 13, 2017, February 1, 2018, and March 23, 2018) Site and Landscaping Plan(s) (specifically, the northwest location) (dated: March 20, 2018 and April 9, 2018). If there are any inconsistencies between previously submitted versions, the terms of the most recent shall prevail and shall be considered requirements of this permit. These plans shall be considered a requirement of this permit. The CSG shall be installed and maintained in accordance with the Carver County Zoning Code (i.e. screening, noise mitigation, decommissioning, etc.).
3. The screening plan shall be implemented in accordance with the final Landscaping Plan (dated: April 9, 2018). These plans shall be considered a requirement of this permit. The Permittee shall be responsible for maintaining any and all vegetative screening for the duration of the CUP. The screening shall be installed and maintained in accordance with the standards of the Carver County Zoning Code.
4. All structures used in conjunction with the facility shall meet the applicable requirements of the Carver County Zoning Code and State Building Code. Any required building permits must be obtained prior to construction.
5. The permit is subject to any/all Carver County Public Works (or appropriate road authority) standards pertaining to access requirements. The appropriate permit(s) shall be obtained before any work commences within the road right-of-way.
6. Any grading and/or filling activity on the property shall be completed in accordance with the Carver County Water Management Rules and the Wetland Conservation Act (WCA), if applicable. Any and all site improvements shall be completed pursuant to Chapter 153 – Water Resource Management. Stormwater Management review and approvals are required prior to the issuance of construction and/or building permits. Geo-fabric shall be required to be installed prior to installation of composite material for the access road.
7. The Permittee shall be responsible for the maintenance, replacement, and/or abandonment of any/all drain tile servicing this site for the duration of the CUP. The Permittee shall work with the landowner to determine if replacement or abandonment is necessary for the any drain tile (if problems occur).
8. The vegetative cover shall be implemented in accordance with the operational plan (dated: July 8, 2017) and supplemental information (dated: November 13, 2017, February 1, 2018, and March 23, 2018), which shall be considered a requirement of this permit. If there are any inconsistencies between previously submitted versions, the terms of the most recent shall prevail and shall be considered requirements of this permit. The project shall be planned and developed in a way that is beneficial to pollinators – meeting or exceeding the statewide standard for pollinator-friendly solar for the area specified in the operational/site plan(s). The Permittee shall be responsible for maintaining any/all vegetative ground cover for the duration of the CUP. Final implementation of the plan(s) shall be subject to the CCWMO review and approval.
9. Permittee shall comply at all times with the County standards as detailed in Chapter 152 – Zoning Code and Chapter 154 – Sign Regulations.
10. Pursuant to the operational plan and supporting documentation (dated: July 8, 2017, November 13, 2017, February 1, 2018, and March 23, 2018), USS King 2 Solar LLC shall construct the facility according to the National Electrical Safety Code standards. Any stray voltage will be remediated within 30 days of detection and verification. Results of any stray voltage data collection shall be submitted to Carver County Land Management Department.
11. The Permittee shall provide any land owner with livestock within one ½ mile of the operational area stray voltage testing on their property pre and post construction of the array. The landowner is responsible for contacting US Solar – King 2 LLC in order to participate and schedule testing.

12. Decommissioning of the solar facility shall be implemented in accordance with the Decommissioning Plan process (date: July 8, 2017, November 13, 2017, February 1, 2018, and March 23, 2018) at the end of the life of the community solar garden. If there are any inconsistencies between previously submitted versions of a decommissioning plan, the terms of the most recent shall prevail and shall be considered requirements of this permit. The Carver County Land Management department shall receive a copy of the security document from the Permittee or property owner prior to issuance of a certificate of occupancy (COC). The Permittee and/or property owner shall be responsible for all of the decommissioning costs and will list Carver County as having access to the surety in the event the facility has not been in use for 12 consecutive months and the Permittee or property owner is unwilling to commence with decommissioning activities. The operational plan and supplemental information satisfies the decommissioning standard. The Permittee and property owner shall maintain this agreement for the duration of the solar energy array. At such time the essential service is no longer in use, the Permittee shall provide a list of contractors including name(s), addresses and telephone numbers to Land Management Department for the decommissioning and reclamation of the site.

13. The Permittee shall provide the Carver Country Land Management Department with the Operation & Maintenance agreement documenting the list of emergency contacts (during the construction phase) with an emergency plan prior to the issuance of any building permits. The emergency/response plan shall include: contact name(s), addresses, and telephone number(s) for the responsible party(s) as it pertains to drainage, weed maintenance, screening, site maintenance, stray voltage, etc. The list of contacts would also be posted/identified by a placard sign at the site. The completed (construction) emergency/response plan shall be submitted to the Land Management Department prior to the issuance of any building permit(s). An updated contacts list for the on-going maintenance/operations after construction is completed would be required to be submitted within 30 days of the issuance of the Building Permit Certificate of Occupancy (C.O.). The applicant would be required to provide signage with referenced contact information to be placed on the security fencing at this entrance to the operational area. All signage posted on site must be in compliance with Chapter 154 – Sign Regulations. Internal signage is required for labeling of electrical equipment to provide safety and support good practices.

14. No later than the date that construction of the solar facility begins; the Permittee (including all Permittee affiliates) shall name Carver County as an additional insured on all policies of liability insurance. The Permittee shall annually file with the Carver County Land Management Department a certificate evidencing coverage. The certificate shall provide that the County must be given thirty (30) days written notice of the cancellation of insurance.

15. No later than the date that construction of the solar facility begins, the Permittee (including all Permittee affiliates) shall submit a copy of Worker’s Compensation Insurance to the Carver County Land Management Department.

Gayle Degler
Carver County Board Chair

Dave Hemze
County Administrator

Carver County Board of Commissioners Request for Board Action



Agenda Item:

USS Eggo Solar LLC - Large Solar Energy System

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 #PZ20180003. The Planning Commission has recommended approval of a Conditional Use Permit (CUP) for USS Eggo Solar LLC (US Solar - Erica Forsman), for a Large Solar Energy System (Community Solar Garden) of up to one megawatt (1MW). The proposed site is owned by Herman and Beverly Eggers and is located in Section 36 (Gotha Rural Service District) of Benton Township. The solar development would be located on approximately 8-9 acres (currently tillable soils) of the 38.35 acre parcel. The remaining acreage would consist of agricultural production land.

Pursuant to the Board's direction at the April 3, 2018 meeting, an Order for Approval is attached for consideration.

ACTION REQUESTED:

A motion to adopt the attached Findings of Fact and issue Order #PZ20180003 for the approval of the Conditional Use Permit.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT:

Total

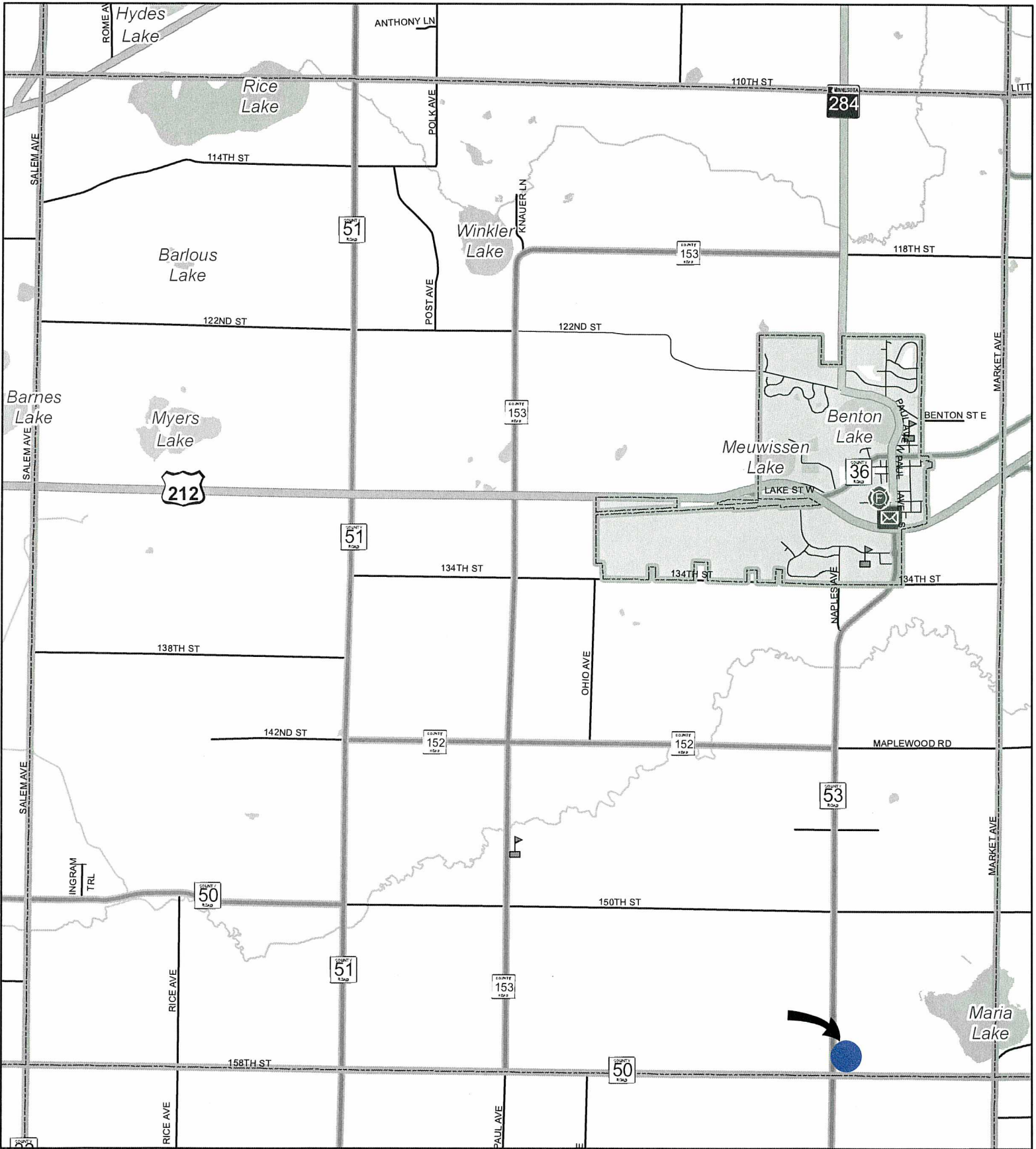
Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2018 - 5380

BENTON 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.



**COUNTY OF CARVER
BOARD OF COMMISSIONERS**

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

DATE: April 17, 2018

ORDER #: PZ20180003

FILE #: PZ20180003

APPLICANT: Erica Forsman (United States Solar Corporation, USS Eggo Solar LLC)

OWNER: Herman & Beverly Eggers

SITE ADDRESS: 156XX Co Rd 53, Benton Township

PERMIT TYPE: Renewable Energy – Large SES

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

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 01-036-1300

A public hearing was held on this matter on February 20, 2018, by the Carver County Planning Commission, and additional information was heard and submitted at the April 3, 2018 County Board meeting, 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 38.35 acres) is owned by Herman and Beverly Eggers and is located in the SW ¼ of Section 36, Benton Township. The proposed site is located on approximately 9 acres of the 38.35 acre parcel, consisting of crop production land located in the Agricultural Zoning District, the Gotha Rural Service Overlay District (RSD), and the CCWMO – Bevens Creek watershed.
2. The applicant, US Solar, USS Eggo Solar LLC (Erica Forsman), is requesting to construct, operate (by lease), and maintain up to a one (1) 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 part of Xcel Energy’s Community Solar Garden Program, which was established by the State of Minnesota in 2013. The Energy contract with Xcel Energy for this program is for a minimum of 25 years.
3. The proposal 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. Renewable Energy is allowable in all Zoning Districts; therefore, the Rural Service district standards, pursuant to Section 152.097, are not applicable in this case.
4. The Carver County Board of Commissioners approved an ordinance amendment, to Zoning Code Section 152.039 - Renewable Energy, on July 11, 2017. The applicant’s complete application was submitted and accepted by the Carver County Land Management Department on January 26, 2018, therefore; the application would be reviewed against the most recent ordinance standards. A “60 day law” letter was sent to the applicant, on March 16, 2018, extending the deadline for a decision on the request to May 24, 2018.
5. The 2030 Carver County 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 LU-19 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 agriculture 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.

6. The applicant has noted in its operational plan “cover letter” (dated: January 25, 2018) that USS Eggo Solar LLC has submitted the application on behalf of United States Solar Corporation (“US Solar”), a small business headquartered out of Minneapolis and responsible for coordinating all projects including development, permits, finance, construction, management, insurance, maintenance, monitoring, and customer service.
7. The applicant has indicated the site was selected due to its solar resource, physical characteristics (limited grading, no impact to wetlands, neighbors, and soils), proximity and access to high-value 3-phase distribution facilities (on project-side, east side, of Co Rd 53), applicable zoning and permit requirements, and willingness of the landowner. The applicant has also provided information that there would be negligible impact to the rural character of the area, and no impact on neighboring property values. Herman and Beverly Eggers have entered into a minimum 25 year lease agreement with USS Eggo Solar LLC.
8. The applicant is proposing to construct and operate up to a one (1) mega-watt (MW) CSG on the site. The major equipment components of the solar array include the solar modules, inverters, and racking. The panels would be on single-axis trackers, which rotate from east to west and will be a maximum of 9 feet in height and do not require concrete foundations therefore, are easily removed during decommissioning. The applicant has indicated the size and style of the panels, with the tracking system, would virtually eliminate the potential for glare. The energy produced on the site would be fed to 40 inverters installed throughout the site, which would be enclosed and meet all applicable codes and standards. From the inverters, energy would be transferred to the interconnection location on the west side of the project area through underground, medium-voltage cable, to the proposed new utility pole location within an Xcel Energy easement area to the west of the proposed operational area. The exact panel, array, inverter and electrical interconnection configuration and dimensions may change based on the actual equipment and manufacturer selection however, the ultimate panel/fencing locations must remain within the approved site plan.
9. According to the applicant, no substantial grading or filling is being proposed in the design of the solar array with the exception of a 15-foot wide unpaved access road. The proposed solar racking is noted to accommodate the existing terrain allowing for maintenance of the existing drainage and runoff patterns, minimizing the impact to surrounding lands. Any/all grading will be pursuant to the final engineering design and building permit submittal.
10. During construction, the hours of operation are proposed to be 7:00 a.m. – 7:00 p.m. Monday through Friday (weekends if needed). After construction, the CSG would operate 24 hours a day, 365 days a year. Site operations (energy productivity) would be monitored remotely with equipment determined and approved by Xcel Energy. There would be no daily traffic after completion of construction although, one (1) quarterly site visit (one vehicle with two authorized employees) will take place to perform routine maintenance. During the first few years of operations, approximately two (2) landscape maintenance employees would visit the site monthly, during the growing season, to ensure landscaping is establishing efficiently. After vegetation has been established, traffic to the site would include one (1) quarterly visit; one (1) vehicle with approximately two (2) authorized employees to perform routine maintenance.
11. USS Eggo Solar LLC is proposing to drive piles (metal posts) into the ground to support the single-axis tracker racking system. The applicant has noted the piles would be installed with noise mitigating, vibrating piles that are anchored into the ground based on structural analysis which also facilitate decommissioning as they do not require cement foundations and are easily removed. 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.
12. The surrounding land uses consist of agriculture, a light manufacturing facility, and single family dwellings. It appears the closest neighboring residence is approximately 650 feet from the operational area; and the nearest feedlot (Herman & Beverly Eggers) is located approximately 485 feet from the operational area. Landscape screening has been proposed around the entirety of the operational area including double rowed blocks of Nannyberry and Red Elderberry. The applicant has proposed, in their operational plan (dated: January 25, 2018), farm field style fencing without barbed wire, eight (8) feet in height, around the perimeter of the operational area for security measures.
13. Xcel Energy has conducted and completed an engineering cost estimate and provided an Interconnection Agreement, dated September 7, 2017. Xcel Energy provides the study results to inform the applicant of the engineering indicative

cost estimate, where it is located in the interconnection queue, and to identify the maximum generation capacity (in MW) which can be accommodated at the site location. The interconnection location, located to the west of the operational area, would be constructed pursuant to Xcel Energy's standards and would also require a minimum of three (3) utility poles (at the interconnect point).

14. US Solar LLC would take on the responsibility and costs of the decommissioning of the site at the end of the operational life of the CSG as noted in the lease between the property owner and US Solar LLC. Decommissioning would commence after twelve (12) months of non-operation. The project site would be restored to pre-construction conditions after removal of the structures and restoration of soil and vegetation. USS Eggo Solar LLC and/or property owner would be responsible for all costs associated with the decommissioning. The applicant has indicated the garden is comprised of multiple recycled materials including glass, semiconductor material, steel, aluminum, copper, and plastics. Fencing would be removed and recycled and the soils and access would be reclaimed and soils replaces where needed. The site could be restored to productive farmland. A decommissioning fund, in the amount of \$25,000, would be provided as a letter of credit or escrow fund available to the property owner and County in the event USS King Solar LLC was unable, or unwilling, to decommission the site as outlined in the supplemental statement (dated: January 25, 2018).
15. The applicant's operational plan includes acknowledgement of the public's concerns regarding stray voltage and provides additional informational materials including a letter from Westwood Engineering's Electrical Engineering Manager, and the Minnesota Stray Voltage Guide, in its application materials. A condition of the permit would require that any stray voltage be remediated within 30 days of detection and verification, and all test results would be sent to Carver County for reference and made publicly available. The applicant has agreed to provide stray voltage testing, pre and post construction, for current and future landowners with livestock within a one-mile radius of the operational area of the array as requested by the Planning Commission. The land owner(s) would be responsible for contacting US Solar –USS Eggo Solar LLC in order to participate.
16. The applicant has provided contact information for any maintenance and operation questions or concerns in its operational plan (dated: January 25, 2018). The applicant would need to provide a more detailed emergency response plan as well as contractor details pertaining to drainage, weed maintenance, screening, site maintenance, stray voltage, etc. It is understood that many of the subcontractor details are not addressed until a solar company and Xcel Energy have reached the final design plan phase for a project. The applicant would be required to submit (to the Carver County Land Management Department) the list of emergency contacts (during the construction phase) with an emergency plan prior to the issuance of any building permits. Updated contacts for post construction would be required to be submitted within 30 days of the issuance of the Building Permit Certificate of Occupancy (C.O.). The applicant would be required to provide signage with referenced contact information to be placed on the security fencing at this entrance to the operational area. All signage posted on site would be in compliance with Chapter 154 – Sign Regulations. Internal signage is required for labeling of electrical equipment to provide safety and support good practices.
17. The applicant has completed a preliminary drainage plan although, a full drainage report would be completed as part of the Stormwater and Pollution Prevention Plan (SWPPP) permit to be reviewed by the CCWMO as part of their stormwater management standards. A condition should be placed on the permit request which states, "The Permittee shall be responsible for the maintenance and/or replacement of any/all drain tile servicing this site (if problems occur) for the duration of the CUP".
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. As part of their formal review, they will also:
 - a. Review project plans to ensure that there are no upstream or downstream impacts caused by the project;
 - b. Review project plans to ensure that existing drain tile servicing the site has been identified and will be avoided during construction. Or, if any changes to the site's existing natural and subsurface drainage system are proposed, review changes to ensure that the proposed drainage system has the same capacity as the existing system;
 - c. Review proposed erosion and sediment control BMP's to ensure the site will be managed in a way that prevents offsite erosion or deposit of sediment during construction and is permanently stabilized following construction;

- d. Review other items as needed to demonstrate compliance with County Water Rules (Chapter 153);
 - e. Collect a surety of \$1,000 per acre up to a maximum of \$50,000 to ensure for faithful performance of the approved plans and to finance any necessary remedial work. The surety shall be held until the following conditions are met (additional conditions may be added during review):
 - i. The project is complete;
 - ii. The site has been re-vegetated (90% vegetative cover across the site, 100% vegetative cover with no signs of erosion in areas of concentrated flows);
 - iii. All erosion and sediment control measures have been removed.
19. The applicant has committed to using pollinator-friendly and native grasses underneath the solar panels and in the surrounding areas. The vegetation would be chosen to reduce stormwater runoff, expand habitat for pollinators, and preserve and improve soils to enhance the surrounding agricultural activity. USS Eggo Solar LLC would control weeds and maintenance throughout the life of the project. Final implementation of the seeding plan shall be subject to review/recommendations by the CCWMO. USS Eggo Solar LLC would ensure ground cover at the site is maintained and mowed.
20. USS Eggo Solar LLC would work with the local road authority (Carver County Public Works) to allow for an access off of County Road 53. The access road would be approximately 15 feet wide with approximately four – eight inches of aggregate material. The applicant has indicated that geo-fabric would be installed prior to installation of any composite materials for the access road. The applicant would be required to secure an access permit from the road authority.
21. The applicant has indicated that they are committed to meeting Minnesota State requirements for liability insurance coverage. In their January 25, 2018 operational plan, they identify the insurance coverage requirements. The state guidelines require the Permittee to maintain a comprehensive public liability insurance policy which is written by an insurance carrier and must be authorized by law.
22. The Benton Town Board reviewed the request during their February 8, 2018, Town Board meeting and has recommended denial. The Carver County Planning Commission reviewed the request at their February 20, 2018 meeting and recommended approval. The Carver County Board considered the Town Board's recommendation for denial, and has ruled otherwise on the grounds that the applicant meets the Zoning Code requirements for a Large Solar Energy System.
23. The County Board has considered all of the factors required by Section 152.251 of the Carver County Code and finds that all are either true, in this case, or that they can be mitigated by conditions placed on the permit.

IT IS HEREBY ORDERED THAT THE CARVER COUNTY ZONING ADMINISTRATOR SHALL ISSUE CONDITIONAL USE PERMIT #PZ20180003. THIS PERMIT IS ISSUED PURSUANT TO THE CARVER COUNTY CODE FOR A RENEWABLE ENERGY - LARGE SOLAR ENERGY SYSTEM (SES), ON PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A". THE FOLLOWING CONDITIONS SHALL BE ATTACHED TO THE PERMIT:

1. The permit is subject to Compliance Review. The permit allows for a community solar garden (CSG) on the subject 38.25± acre property (approx. 9± acre operational area) and it is not transferable to another parcel and/or another area of the parcel subject to the permit. Upon notice to the Carver County Land Management Department, the permit, including all rights and obligations therein, may be assigned, in whole or in part, to any Permittee affiliate and any party with experience owning and operating energy generation facilities. Any other proposed change in facility ownership shall be cause for the permit to be reviewed by the Carver County Land Management Department for a determination as to whether an application for an amendment or similar consideration is necessary, and any such proposed owners and/or operators of the solar site are encouraged to contact Land Management as early on in the timeline of the proposed change as possible.
2. Permittee shall operate in accordance with the submitted CSG application (submittal date: January 25, 2018) and supporting documentation (dated: March 23, 2018) and Site and Landscaping Plan(s) (dated: January 22, 2018 and March 13, 2018). Farm style fencing and double rows of plantings shall be implemented. If there are any

inconsistencies between previously submitted versions, the terms of the most recent shall prevail and shall be considered requirements of this permit. The CSG shall be installed and maintained in accordance with the Carver County Zoning Code (i.e. screening, noise mitigation, decommissioning, etc.)

3. All structures used in conjunction with the facility shall meet the applicable requirements of the Carver County Zoning Code and State Building Code. Any required building permits must be obtained prior to construction.
4. The permit is subject to any/all Carver County Public Works (or appropriate road authority) standards pertaining to access requirements. The appropriate permit(s) shall be obtained before any work commences within the road right-of-way.
5. Any grading and/or filling activity on the property shall be completed in accordance with the Carver County Water Management Rules and the Wetland Conservation Act (WCA), if applicable. Any and all site improvements shall be completed pursuant to Chapter 153 – Water Resource Management. Stormwater Management review and approvals are required prior to the issuance of construction and/or building permits. Geo-fabric shall be required to be installed prior to installation of composite material for the access road.
6. The Permittee shall be responsible for the maintenance, replacement, and/or abandonment of any/all drain tile servicing this site for the duration of the CUP. The Permittee shall work with the landowner to determine if replacement or abandonment is necessary for the any drain tile (if problems occur).
7. The vegetative cover shall be implemented in accordance with the operational plan (dated: January 25, 2018) and site plans (dated: January 22, 2018), which shall be considered a requirement of this permit. The project shall be planned and developed in a way that is beneficial to pollinators – meeting or exceeding the statewide standard for pollinator-friendly solar for the area specified in the operational/site plan(s). The Permittee shall be responsible for maintaining any/all vegetative ground cover for the duration of the CUP. Final implementation of the plan(s) shall be subject to the CCWMO review and approval.
8. Permittee shall comply at all times with the County standards as detailed in Chapter 152 – Zoning Code and Chapter 154 – Sign Regulations.
9. Pursuant to the operational plan (dated: January 25, 2018), USS Eggo Solar LLC shall construct the facility according to the National Electrical Safety Code standards. Any stray voltage will be remediated within 30 days of detection and verification. Results of any stray voltage data collection shall be submitted to Carver County Land Management Department.
10. Any landowner within a one-mile radius of the solar array/operational area, with livestock, shall have the option to request pre and post construction stray voltage testing, if they so choose. The land owner is responsible for contacting US Solar – USS Eggo Solar LLC in order to participate and schedule testing.
11. Decommissioning of the solar facility shall be implemented in accordance with the Decommissioning Plan process (date: January 25, 2018) at the end of the life of the community solar garden. If there are any inconsistencies between previously submitted versions of a decommissioning plan, the terms of the most recent shall prevail and shall be considered requirements of this permit. The Carver County Land Management department shall receive a copy of the security document from the Permittee or property owner prior to issuance of a certificate of occupancy (COC). The Permittee and/or property owner shall be responsible for all of the decommissioning costs and will list Carver County as having access to the surety in the event the facility has not been in use for 12 consecutive months and the Permittee or property owner is unwilling to commence with decommissioning activities. The operational plan and supplemental information satisfies the decommissioning standard. The Permittee and property owner shall maintain this agreement for the duration of the solar energy array. At such time the essential service is no longer in use, the Permittee shall provide a list of contractors including name(s), addresses and telephone numbers to Land Management Department for the decommissioning and reclamation of the site.
12. The Permittee shall provide the Carver County Land Management Department with the Operation & Maintenance

agreement documenting the emergency/response plan containing contact name(s), addresses, and telephone number(s) for the responsible party(s) as it pertains to drainage, weed maintenance, screening, site maintenance, stray voltage, etc. The list of contacts shall also be posted and/or identified by a placard sign at the site with the contact name(s), addresses, and telephone number(s). The completed (construction) emergency/response plan shall be submitted to the Land Management Department prior to the issuance of any building permit(s), and/or prior to beginning any construction activities on the subject parcel, as well as an emergency plan (post-construction) listing contacts for the on-going maintenance/operations after construction is completed. This plan shall be submitted within 30-days of receiving the Building Permit Certificate of Occupancy (C.O.).

13. No later than the date that construction of the solar facility begins; the Permittee (including all Permittee affiliates) shall name Carver County as an additional insured on all policies of liability insurance. The Permittee shall annually file with the Carver County Land Management Department a certificate evidencing coverage. The certificate shall provide that the County must be given thirty (30) days written notice of the cancellation of insurance.
14. No later than the date that construction of the solar facility begins, the Permittee (including all Permittee affiliates) shall submit a copy of Worker's Compensation Insurance to the Carver County Land Management Department.

Gayle Degler,
Carver County Board Chair

Dave Hemze,
County Administrator

Carver County Board of Commissioners Request for Board Action



Agenda Item:
Road and Bridge CIP

Primary Originating Division/Dept: ▼

Meeting Date:

Contact: Title:

Item Type:
 ▼

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:
 ▼

BACKGROUND/JUSTIFICATION:

Overview of 2018 Construction Program and 2019-2023 Road and Bridge CIP

Update the Board on of the Corridors of Commerce Program and get direction on Carver County's applications.

ACTION REQUESTED:

N/A

FISCAL IMPACT: ▼

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT: ▼

Total

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2018 - 5373

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Status Update on Construction Plans for Coney Island of the West

Primary Originating Division/Dept: ▼

Meeting Date:

Contact: Title:

Item Type:
 ▼

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

▼

BACKGROUND/JUSTIFICATION:

Staff and consultant will provide an update on construction planning and historical review process for Coney Island of the West.

ACTION REQUESTED:

No action is requested.

FISCAL IMPACT: ▼

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT: ▼

Total

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2018 - 5339