



Carver County Board of Commissioners
March 5, 2019
Regular Session
County Board Room
Carver County Government Center
Human Services Building
Chaska, Minnesota

PAGE

REGULAR SESSION

- 9:00 a.m. 1. a) **CONVENE**
b) **Pledge of allegiance**
c) **Public comments** - *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.*
2. Agenda review and adoption
3. Approve minutes of February 19, 2019, Regular Session 1-4
4. Community Announcements
- 9:05 a.m. 5. **CONSENT AGENDA**
- Growth: Manage the challenges and opportunities resulting from growth and development*
- 5.1 Preliminary Plat - Tim Geyen Addition 5-9
- 5.2 Ralph & Sharon Oelfke - Temporary Mobile Home 10-13
- Communities: Create and maintain safe, healthy and livable communities*
- 5.3 Settlement Agreements for Right of Way Acquisition for the Highway 33 Bridge Project..... 14-17
- 5.4 Board approval Squad transfer 18
- 5.5 Grant Agreement SG -10782 for Recreation Open Space Development Lake Waconia Regional Park..... 19
- Culture: Provide organizational culture fostering accountability to achieve goal and sustain trust/confidence in County government*
- 5.6 Addition of Highway Operations Technician Trainee Classification..... 20
- Finances: Improve the County's financial health and economic profile*
- 5.7 Review Social/ Commissioners' Warrants..... NO ATT
- 9:05 a.m. 6. **CONNECTIONS: Develop strong public partnerships and connect people to services**
- 6.1 Update from Minnehaha Creek Watershed District..... 21

9:30 a.m. 7. **GROWTH: Manage the challenges and opportunities resulting from growth and development**
7.1 USS Westeros Solar LLC - Large Solar Energy System 22-28

9:55 a.m. **ADJOURN REGULAR SESSION**

9:55 a.m. **BOARD REPORTS**
1. Chair
2. Board Members
3. Administrator
4. Adjourn

David Hemze
County Administrator

UPCOMING MEETINGS

March 12, 2019	No Board Meeting
March 19, 2019	4:00 p.m. Board Meeting
March 26, 2019	No Board Work Session
April 2, 2019	9:00 a.m. Board Meeting
April 9, 2019	No Board Meeting
April 16, 2019	4:00 p.m. Board Meeting

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on February 19, 2019. Chair Randy Maluchnik convened the session at 4:01 p.m.

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

Members absent: None.

Under public participation, Karen Johnson Leuthner, 15735 38th Street, Mayer, explained she did not represent County staff, elected officials and was a relevant public watchdog. She stated the Board was elected to serve all citizens and should be helping all citizens. She believed the radio communications tower was a scam and she has now a video that states the tower was built to sell. She indicated, 20 years later, she was ready to start again and was looking for help. She stressed the needed for a new emergency communications plan and help.

Chair Maluchnik recognized public watchdogs can be extremely effective because of their passion and knowledge but can also be misinformed and obstruct the people's business. He encouraged individuals taking on watchdog roles to have their facts straight and what they are monitoring is important to the public or of universal interest.

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

Degler moved, Workman seconded, to approve the minutes of the February 5, 2019, Regular Session. Motion carried unanimously.

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

Approved professional services agreement with Bolton and Menk, Inc., for the Arboretum Area Transportation study pending finalization of the contract review process.

Approved joint powers agreement with the City of Chanhassen for the Arboretum Area Transportation Plan pending finalization of the contract review process.

Approved joint powers agreement with the City of Chaska for the Arboretum Area Transportation Plan pending finalization of the contract review process.

Approved joint powers agreement with the City of Victoria for the Arboretum Area Transportation Plan pending finalization of the contract review process.

Contract with Ayres Associates pending completion of the County's contract review process.

Approved professional services agreement contract with SRF Consulting, Inc., for Highway 212 INFRA Grant application preparation pending finalization of the contract review process.

Resolution #10-19, Authorizing Settlement of Compensation to Owner for Acquisition of Real Property Interests Needed for the Highway 41/18 Project.

Authorized the County Engineer, or his designee, to approve Supplemental Agreement #7 for \$307,099.03 for the Flying Cloud Reconstruction Project.

Resolution #11-19, 2019 Seasonal Road Restrictions.

Approved professional services agreement with Stonebrooke Engineering, Inc., for \$123,558 for the Highway 41 Bridge Project, pending finalization of the contract review process.

Approved professional services agreement with SRF Consulting Group for \$437,612 for the Highway 5/33 Roundabout Project, pending finalization of the contract review process.

Resolution #12-19 Support to Sponsor Watertown Township's Local Road Improvement Program Project Application for Quarry Avenue.

Resolution #13-19, Support to Submit Local Road Improvement Project Application for Trunk Highway 25 and County Highway 20 Intersection Improvements.

Authorized HH&S acceptance of donation to Encore Adult Day Services program.

Approved issuing a tobacco license to Yayin Gado 1, LLC dba Top Ten Liquors.

Authorized expense for the Veterans Services Officer's travel to Ft. Bliss, Texas for the reintegration of Minnesota Veterans.

Approved out of state travel for Land Records Manager to participate in PRIA's National Winter Conference in Greenville, South Carolina.

Approved eliminating the 1.0 FTE Administrative Services Manager regular status position effective March 9, 2019 and approved the County Sheriff to proceed with filling an appointed Administrative Services Manager position within the Sheriff's Office, and approved the employment agreement for the position pending satisfactory completion of employment.

Reviewed February 12, 2019, Community Social Services' actions/Commissioners' warrants in the amount of \$427,899.98 and February 19, 2019, Community Social Services' actions/Commissioners' warrants in the amount of \$380,997.84.

Motion carried unanimously.

Lyndon Robjent, Public Works, requested the Board adopt a Resolution of support for approval for the Federal INFRA Grant Application for the US 212 expansion. He explained the grant was a

Federal Infrastructure Rebuilding America Program and the federal government appropriates funds for projects of national significance. He indicated 90% of the funding will go to larger projects and 25% of the funds have to be spent in rural areas.

He pointed out the two 212 segments they have been working on for a number of years and identified the work done on each segment to date. Robjnt stated 212 was major freight corridor and reviewed the number of vehicles per day, as well as the fatal crashes and personal injury crashes over the last ten years.

Robjnt highlighted the grants applied for and received to date. He indicated the local option sales tax will allow the County to leverage funds to go after significant grant dollars. He reviewed the sales tax cash flow over the next five years and the proposed transportation tax projects.

Ische offered the following Resolution, seconded by Degler:

Resolution #14-19
Support and Approval for an INFRA Grant Application for US Highway 212
Expansion between the City of Norwood Young America and City of Carver

On vote taken, all voted aye

The Board considered an appointment to the Minnehaha Creek Watershed District Board of Managers.

Workman moved, Maluchnik seconded, to appoint William Olson to the Minnehaha Creek Watershed District Board of Managers for a three year term. Motion carried unanimously.

The Board considered appointments to the Board of Adjustment.

Degler moved, Workman seconded, to reappoint Richard Kvitek to serve as the Commissioner District #1 appointment on the Board of Adjustment. Motion carried unanimously.

Maluchnik moved, Ische seconded, to appoint Robin Bielefeldt to serve as the Commissioner District #3 appointment on the Board of Adjustment. Motion carried unanimously.

The Board expressed consensus to hold the remaining appointment open for another two weeks.

Keri Anderka, Employee Relations requested the Board approve the County Administrator's 2018 performance rating. She noted the closed session to discuss his performance and read a summary of his performance.

Degler moved, Lynch seconded, to approve an overall rating of outstanding for County Administrator's 2018 performance. Motion carried unanimously.

REGULAR SESSION
February 19, 2019

Lynch moved, Degler seconded, to adjourn the Regular Session at 4:52 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:

Preliminary Plat - Tim Geyen Addition

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 #PP-PZ20190001. The Planning Commission has recommended approval of the Preliminary Plat of Tim Geyen Addition. The development consists of three (3) High Amenity lots (2 residential lots & 1 agricultural lot), located in Section 2 of Watertown Township. Tim and Lois Geyen are the owners of the property and reside in the existing house located on the subject property. Conditional Use Permit (CUP) #PZ20170022 was issued to Mr. Geyen on June 6, 2017, allowing for the creation of the three (3) High Amenity lots pursuant to Section 152.078 of the Zoning Code. The draft covenants, title work, and septic system compliance (for the existing house) would need to be completed and/or reviewed prior to the final platting process. A new township road would not be necessary, because the proposed lots have frontage on Oxford Ave. The Watertown Town Board has also recommended approval of the request.

ACTION REQUESTED:

A motion adopting findings of fact and the resolution approving the Preliminary Plat of Tim Geyen Addition.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT:

Total \$0.00

Insert additional funding source

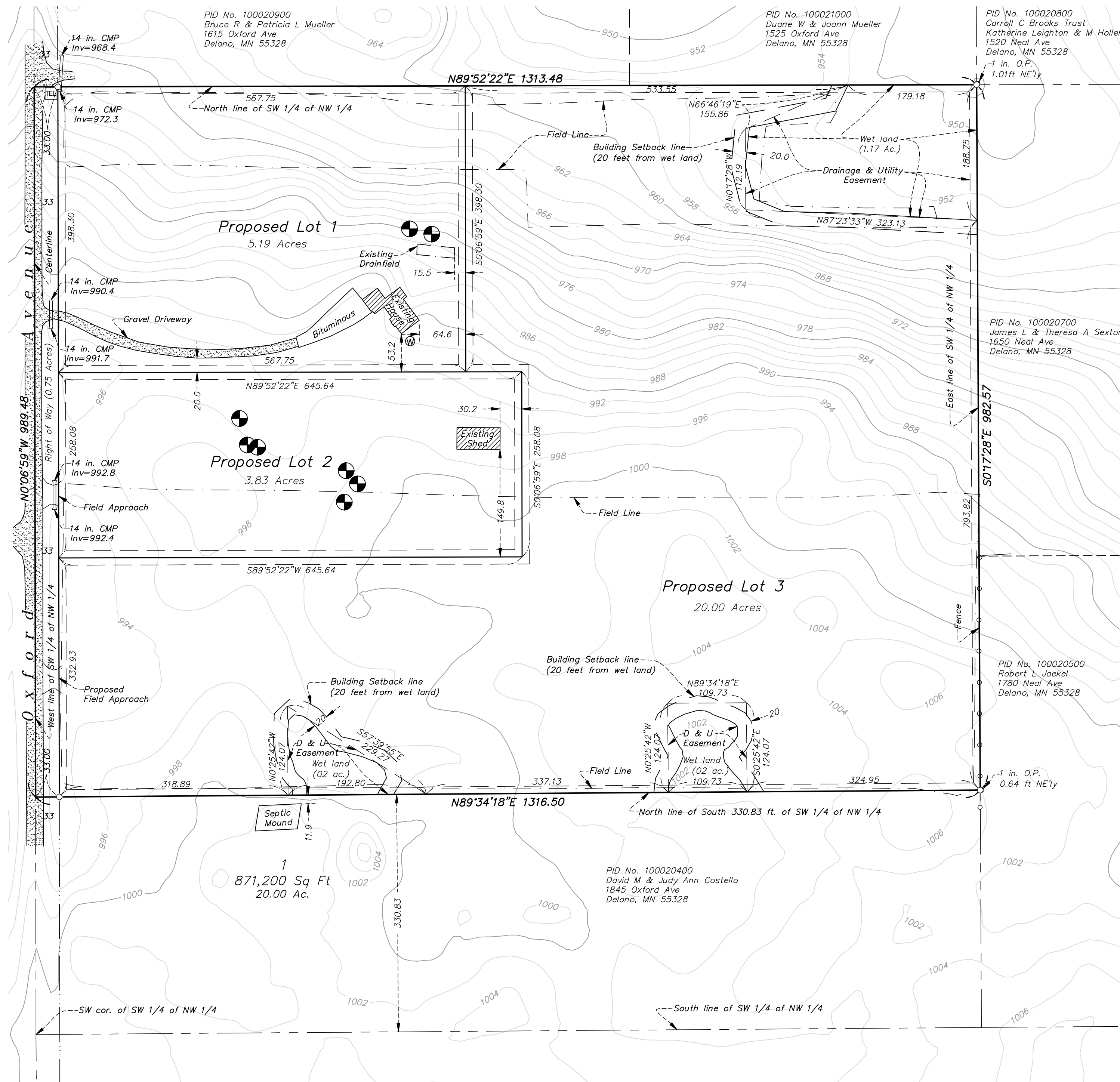
Related Financial/FTE Comments:

Office use only:

RBA 2019 - 5996

TIM GEYEN ADDITION

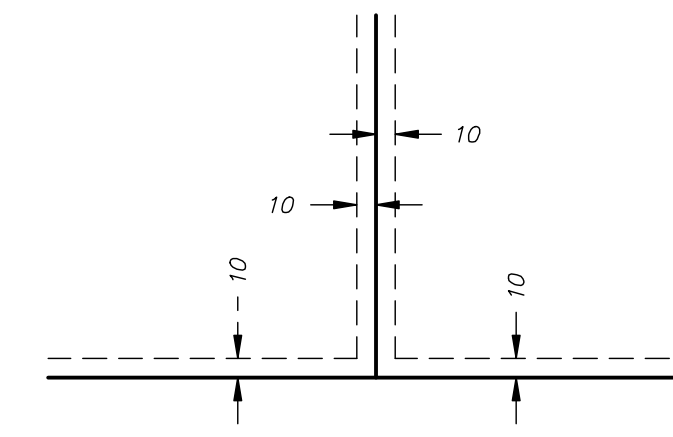
Preliminary Plat



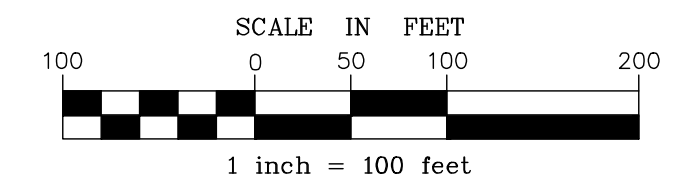
Legend

- Denotes monument found 1/2 inch iron pipe, unless otherwise shown.
- Denotes 1/2 inch by 14 inch iron monument set and marked by L.S. No. 14700.
- ⊗ Denotes chiseled X in concrete set by L.S. No. 14700
- ⊕ Existing Well

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN AS THUS



Drainage and Utility Easements being 10 feet in width and adjoining right of way lines, and being 10 feet in width and adjoining lot lines, unless otherwise indicated.



Basis of bearing statement: The west line of Southwest Quarter of the Northwest Quarter is assumed to bear North 0 degrees 6 minutes 59 seconds West.

PID No: 100020300
 Property Address: 1675 Oxford Avenue
 Delano, MN 55328
 Zone: A Agricultural District
 School District: 0111 Watertown-Mayer
 Owners:
 Timothy G. & Lois H. Geyen
 1675 Oxford Avenue
 Delano, MN 55328

Existing Boundary Description (supplied by client)
 The Southwest Quarter of the Northwest Quarter of Section 2, Township 117, Range 25, Excepting therefrom the South 330.83 feet.
 Carver County, Minnesota.

Lot Name	Area (sq. ft.)	Area (acres)	Structure Coverage (sq. ft.)
Lot 1, Block 1	228,134	5.19	2,309
Lot 2, Block 1	166,627	3.83	1,814
Lot 3, Block 1	871,200	20.00	0

Notes:
 Wet lands delineated by Jeremy Donabauer, A.G. Wetland Services, Inc.

SCHOBORG
LAND SERVICES
INC.

763-972-3221 8997 Co. Rd. 13 SE
 www.SchoborgLand.com Delano, MN 55328

I hereby certify that this certificate of survey was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Paul B. Schoborg
 Paul B. Schoborg

Date: OCTOBER 1, 2018 Registration No. 14700

Prepared for:
 Tim Geyen

Job Number:	8555
Book/Page:	LL
Survey Date:	11/15/17
Drawing Name:	geyen.dwg
Drawn by:	DMS
Revisions:	9-19-18 (Lot 2 & 3 lines)
	10-01-18 (easements, setbacks, acreages)

COUNTY OF CARVER
PLANNING COMMISSION RESOLUTION

FILE #: PP-PZ20190001

RESOLUTION #: 19-02

WHEREAS, the following application for a Preliminary Plat approval has been submitted and accepted:

FILE: PP-PZ20190001

APPLICANT: Tim Geyen

OWNER: Tim & Lois Geyen

SITE ADDRESS: 1675 Oxford Ave Delano, MN 55328

PERMIT TYPE: Additional Density Option – High Amenity Lots

PURSUANT TO: County Code, Chapter 151 & 152, Section(s) 152.078

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 10-002-0300

WHEREAS, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meeting of February 19, 2019; and,

WHEREAS, the Carver County Planning Commission finds as follows:

1. Tim and Lois Geyen own an approximate 29.02 acre parcel, located in the Northwest Quarter (NW ¼) of Section 2, Watertown Township. The property is improved with a house/garage and accessory structure. It is in the Agricultural Zoning District and the CCWMO (Crow River watershed). Variance #PZ20170012 was issued on April 5, 2017, allowing for the applicant to pursue High Amenity Lots on a parcel under the minimum required 30 acre parcel size. Conditional Use Permit (CUP) #PZ20170022 was issued to Mr. Geyen on June 6, 2017, in order to create three (3) High Amenity lots pursuant to Section 152.078 of the Carver County Code. Mr. Geyen is requesting the approval of the Preliminary Plat “Tim Geyen Addition” including two (2) residential lots and one (1) agricultural lot (Lots 1-3, Block 1).
2. Copies of the proposed plat have been sent to the Watertown School District #111 (Administrative Office), Xcel Energy (utility company serving the area), CenterPoint Energy (natural gas company serving the area), Carver County Water Management Organization, Carver Soil & Water Conservation District, Carver County Environmental Services, Carver County Surveyor, Carver County Attorney’s Office, and Watertown Township. Xcel Energy and CenterPoint Energy has submitted comments and indicated no objection and/or issues related to the Preliminary Plat request.
3. The Carver County Environmental Services Department has received acceptable soil borings (i.e. primary and alternate locations) for the two (2) residential lots (Lot 1 & 2, Block 1). The information has been reviewed and the soils would be suitable for SSTS (Subsurface Sewage Treatment System); however, Mr. Geyen is currently working with a licensed septic contractor to determine whether or not the existing SSTS for the house is compliant. A Certificate of Compliance (COC) would need to be completed and/or alternate site located (or appropriate escrow submitted) prior to final plat approval. All sites for the proposed lots will need to be fenced and protected at the time of construction.
4. The amenity lots are laid out in such a manner that there are no more than four (4) homes per quarter-quarter as permitted by the density regulations of the Carver County Zoning Code. The proposed lot sizes range from 3.83 acres to 20 acres. Each lot has a minimum of a 1 acre building site that conforms to Code requirements, and any home constructed within the site would meet the setback requirements.
5. The draft covenants, as required by Conditional Use Permit #PZ20170022, have been submitted with the application and would need to be approved by the County Attorney’s office prior to final plat approval.
6. A wetland delineation report has been submitted and approved, identifying three (3) small wetlands on Lot 3. Avoidance of delineated wetlands has been incorporated into the development. Appropriate easements for the wetlands and drainage/utilities will need to be included on the final plat.

7. A combined erosion and sediment control and stormwater permit from the Planning and Water Management Department will be required if the total impervious surface constructed on each lot (driveway, house pad, garage, other outbuildings, etc.) is greater than one (1) acre. This permit requires the use of management practices that prevent erosion and sediment from leaving the site during construction as well as management practices that treat stormwater runoff from impervious surfaces once construction is complete.
8. The approximate 29.02 acre plat is located within the CCWMO jurisdiction. Stormwater management, wetland buffers, and erosion control measures will need to be addressed pursuant to Chapter 153 of the County Code (Water Management Rules).
9. It appears that the plat would substantially meet the requirements of applicable County Zoning and subdivision Codes.
10. The Watertown Town Board met with the applicant on January 7, 2019, and recommended approval as well as approval of the three (3) proposed access points off of the Township Road.

THEREFORE, BE IT RESOLVED, THAT the Carver County Planning Commission hereby recommends the approval of the Preliminary Plat of Tim Geyen Addition for the land described in Exhibit "A" of the permit application. The Planning Commission further recommends that the following conditions be attached:

1. The layout of the final plat must substantially conform to the preliminary plat. Any significant departure from the preliminary plat must be approved by the Planning Commission before final plat consideration.
2. The covenants, as required by Conditional Use Permit #PZ20170022, must be approved prior to final plat consideration. Prior to final plat consideration by the County Board, the Assistant County Attorney shall approve the covenants and title work.
3. Pursuant to CUP #PZ20170022, access permits for the proposed driveways must be obtained from Watertown Township prior to the issuance of any building permits for the individual lots.
4. Appropriate drainage and utility easements shall be included in the final plat for delineated wetlands, including the small wetlands on Lot 3.
5. Each lot shall be reviewed and approved by Carver County Planning and Water Management Department pursuant to Chapter 153 of the Zoning Code. Specific details for each lot must be submitted to the Planning and Water Department for approval prior to issuance of building permit(s) on individual lots.
6. As per Section 151.163 of the Carver County Code, all utility facilities are to be located underground. The access and drainage ways will be designed so that public utilities can be installed at a later date.
7. The existing SSTS for Lot 1, Block 1 of Tim Geyen Addition (i.e. 1675 Oxford Ave, Delano 55328) would need to have a Certificate of Compliance (COC) completed and/or alternate site located (or appropriate escrow submitted) prior to final plat approval.

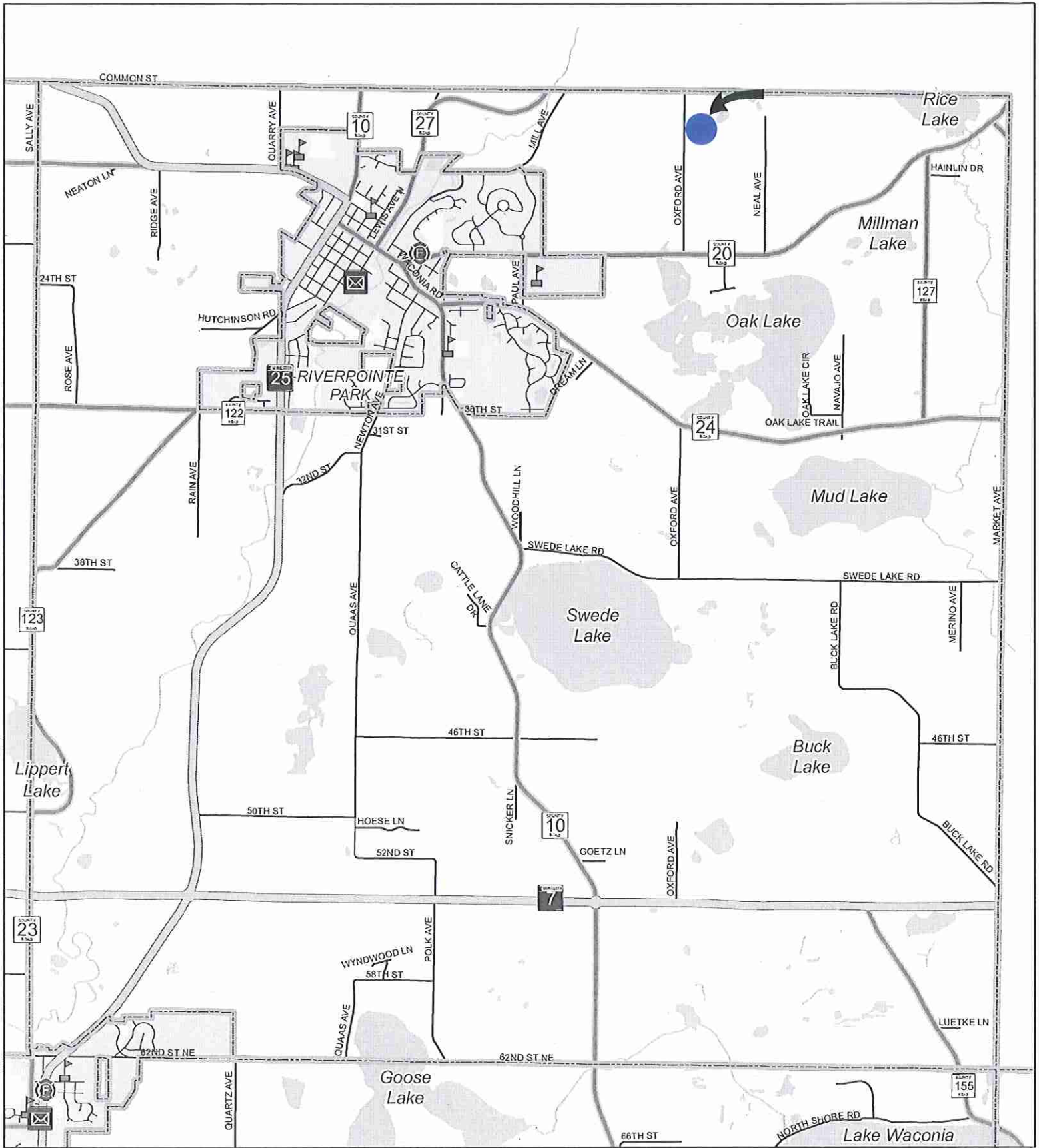
ADOPTED by the Carver County Planning Commission this 19th day of February, 2019.

DocuSigned by:

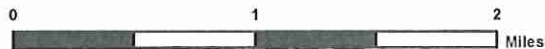
Jim Burns

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Jim Burns, Chairman 2/22/2019 | 7:19:11 AM PST
Carver County Planning Commission

WATERTOWN TOWNSHIP



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



Carver County Board of Commissioners Request for Board Action



Agenda Item:

Ralph & Sharon Oelfke - Temporary Mobile Home

Primary Originating Division/Dept: Public Services - Land Mgmt.

Meeting Date: 3/5/2019

Contact: Steve Just Title: Dept. Manager

Item Type:
Consent

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

Growth: Manage the challenges and opportunities resulting from growth and development

BACKGROUND/JUSTIFICATION:

File #PZ20190004. The Planning Commission recommended approval of Ralph & Sharon Oelfke's request for an Interim Use Permit (IUP) for a Temporary (Elderly Parent) Mobile Home. The proposed site is approximately 117 acres, located in Section 31 of Young America Township. The IUP would provide for a temporary mobile home as a second dwelling on the farm. The applicants would live in the mobile home, and their son's family would live in the permanent home, available to help with maintenance and other duties. The Young America Town Board has also recommended approval of the request.

ACTION REQUESTED:

Motion to adopt Findings of Fact and issue Order #PZ20190004 for the issuance of the Interim Use Permit.

FISCAL IMPACT: None

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT: None

Total \$0.00

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2019 - 6000

COUNTY OF CARVER
PLANNING COMMISSION RESOLUTION

FILE #: PZ20190004

RESOLUTION #: 19-03

WHEREAS, the following application for an Interim Use Permit has been submitted and accepted:

FILE #: PZ20190004

OWNER/APPLICANT: Ralph & Sharon Oelfke

SITE ADDRESS: 15385 Zebra Ave, Hamburg, MN 55339

PERMIT TYPE: Temporary Mobile Home (Elderly/Special Needs Parent)

PURSUANT TO: County Code, Chapter 152, Section(s) 152.082

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 11-031-0500

WHEREAS, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meeting of February 19, 2019;

WHEREAS, the Carver County Planning Commission finds as follows:

1. Ralph and Sharon Oelfke own an approximate 117-acre parcel in the West Half (W ½) of Section 31, Young American Township. The property is improved with a house, detached garage, and multiple agricultural structures. The property is located in the Agricultural Zoning District, and the CCWMO (Buffalo Creek watershed) and Agricultural Preserve program.
2. The applicants are requesting an Interim Use Permit (IUP) to allow for a temporary mobile home as a second dwelling. The applicants would occupy the second dwelling and their son would occupy the existing single-family house to be available to care for his parents. This request is pursuant to Section 152.082 of the Carver County Zoning Code.
3. The applicant’s letter describes their desire to remain living on the farm as long as possible. By allowing their son and grandchildren to occupy the existing house, Ralph and Sharon Oelfke would have additional help with the maintenance and daily duties of the property and structures.
4. The proposed dwelling would be a temporary manufactured home and would be no greater than 20 feet wide as required by the Zoning Code. The applicants have proposed a 15.8-foot wide by 76-foot manufactured home, which would only have one bedroom.
5. An interim use permit requires a sunset date or event to be identified which would terminate the use. A condition of this permit shall require termination of the permit at such time that Ralph or Sharon Oelfke no longer occupy the temporary dwelling.
6. The existing septic was installed in 2009. This system would be evaluated by a licensed contractor to verify if it is able to support the additional bedroom(s) within the manufactured home. Review and approval by the Septic Inspector, Lori Brinkman, would be required.
7. Young America Township reviewed the request, and recommended approval at their February 12, 2019 Town Board Meeting.

THEREFORE, BE IT RESOLVED, THAT The Carver County Planning Commission hereby recommends approval of the IUP for a temporary mobile home, with the following conditions attached:

1. The permit is subject to compliance review. The Interim Use Permit (IUP) is issued to Ralph & Sharon Oelfke and is not transferable to another person/owner/occupant. A change in ownership or occupant(s) of the manufactured home residence shall be cause for the permit to expire. The Land Management Dept. should be notified if the occupant changes.
2. The IUP shall expire at such time that Ralph or Sharon Oelfke no longer occupy the property. The manufactured home shall be removed from the property within 90 days of when it, or the permanent residence, ceases to be occupied in accordance with this permit.

ADOPTED by the Carver County Planning Commission this 19th day of February, 2019.

DocuSigned by:

Jim Burns

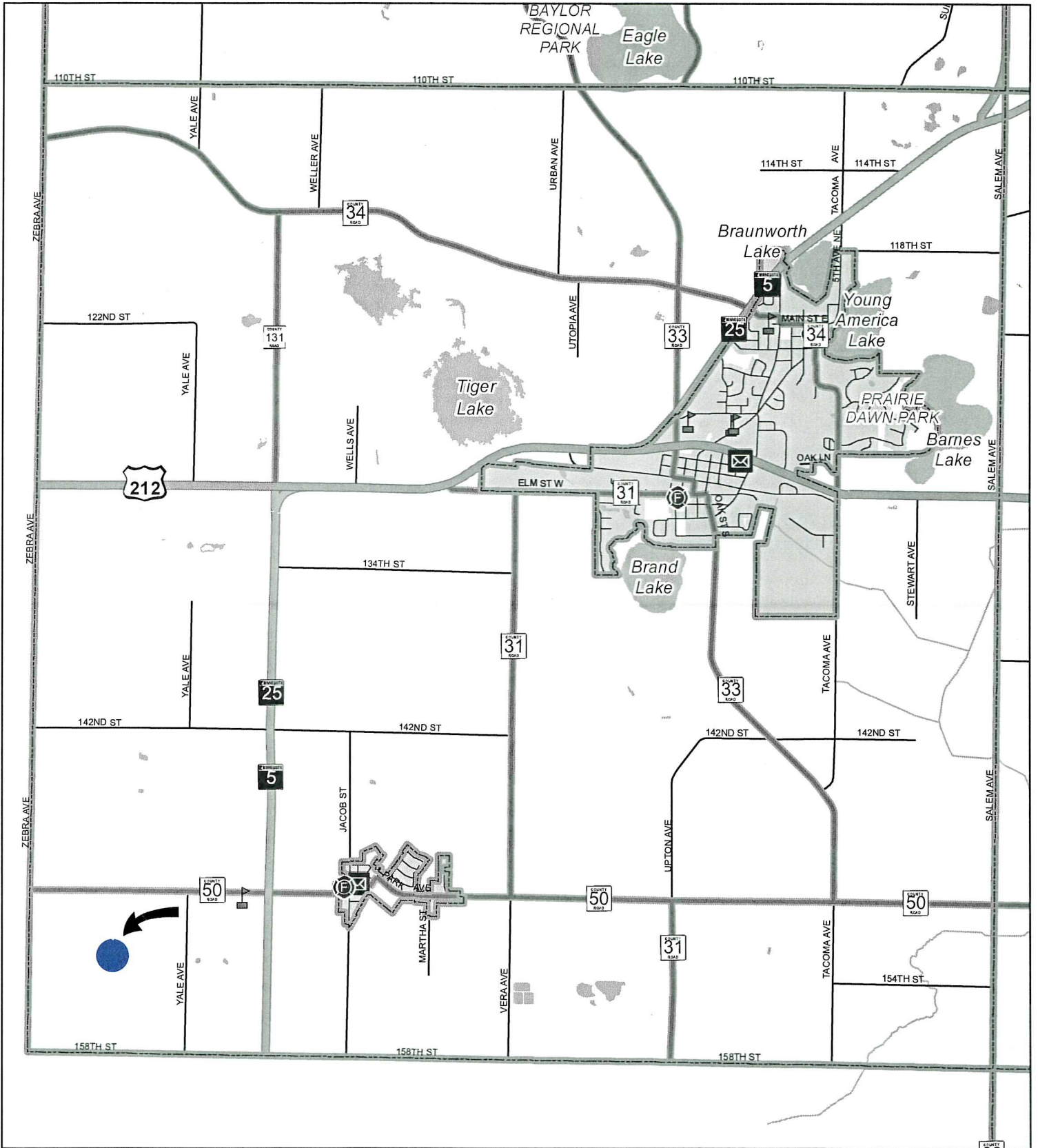
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Jim Burns,

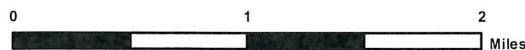
Planning Commission Chair

2/22/2019 | 7:19:11 AM PST

YOUNG AMERICA TOWNSHIP



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Carver County Board of Commissioners Request for Board Action



Agenda Item:

Settlement Agreements for Right of Way Acquisition for the Highway 33 Bridge Project

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

The 2019 construction season includes the replacement of the timber bridge on Highway 33, 1/4 mile south of Highway 50 over Bevens Creek with a dual line concrete box culvert. In order to complete the project, additional right-of-way is needed. The County Right-of-Way Agent completed minimum damage assessments for permanent roadway and temporary construction easements on the properties impacted by the project and the Carver County Board of Commissioners approved the making of offers at their February 5, 2019 board meeting based on the values indicated by the minimum damage assessments. The County's Right-of-Way Agent has negotiated settlements with the property owners impacted by the project at PID #'s 01.0310500, 01.0310510 & 11.0361000

ACTION REQUESTED:

Motion to adopt a resolution authorizing entering into settlement agreements for the right-of-way acquisition for the Highway 33 Bridge Project

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =	<input type="text" value=""/>
CSAH Const Reg	\$7,100.00
Total	\$7,100.00

FTE IMPACT:

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2019 - 5992

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

Date: March 5, 2019

Resolution No: _____

Motion by Commissioner: _____

Seconded by Commissioner: _____

Resolution Authorizing Settlement of Compensation to Owner for Acquisition of Real Property Interests Needed for the Highway 33 Bridge Project #148750

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 Highway 44 Bridge 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 a minimum Damages Assessment report from the Carver County Right-of-Way Agent 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 Right-of-Way Agent’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 reconstruction of Bridge #10J47 on County Highway 33 constitute a valid public use or public purpose; and

BE IT FURTHER RESOLVED that based upon the minimum damages assessment report(s) of damages obtained by the County from the Carver County Right-of-Way Agent 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 March 5, 2019, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 5th Day of March, 2019.

Dave Hemze County Administrator

Exhibit A to
Resolution Authorizing Settlements of Compensation to Owners for Acquisition of Real Property
Interests
Highway 33 Bridge Project #148750

Carver County Public Works No. 148750

Property Tax Identification No. 01.0310500

Parcel Number(s): N/A

Fee Owners: Dennis & Lynette Feltman

Property Address: N/A

Permanent easement for public right-of-way purposes contains **3,659 sq. ft.**, more or less.

Temporary easement for construction purposes contains **3,738 sq. ft.**, more or less.

Settlement Amount: **\$2,900.00**

Property Tax Identification No. 01.0310510 & 11.0361000

Parcel Number(s): N/A

Fee Owners: Glen Trocke Trust, Sharon M Hoese Revocable Trust, Carol Dammann

Property Address: N/A

Permanent easement for public right-of-way purposes contains **11,976 sq. ft.**, more or less.

Temporary easement for construction purposes contains **5,513 sq. ft.**, more or less.

Settlement Amount: **\$4,200.00**

Carver County Board of Commissioners Request for Board Action



Agenda Item:
Board approval Squad transfer

Primary Originating Division/Dept: Sheriff

Meeting Date: 3/5/2019

Contact: George Pufahl Title: Lieutenant

Item Type:
Consent

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

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

BACKGROUND/JUSTIFICATION:

The Sheriff's Office partners with several agencies through a joint powers agreement (JPA) to maintain a tactical team (i.e., SWAT team). The team currently has a need for a vehicle for the team medic to transport personnel and equipment for training and operations. The Sheriff's Office possesses a Ford Explorer Police Interceptor that has served its usefulness as a patrol operations vehicle, still has non-patrol-related usefulness, and is ready for fleet cycling or disposal. Sheriff Kamerud would like to transfer the vehicle and ownership of the vehicle to Tri-City Tactical team for its use. The Tri-City team, upon taking possession of the vehicle, would be solely responsible for vehicle maintenance, insurance, licensing, operational costs, etc. Carver County would have no further responsibility other than those outlined in the team JPA.

ACTION REQUESTED:

The County Board approve the transfer of the 2015 Ford Explorer (Vin 1FM5K8AT8FGB26271) to the Tri-City Tactical Team.

FISCAL IMPACT: None

FUNDING

If "Other", specify:

County Dollars =

FTE IMPACT: None

Total \$0.00

Insert additional funding source

Related Financial/FTE Comments:

None

Office use only:

RBA 2019 - 5974

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Grant Agreement SG -10782 for Recreation Open Space Development Lake Waconia Regional Park

Primary Originating Division/Dept: ▼

Meeting Date:

Contact: Title:

Item Type:
Consent ▼

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

▼

BACKGROUND/JUSTIFICATION:

The grant agreement with the Metropolitan Council provides \$1.5 million of state general obligation bonds to be matched with \$1.5 million of county funds for a portion of Phase I Development at Lake Waconia Regional Park. State funds can be used for design, engineering, site grading, utilities, construction of roadway and parking lots.

ACTION REQUESTED:

Motion to approve grant agreement SG-10782 with the Metropolitan Council, and authorize Board Chair and County Administrator to sign.

FISCAL IMPACT: ▼
If "Other", specify:

FUNDING

County Dollars =	<input type="text" value=""/>
<input type="text" value=""/>	<input type="text" value=""/>
Total	<input type="text" value="\$0.00"/>

FTE IMPACT: ▼

Insert additional funding source

Related Financial/FTE Comments:

The State of Minnesota has granted \$1.5 million dollars of General Obligation Bonds to be matched with \$1.5 million of County funds for site grading, utilities roads and parking lots at Lake Waconia Regional Park. A 2018 budget amendment was approved by the County Board which designated the County's \$1.5 million match from the Year-End Savings ("YES") account.

Office use only:

RBA 2019 - 5995

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Addition of Highway Operations Technician Trainee Classification

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:

Public Works – Operations is requesting the addition of an entry-level Highway Operations Technician Trainee classification to allow the ability to recruit entry-level candidates into Highway Operations positions and enable the County to grow talent within the organization by having a career progression within Highway Operations.

Operations is requesting the ability to hire employees in vacant Highway Operations Technician positions as either a Highway Operations Technician Trainee or Highway Operations Technician depending on future candidates' qualifications. Highway Operations Technician Trainee is DBM A12 and Highway Operations Technician is DBM B22. Additional funds are not necessary as positions are budgeted at the higher DBM B22.

ACTION REQUESTED:

Approve the addition of the Highway Operations Technician Trainee classification.

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 2019 - 5999

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Update from Minnehaha Creek Watershed District

Primary Originating Division/Dept: Administration (County)

Meeting Date: 3/5/2019

Contact: Dave Hemze Title: County Administrator

Item Type:
Regular Session

Amount of Time Requested: 25 minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

Anna Rose Brown, Planner/Project Manager with the Minnehaha Creek Watershed District, will be providing an update on the Watershed District's work in the Six Mile Creek-Halsted Bay Subwatershed.

ACTION REQUESTED:

Information only.

FISCAL IMPACT: None

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT: None

Total \$0.00

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2019 - 5970

Carver County Board of Commissioners Request for Board Action



Agenda Item:

USS Westeros 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 #PZ20170032. The Planning Commission has recommended approval of a Conditional Use Permit (CUP) for USS Westeros Solar LLC.

Background: On July 10, 2017, US Solar applied for a Conditional Use Permit (CUP), which would allow for a 1-megawatt (MW) Community Solar Garden (CSG). The subject parcel is approximately 47.37 acres, located in the SW1/4 of NW1/4 of Section 18, San Francisco Township. The County Code allows for Renewable Energy - Large Solar Energy Systems (Large SES) as a conditional use. On January 2, 2018, the County Board issued Order #PZ20170032 denying the CUP request. On December 24, 2018, the Minnesota Court of Appeals "reversed and remanded" the Board's decision to deny the request, directing the County to issue the CUP subject to reasonable conditions.

Public input was sought by the Planning Commission at its regular meeting of February 19, 2019, and the Commission found the draft 14 conditions to be reasonable. US Solar would provide the option for stray voltage testing to dairy operators within a one-mile radius of the operational area. The San Francisco and Hancock Town Boards would coordinate a road usage agreement with the applicant prior to the issuance of any building permits.

The Planning Commission Resolution and draft CUP are attached for the Board's consideration.

ACTION REQUESTED:

Motion authorizing the Board Chair's signature for the issuance of CUP #PZ20170032.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT:

Total

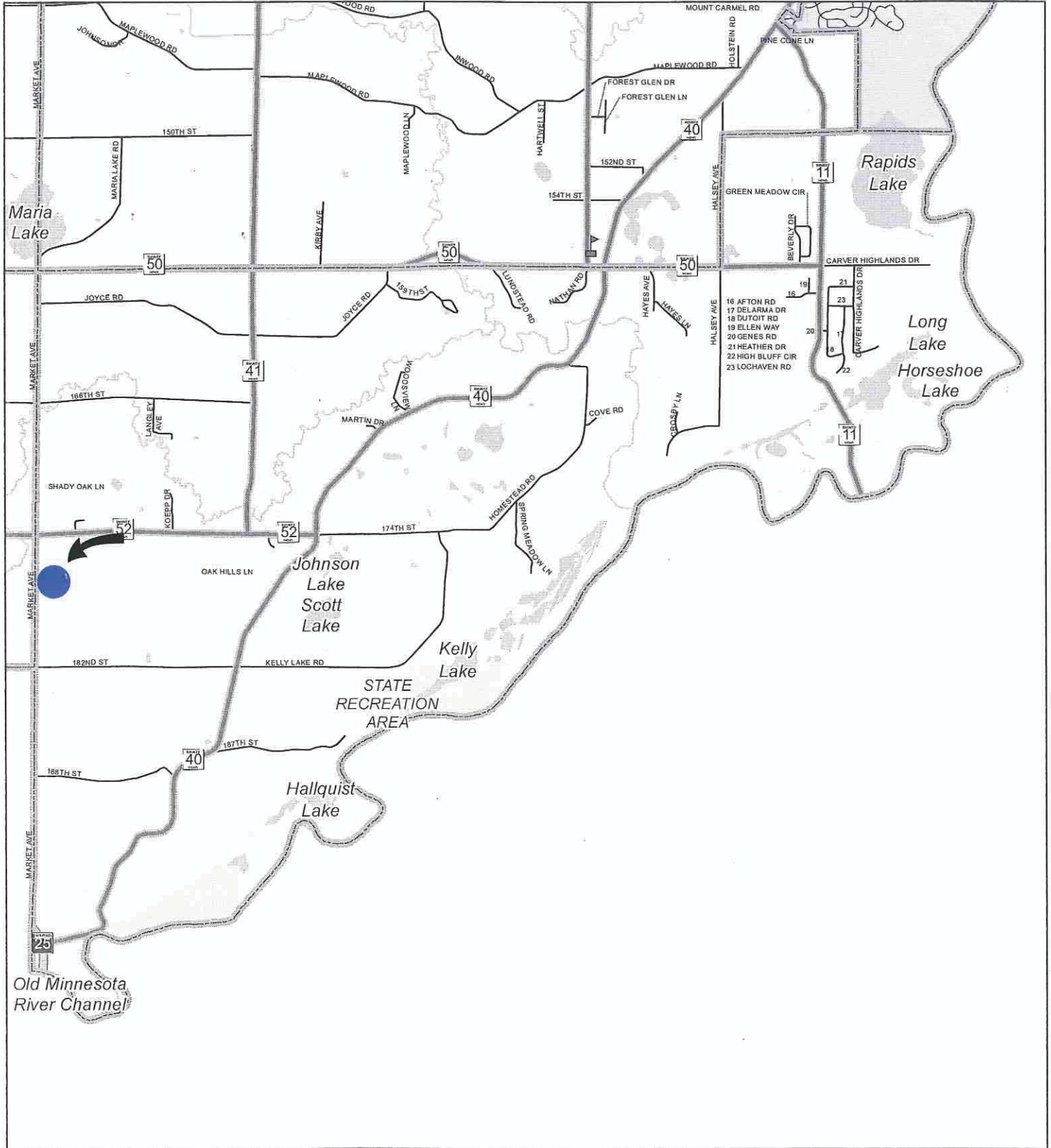
Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2019 - 5997

SAN FRANCISCO 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.



5+8
23

Map Created by Carver County GIS

COUNTY OF CARVER
PLANNING COMMISSION RESOLUTION

FILE #: PZ20170032

RESOLUTION #: 19-01

WHEREAS, the following Conditional Use Permit has been considered pursuant to a decision of the Minnesota Court of Appeals (Case Number A18-0111):

FILE #: PZ20170032

APPLICANT: David Watts (United States Solar Corporation, Westeros Solar LLC)

OWNER: Woestehoff Family Farm Properties LLC

SITE ADDRESS: 174XX Market Ave, San Francisco 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 #: 08-018-0900

WHEREAS, on July 10, 2017, US Solar applied for a Conditional Use Permit (CUP), which would allow USS Westeros Solar LLC to construct, operate, and maintain up to a 1-megawatt (MW) Community Solar Garden (CSG). The subject parcel is approximately 47.37 acres, located in the SW1/4 of NW1/4 of Section 18, San Francisco Township. The County Code allows for Renewable Energy - Large Solar Energy Systems (Large SES) as a conditional use; and,

WHEREAS, on January 2, 2018, the County Board issued Order #PZ20170032 denying the request for the CUP for a Large SES; and,

WHEREAS, on December 24, 2018, the Minnesota Court of Appeals “reversed and remanded” the Board’s decision to deny the request, directing the County to issue the CUP subject to reasonable conditions; and,

WHEREAS, the County Attorney’s Office has guided the staff during this process, and a draft CUP has been prepared for review; and,

WHEREAS, public input was sought by the Planning Commission at its regular meeting of February 19, 2019, and the draft conditions were deemed to be reasonable.

THEREFORE, BE IT RESOLVED, THAT the Carver County Planning Commission hereby recommends the issuance of the attached CUP #PZ20170032 for a Large SES on the land described in the attached Exhibit “A”.

ADOPTED by the Carver County Planning Commission this 19th day of February, 2019.

DocuSigned by:

Jim Burns

C49E5600A5C3414...

Jim Burns

2/22/2019 | 7:19:11 AM PST

Planning Commission Chair



**COUNTY OF CARVER
State of Minnesota**

FILE #: PZ20170032
APPLICANT: David Watts (United States Solar Corporation)
(Site Name: Westeros Solar LLC)
OWNER: Woestehoff Family Farm Properties LLC
SITE ADDRESS: 174XX Market Ave (San Francisco 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 #: 08-018-0900

Drafted by} Land Management
Return to} Land Management

CONDITIONAL USE PERMIT #PZ20170032

This Conditional Use Permit (CUP) is issued for property legally described on the attached Exhibit "A".

DATE ISSUED: March 5, 2019

THE CUP FOR A RENEWABLE ENERGY – LARGE SOLAR ENERGY SYSTEM IS AUTHORIZED PURSUANT TO THE, DECEMBER 24, 2018, MINNESOTA COURT OF APPEALS’ DECISION (A18-0111), AS FOLLOWS:

“WE REVERSE THE COUNTY’S DECISION AND REMAND WITH DIRECTIONS THAT THE COUNTY ISSUE THE CUP SUBJECT TO REASONABLE CONDITIONS.”

THEREFORE, THE CUP SHALL BE ISSUED WITH THE FOLLOWING CONDITIONS ATTACHED:

1. The permit is subject to Compliance Review. The permit allows for a community solar garden on the subject 46± acre property (approx. 8-9± 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 CUP application (submittal date: July 10, 2017) and supporting/supplemental documentation (dated: July 8, 2017, November 8, 2017, and December 22, 2017) and Site Plan(s) (dated: February 1, 2019). These plans shall be considered requirements 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 Large Solar Energy System shall be installed and maintained in accordance with Section 152.039 including; noise mitigation, decommissioning, and screening.

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 Township (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.
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: July 8, 2017), 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 and supplemental information (dated: July 8, 2017 & November 8, 2017), USS Westeros 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. 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.
10. Any dairy farm owner 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 dairy farm owner is responsible for contacting USS Westeros Solar LLC prior to construction in order to participate and schedule testing.
11. Decommissioning of the solar facility shall be implemented in accordance with the Decommissioning Plan and supplemental information (dated: July 8, 2017 & November 8, 2017) 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 shall be responsible for all of the decommissioning costs and will list Carver County as having access to the \$25,000 security, escrow, or letter of credit in the event decommissioning is required. The operational plan and supplemental information satisfy the decommissioning standard. The Permittee & Property Owner shall maintain this agreement for the duration of the solar energy array. The Permittee shall also provide the list of contractors including name(s), addresses and telephone numbers to Land Management Department for the decommissioning and reclamation once the essential service is no longer in use.
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/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.

Randy Maluchnik,
Carver County Board Chair

THIS PERMIT IS NOT EFFECTIVE UNTIL SIGNED BY THE APPLICANT. FAILURE OF THE APPLICANT TO SIGN AND RETURN PERMIT WITHIN 90 DAYS OF THE BOARD'S ISSUANCE OF THE ORDER SHALL BE CAUSE FOR CANCELLATION OF THE PERMIT.

Applicant signature block

I HAVE READ THE ABOVE CONDITIONS AND AGREE TO FOLLOW THEM. I REALIZE THAT FAILURE TO ABIDE BY THE CONDITIONS IS A VIOLATION OF THE ZONING ORDINANCE. I AGREE THAT THE ZONING ADMINISTRATOR OR A DESIGNATED REPRESENTATIVE MAY ENTER UPON THE SUBJECT PROPERTY TO CHECK FOR COMPLIANCE OR FOR REVIEW PURPOSES. I ALSO UNDERSTAND THAT UNLESS SIGNIFICANT ACTION IS TAKEN PURSUANT TO THIS PERMIT WITHIN SIX (6) MONTHS OF THE ISSUANCE OF THE BOARD ORDER THE PERMIT SHALL AUTOMATICALLY BE NULL AND VOID. THE TIME PERIOD CAN BE EXTENDED ONLY BY ACTION OF THE COUNTY BOARD OF COMMISSIONERS. A PETITION FOR EXTENSION MUST BE SUBMITTED AT LEAST THIRTY (30) DAYS PRIOR TO THE EXPIRATION DATE.

FAILURE OF THE APPLICANT TO SIGN AND RETURN THE PERMIT WITHIN 90 DAYS OF THE BOARD'S ISSUANCE OF THE ORDER SHALL BE CAUSE FOR CANCELLATION OF THE PERMIT. I ALSO UNDERSTAND THAT THIS IS NOT A BUILDING PERMIT AND THAT OTHER PERMITS MAY BE REQUIRED.

Signature of Applicant, USS Westeros Solar LLC

Date

Signature of Property Owner,
Woestehoff Family Farm Properties LLC

Date

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 08-018-0900

File# PZ20170032

APPLICANT: David Watts, representing USS Westeros Solar LLC

OWNER: Woestehoff Family Farm Properties LLC

The Southwest Quarter of the Northwest Quarter of Section 18 in Township 114 North of Range 24, according to Government Survey thereof, EXCEPTING THEREFROM: That part of the Southwest Quarter of the Northwest Quarter of Section 18, Township 114 North, Range 24 West of the 5th Principal Meridian, described as follows: Beginning at the Northwest corner of said Southwest Quarter of the Northwest Quarter; thence Southerly along the West line of said Southwest Quarter of the Northwest Quarter, a distance of 680.00 feet; thence easterly parallel with the North line of said Southwest Quarter of the northwest quarter, a distance of 565.93 feet; thence Northerly to a point on the North line of said Southwest Quarter of the Northwest Quarter, distant 715.93 feet Easterly from the point of beginning; thence Westerly, along said North line, a distance of 715.93 feet to the point of beginning.