



Carver County Board of Commissioners
 June 4, 2019
 Regular 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> | |
| | 2. | Agenda review and adoption | |
| | 3. | Approve minutes of May 21, 2019, Regular Session | 1-7 |
| | 4. | Community Announcements | |
| 9:05 a.m. | 5. | <p>CONSENT AGENDA</p> <p><i>Connections: Develop strong public partnerships and connect people to services and information</i></p> <ul style="list-style-type: none"> 5.1 CarverLink Standby Backup Generator Power Project - City of Mayer..... 8 5.2 Application for 1 Day to 4 Day Temporary On-Sale Liquor License for Augusta Ball Club, Inc..... 9 5.3 Purchase of Fleet Vehicles for Carver County Departments 10-13 <p><i>Communities: Create and maintain safe, healthy and livable communities</i></p> <ul style="list-style-type: none"> 5.4 Approval of the 2019-2020 School Resource Officer Contract..... 14 5.5 Joint Powers Agreement with the City of Chanhassen for TH 5 Regional Trail..... 15 5.6 Joint Powers Agreement with the University of Minnesota for TH 5 Regional Trail..... 16 5.7 Easement Agreements and Waiver of Just Compensation and Donation of Real Property Interests with Lifetime Fitness for TH Regional Trail..... 17 5.8 Application to MnDOT Local Partnership Program for Highway 25/20 Intersection Project 18-20 5.9 Application to MnDOT Local Partnership Program for the Highway 11 Project - West Carver Area 21-23 5.10 Easement Agreement and Waiver of Just Compensation and Donation of Real Property Interests with the University of Minnesota for TH 5 Regional Trail..... 24 5.11 Cooperative Agreement with the State of Minnesota for the Highway 212 Signal Improvements Project..... 25-26 5.12 State of Minnesota Department of Transportation Limited Use Permit for Trail in MNDOT Right of Ways of TH 41 and TH 5 27-28 5.13 Resolution to submit Highway 212 Expansion Project application for 2020 State bonding request..... 29-31 | |

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

5.14 Increase in Attorney Work Hours..... 32-33
 5.15 Westbrook Community Church - Request for a new church facility.... 34-38
 5.16 Right of Way Acquisition Offers for the Highway 5/33 Roundabout Project..... 39-43
 5.17 Shane Touhey - Contractor's Yard 44-47
 5.18 Roger & Janice Storms - Wooded Lot..... 48-51
 5.19 Cary & Barb Fritsvold - High Amenity Residential Development..... 52-56
 5.20 Settlement Agreement with Property Owner for the Highway 41 Project - Jonathan Area..... 57-60

Finances: Improve the County's financial health and economic profile

5.21 Abatements/Additions 61-62
 5.22 Review Social/ Commissioners' Warrants NO ATT

- 9:05 a.m. **6. COMMUNITIES: Create and maintain safe, healthy and livable communities**
 6.1 **Public hearing** - Water Surface Use Ordinance #93-2019..... 63-68
 6.2 Resolution supporting a State Capital Funding Request for Lake Waconia Regional Park..... 69-70

- 9:30 a.m. **7. GROWTH: Manage the challenges and opportunities resulting from growth and development**
 7.1 USS Hancock Solar LLC - Large Solar Energy System..... 71-77

9:40 a.m. **ADJOURN REGULAR SESSION**

WORK SESSION

- 9:40 a.m. **A. CONNECTIONS: Develop strong public partnerships and connect people to services and information**
 1. Sheriff Citizen Advisory Committee..... 78

10:00 a.m. **BOARD REPORTS**

1. Chair
 2. Board Members
 3. Administrator
 4. Adjourn

David Hemze
County Administrator

UPCOMING MEETINGS

| | |
|---------------|--|
| June 11, 2019 | No Meeting |
| June 18, 2019 | Board Meeting Canceled |
| June 25, 2019 | 9:00 a.m. County Board of Equalization Meeting |
| July 2, 2019 | 9:00 a.m. Board Meeting |
| July 9, 2019 | No Meeting |
| July 16, 2019 | 4:00 p.m. Board Meeting |
| July 23, 2019 | 9:00 a.m. Board Work Session |

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on May 21, 2019. Chair Randy Maluchnik convened the session at 4:00 p.m.

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

Members absent: None.

Under public participation, Jen Mulvihill, 5720 Marsh Lake Road, stated she represented residents from the City of Victoria and wanted to address the County's proposed plans related to the Marsh Lake Road project. She referenced the current traffic counts and stated the road only serves local traffic. She pointed out Highway 5 needed improvements and understood that cannot happen until 82nd Street is improved. She stated they were not in support of projects that were not needed and asked the County to consider reallocating the funds to 82nd Street.

Josh Mulvihill, 5720 Marsh Lake Road, pointed out the support of other residents that were in agreement to see the funds reallocated. He indicated an informational meeting was held with the neighborhood and many were not aware of what was happening. Thereafter, a petition was started not to have a county-built road. He reviewed traffic projections and suggested any two lane road could accommodate that amount of traffic. He agreed with the suggestion to reallocate the funds to another road that serves more cars.

Kelly Hallis recognized Marsh Lake Road was identified as a priority in 2014 and pointed out the changes that had made by the Met Council. She stated they all know where the City is going to be in the next 15-20 years and questioned if it made sense to build a county road that will be a dead end. She stated the population will not be as originally projected and the County should step back and reassess priorities. Hallis stressed improvements were needed on 82nd Street to make it safer and asked the Board to consider their request.

Workman acknowledged receiving emails from the residents and clarified County roads are built in partnership with the cities. He stated the City Council would need to decide whether to partner with the County or built it out as a City Street. He inquired if the dollars could be put into other projects.

Lyndon Robjent, Public Works, clarified the dollars could be used for 82nd Street and funds can be used on any road designated as County State Aid Highway. He indicated the City asked the County to look at this road a few years ago and they have been working on options. He indicated they have been refining the design and stated they wanted to put money in once and not come in and expand later. He pointed out they have to account for every mode of transportation, including bicycles and pedestrians, and need to consider future development along the corridor. He added it was an important area to provide a pedestrian crossing and have a median. He indicated the City has to approve the plan, so they get to chose and the County cannot build without their decision.

Josh Mulvihill stated the city now has other funding mechanisms and a lesser road would not be built by the City in that the structure beneath the road is similar to a County road. He suggested an extension from Pioneer Trail was unlikely to happen and the need for a County road was predicated on an extension that was highly unlikely.

Karen Johnson Leuthner, 15735 38th Street, Mayer, explained she was a relevant public watchdog and continued on her review of what she believed went wrong beginning in 1997 regarding the Hollywood Tower. She referenced the changes that were made during the process, the health dangers and submitted an aerial map for the public record. She also suggested that the Board report on their committee meetings during community announcements.

The following amendments were made to the agenda:

Add 5.20 Approve contract with Family Solutions Network, Inc.
Delete: Work Session – Sheriff Citizen Advisory Committee

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

Workman moved, Ische seconded, to approve the minutes of the May 7, 2019, Regular Session. Motion carried unanimously.

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

Approved out of state travel for Public Services employee to attend the 2019 International Conference on aquatic species in Montreal, QC.

Approved Sheriff hiring a seasonal temporary on call Emergency Management Specialist and related budget amendment.

Approved increasing the current .6 FTE Adult Mental Health Case Manager position to 1.0 FTE and related HH&S budget amendment.

Approved caseload/workload reduction grant FY 20-21.

Approved contract with Minnesota Department of Corrections for the Sentence to Serve program in Carver County for FY 2020-2021.

Resolution #39-19, Accepting Responsibility as the Grantee and as the Fiscal Agent regarding the Carver-Scott FHPAP grant. The Cap Agency being the Sub-Grantee and vendor of Carver County, providing direct services as directed by the FHPAP grant.

Approved re-allocating budget for .35 FTE Deputy Sheriff/0.25 CSO and related Sheriff's budget amendment.

Approved joint powers agreement with the City of Victoria for the Highway 10 Study-Victoria/Chaska Area, pending finalization of the contract review process.

Approved amendment 2 to the PSA for the Highway 10 Study-Victoria/Chaska Area with Bolton and Menk, Inc., pending finalization of the contract review process.

Approved amendment 3 to the PSA for the Highway 10 Study-Victoria Chaska Area with Bolton and Menk, Inc., pending finalization of the contract review process.

Approved amended grant agreement SF-06019 pending finalization of the contract review study.

Approved amendment 2 to contract 17-454 for professional services with SRF Consulting Group Inc., pending finalization of the contract review process.

Approved professional services agreement with Blondo Consulting LLC, pending finalization of the contract review process.

Approved amendment 2 to contact 17-451 with WSB & Associates, Inc., for Phase 1 development of Coney Island of the West pending finalization of the contract review process.

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

Approved issuing a charitable gambling license to the Augusta Ball Club, Inc., for a raffle to be held on October 5, 2019.

Approved the Teamsters Detention Sergeants and Emergency Communications Supervisors 2019-2020 Collective Bargaining Agreement.

Approved Teamsters Licensed Management 2019-2020 Collective Bargaining Agreement.

Approved contract with Family Solutions Network, Inc., subject to contract approval by County Attorney/Risk.

Reviewed May 14, 2019, Community Social Services' actions/Commissioners' warrants in the amount of \$464,872.62 and reviewed May 21, 2019, Community Social Services' actions/Commissioners' warrants in the amount of \$283,282.43.

Motion carried unanimously.

Ische moved, Degler seconded, to open the public hearing to consider the 2040 Comprehensive Plan. Motion carried unanimously.

Paul Moline, Public Services, explained they were asking for Board approval to submit the latest draft to the Met Council.

Adriana Atcheson, Public Services, entered into the record the proof of publication of the hearing notice, staff report dated May 8, 2019, verbal and written comments at the Planning Commission public hearing, signed Planning Commission Resolution, one written comment and the draft 2040 comp plan. She explained the County was required to update its plan every ten years and submit to the Met Council by June 30th. She reviewed a timeline of the process to date and indicated major changes were made to the land use, township and transportation chapters.

She highlighted the revisions made to the transition area policy, transfer of building eligibilities, planned land use map, solar energy potential map that was required by the Met council and Policy LU-20. She summarized the concerns raised at the March Planning Commission meeting related to LU-20. As a result, staff drafted optional language related to LU-20 and the Planning Commission voted to recommend approval of the draft plan with the updated language.

Atcheson reviewed changes to the Hancock, Watertown and Laketown Township Chapters. She also pointed out revisions made to the Transportation Chapter related to traffic forecasts, future network changes and access spacing map.

She requested the Board authorize staff to distribute the comp plan to the Met Council. The Met Council will have 15 business days to determine completeness and 120 calendar days to complete their review. Once the plan is approved by the Council staff will bring it back to the Board to be adopted.

Karen Johnson Leuthner, 15735 38th Street, Mayer, referenced the rural service district map and if that would be the location for solar. She questioned if they could identify future solar locations so they can help each other as a community. She suggested the burden of solar would be going into certain areas.

Dan Cook, 7625 Rutz Lake Road, recognized the previous troublesome issues with solar and stated he was here for the future. He referenced issues that the County struggled with and believed the underlying ordinance and plan could have been better. He noted a 2015 University of Minnesota study on solar and identified the four recommendations that were included. He pointed out the concerns raised at the Planning Commission meetings regarding LU 20 and believed they did not have adequate time to review the additional language. He suggested the Board not sign off on the comp plan until it gets fully discussed and they learn from the past. Cook stated the citizens had been upset in the past as they had to police the CUPs to make sure they were followed. He suggested by keeping essential services in LU 20 it would be difficult not to repeat the past.

Betty Jopp, 17875 Highway 7, New Germany, stated she agreed with Mr. Cook's statements and felt there was disconnect between the Board, staff and the people. She stated solar was not going to go away and they needed to make sure they have a clear plan. She hoped the Board would re-address solar and how it affects the residents.

Kathie Anderson, 14750 50th Street, stated she attended the meetings where citizens spoke of keeping solar out of essential services and the Planning Commission had directed staff at the March meeting to come back and address what they heard. She pointed out, at the subsequent Planning Commission meeting, not only was solar not taken out but language "limited private uses good for the community as determined by the Board" was added. She stated no one brought this up at the meetings. She questioned, if the additional language was included, at what point does the Board make its decision. Anderson believed this should be decided with the comp plan and not when the entire CUP process has been gone through. She indicated not every township has yet to adopt the plan with this language.

Anderson questioned how solar can be approved as an essential service for the County when it is opened up to every county. She added the residents would like to hear why the Board thinks solar is an essential service and asked that solar be given its own area. She stated she did not see any other county consider solar as an essential service and give it the latitude that Carver County has. She also noted a minor typo under climate.

Moline clarified the townships have been involved all along and they do ask for the townships to approve their chapter. He noted the latest changes were available to the townships but no comments were received.

Wayne Hubin, 11975 Swede Lake Road, Watertown, stated he attended the last two Planning Commission meetings and they came thinking they knew what changes would be made. He questioned how the Planning Commission could recommend language that had been delivered to them shortly before the meeting. He referenced the definition of essential services and believed that did not apply here.

Jody Flatebo, 8805 Appaloosa Circle, stated she agreed with the previous comments. She stated the comp plan includes language protecting the rural character and asked that the Board protect the rural character as well as the citizens of the County. She stated solar was not going to go away and they will continue to deal with it in the future. She asked for changes so the County is on firm footing and would like limits placed on the size and proximity.

Anderson pointed the other areas covered by Xcel and that territory's ability to produce electricity into the system at one third of the cost.

Ische moved, Degler seconded to close the public hearing. Motion carried unanimously.

The Board recognized the past concerns related to solar, the current restrictions and controls in place, property rights and past Court of Appeals decisions.

Ische offered the following Resolution, seconded by Degler:

Resolution #40-19
Authorizing the Submittal of the Revised Draft Carver County 2040 Comprehensive
Plan to the Metropolitan Council for Final Review and Approval

Degler, Ische, Lynch, Maluchnik voted aye. Workman voted nay.

Scott Smith, Public Works, requested the Board reject the bids for the Highway 41/18 project. He explained the bids received were above the engineer's estimate and the cities were in agreement to reject the bids and rebid. He stated they would repackage the plan, rebid and do the project next year. He stated utility work would continue and hoped to have that done this year.

Degler offered the following Resolution, seconded by Ische:

Resolution #41-19
Rejection of Bids for the
Highway 41/CSAH 18 Project

On vote taken, all voted aye.

Martin Walsh, Parks, requested the Board authorize the advertisement for bid Phase 1 development of Lake Waconia Regional Park and the DNR public water access.

He identified the area they would be working in. Walsh stated there would be a fair amount of utility work taking place and massive site grading. He indicated the beach would be open until August and no events were scheduled at the Event Center. He explained they hope to reopen the park in June or July 2020 but that would be further refined.

Lynch moved, Ische seconded, to authorize advertisement for bid Phase I development of Lake Waconia Regional Park and DNR public water access. Motion carried unanimously.

The Board considered appointments to the Mental Health Advisory Committee.

Ische moved, Degler seconded, to appoint Lindsey Gilbert, Robert Schultz and Virginia Wright to the Mental Health Advisory Committee for a three-year term. Motion carried unanimously.

Lynch moved, Degler seconded, to adjourn the Regular Session at 6:02 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:

CarverLink Standby Backup Generator Power Project - City of Mayer

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

CarverLink purchased and installed a standby backup power generator at the City of Mayer where it has a critical hub network switch that operates the CarverLink fiber optic cable network. This critical hub location didn't have a backup generator to provide CarverLink equipment with the needed power to maintain the network in the event of a long-term loss of utility power. CarverLink's equipment will use the generator's backup capacity up to a recommended 50% generator capacity electrical load, providing opportunities to the participating entity to connect their critical systems to support business continuity and disaster recovery operations using the remaining capacity. CarverLink has negotiated with the generator vendor to include 3 years of maintenance and a 5-year warranty for the generators. The City of Mayer has contributed a portion of the purchase price.

Once all project deliverables of the generator have been completed, the County plans on transferring ownership to the City of Mayer. They will then assume responsibility for the operation and the 20-year estimated maintenance, repair, and ongoing fuel charges of the generator. In 2018, CarverLink did similar projects with the cities of New Germany and Watertown.

ACTION REQUESTED:

Motion to approve transferring ownership of the generator to the City of Mayer once all project deliverables have been completed.

FISCAL IMPACT:

If "Other", specify:

FTE IMPACT:

FUNDING

| | |
|-------------------------|--------------------|
| County Dollars = | \$0.00 |
| City of Mayer | \$10,000.00 |
| CarverLink Revenue | \$13,800.00 |
| Total | \$23,800.00 |

Insert additional funding source

Related Financial/FTE Comments:

City of Mayer will reimburse the County \$10,000 for a portion of the generator cost.

Office use only:

RBA 2019-

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Application for 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:

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 Saturday, October 5th, 2019. The event will be held at the meeting house and pavillion. The officers are Charles Robert Wichterman (President); Chris Huffman (Vice-President); Mary Jane Olson (Secretary) and Patricia Mary 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 Saturday, October 5, 2019.

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 2019 - 6191

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Purchase of Fleet Vehicles for Carver County Departments

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:
Consent

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

Carver County has a large fleet of vehicles and equipment that are used in various departments. The County annual budget and Long Term Financial Plan includes recommendations from the Public Works fleet replacement program. The Public Works equipment budget for 2019 is \$575,000. Additional one time funding (\$39,180.00) has been provided by the Health and Human Services Department from a 2018 roll over to purchase an additional car. At this time Public Works is requesting to purchase the following:

1. 1 Dodge GrandCaravan from Waconia Dodge Chrysler Jeep for HHS.
2. 1 Ford Escape 4x4 SE from Waconia Ford for HHS.
3. 1 Ford Transit van from Midway Ford for PS-Facilities.

The total cost of this equipment is \$66,893.92

Staff obtained quotes from State Contract vendors and per the county contract and local preference purchasing policies.

ACTION REQUESTED:

Motion to approve the purchase of a Ford Escape, Ford Transit and Dodge Caravan from quoted vendors.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT:

Total

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2019 - 6203

Carver County Public Services Facilities

Ford Transit

May-19

| Brand | Dealer | Local Dealer | State pricing | Local Vendor | Local Discount |
|-------------|---------|--------------|---------------|--------------|----------------|
| Ford | Waconia | Yes | | \$23,045.00 | \$22,158.65 |
| Ford | Midway | No | \$21,365.92 | | |
| | | | | | |

Low Quote

Midway Ford

2777 N Snelling Ave
 Roseville MN 55113
 651-343-5212

Low Quote of \$

Local discount of 4% for local vendor applied.

Carver County Public Health

Ford Escape SE

May-19

Brand

Ford

Ford

| Dealer | Local Dealer | State pricing | Local Vendor |
|---------|--------------|---------------|--------------|
| Waconia | Yes | | \$22,894.00 |
| Hibbing | No | \$22,549.92 | |
| | | | |
| | | | |

purchase from

Waconia Ford

235 Highway 5

Waconia, MN 55387

800-762-1932

Quote of \$

Ford of Hibbing is the state vendor, and is unable to provide the vehicle as quoted.

Carver County Public Health

Dodge Caravan

May-19

Brand

Dodge

Dodge

| Dealer | Local Dealer | State pricing | Local Vendor |
|------------|--------------|---------------|--------------|
| Waconia | Yes | | \$22,664.00 |
| Burnsville | No | \$22,931.00 | |
| | | | |
| | | | |

Low Quote

Waconia Dodge Chrysler Jeep

905 Strong Drive

Waconia, MN 55387

952-442-2010

Low Quote of \$

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Approval of the 2019-2020 School Resource Officer Contract

Primary Originating Division/Dept: Sheriff

Meeting Date: 6/4/2019

Contact: Michael Wollin Title: Commander

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 Carver County Sheriff's Office has for many years, enjoyed a strong, effective and productive partnership with the Southwest Metro Intermediate District accomplished through a School Resource Officer assigned to the school facilities. This contract will allow for continued growth of the partnership as the needs of the school district and county evolve.

ACTION REQUESTED:

Approve the 2019-2020 School Resource Officer contract with the Southwest Metro Intermediate District.

FISCAL IMPACT: Other
If "Other", specify: *The cost of this deputy is borne by the contracting entity.*

| FUNDING | |
|-------------------------|---------------------|
| County Dollars = | |
| Contracting entity | \$114,131.00 |
| Total | \$114,131.00 |

FTE IMPACT: None

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2019 - 6186

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Joint Powers Agreement with the City of Chanhassen for TH 5 Regional Trail

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:

As a part of the 2015 Federal Solicitation for Transportation Enhancement Funding, Carver County made application to construct approximately 2 miles of trail along the Minnesota Landscape Arboretum and TH 5 from Minnewashta Parkway to Century Boulevard in Chanhassen. Carver County was successful in obtaining partial federal funding for trail construction of \$1,192,000.

On October 2, 2018 Carver County and the City of Chanhassen entered into a Memorandum of understanding outlining cost participation for trail engineering, construction and ongoing operations and maintenance of the trail between Century Boulevard and the east property line of the University of Minnesota Landscape Arboretum property.

The Memorandum of Understanding signaled that the parties are in general agreement and provided the foundation for the development of a Joint Powers Agreement between the County and the City of Chanhassen for this trail project.

The joint powers agreement further defines roles and responsibilities of each agency.

ACTION REQUESTED:

Motion to approve a Joint Powers Agreement with the City of Chanhassen pending finalization of the contract review process.

FISCAL IMPACT:

If "Other", specify:

FTE IMPACT:

FUNDING

| | |
|-------------------------|-----------------------|
| County Dollars = | \$0.00 |
| Federal | \$1,192,000.00 |
| 2019 Parks and Trails | \$301,214.00 |
| 2020 Parks and Trails | \$285,451.00 |
| U of M Arboretum | \$600,000.00 |
| County CPA Funds | \$573,677.00 |
| Tax Forfeit Proceeds | \$116,096.00 |
| City of Chanhassen | \$600,000.00 |
| Total | \$3,668,438.00 |

Insert additional funding source 15

Related Financial/FTE Comments:

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Joint Powers Agreement with the University of Minnesota for TH 5 Regional Trail

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

As a part of the 2015 Federal Solicitation for Transportation Enhancement Funding, Carver County made application to construct approximately 2 miles of trail along the Minnesota Landscape Arboretum and TH 5 from Minnewashta Parkway to Century Boulevard in Chanhassen. Carver County was successful in obtaining partial federal funding for trail construction of \$1,192,000.

On October 2, 2018 the Carver County and the University of Minnesota entered into a Memorandum of Understanding outlining cost participation for trail engineering, construction and ongoing operations and maintenance of the trail within the University of Minnesota Landscape Arboretum property.

The Memorandum of Understanding signaled that the parties are in general agreement and provided the foundation for the development of a Joint Powers Agreement between the County and University of Minnesota for this trail project.

ACTION REQUESTED:

Motion to approve a Joint Powers Agreement with the University of Minnesota pending finalization of the contract review process.

FISCAL IMPACT:

If "Other", specify:

FTE IMPACT:

FUNDING

| County Dollars = | \$0.00 |
|-----------------------|-----------------------|
| Federal | \$1,192,000.00 |
| 2019 Parks and Trails | \$301,214.00 |
| 2020 Parks and Trails | \$285,451.00 |
| County CPA Funds | \$573,677.00 |
| City of Chanhassen | \$600,000.00 |
| Tax Forfeit Proceeds | \$116,096.00 |
| U of M Arboretum | \$600,000.00 |
| Total | \$3,668,438.00 |

Insert additional funding source

Related Financial/FTE Comments:

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Easement Agreements and Waiver of Just Compensation and Donation of Real Property Interests with Lifetime Fitness for TH 5 Regional Trail

Primary Originating Division/Dept: Public Works - Parks

Meeting Date: 6/4/2019

Contact: Martin Walsh Title: Parks and Recreation Director

Item Type:
Consent

Amount of Time Requested: minutes

Presenter: Title:

Attachments: Yes No

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

As a part of the 2015 Federal Solicitation for Transportation Enhancement Funding, Carver County made application to construct approximately 2 miles of trail along the Minnesota Landscape Arboretum and TH 5 from Minnewashta Parkway to Century Boulevard in Chanhassen. Carver County was successful in obtaining partial federal funding for trail construction of \$1,192,000.

A portion of the trail near the planned TH 41 underpass will cross property owned by Lifetime Fitness.

Lifetime Fitness continues to be an active stakeholder in the design, development and has agreed to provide an easement area for construction and ongoing operation of the planned TH 5 Regional Trail.

The temporary and permanent easement agreements will provide the property rights to construct and thereafter maintain the trail.

Estimated project cost is \$3,668,438

Funding Sources:

Federal Transportation Enhancement Funding \$1,192,000

2019 Parks and Trails Funds \$301,214

2020 Parks and Trails Funds \$285,451

City of Chanhassen \$600,000

University of Minnesota Landscape Arboretum \$600,000

County CPA (2014-2019) \$573,677

Parks Tax Forfeit Proceeds \$116,096.

ACTION REQUESTED:

Motion to approve the easement agreements and accept donation in the form of a Waiver of Just Compensation and Donation of Real Property Interest with Lifetime Fitness pending finalization of the contract review process.

FISCAL IMPACT: None

If "Other", specify:

FUNDING

County Dollars =

Total

\$0.00

FTE IMPACT: None

Insert additional funding source

Related Financial/FTE Comments:

This is a no cost easement agreement with Lifetime Fitness

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Application to MnDOT Local Partnership Program for Highway 25/20 Intersection Project

| | |
|---|--|
| Primary Originating Division/Dept: <input type="text" value="Public Works - Program Delivery"/> | Meeting Date: <input type="text" value="6/4/2019"/> |
| Contact: <input type="text" value="Angie Stenson"/> Title: <input type="text" value="Senior Transportation Planner"/> | 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:

The Minnesota Department of Transportation (MnDOT) is accepting candidate projects for the FY 2021 Metro District Local Partnership Program. The program exists to provide funding for projects that deliver a benefit to both the local community and the State’s highway system. The purpose of this funding program is to address problems on the Trunk Highway system that are of concern to local agencies, but are typically not large-scale enough to directly select as projects in the regular MnDOT road program. The maximum award available for an individual project is \$710,000.

This grant application submittal is for an intersection safety improvement at Highway 25 and Highway 20 in Watertown Township. The County developed three intersection alternatives in 2018 for analysis and consideration. The proposed project is Concept 2 which is a low cost, high benefit alternative to realign the skewed intersection and improve geometrics to facilitate turning movements and address safety issues. Concept 3 is a higher cost alternative with additional operational benefits that would be analyzed further for feasibility.

ACTION REQUESTED:

Motion to adopt a resolution to approve the FY 2021 MnDOT Metro District Local Partnership Program Grant Application for the Highway 25/20 Intersection Project and authorize and direct the Carver County Engineer to submit the application and appropriate materials.

| | | | | | | | |
|---|--|------------------|---------------------|---------------------|--------------|--------------|-----------------------|
| FISCAL IMPACT: <input type="text" value="None"/> | FUNDING | | | | | | |
| <i>If "Other", specify:</i> <input type="text"/> | <table style="width: 100%;"> <tr> <td style="width: 70%;">County Dollars =</td> <td style="text-align: right;">\$483,000.00</td> </tr> <tr> <td>MnDOT Grant Request</td> <td style="text-align: right;">\$710,000.00</td> </tr> <tr> <td>Total</td> <td style="text-align: right;">\$1,193,000.00</td> </tr> </table> | County Dollars = | \$483,000.00 | MnDOT Grant Request | \$710,000.00 | Total | \$1,193,000.00 |
| County Dollars = | \$483,000.00 | | | | | | |
| MnDOT Grant Request | \$710,000.00 | | | | | | |
| Total | \$1,193,000.00 | | | | | | |
| FTE IMPACT: <input type="text" value="None"/> | <input checked="" type="checkbox"/> Insert additional funding source | | | | | | |

Related Financial/FTE Comments:

Cost estimate reflects Concept 2 alternative. Concept 3 alternative is a higher cost and would be analyzed closer for feasibility and project benefits.

Office use only:

RBA 2019 - 6204

BOARD OF COUNTY COMMISSIONERS CARVER COUNTY, MINNESOTA

Date: June 4, 2019

Resolution No: _____

Motion by Commissioner: _____

Seconded by Commissioner: _____

A RESOLUTION SUPPORTING THE METRO LOCAL PARTNERSHIP PROGRAM GRANT APPLICATION FOR THE TH 25/CSAH 20 INTERSECTION SAFETY IMPROVEMENT

WHEREAS, the Minnesota Department of Transportation (MnDOT) Metro District Local Partnership Program provides funding for projects that deliver a benefit to both the local community and the Trunk Highway system;

WHEREAS, MnDOT is accepting candidate projects for the Fiscal Year (FY) 2021 Local Partnership Program with applications due on June 5, 2019;

WHEREAS, the proposed budget for the FY 2021 Local Partnership Program is \$3 million, and the maximum award available for any individual project is \$710,000;

WHEREAS, these funds are intended to pay for Trunk Highway eligible construction costs and portions of eligible construction engineering costs;

WHEREAS, a local agency's cost participation is determined by MnDOT's Cost Participation Policy, which in turn is based on Minnesota Statutes;

WHEREAS, Carver County is seeking MnDOT Metro District Local Partnership Program funds to construct an intersection safety improvement project at TH 25/CSAH 20;

WHEREAS, proposed intersection reconstruction and safety improvements will help improve safety and reduce conflicts at this intersection;

NOW THEREFORE BE IT RESOLVED, that the Carver County Board of Commissioners supports the FY 2021 MnDOT Metro District Local Partnership Program grant request to construct the TH 25/CSAH 20 Intersection Safety Improvement and authorizes and directs the Carver County Engineer to submit the application and appropriate materials.

| 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 4th day of June, 2019, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 4th day of June, 2019.

Dave Hemze
Administrator

County

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Application to MnDOT Local Partnership Program for the Highway 11 Project - West Carver Area

| | |
|---|--|
| Primary Originating Division/Dept: <input type="text" value="Public Works - Program Delivery"/> | Meeting Date: <input type="text" value="6/4/2019"/> |
| Contact: <input type="text" value="Dan McCormick"/> Title: <input type="text" value="Transportation Manager"/> | 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:

The Minnesota Department of Transportation (MnDOT) is accepting candidate projects for the FY 2021 Metro District Local Partnership Program. The program exists to provide funding for projects that deliver a benefit to both the local community and the State's highway system. The purpose of this funding program is to address problems on the Trunk Highway system that are of concern to local agencies, but are typically not large-scale enough to directly select as projects in the regular MnDOT road program. The maximum award available for an individual project is \$710,000.

This grant application submittal is for a flashing yellow arrow signal retrofit and improvements at the Highway 212 and Highway 11 interchange. This proposal is an extension of the previous MnDOT Municipal Agreement project on the Highway 212 interchanges, which added flashing yellow arrows at four other interchanges within the county. The Highway 11 interchange was deferred for additional work and potential coordination with the Highway 11 Project planned for 2021. The project includes restriping the Highway 11 bridge to convert the shoulders to a second northbound through lane and shifting the barrier to widen the existing sidewalk on the west side of the bridge to a trail facility. The existing traffic signal facilities would be redesigned to match the new 6-lane layout and include upgrades to the remainder of the traffic signal system.

ACTION REQUESTED:

Motion to adopt a resolution to approve the FY 2021 MnDOT Metro District Local Partnership Program Grant Application for the Highway 11 Project - West Carver Area, and authorize and direct the Carver County Engineer to submit the application and appropriate materials.

| | | | | | | | |
|--|---|------------------|--------------|-----------------------|--------------|--------------|---------------------|
| FISCAL IMPACT: <input type="text" value="None"/> | FUNDING | | | | | | |
| <i>If "Other", specify:</i> <input type="text"/> | County Dollars = | | | | | | |
| FTE IMPACT: <input type="text" value="None"/> | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">CSAH Reg. Const.</td> <td style="width: 30%; text-align: right;">\$175,000.00</td> </tr> <tr> <td>MnDOT LPP Grant Reque</td> <td style="text-align: right;">\$625,000.00</td> </tr> <tr> <td>Total</td> <td style="text-align: right;">\$800,000.00</td> </tr> </table> | CSAH Reg. Const. | \$175,000.00 | MnDOT LPP Grant Reque | \$625,000.00 | Total | \$800,000.00 |
| CSAH Reg. Const. | \$175,000.00 | | | | | | |
| MnDOT LPP Grant Reque | \$625,000.00 | | | | | | |
| Total | \$800,000.00 | | | | | | |
| <input checked="" type="checkbox"/> Insert additional funding source | | | | | | | |

Related Financial/FTE Comments:

Cost estimate and grant eligible cost items are being refined prior to application submittal. Signal and lane remarking estimated at \$350,000 and bridge/trail improvements estimated at \$450,000.

Office use only:

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

Date: June 4, 2019

Resolution No: _____

Motion by Commissioner: _____

Seconded by Commissioner: _____

**A RESOLUTION SUPPORTING THE METRO LOCAL PARTNERSHIP PROGRAM GRANT
APPLICATION FOR THE HIGHWAY 11 PROJECT – WEST CARVER AREA**

WHEREAS, the Minnesota Department of Transportation (MnDOT) Metro District Local Partnership Program provides funding for projects that deliver a benefit to both the local community and the Trunk Highway system;

WHEREAS, MnDOT is accepting candidate projects for the Fiscal Year (FY) 2021 Local Partnership Program with applications due on June 5, 2019;

WHEREAS, the proposed budget for the FY 2021 Local Partnership Program is \$3 million, and the maximum award available for any individual project is \$710,000;

WHEREAS, these funds are intended to pay for Trunk Highway eligible construction costs and portions of eligible construction engineering costs;

WHEREAS, a local agency’s cost participation is determined by MnDOT’s Cost Participation Policy, which in turn is based on Minnesota Statutes;

WHEREAS, Carver County is seeking MnDOT Metro District Local Partnership Program funds for improvements as part of the Highway 11 Project in the West Carver Area specifically improvements to the US 212 and Highway 11 interchange area;

WHEREAS, proposed improvements are to construct and retrofit Flashing Yellow Arrows for the intersections at Highway 212 and Highway 11; to restripe the Highway 11 bridge to convert the shoulders to a second northbound through lane; to shift the barrier to widen the existing bicycle and pedestrian facility on the west side of the bridge; to redesign existing traffic signal facilities to match the new 6-lane layout, and to upgrade to the remainder of the traffic signal system;

WHEREAS, the County and Cities will share in the local cost share responsibility of the applicable projects in accordance with the adopted County Cost Participation Policy;

WHEREAS, Flashing Yellow Arrows and traffic signal system redesign and upgrades, restriping of the bridge to accommodate a second northbound through lane, and shifting of the barrier to allow for a wider pedestrian and bicycle facility will help improve safety and reduce conflicts at the Highway 212 interchange ramps;

NOW THEREFORE BE IT RESOLVED, that the Carver County Board of Commissioners supports the FY 2021 MnDOT Metro District Local Partnership Program grant request for the Highway 11 Project in the West Carver Area for the Highway 212 and Highway 11 interchange area improvements and authorizes and directs the Carver County Engineer to submit the application and appropriate materials.

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 4th day of June, 2019, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 4th day of June, 2019.

Dave Hemze
Administrator

County

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Easement Agreement and Waiver of Just Compensation and Donation of Real Property Interests with the University of Minnesota for TH 5 Regional Trail

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:

As a part of the 2015 Federal Solicitation for Transportation Enhancement Funding, Carver County made application to construct approximately 2 miles of trail along the Minnesota Landscape Arboretum and TH 5 from Minnewashta Parkway to Century Boulevard in Chanhassen. Carver County was successful in obtaining partial federal funding for trail construction of \$1,192,000.

The University of Minnesota Landscape Arboretum continues to be an active stakeholder in the design, development and has agreed to provide an easement area for construction of the planned TH 5 Regional Trail.

The temporary easement agreement will provide the property rights to construct the trail.

Estimated project cost is \$3,668,438. Funding sources:

- Federal Transportation Enhancement Funding \$1,192,000
- 2019 Parks and Trails Funds \$301,214
- 2020 Parks and Trails Funds \$285,451
- City of Chanhassen \$600,000
- University of Minnesota Landscape Arboretum \$600,000
- County CPA (2014-2019) \$573,677
- Parks Tax Forfeit Proceeds \$116,096.

ACTION REQUESTED:

Motion to approve the easement agreement and accept donation in the form of a Waiver of Just Compensation and Donation of Real Property Interest with the University of Minnesota pending finalization of the contract review process.

FISCAL IMPACT:
If "Other", specify:

FUNDING
County Dollars =
Total

FTE IMPACT: Insert additional funding source

Related Financial/FTE Comments:

This is a no cost easement agreement with the University, however the University is contributing \$600,000 towards the construction of the trail.

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Cooperative Agreement with the State of Minnesota for the Highway 212 Signal Improvements 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:

Carver County is the lead agency of the Highway 212 Signal Improvements Project that includes the modernization of traffic signals at interchanges along Highway 212 in the Cities of Chaska and Chanhassen. The project scope includes traffic signal retrofits and improvements at the Highway 212 interchanges from Highway 10 to Highway 101. Plans for the project include revised and new traffic signal systems at 10 existing signalized intersections along Highway 212 at Highways 10, 41, 17 and 101. As a requirement for the Minnesota Department of Transportation Local Partnership Program, a cooperative agreement is needed to define the roles, responsibilities and funding obligations of the State of Minnesota (MnDOT), Carver County, and the City of Chanhassen for the Highway 212 Signal Improvements Project. MnDOT is funding a portion of the improvements through a Carver County solicited grant award from the Local Partnership Program.

ACTION REQUESTED:

Motion to adopt a resolution for a cooperative construction agreement with the State of Minnesota for the Highway 212 Signal Improvements Project, pending finalization of the contract review process.

FISCAL IMPACT:

If "Other", specify:

FTE IMPACT:

FUNDING

| | |
|-------------------------|----------------------|
| County Dollars = | <input type="text"/> |
| CSAH Reg. Const. | \$197,041.58 |
| City of Chanhassen | \$54,167.04 |
| MnDOT LPP Funds | \$133,584.00 |
| Total | \$384,792.62 |

Insert additional funding source

Related Financial/FTE Comments:

Costs splits are based on this cooperative construction agreement and a JPA that is being executed between Carver County and the City of Chanhassen.

Office use only:

RBA 2019 - 6208

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

Date: June 4, 2019

Resolution No: _____

Motion by Commissioner: _____

Seconded by Commissioner: _____

**STATE OF MINNESOTA AND COUNTY OF CARVER
COOPERATIVE CONSTRUCTION AGREEMENT
FOR the US 212 Signal Improvements Project
from CSAH 10 to CSAH 101 in Carver County**

IT IS RESOLVED that Carver County enter into MnDOT Agreement No. 1031268 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for payment by the State to the County of the State's share of the costs related to roadway and traffic signal improvements, including State Furnished Materials (SFM) and other associated construction to be performed upon, along, and adjacent to Trunk Highway No. 212 Interchange Ramps from County State Aid Highway (C.S.A.H) No. 10 to County State Aid Highway No. 101 under State Project No. 1017-106 and State Aid Project No. 010-030-009 and State Aid Project No. SAP 194-020-015.

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

YES

ABSENT

NO

STATE OF MINNESOTA
COUNTY OF CARVER

I, Dave Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 4th day of June, 2019, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this day of , 2019.

Dave Hemze

County Administrator

Carver County Board of Commissioners Request for Board Action



Agenda Item:

State of Minnesota Department of Transportation Limited Use Permit for Trail in MNDOT Right of Ways of TH 41 and TH 5

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:
Consent

Amount of Time Requested: minutes
Presenter: Title:

Attachments: Yes No

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

As a part of the 2015 Federal Solicitation for Transportation Enhancement Funding, Carver County made application to construct approximately 2 miles of trail along the Minnesota Landscape Arboretum and TH 5 from Minnewashta Parkway to Century Boulevard in Chanhassen. Carver County was successful in obtaining partial federal funding for trail construction of \$1,192,000. The project is scheduled for late summer fall of 2019.

As a part of the federally funded project, the County will construct and maintain a trail an underpass structure and other improvements in MNDOT right- of- way of at TH 41 and TH 5. In order to be properly permitted for the trail and other improvements, MNDOT requires the County enter into a Limited Use Permit agreement for these improvements. Further, MNDOT requires a resolution from the County Board to enter into the Limited Use Permit.

Estimated project cost is \$3,668,438. Funding Sources:
 Federal Transportation Enhancement Funding \$1,192,000
 2019 Parks and Trails Funds \$301,214
 2020 Parks and Trails Funds \$285,451
 City of Chanhassen \$600,000
 University of Minnesota Landscape Arboretum \$600,000
 County CPA (2014-2019) \$573,677
 Parks Tax Forfeit Proceeds \$116,096.

ACTION REQUESTED:

Motion to adopt a resolution entering into the Limited Use Permit with MnDOT for the TH 5 Trail subject to completion of the contract review process.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =
 Total

FTE IMPACT:

Insert additional funding source

Related Financial/FTE Comments:

This is a no cost agreement.

BOARD OF COUNTY COMMISSIONERS CARVER COUNTY, MINNESOTA

Date: _____
Motion by Commissioner: _____

Resolution No: _____
Seconded by Commissioner: _____

RESOLUTION NO _____
CARVER COUNTY LIMITED USE PERMIT
WITH THE STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION
FOR A NON-MOTORIZED RECREATIONAL TRAIL IN THE RIGHT- OF-WAY OF
TRUNK HIGHWAY 41 and 5 AT CHANHASSEN

WHEREAS, Carver County is a political subdivision, organized and existing under the laws of the State of Minnesota; and,

WHEREAS, the Carver County Board has approved a plan to construct a non-motorized recreational trail in the right-of way of Trunk Highway 41 and 5 to promote the orderly and safe crossing of the highway; and,

WHEREAS, the State of Minnesota, Department of Transportation requires a Limited Use Permit for the construction and utilization of said pedestrian trail.

NOW, THEREFORE, BE IT RESOLVED, that the Carver County Board hereby enters into a Limited Use Permit with the State of Minnesota, Department of Transportation for the following purposes:

To construct, operate and maintain a non-motorized recreational trail within and along the right- of- way of Trunk Highway 41 and 5 of the State of Minnesota. Carver County shall construct, operate and maintain said trail in accordance with the Limited Use Permit granted by the Minnesota Department of Transportation.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Carver County Board Chair is authorized to execute the Limited Use Permit and any amendments to the Permit.

| YES | ABSENT | NO |
|-----|--------|----|
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| | | |
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| | | |

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 _____, 2019, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this _____ day of _____, 2019.

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Resolution to submit Highway 212 Expansion Project application for 2020 State bonding request

| | |
|---|--|
| Primary Originating Division/Dept: <input type="text" value="Public Works - Program Delivery"/> | Meeting Date: <input type="text" value="6/4/2019"/> |
| Contact: <input type="text" value="Lyndon Robjent"/> Title: <input type="text" value="Public Works 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:

The Minnesota Department of Management and Budget is soliciting local units of government to apply for capital budget grants for the 2020 bonding cycle. The House Capital Investment Division intends to place a high priority on projects submitted through this solicitation process.

The County, in partnership with MnDOT, is seeking funds to reconstruct Highway 212 from a two-lane rural highway to a four-lane divided expressway between the City of Norwood Young America and the City of Cologne. The proposed improvements will remove barriers to efficient freight movement, provide economic development opportunities at key locations, preserve existing infrastructure, and improve the corridor's mobility and safety for all users.

The Board adopted a ½ percent local option sales tax in May 2017 dedicated for transportation projects, and this project is identified in the implementation plan for use of these funds. This resolution states that the County will provide funding towards the local match and partner with MnDOT to contribute to the overall project funding for this improvement.

A 2020 Capital Budget Request will be submitted to the Minnesota Department of Management and Budget requesting \$32.5 million of state bonds for the project. A requirement of the submittal is willingness to match state funds with County or other local funds and submittal of a resolution of support by the County Board per M.S. 16A.86, subd. 3a (6).

ACTION REQUESTED:

Adopt a resolution to support and approve the submittal of the Highway 212 Expansion project application for the 2020 State bonding cycle to reconstruct and expand Highway 212 from a two-lane undivided highway to a four-lane divided expressway between the City of Norwood Young America and the City of Cologne and authorize and direct the Carver County Engineer to submit the application.

FISCAL IMPACT:
If "Other", specify:

FTE IMPACT:

FUNDING

| | |
|--------------------------|------------------------|
| County Dollars = | <input type="text"/> |
| County Transportation Sa | \$12,000,000.00 |
| MnDOT Maintenance | \$5,500,000.00 |
| State Bonding Request | \$32,500,000.00 |
| Federal (future) | \$15,000,000.00 |
| Total | \$65,000,000.00 |

Insert additional funding source

Related Financial/FTE Comments:

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

Date: June 4, 2019

Resolution No: _____

Motion by Commissioner: _____

Seconded by Commissioner: _____

Resolution of Support and Approval of Highway 212 Expansion Project Application for 2020 State Bonding Request

WHEREAS, the Minnesota Department of Management and Budget is soliciting local units of government to apply for capital budget grants for the 2020 bonding cycle and the House Capital Investment Division intends to place a high priority on projects submitted through this solicitation process; and

WHEREAS, State bonding bills provide funding from state general obligation bond proceeds for land acquisition, construction and improvements to facilities owned by state agencies, public higher education institutions, and political subdivisions of the state; and

WHEREAS, M.S. 16A.86 limits the State appropriation and funding share of the project to 50 percent of the total project cost and requires a sufficient contribution and funding match from non-State sources; and

WHEREAS, Carver County, in partnership with the Minnesota Department of Transportation (MnDOT) is seeking funds to reconstruct Highway 212 from a two-lane rural highway to a four-lane divided expressway between the City of Norwood Young America and the City of Cologne; and

WHEREAS, the proposed improvements will remove barriers to efficient freight movement, provide economic development opportunities at key locations, preserve existing infrastructure, and improve the corridor's mobility and safety for all users; and

WHEREAS, the Carver County Board of Commissioners adopted a ½ percent local option sales tax in May 2017 dedicated for transportation projects, and this project is identified in the implementation plan for use of these funds; and

WHEREAS, Carver County will provide funding towards the local match and partner with MnDOT to contribute to the overall local match and project funding as identified in the grant application, which includes the use of funding programmed for maintenance, secured funding through other grant programs, and additional program funding as applicable; and

NOW THEREFORE BE IT RESOLVED, that the Carver County Board of Commissioners supports and approves the application for a grant to reconstruct Highway 212 from a two-lane undivided highway to a four-lane divided expressway between the City of Norwood Young America and the City of Cologne and authorizes and directs the Carver County Engineer to submit the application.

YES

ABSENT

NO

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 4th day of June, 2019, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 4th day of June, 2019.

Dave Hemze

County Administrator

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Increase in Attorney Work Hours

Primary Originating Division/Dept: Attorney

Meeting Date: 6/4/2019

Contact: Mark Metz Title:

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:

The past few years have been marked by a steady increase in the demand for legal representation in matters relating to the Minnesota Government Data Practices Act. In addition to increasing requests for legal opinions, there have been high volume data requests, sensitive data issues, compliance and regulatory obligations, a goal for county-wide training on data-related matters, and procedural shifts (e.g. shifting the "Responsible Authority" duties). Currently, we have one part-time attorney primarily assigned to this practice area, with a paralegal also providing part-time assistance. In 2018, the CCAO had a budgeted part-time paralegal position become vacant. During this vacancy, the full-time paralegal is needed to cover a wider range of civil practice matters. As a result, additional attorney hours must be dedicated to adequately provide legal representation in the data practices field. At this time, Attorney's Office leadership recommends the elimination of the current 16 hours per week (0.40 FTE) position, and replacing it with a 22 hours/week (0.55 FTE) position in order to better address workload demands.

ACTION REQUESTED:

Motion to eliminate one (1) assistant county attorney position at 16 hours per week (0.40 FTE) and replace it with one (1) assistant county attorney position at 22 hours per week (0.55 FTE), until such time as the County Attorney determines the demands are being met or the office is restructured to best meet the needs of the county.

FISCAL IMPACT: Budget amendment request form

If "Other", specify:

FUNDING

| | |
|-------------------------|-------------|
| County Dollars = | |
| vacancy savings | \$20,345.65 |
| Total | \$20,345.65 |

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

Insert additional funding source

Related Financial/FTE Comments:

The increased funds needed to cover the 0.15 FTE increase in FTE will be paid from the vacancy savings created by leaving the part-time paralegal position unfilled at this time.

Office use only:

RBA 2019 - 6114

Budget Amendment Request Form



To be filled out AFTER RBA submittal

Agenda Item: Increase in Attorney Work Hours

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 |
| PT salaries | 01-90.6112 | \$20,345.65 | vacancy savings | 01-90.6112 | \$20,345.65 |
| TOTAL | | \$20,345.65 | TOTAL | | \$20,345.65 |

Reason for Request:

The increased funds needed to cover the 0.15 FTE increase in FTE will be paid from the vacancy savings created by leaving the part-time paralegal position unfilled at this time.

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Westbrook Community Church - Request for a new church facility

| | |
|--|--|
| Primary Originating Division/Dept: <input type="text" value="Public Services - Land Mgmt."/> | Meeting Date: <input type="text" value="6/4/2019"/> |
| Contact: <input type="text" value="Jason Miekle"/> Title: <input type="text" value="Senior Planner"/> | 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:

File #PZ20190021. The Planning Commission recommended approval of a Conditional Use Permit (CUP) for Westbrook Community Church.

The church owns an approximate 28.01 acre parcel, which is located in Section 35, Laketown Township. The request is to allow the applicant to construct an approximate 12,800 square-foot single story church with a worship area designed for 250 seats, and associated parking to accommodate approximately 85 vehicles.

The development of the site will be done in phases, with Phase I consisting of fundraising for the church building project (completed). Phase II would consist of the construction of the church building, associated parking, access improvements off of County Road 11 (CSAH 11), a new well, septic installation, and stormwater retention system. It is anticipated that the construction of the new church would possibly begin in the fall of 2019 or spring of 2020, depending on permit approvals. Future phases of the project would consist of any building expansion/additions and associated parking. Phases beyond Phase II of the project would require the applicant to apply for and receive a new conditional use permit.

Currently, the church has six (6) staff, of which, four (4) are part-time. Sunday services would be held at 9:15 a.m. and 10:30 a.m. Business hours are Monday - Friday 8:30 a.m. to 4:30 p.m.; however, worship hours, weddings, ministry meetings, as well as other activities could be held throughout the week and weekends; therefore, no set hours of operation would exist. The on-site daycare services would operate from 6:00 a.m. to 6:00 p.m. Monday through Friday.

The Permittee would need to comply with Public Works' access and/or road improvement requirements.

The Laketown Town Board has also recommended approval of the request.

ACTION REQUESTED:

A motion to adopt the Findings of Fact and to issue Order #PZ20190021 for the issuance of a Conditional Use Permit.

| | |
|---|---|
| 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"/> |

Insert additional funding source

Related Financial/FTE Comments:

COUNTY OF CARVER
PLANNING COMMISSION RESOLUTION

FILE #: PZ20190021

RESOLUTION #: 19-10

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

FILE #: PZ20190021

APPLICANT: Westbrook Community Church

OWNER: Westbrook Community Church

SITE ADDRESS: 10XXX County Road 11/CSAH 11

PERMIT TYPE: Church

PURSUANT TO: County Code, Chapter 152, Section 152.080 (C)(2)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 07-035-0110

WHEREAS, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meeting of May 21, 2019; and,

WHEREAS, the Carver County Planning Commission finds as follows:

1. The applicant, Westbrook Community Church, owns an approximate 28.01-acre parcel located in the Southeast Quarter (SE¼) of the Southwest Quarter (SW¼) of Section 35, Laketown Township. The property consists of tillable agricultural farmland and wetland areas. The site is located in the Agricultural Zoning District, Transition Area Overlay District of the City of Victoria, and the CCWMO – West Chaska Creek watershed.
2. The applicant is requesting approval of a Conditional Use Permit (CUP) in order to operate a Large Scale Activity - Church Facility, pursuant to Section 152.080 (C)(2) of the Carver County Zoning Code.
3. Westbrook Community Church purchased the subject property in August of 2017 after completing a minor subdivision process. The approximate 28.01 acres was physically separated from a larger tract of land lying north of County Road 10; therefore, making the location appealing to Westbrook Church. The church is currently utilizing an existing location in the City of Chaska for their church services/activities.
4. The Conditional Use Permit would allow the applicant to construct an approximate 12,800 square-foot single story church and associated parking to accommodate approximately 85 vehicles. Future plans would allow for a church/building expansion consisting of a worship center, offices, classrooms, gym, and associated parking for approximately 90 additional vehicles. At this time, the applicant is only looking for approval of the proposed building and parking area as identified on the site concept plan submitted as part of the application. Any future plans to expand/enlarge the facility, will require the applicant to apply and receive a new Conditional Use Permit.
5. Development of the site will be done in phases, with **Phase I** (completed) consisting of the fundraising for the church building project. **Phase II** of the project consists of the construction of the church building, associated parking, access improvements (off County Road 11/CSAH 11), well, septic installation and stormwater retention system. The proposed operation would consist of a new church with associated administrative offices and religious education space, as well as an on-site daycare. It is anticipated that construction of the new church would possibly begin in the fall of 2019 or spring of 2020, depending on permit approvals. Phases beyond Phase II of the project would require the applicant to receive a new Conditional Use Permit based on the size and/or type of expansion project.

6. Sunday services would be held at 9:15 a.m. and 10:30 a.m. Worship services, weddings, ministry meetings, and activities could be held throughout the week and weekends; therefore, no set hours of operation would exist. There will be office personnel on-site from 8:30 a.m. to 4:30 p.m. Monday through Friday. The current total number of church employees is six (6), of which four (4) are part-time. This quantity may increase as the congregation grows in the future. The on-site daycare service would operate from 6:00 a.m. to 6:00 p.m. Monday through Friday. The daycare would operate with 3 classrooms and would have five to seven (5-7) employees.
7. Currently, there are no existing buildings on the proposed site. The proposed assembly/worship hall of approximately 4,200 square feet is designed to provide seating for up to 250 worshippers. The administrative office component of the proposed building is approximately 1,400 square feet of area and the gathering area (religious educational component, fellowship hall, and small service kitchen) consists of approximately 7,200 square feet.
8. It is anticipated that the church daily trips generated to and from the site on Mondays through Thursdays are anticipated to be approximately 60. The current number of daily trips anticipated on Sundays would be approximately 100. The anticipated daily trips for the proposed daycare would be approximately 80. These quantities would increase as the congregation expands. Future plans for the site also include expansion to the church which would increase the amount of traffic generated to and from the site in a daily basis.
9. The county parking standards require one parking space per three seats based upon the design capacity of the main assembly/worship hall. The applicant has indicated the worship hall will be designed for 250 seats; therefore, requiring 84 parking spaces. The area and capacity of the on-site parking as shown on the site plan accommodates 86 vehicles and a combined surface area of 36,500 square feet including the entrance drive. The applicant also identified an area on the site plan for future parking, consisting of an additional 90 parking spaces.
10. Westbrook Community Church would work with the local road authority (Carver County Public Works Division) to allow for an access off of County Road 11/County State Aid Highway 11 (CSAH 11). County Public Works has reviewed the request and provided written comments (dated: May 9, 2019) describing specific access standards/requirements for the subject property and proposed land use. The access to the site would be from CSAH 11, which is a highly traveled county road (minor arterial classification). The new entrance drive to and from the site would include the construction of a right turn lane and left turn bypass lane in order to manage safety and traffic operations along CSAH 11. The applicant would be required to secure an access permit from the road authority.
11. The applicant has indicated that the church is proposing to construct two (2) 8' - 4" high by 12' - 0" wide illuminated monument signs which would exceed the 32 square-foot limit pursuant to Chapter 154 - Sign Regulations. The proposed 64± square-foot signage would exceed the allowable square footage on the property as would the Westbrook Church lettering being placed on the front of the building; therefore, the applicant would be required to submit an application to the Board of Adjustment for approval of a variance prior to the placement of said signage. The total height of the ground signage shall not exceed eight (8) feet. All signage will need to comply with the Carver County Sign Regulations.
12. County staff would review the parking standards (capacity) as future building projects are being proposed on the subject parcel. This will be done to ensure that the appropriate number of parking spaces are provided according to the parking requirements of the Zoning Code.
13. A Subsurface Sewage Treatment System (SSTS) location has been identified; however, prior to building permit approval, a design would need to be submitted to the Carver County Environmental Services Department for review and approval.
14. Pursuant to the County Zoning Code, Section 152.160 - Transition Overlay Zone, indicates that CUP applications or requests shall be referred to appropriate municipal officials for comment and consideration. The City of Victoria Community Development Director, Pat Smith, has reviewed the request and stated, "This area is guided for Commercial in our 2040 Comprehensive Plan. Although places of worship isn't the highest and best use of this site, churches are typically allowed in all zoning districts".

15. The Laketown Town Board reviewed and recommended approval of the church request during their April 22, 2019, Town Board meeting. The Town Board expressed their concern for two (2) signs as presented.
16. The Planning Commission has considered all the factors required by Section 152.251 of the Carver County Code and finds that all are either true in this case or can be mitigated by conditions placed on the permit.

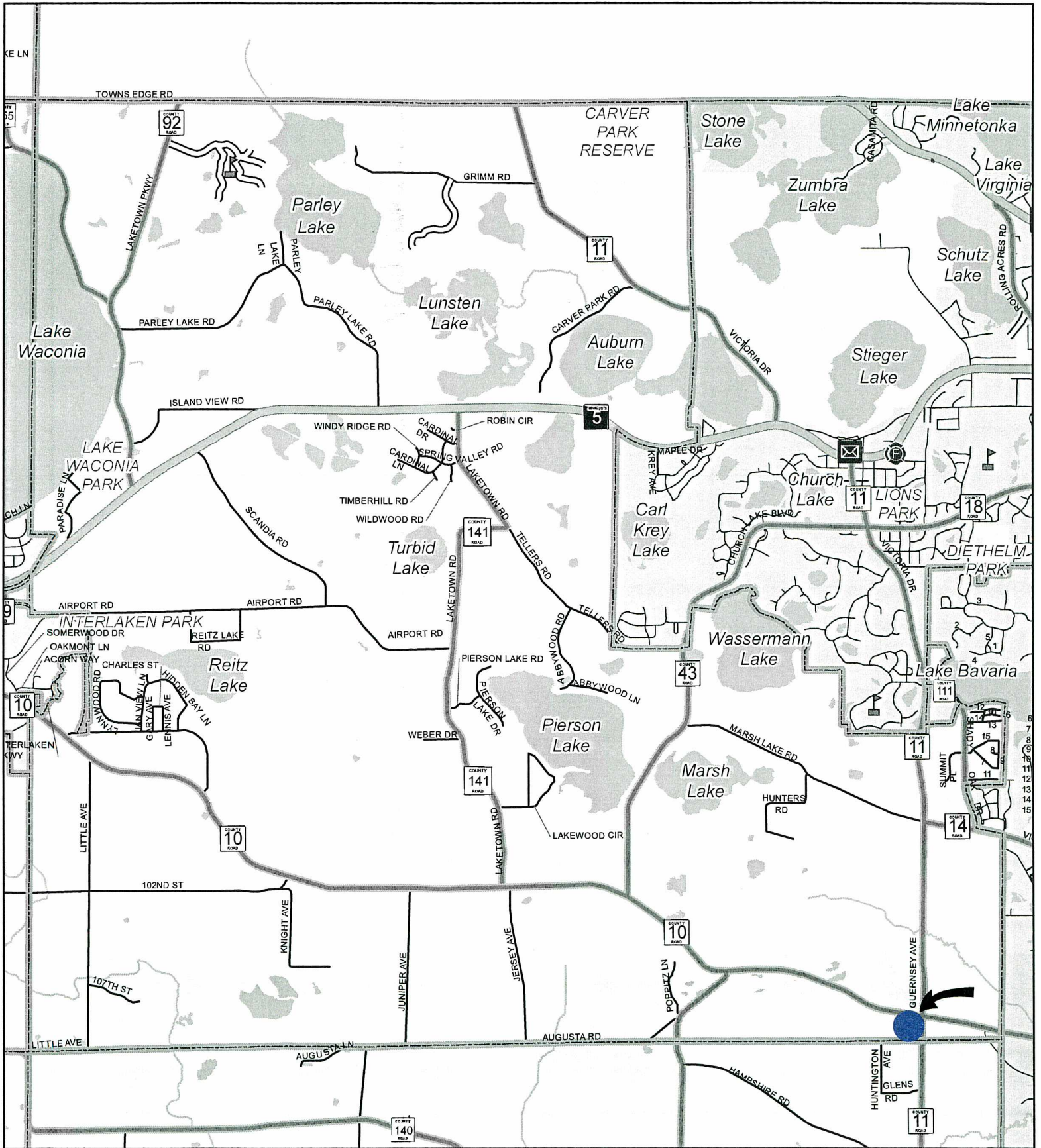
THEREFORE, BE IT RESOLVED, THAT the Carver County Planning Commission hereby recommends the issuance of Conditional Use Permit #PZ20190021 for a Large Scale Activity – Church, on the land described in Exhibit “A” of the permit application. The Planning Commission further recommends that the following conditions be attached to the permit:

1. The permit is subject to administrative review. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners and/or operators are encouraged to contact Land Management as early on in the timeline of the proposed change as possible. **NOTE:** Phases beyond Phase II, as noted in the operational plan, of the project will require the applicant to receive a new Conditional Use Permit based on the size and/or type of expansion project.
2. The operation shall be in accordance with the submitted application including operational plan (letter dated: 04/17/2019) and site concept plans. These plans shall be attached to and become part of this permit.
3. The Permittee shall comply with the local road authority (i.e. Carver County Public Works Department) access requirements and/or proposed improvements at County Road 11/CSAH 11 and/or County Road 10. This shall include securing an access permit from the road authority.
4. Parking of vehicles must be confined to the church property. No parking will be allowed within any portion of County Highway right-of-way.
5. Any grading and/or filling activity on the property shall be completed in accordance with the CCWMO Water Management guidelines and the Wetland Conservation Act (WCA), if applicable. Any and all site improvements shall be completed pursuant to Chapter 153 – Water Resource Management.
6. Permittee shall comply at all times with the County standards as detailed in Chapter 152 – Zoning Code and Chapter 154 – Sign Regulations. These regulations include, but are not limited to, standards for parking and signage. Parking capacity shall meet requirements of the Zoning Code at all times.
7. All necessary and required building permits shall be applied for and issued prior to construction. All structures utilized as part of the church facility shall meet the applicable State Building Code requirements.
8. Prior to building permit approval, a design would need to be submitted to the Carver County Environmental Services Department for review and approval.
9. Any existing drain tile(s) on the site must be maintained and/or re-routed, such that flow through the property is not hindered or adversely altered.
10. Permittee shall submit a copy of the Certificate of Workers’ Compensation Insurance or sign an appropriate affidavit regarding employee status and submit it to the Land Management Department.

ADOPTED by the Carver County Planning Commission this 21st day of May, 2019.

Jim Burns, Chair
Carver County Planning Commission

LAKETOWN 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.



38

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Right of Way Acquisition Offers for the Highway 5/33 Roundabout 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 2020 construction season contains the Highway 5/33 Roundabout Project which includes the construction of a roundabout at the intersection of Highway 5 and Highway 33. Additional right of way is needed to complete the project. The county has obtained appraisals from a certified appraiser in order to establish fair market value for the permanent and temporary construction easements within the project area.

ACTION REQUESTED:

Motion to adopt a resolution to authorize written offers of compensation for right-of-way acquisitions for the Highway 5/33 Roundabout Project.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

| | |
|----------------------|-------------|
| CSAH Regular Funding | \$40,000.00 |
|----------------------|-------------|

FTE IMPACT:

| | |
|--------------|--------------------|
| Total | \$40,000.00 |
|--------------|--------------------|

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2019 - 6197

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

Date: June 4, 2019

Resolution No: _____

Motion by Commissioner: _____

Seconded by Commissioner: _____

Resolution Authorizing Offers of Just Compensation to Owners for Acquisition of Real Property Interests Needed for the Highway 5/33 Roundabout Project

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 a roundabout as part of the Highway 5/33 Roundabout 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 described in said Exhibit A; and

WHEREAS, the County obtained either an appraisal(s) from a licensed real estate appraiser when the estimate of the damages from the County’s proposed acquisitions of the real property interests described in said Exhibit A exceeds \$25,000, or the County obtained a minimum damage acquisition report from a qualified person with appraisal knowledge, in lieu of an appraisal, when the estimate of the damages from the County’s proposed acquisitions of the real property interests described in said Exhibit A is under \$25,000; 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 Owners submit to the County the information necessary for reimbursement.

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 a roundabout as part of the Highway 5/33 Roundabout Project constitute a valid public use or public purpose; and

EXHIBIT A

to

Resolution Authorizing Offers of Just Compensation to Owners for Acquisition of Real Property Interests

Highway 5/33 Roundabout Project

Carver County Public Works No. 188847

Property Tax Identification No. 11.0100600

Fee Owners: Holesek Farms, LP

Property Address: N/A

Permanent easement for public right-of-way purposes contains **5,844 sq. ft.**, more or less.

Temporary easement for construction purposes contains **6,165 sq. ft.**, more or less.

Property Tax Identification No. 11.0110200

Fee Owners: John B & Kelly AB Schimelpfenig

Property Address: 1475 County Road 33, Young America Township, MN 55368

Permanent easement for public right-of-way purposes contains **39,733 sq. ft.**, more or less.

Temporary easement for construction purposes contains **25,865 sq. ft.**, more or less.

Property Tax Identification No. 58.0145800

Fee Owners: Independent School District #108

Property Address: N/A

Permanent easement for public right-of-way purposes contains **3,773 sq. ft.**, more or less.

Temporary easement for construction purposes contains **4,488 sq. ft.**, more or less.

Property Tax Identification No. 58.0143800

Fee Owners: Independent School District #108

Property Address: N/A

Temporary easement for construction purposes contains **1,596 sq. ft.**, more or less.

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Shane Touhey - Contractor's Yard

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 #PZ20190022. The Planning Commission recommended approval of Shane Touhey's Conditional Use Permit (CUP) for a Contractor's Yard, on a 22-acre parcel currently owned by Mark and Violet Schwalbe, located in Section 16, Benton Township. The hours of operation would typically be 6:00 a.m. to 8:30 p.m. Approximately 3 employees would report to the site daily, with an estimated 4 vehicle trips to and from the site each day. The business would utilize up to nine commercial vehicles. The existing accessory structure on the site would be expanded to be approximately 92'x72' and would be used for the business. The intent of the large accessory building would be to store equipment inside. Outside storage of landscaping materials would be limited to 250 cubic yards. The Benton Town Board has also recommended approval of the request.

ACTION REQUESTED:

A motion to adopt Findings of Fact and issue Order #PZ20190022 for the issuance of a 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 2019 - 6200

COUNTY OF CARVER
PLANNING COMMISSION RESOLUTION

FILE #: PZ20190022

RESOLUTION #: 19-07

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

FILE #: PZ20190022

APPLICANT: Shane Touhey

OWNERS: Mark and Violet Schwalbe

SITE ADDRESS: 12490 134th Street Benton Township, MN 55322

PERMIT TYPE: Contractor's Yard

PURSUANT TO: County Code, Chapter 152, Section 152.079 C10

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 01-016-2600

WHEREAS, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meeting of May 21, 2019; and,

WHEREAS, the Carver County Planning Commission finds as follows:

1. Mark and Violet Schwalbe own approximately 22 acres in the SE1/4 of the SW1/4 of Section 16, Benton Township. The property is improved with one (1) house and one (1) accessory building. The parcel is in the Agricultural Zoning District and Carver County WMO – Carver Creek watershed.
2. The applicant, Shane Touhey, has a purchase agreement for the property and is requesting a Conditional Use Permit (CUP) to operate a Contractor's Yard pursuant to Section 152.079 C10 of the Carver County Zoning Code.
3. Mr. Touhey is requesting to store equipment for his small business, TSC Contracting LLC, for excavation, trucking and snow removal as well as some personal items on the proposed site. Hours of operation would be from 6:00am to 8:00pm daily. Approximately three (3) employees would report to the site daily with approximately four (4) trips to and from the site daily. Nine (9) vehicles would be on the site including quad axel dump trucks, single axel dump trucks and personal vehicles. An existing accessory building will be expanded to be used for the business and will total approximately 6,624 square feet. The applicant meets the minimum standards for a Contractor's Yard CUP.
4. The applicant recently received an approximate 50ft variance (PZ20190017) from the distance required between a contractor's yard and a residential building. The required distance is 500ft from the contractor's yard nearest corner to the residential home's nearest corner. The applicant's building would be approximately 450ft from the nearest residence.
5. Some materials from the business would be stored outside. Although the material would be stored outside, the outdoor storage would be screened with trees and or fencing as detailed in the applicant's narrative.
6. The applicant's proposal includes expansion of an existing accessory building to be 92ft x 72ft. The building would be used to store equipment.
7. The applicant is not proposing any signage at this time, although if signage is proposed in the future, it would be required to meet the standards of Chapter 154 of the County Code; not to exceed 32 square feet of surface area. The size of a two-sided sign shall be calculated based on the surface area of only one of the sides, provided the sign surfaces are completely flush.
8. The Benton Town Board reviewed the request at their May 9, 2019, Town Board meeting and recommended approval. They considered property access, outside storage, stock piling, and increased traffic. The Town Board noted a stipulation

that they would like the outside storage of materials to be limited to 250 cubic yards.

9. The Planning Commission has considered all the factors required by Section 152.251 of the Carver County Code and finds that all are either true in this case or can be mitigated by conditions placed on the permit.

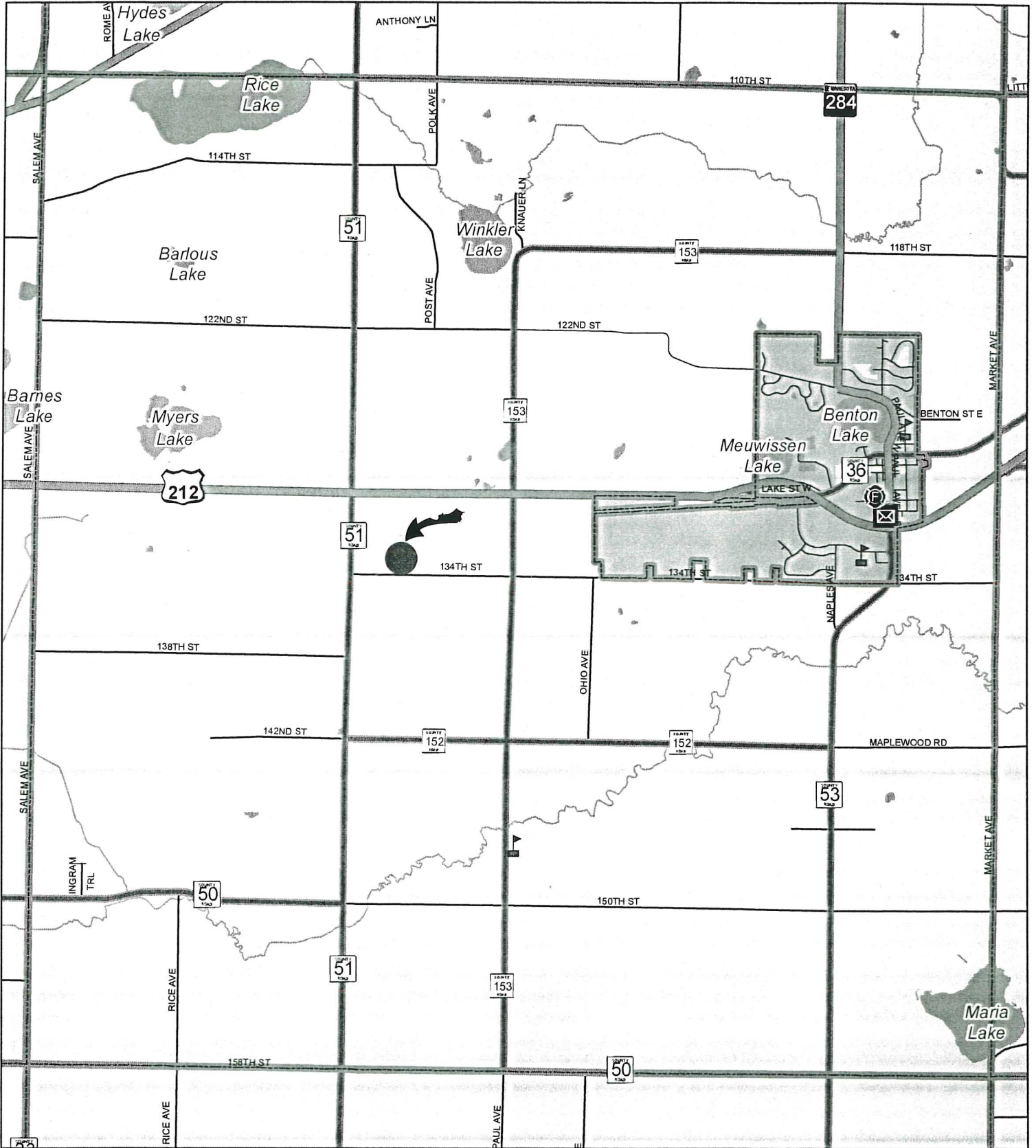
THEREFORE, BE IT RESOLVED, THAT the Carver County Planning Commission hereby recommends the issuance of Conditional Use Permit #PZ20190022, for a Contractors Yard on the land described in Exhibit "A" of the permit application. The Planning Commission further recommends that the following conditions be attached to the permit:

1. The permit is subject to administrative review. The Permittee shall maintain homestead status on the property. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners and/or operators are encouraged to contact Land Management as early on in the timeline of the proposed change as possible.
2. Contractor's yard items shall not be stored between the south edge of the accessory building and 134th Street. All other contractor's yard operations will meet the 500-foot setback to neighboring residences.
3. The operation shall be substantially in accordance with the submitted operational & site plans (dated: 4/29/2019). These plans shall be requirements of this permit. A maximum of 250 cubic yards of landscaping materials shall be stored outdoors on the property.
4. The septic system needs of the business must be reviewed by a licensed SSTS designer and submitted for approval by Carver County Environmental Services. The SSTS will need to be re-evaluated with any proposed growth of the business or changes to the use of the septic system.
5. Any future remodeling or improvements to existing structures, personal or business related, shall require Carver County Building Official review and permit approval.
6. Future construction of any new structure, to be utilized as part of the business, shall be permitted upon review and issuance of appropriate building permit(s) prior to construction.
7. The contractor's yard must comply with the Subsurface Sewage Treatment System requirements of MN Rule 7080-7083 and Chapter 52 of the Carver County Code of Ordinances.
8. Permittee shall comply with all road authority (Benton Township) requirements.
9. A maximum of nine (9) business vehicles (including, but not limited to: trucks, dump trucks etc.) may be stored and/or permitted on the site. All outside storage shall be screened from neighboring properties and the public road and all business-related trucks, equipment and supplies shall be stored within existing structures or the approved operational area.
10. Permittee shall obtain and maintain a Non-generator's Certificate or contact the Environmental Services (E.S.) Department to obtain a Hazardous Waste Generator's License, if required.
11. Permittee shall submit a Certificate of Workers' Compensation Insurance and/or proper affidavit to the Land Management Department.

ADOPTED by the Carver County Planning Commission this 21st day of May 2019.

Jim Burns, Chair
Carver County Planning Commission

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.



Carver County Board of Commissioners Request for Board Action



Agenda Item:

Roger & Janice Storms - Wooded Lot

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 #PZ20190024. The Planning Commission recommended approval of Roger & Janice Storms' Conditional Use Permit (CUP) for 1 Wooded Lot on their 8.4-acre parcel located in Section 16, Dahlgren Township. The CUP would allow for the 8.4-acre lot to be split into a 5.5-acre buildable lot on the eastern portion of the property. The remaining 2.9-acres would be combined with the adjacent property. The Dahlgren Town Board has also recommended approval of the request.

ACTION REQUESTED:

A motion to adopt Findings of Fact and issue Order #PZ20190024 for the issuance of a Conditional Use Permit.

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 - 6201

COUNTY OF CARVER
PLANNING COMMISSION RESOLUTION

FILE #: PZ20190024

RESOLUTION #: 19-08

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

FILE #: PZ20190024

OWNER/APPLICANT: Roger & Janice Storms

SITE ADDRESS: 7510 Dahlgren Rd Chaska, MN 55318

PERMIT TYPE: Additional Density – Wooded Lot

PURSUANT TO: Carver County Code: Section 152.078 A & B

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 04-016-1012

WHEREAS, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meeting of May 21, 2019; and,

WHEREAS, the Carver County Planning Commission finds as follows:

1. Roger & Janice Storms own an 8.4-acre parcel located in the NW ¼ of the SW ¼ of Section 16, Dahlgren Township. The property is land only (vacant), located in the Agricultural Zoning District and the CCWMO – Carver Creek watershed.
2. The applicants are requesting one (1) wooded lot eligibility to create a 5.5-acre buildable lot in the easterly portion of the property. Wooded Lot(s) are allowed as a Conditional Use Permit (CUP) pursuant to the “Additional Density Options” in Section 152.078 B of the Carver County Zoning Code.
3. The 8.4-acre subject property meets the standards for a wooded lot. The parcel from which the proposed lot originated was a parcel of more than 40 acres on July 1, 1974 and under one ownership. The “1 per 40” Building Eligibility has been utilized by the adjacent 2-acre parcel, which is owned by Keith & Monica Kooiman. No Conditional Use Permit(s) for additional density have been issued previously. Dahlgren Township has provided for wooded lots in their Chapter of the Comprehensive Plan.
4. The applicants’ request would meet the intent of the 2030 Comprehensive Plan. The property is substantially wooded and the owners’ remaining parcel would be considered a residential standalone lot after the approximate 8.4 acre lot is subdivided (the proposed wooded lot would not need to be platted). A Minor Subdivision application would be required for the 5.5-acre wooded lot. The remaining 2.9 acres, on the westerly end of the subject property, would be combined with Kooiman’s 2-acre parcel to create an approximate 4.9-acre lot with the existing house.
5. The wooded lot provision may only be exercised once for each parcel that was of record as of July 1, 1974 and no more than four (4) homes are permitted on a quarter-quarter section (40-acre parcel). Further lots would not be permitted as the proposed new dwelling would utilize the additional density option for the subject property and would be the second home within the quarter-quarter.
6. The Dahlgren Town Board reviewed the request and recommended approval at their May 13, 2019, Town Board Meeting.

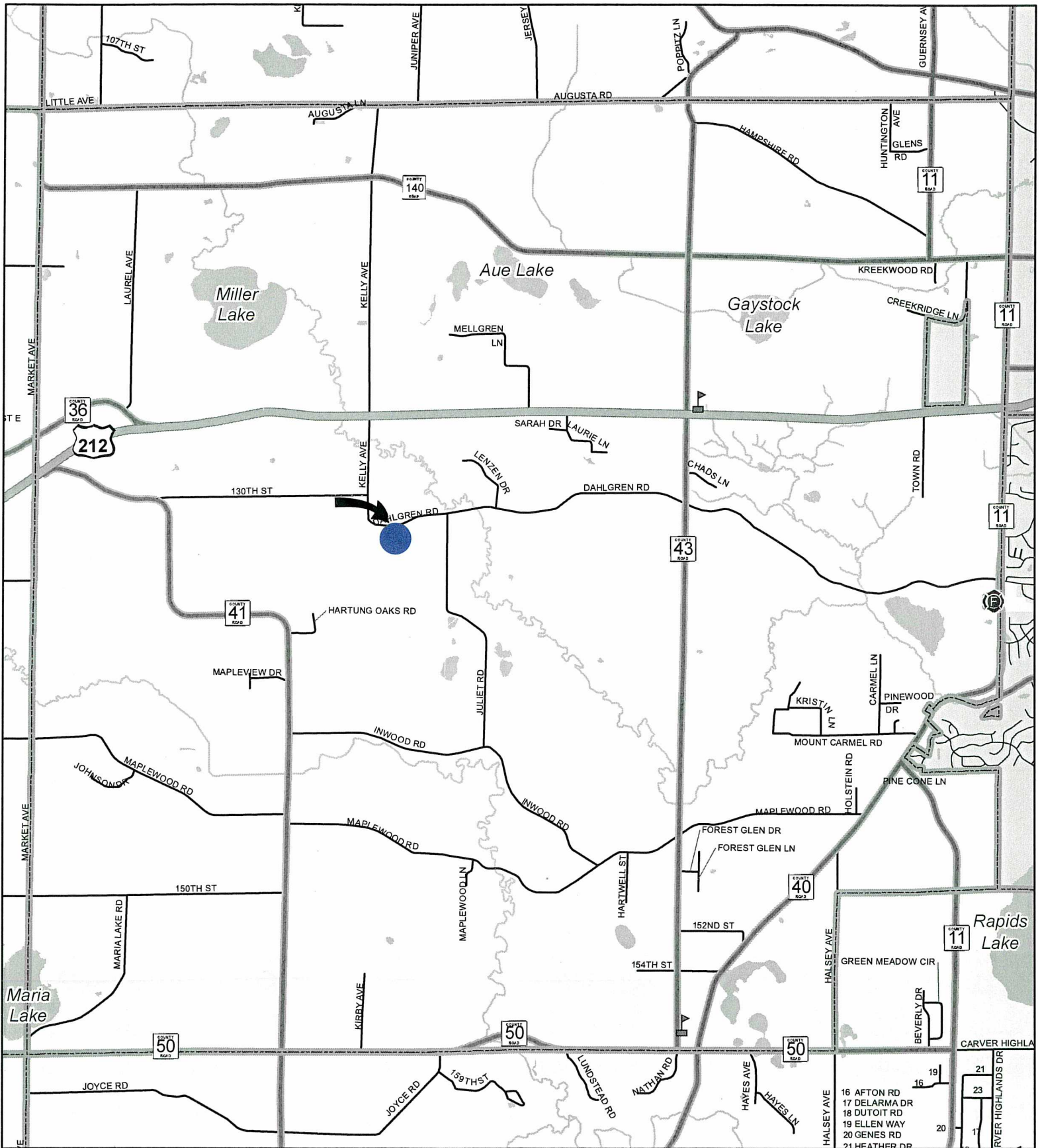
THEREFORE, BE IT RESOLVED, THAT the Carver County Planning Commission hereby recommends the issuance of Conditional Use Permit #PZ20190024 for an Additional Density – Wooded Lot on the land described in Exhibit “A” of the permit application. The Planning Commission further recommends that the following conditions be attached to the permit:

1. One wooded lot building eligibility shall be available, pursuant to the approved site plan. No further lots shall be permitted as one request for a wooded lot eligibility is permitted and the no more than four (4) homes on a quarter-quarter requirement will be fulfilled. The lot shall be subdivided in accordance with the Minor Subdivision requirements including, but not limited to, a survey, and primary and alternate on-site locations.
2. The lot must have a one (1) acre building site, which shall be reviewed as a part of the minor subdivision. Primary and alternate drainfield locations must be identified by a licensed SSTS contractor, for review/approval by the Environmental Services Department.
3. An access permit must be approved by Dahlgren Township (road authority) prior to any work occurring within the road right-of-way.
4. Notice is hereby provided that “odors, dirt dust, insects, noises, long hours of operation and other factors associated with agriculture and feedlot activities” shall occur in the area.

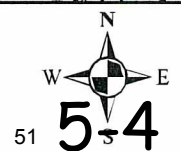
ADOPTED by the Carver County Planning Commission this 21st day of May 2019.

Jim Burns
Planning Commission Chair

DAHLGREN TOWNSHIP



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Carver County Board of Commissioners Request for Board Action



Agenda Item:

Cary & Barb Fritsvold - High Amenity Residential Development

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 #PZ20190020. The Planning Commission recommended approval of Cary & Barb Fritsvold's Conditional Use Permit (CUP) for a "High Amenity" residential development, located in Section 36, San Francisco Township. The proposed development would have eight residential parcels, two agricultural parcels, and approximately one outlot in addition to a privately maintained township road. Carver County Public Works has reviewed the request concerning access to County Road 50. Details of the access would be addressed during the platting process. A quarter-mile separation distance would be required between the center of the new township road (access) and the center of Beverly Drive. The San Francisco Town Board has also recommended approval of the request.

ACTION REQUESTED:

A motion to adopt Findings of Fact and issue Order #PZ20190020 for the issuance of a Conditional Use Permit.

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 - 6202

COUNTY OF CARVER
PLANNING COMMISSION RESOLUTION

FILE #: PZ20190020

RESOLUTION #: 19-09

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

FILE #: PZ20190020

APPLICANT: Cary and Barb Fritsvold

OWNER OF PID 08-036-0830: CCL Holdings LLC; Darlene Mahowald

OWNER OF PID 08-036-0620: Misthaven LLC

SITE ADDRESS: 53xx Co Rd 50 Carver, MN 55315

PERMIT TYPE: Additional Density (High Amenity)

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

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 08-036-0830, 08-036-0620

WHEREAS, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meeting of May 21, 2019; and,

WHEREAS, the Carver County Planning Commission finds as follows:

1. CCL Holdings LLC (Darlene Mahowald) owns approximately 115.91 acres located in Section 36, San Francisco Township. Misthaven LLC owns an adjacent 131-acre parcel; of which, approximately 20 acres would be attached to the CCL Holdings parcel to provide access to Co Rd 50. The properties are not improved with any buildings (i.e. "land only"). They are located within the Agricultural Zoning District and the CCWMO – Carver Creek watershed.
2. The applicants, Cary and Barb Fritsvold, are proposing to develop 8 residential parcels, 2 agricultural parcels, and 1 outlot. The proposed development would result in a total of 10 building sites (single family dwellings) along with a privately maintained township road. The applicants are requesting a Conditional Use Permit (CUP) pursuant to Section 152.78 of the Carver County Zoning Code.
3. San Francisco Township has provided for the High Amenity option in its chapter of the Comprehensive Plan. The subject property consists of wooded, wooded pasture, and similar areas, not in agricultural production, is considered eligible land. The proposed development would comply with the limitation of 4 homes per 40 acres (i.e. no more than 4 per ¼¼). Also, a CUP has not been previously issued for additional density on the subject parcel.
4. The applicants are proposing eight (8) residential lots that would range in size from 5 acres to 11 acres. Each newly created lot would exceed 2.5-acre minimum lot size and lots exceeding 5 acres would include unusable areas as allowed by the Zoning Code. The two (2) agricultural lots (building sites) would be approximately 21 acres and 41 acres. A total of ten (10) buildable lots, and approximately one (1) outlot, are proposed as part of the development (plat).
5. During the preliminary platting process, the applicant must document a suitable one (1) acre building site for each lot. The concept plan illustrates the potential locations for Subsurface Sewage Treatment Systems (SSTS) on each lot. A licensed SSTS professional would need to provide appropriate soils reports for the County's review.
6. A road would need to be constructed as part of the platting process and according to a developer's contract. The road must be constructed to Township standards. The concept plan illustrates the road configuration over a portion of the Misthaven parcel (Co Rd 50 access) and extending fully into the subject property with a 66' right-of-way (approx. 5,000' total length). County policy discourages permanent dead-end roads; therefore, future road extension(s) or easement(s) should be evaluated during the preliminary platting process.

7. The Carver County Public Works Division has reviewed the proposal and indicated that they are still in discussion with the applicant concerning access to County Road 50. They further indicated that there must be a quarter-mile separation between the new township road access and Beverly Drive (an existing access). The proper amount of right-of-way (ROW) would need to be dedicated during the platting process for County State Aid Highway 50 (CSAH 50).
8. The development falls under the CCWMO Water Rules provision, which is required to be reviewed by the County's consulting engineer (Wenck Assoc.) and approved by the Carver County Planning & Water Management Department. The applicant must be prepared to address any wetland impacts and/or degradation in accordance with the Wetland Conservation Act (WCA) and also as submit a stormwater pollution prevention plan (SWPPP).
9. The entire layout as proposed would properly be addressed during the preliminary plat process.
10. The San Francisco Town Board reviewed the request and recommended approval at their March 18, 2019, Town Board meeting. The Town Board stipulated that the new road would be private but designed to township standards, and that future driveway permits would be obtained from the township.

THEREFORE, BE IT RESOLVED, THAT the Carver County Planning Commission hereby recommends the issuance of Conditional Use Permit #PZ20190020, for additional density, high amenity lots, on the land described in Exhibit "A" of the permit application. The Planning Commission further recommends that the following conditions be attached to the permit:

1. Eight (8) residential lots and two (2) agricultural lots are permitted, provided the building site requirements and minimum lot standards are satisfied. The entire subject property shall be platted in accordance with M.S. Chapter 505 and the Carver County Code. A total of ten (10) buildable lots (building eligibilities), the 66' road right-of-way, and approximately one (1) or more outlots shall be properly addressed as part of the plat.
2. An access permit must be obtained from Carver County Public Works for the proposed road, including the requirement for quarter-mile access spacing (i.e. separation from Beverly Dr.). The Permittee must enter into an improvement agreement (Developer's Contract) with the County and the Township covering construction and maintenance of the proposed road and any drainage structures that may be found necessary during the platting process.
3. The lots shall be laid out on the preliminary plat substantially as agreed upon by the Township, the County, and the developer during the Conditional Use Permit (CUP) process. The CUP shall be redrafted and recorded with the final plat stipulating, at a minimum, the building eligibility status for each parcel, a statement regarding agricultural uses in the area, and the protection of environmentally sensitive land(s). The potential for future road extension(s) or easement(s) shall be evaluated during the preliminary platting process.
4. Each lot within the plat must show a designated building site as defined by the Zoning Code. Soil borings for the two sewer locations on each building site must be submitted with the application for preliminary plat. The building sites must be located so that all buildings and sewer systems shall meet County Code setback requirements.
5. As a part of the platting process the applicant shall develop covenants to be filed with the plat. The covenants shall address at least the following:
 - A. A covenant must clearly state the building eligibility status for each parcel in the development. The keeping of animals, with the exception of dogs, cats and similar animals kept as household pets, is prohibited on any lot in the residential area.
 - B. A covenant stating that the area is rural and that commercial agriculture and other rural land use activities shall likely be occurring in the area. A notification must be provided regarding "odors, dirt, dust, noises, long hours of operation and other factors associated with agriculture and feedlot activities". Complaints relating to these activities shall be considered unwarranted so long as such activities are being conducted in accordance with existing standards. A condition clearly stating and restricting the use of the land in the agricultural area to agriculture and to certain conditional uses listed in the "A" district.

C. If the home sites include any environmentally sensitive land then restrictions must be placed in the covenants addressing: clear cutting of land, vegetation removal, plus the development and implementation of an erosion control plan to control erosion during and after building construction.

D. A covenant must be added requiring that the alternative sewer site must be preserved for a future sewer site. No buildings can be erected on the alternative site and no trees can be planted on the site. Heavy equipment must be kept off the site. If the lot owner must build on the site, he shall have to submit percolation tests and soil borings for another site before any building permit shall be issued.

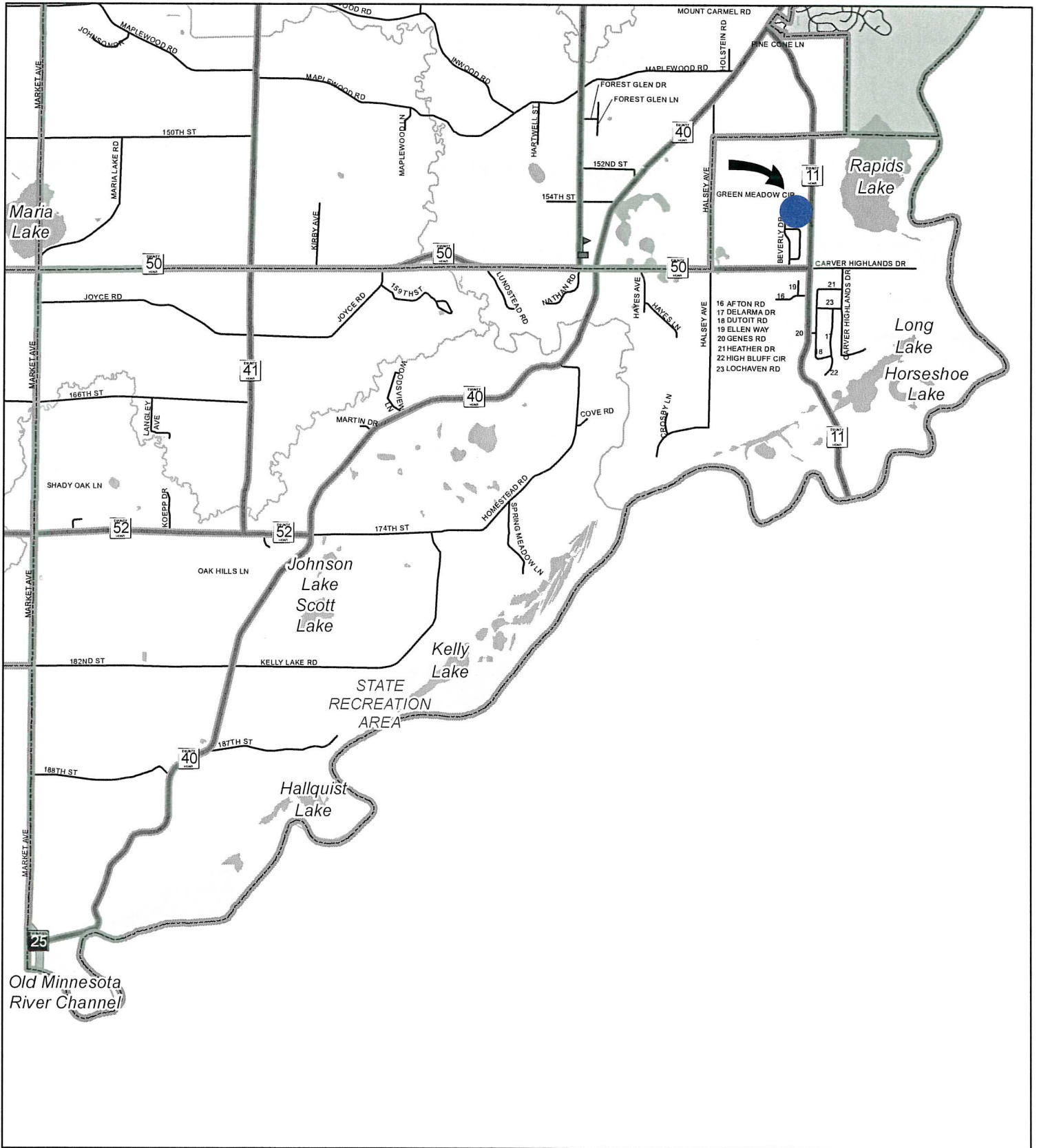
E. The lot owners shall maintain the road until such time as the Township agrees to accept the road and assume maintenance responsibility.

6. The above-required covenants shall become part of the permit.
7. A road plan, drainage plan, erosion control plan, and storm water management plan shall be submitted with the preliminary plat. A completed Carver County Water Rules application, with required attachments, shall be submitted with the Preliminary Plat application.
8. The boundaries of any possible wetlands must be included on the preliminary plat so appropriate drainage easements may be determined. If necessary, a wetland mitigation plan and application shall be submitted with the preliminary plat application.
9. Streets and drainage ways shall be designed so that public utilities can be installed at a later date.

ADOPTED by the Carver County Planning Commission this 21st day of May 2019.

Jim Burns
Planning Commission Chair

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.



Map Created by Carver County GIS

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Settlement Agreement with Property Owner for the Highway 41 Project - Jonathan Area

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 2018 construction season included the expansion of Highway 41 from Highway 212 on the south to just north of Highway 14 (Pioneer Trail) on the north. In order to complete the project, additional right of way was needed. Appraisals in order to establish fair market value for the right of way were obtained and offers were made to the affected property owners as authorized by the County Board. Negotiations were initiated with the property owners but in order to acquire the necessary right of way and to meet time line requirements for construction to being in 2018, eminent domain proceedings were approved by the Carver County Board of Commissioners on August 15, 2017. Negotiations continued with Aurora Investments, LLC and a settlement has been reached.

ACTION REQUESTED:

Adopt a resolution approving the settlement with Aurora Investments, LLC for the Highway 41 Project - Jonathan Area.

FISCAL IMPACT: ▼

If "Other", specify:

FTE IMPACT: ▼

FUNDING

| | |
|-------------------------|----------------------|
| County Dollars = | <input type="text"/> |
| MnDOT TED Funding | \$209,000.00 |
| Total | \$209,000.00 |

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2019 - 6207

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

Date: June 4, 2019

Resolution No: _____

Motion by Commissioner: _____

Seconded by Commissioner: _____

Resolution Authorizing Settlement of Compensation to Owners for Acquisition of Real Property Interests Needed for the Highway 41 Project-Jonathan Area

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 TH 41 expansion as part of the Highway 41 Project-Jonathan Area (“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 either an appraisal(s) from a licensed real estate appraiser when the estimate of the damages from the County’s proposed acquisitions of the real property interests described in said Exhibit A exceeds \$25,000, or the County obtained a minimum damage acquisition report from a qualified person with appraisal knowledge, in lieu of an appraisal, when the estimate of the damages from the County’s proposed acquisitions of the real property interests described in said Exhibit A is under \$25,000; 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; 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 for TH 41 expansion and reconstruction as part of the Highway 41 Project-Jonathan Area constitute a valid public use or public purpose; and

BE IT FURTHER RESOLVED that based upon the estimate of damages from the County's proposed acquisitions of the real property interests described in said Exhibit A which the County obtained either from an appraisal(s) or a minimum damage acquisition report(s) 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 June 4, 2019, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 4th Day of June, 2019.

Dave Hemze County Administrator

EXHIBIT A

to

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

Highway 41 Project-Jonathan Area

Carver County Public Works No. 148758

Property Tax Identification No. 30.1170030, 30.1170040 & 30.1220030

Parcel Number(s): 26, 27 and 28

Fee Owners: Aurora Investments, LLC, a Minnesota limited liability company

Property Address: 104 Pioneer Trail, Chaska, MN 55318

Permanent easement for public right-of-way purposes contains **2,593 sq. ft.**, more or less.

Permanent easement for retaining wall purposes contains **4,896 sq. ft.**, more or less.

Temporary easement for construction purposes contains **9,678 sq. ft.**, more or less.

Settlement Amount: **\$209,000.00**

Carver County Board of Commissioners Request for Board Action



Agenda Item:
Abatements/Additions

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:

Abatements requested by taxpayers. See attached listing.

ACTION REQUESTED:

Motion to approve.

FISCAL IMPACT: ▼
If "Other", specify:

FUNDING

| | |
|------------------|-----------------------|
| County Dollars = | (\$18,841.77) |
| | (\$113,710.23) |
| Total | (\$132,552.00) |

FTE IMPACT: ▼

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2019 - 6209



Property Tax Department
 Government Center - Administration Building
 600 East 4th Street
 Chaska, MN 55318-2102

Property Tax Department
 Phone: (952) 361-1910
 Email: taxsvc@co.carver.mn.us

County Assessor
 Phone: (952) 361-1960
 Email: assessment@co.carver.mn.us

**Abatements presented to the
 Carver County Board of Commissioners
 June 4, 2019**

Abatement approval is recommended by the County Assessor and Property Tax Department 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 |
|--------------|---------------|--|-----------------------------|---------------------|---------------------|--------------------------------|---|----------------------------|-----------------------|
| 2019 | 85.9510100 | Scott & Shannon Richter | Homestead | \$ 468.00 | \$ 308.00 | \$ (160.00) | \$ - | \$ (160.00) | \$ (42.63) |
| 2019 | 75.0503141 | Kathleen A Summers | Homestead | \$ 2,444.00 | \$ 2,160.00 | \$ (284.00) | \$ - | \$ (284.00) | \$ (81.46) |
| 2019 | 85.0504160 | Shawn Douglas Klein & Patty Sue Ann Jorgensen-Flannery | Homestead | \$ 2,590.00 | \$ 2,292.00 | \$ (298.00) | \$ - | \$ (298.00) | \$ (79.37) |
| 2019 | 06.0190700 | Melissa M Jopp & Grady A Jopp | Homestead | \$ 3,482.00 | \$ 3,402.00 | \$ (80.00) | \$ - | \$ (80.00) | \$ (29.41) |
| 2019 | 25.4280010 | LTF Real Estate MP II LLC | Reduction in Value | \$ 551,050.00 | \$ 421,840.00 | \$ (129,210.00) | \$ - | \$ (129,210.00) | \$ (17,548.44) |
| 2019 | 02.0180411 | Joseph R Kelly | Homestead | \$ 4,168.00 | \$ 3,290.00 | \$ (878.00) | \$ - | \$ (878.00) | \$ (448.93) |
| 2019 | 30.1070040 | Joseph J Taran & Maria Bitanga | Homestead | \$ 2,914.00 | \$ 2,738.00 | \$ (176.00) | \$ - | \$ (176.00) | \$ (61.76) |
| 2018 | 30.2200370 | Kevin James Neil | Clerical Homestead | \$ 2,028.00 | \$ 1,740.00 | \$ (288.00) | \$ (79.28) | \$ (288.00) | \$ (102.52) |
| 2019 | 30.2200370 | Kevin James Neil | Homestead | \$ 3,638.00 | \$ 3,518.00 | \$ (120.00) | \$ - | \$ (120.00) | \$ (41.79) |
| 2019 | 25.5310300 | Kenneth J & Mary Johnson | Homestead | \$ 2,612.00 | \$ 2,436.00 | \$ (176.00) | \$ - | \$ (176.00) | \$ (65.20) |
| 2019 | 10.0950040 | Heidi A & Stacy D Guetzkow | Homestead | \$ 4,856.00 | \$ 4,856.00 | \$ - | \$ - | \$ - | \$ - |
| 2019 | 25.5630090 | Danielle K Grimsley | Homestead | \$ 2,390.00 | \$ 2,198.00 | \$ (192.00) | \$ - | \$ (192.00) | \$ (71.40) |
| 2019 | 04.0151310 | Steven Lenzen | Overall Decrease Ag. Credit | \$ 1,284.00 | \$ 794.00 | \$ (490.00) | \$ - | \$ (490.00) | \$ (212.03) |
| 2019 | 09.0220710 | Philip D Wagener | Homestead | \$ 4,698.00 | \$ 4,698.00 | \$ - | \$ - | \$ - | \$ - |
| 2019 | 50.1260200 | Brian E & Michelle E Marquardt | Homestead | \$ 3,398.00 | \$ 3,198.00 | \$ (200.00) | \$ - | \$ (200.00) | \$ (56.83) |
| | | | TOTALS | \$ 592,020.00 | \$ 459,468.00 | \$ (132,552.00) | \$ (79.28) | \$ (132,552.00) | \$ (18,841.77) |

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Water Surface Use Ordinance #93-2019

Primary Originating Division/Dept: Sheriff

Meeting Date: 6/4/2019

Contact: Jason Kamerud Title: Sheriff

Item Type:
Regular Session

Amount of Time Requested: 5 minutes

Attachments: Yes No

Presenter: Sheriff Kamerud Title: Sheriff

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

Hazeltine National Golf Club is hosting the KPMG Women's PGA tournament June 18-23, 2019. The golf course is immediately adjacent to Lake Hazeltine, which creates a security vulnerability. Sheriff Kamerud has worked with Chaska Police, MN, the Department of Natural Resources, and the Carver County Attorney's Office to develop an ordinance to restrict water surface use during the tournament, which will help bolster security for the event.

The County Attorney arranged "Public Notice" in the May 23, 2019, edition of the Chaska Herald.

ACTION REQUESTED:

1) Motion to open Public Hearing; 2) Motion to close Public Hearing; and 3) Motion to approve water surface use ordinance #93-2019.

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 - 6211

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

Date: _____
Motion by Commissioner: _____

Resolution No: _____
Seconded by Commissioner: _____

**A Resolution to add an Ordinance to Carver County Code of Ordinances
By enacting Ordinance No. 93-2019,
Water Surface Use Ordinance.**

WHEREAS, the Carver County Board of Commissioners provides for the health, safety and welfare of its citizens through the regulation of water surface as allowed by Minnesota Statutes 86B.201, 86B.205, and 375.18, and Minnesota Rules 6110.3000 – 6110.3800 as now in effect and as hereafter amended; and

WHEREAS, the Women’s Professional Golf Association is hosting the KPMG Women’s PGA Championship at Hazeltine National Golf Club in Chaska, Minnesota from June 18 to June 23, 2019; and

WHEREAS, Minnesota statute 86B.205 authorizes Carver County to adopt a Water Surface Use Ordinance in the public interest; and

WHEREAS, after providing the statutorily required public notice of a Public Hearing on these matters, the County Board held a Public Hearing at its regular meeting on June 4, 2019; and

WHEREAS, the County Board finds that Carver County Ordinance No. 93-2019 will:

1. Promote public safety by regulating Lake Hazeltine with a restricted water surface use; and
2. Regulate and restrict water surface use for a short duration: June 18 – June 23, 2019.

THEREFORE, BE IT RESOLVED, that the Carver County Board of Commissioners hereby adopts Carver County Ordinance No. 93-2019, adds it to our Chapter of the Carver County Code of Ordinances upon the enactment of Ordinance No. 93-2019.

BE IT FURTHER RESOLVED, that Carver County Ordinance No. 93-2019 shall be enacted and effective immediately upon its passage by the Carver County Board of Commissioners on June 4, 2019.

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 4th day of June, 2019, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dave Hemze

County Administrator

ORDINANCE NO. 93-2019

WATER SURFACE USE ORDINANCE
STATE OF MINNESOTA COUNTY OF CARVER

ARTICLE I

TITLE

AN ORDINANCE REGULATING THE SURFACE USE OF LAKE HAZELTINE

Be it ordained and enacted by the Carver County Board of Commissioners, State of Minnesota, that this newly enacted chapter which, upon its enactment, become a part of Carver County Code of Ordinances.

An ordinance providing for the regulation of the operation of watercraft upon Lake Hazeltine, which is wholly situated in the City of Chaska, Carver County, Minnesota.

ARTICLE II

PURPOSE, INTENT AND AUTHORITY

As authorized, and incorporated herein by reference, Minnesota Statutes § 86B.201, § 86B.205, and § 459.20, and Minnesota Rules 6110.3000 -6110.3800 as now in effect and as hereafter amended; and

As authorized by City of Chaska Resolution No. _____, adopted by the City Council of the City of Chaska, Carver County, Minnesota, which provides the City of Chaska's consent to Carver County to adopt a Water Surface Use Ordinance for Lake Hazeltine, in accordance with Minnesota Statutes § 86B.205; therefore

This Ordinance is enacted for the purpose and with the intent to control and regulate the use of the waters of Lake Hazeltine in the County of Carver, Minnesota, said body of water being located entirely within the boundaries of the City of Chaska, to promote its fullest use and enjoyment by the public in general and to insure safety for persons and property in connection with the use of said waters and to promote the general health, safety and welfare of the citizens of Carver County, Minnesota.

ARTICLE III

DEFINITIONS

Terms used in this ordinance related to boating are defined in M.S. § 86B.005.

ARTICLE IV

WATER SURFACE USE REGULATION

In compliance with the Minnesota Statutes and rules incorporated herein, and based on the circumstances peculiar to Lake Hazeltine, which necessitate regulation in lieu of the uniform standards, all water surface use on Lake Hazeltine during the KPMG Women's PGA Championship from June 18, 2019 to June 24, 2019, from 12:01 a.m. – 11:59 p.m., is strictly prohibited.

ARTICLE V

ENFORCEMENT

The County Sheriff's Office, local law enforcement agencies, and agents of the State Department of Natural Resources, in connection with duties imposed by law, shall enforce the provisions of this chapter and may issue citations and eject from any persons acting in violation of the provisions of this chapter. The above agencies shall have the authority to seize, confiscate, and impound any property, which upon probable cause, is found to be used or possessed in violation of this chapter.

All authorized Emergency and Enforcement Personnel while acting in the performance of their duties shall be exempt from the foregoing restrictions.

ARTICLE VI

PENALTY

A person guilty of violating any provision of this chapter shall be guilty of a misdemeanor pursuant to Minnesota Statutes § 609.02(3), as they may be amended from time to time.

ARTICLE VII

SEVERABILITY

Should the courts declare any section or provision of this ordinance to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or the validity of any ordinance part other than that section or provision declared to be unconstitutional or invalid.

ARTICLE VIII

NOTIFICATION

Notice of said restrictions shall be posted at the Carver County Government Center, as well as the placement of any buoys and signs, if applicable.

ARTICLE IX

EFFECTIVE DATE

This ordinance shall take effect and be in full force upon passage by the Carver County Board of Commissioners on June 4, 2019.

After lawful publication of its Notice to Enact an ordinance on May 23, 2019, a public hearing was held by the Carver County Board of Commissioners on June 4, 2019. Adopted by the Carver County Board of Commissioners on June 4, 2019.

COUNTY OF CARVER

ATTESTED BY:

Randy Maluchnik, Board Chair
Board of Commissioners

Dave Hemze, County Administrator

Date:_____

Date:_____

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Resolution supporting a State Capital Funding Request for Lake Waconia Regional Park

| | |
|---|--|
| Primary Originating Division/Dept: <input type="text" value="Public Works - Parks"/> | Meeting Date: <input type="text" value="6/4/2019"/> |
| Contact: <input type="text" value="Martin Walsh"/> Title: <input type="text" value="Parks Director"/> | Item Type: <input type="text" value="Regular Session"/> |
| 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:

The Minnesota Department of Management and Budget has solicited 2020 Capital Budget requests for projects of regional and state wide significance.

Lake Waconia Regional Park is a part of the Metropolitan Regional Park System and is of regional and state wide significance as provided in Minnesota Statutes, 473.121, Subd. 14 & 473.147 Subd. 1.

Lake Waconia Regional park is underdeveloped and in need of investment to achieve an appropriate level of recreational service in line with other Metropolitan Regional Parks and State Parks.

The investment needed to develop the park area greatly exceeds traditional funding programs.

Carver County is an implementing agency of the Metropolitan Regional Parks System. A 2020 Capital Budget Request will be submitted to the Minnesota Department of Management and Budget requesting \$4.3 million of state general obligation bonds for the project. A requirement of the submittal is willingness to match state funds 50/50 with County or other local funds and a submission of a resolution of support by the County Board.

ACTION REQUESTED:

Approve the resolution of support seeking capital funds from the State, and authorize submittal of the resolution to the Minnesota Department of Management and Budget.

| | |
|--|--|
| FISCAL IMPACT: <input type="text" value="Other"/> <p><i>If "Other", specify:</i> <input type="text"/></p> | FUNDING County Dollars = <input type="text" value="\$4,300,000.00"/> <input type="text"/> Total <input type="text" value="\$4,300,000.00"/> <input checked="" type="checkbox"/> Insert additional funding source |
| FTE IMPACT: <input type="text" value="None"/> | |

Related Financial/FTE Comments:
 Should Carver County be awarded state funds for the project, the County would need to match the appropriated amount 50/50.



BOARD OF COUNTY COMMISSIONERS CARVER COUNTY, MINNESOTA

Date: _____

Resolution No.: _____

Motion by Commissioner: _____

Seconded by Commissioner: _____

WHEREAS, The Regional Parks System was created by the state, and together with the State Park System, is to meet the outdoor recreation needs of the public as provided in statutes 473.121, Subd. 14, & 473.147, Subd. 1.

WHEREAS, Carver County, as an Implementing Agency of the Metropolitan Regional Parks System, in concert with the Metropolitan Council have designated and planned Lake Waconia Regional Park consistent with the Metropolitan Regional Parks Policy Plan, and;

WHEREAS, Lake Waconia Regional Park is underdeveloped, needs investment to achieve an appropriate level of recreational service in line with other the Metropolitan Regional Parks and State Parks, and;

WHEREAS, the investment needed greatly exceeds traditional funding programs, and;

WHEREAS, Minnesota Department of Management and Budget has solicited 2020 capital budget funding requests for projects of regional and state wide significance, and;

NOW, THEREFORE BE IT RESOLVED, Carver County Board supports a 2020 capital budget request of general obligation bonds to the Minnesota Department of Management and Budget for the development of Lake Waconia Regional Park and will match state appropriated bonds 50/50.

| 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 _____, 2019, 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:

USS Hancock Solar LLC - Large Solar Energy System

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:
Regular Session

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

File #PZ20170035. The Planning Commission has recommended approval of a Conditional Use Permit (CUP) for USS Hancock 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 24.26 acres, located in the SW1/4 of SW1/4 of Section 1, Hancock Township. The County Code allows for Renewable Energy - Large Solar Energy Systems (Large SES) as a conditional use. On February 27, 2018, the County Board issued Order #PZ20170035 denying the CUP request. On March 25, 2019, 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 May 21, 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 Carver County Public Works Department would coordinate a County Road 53 road access/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 #PZ20170035.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT:

Total

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2019 - 6195

COUNTY OF CARVER
PLANNING COMMISSION RESOLUTION

FILE #: PZ20170035

RESOLUTION #: 19-06

WHEREAS, the following Conditional Use Permit has been considered pursuant to a decision of the Minnesota Court of Appeals (Case Number A18-0432):

FILE #: PZ20170035

APPLICANT: David Watts (United States Solar Corporation,
(Site Name: USS Hancock Solar LLC)

OWNER: Wayne & Arlys Panning

SITE ADDRESS: 165XX Co Rd 53, Hancock 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 #: 05-001-1711

WHEREAS, on July 10, 2017, US Solar applied for a Conditional Use Permit (CUP), which would allow USS Hancock Solar LLC to construct, operate, and maintain up to a 1-megawatt (MW) Community Solar Garden (CSG). The subject parcel is approximately 24.26 acres, located in the SW¼ of SW¼ of Section 1, Hancock Township. The County Code allows for Renewable Energy - Large Solar Energy Systems (Large SES) as a conditional use; and,

WHEREAS, on February 27, 2018, the County Board issued Order #PZ20170035 denying the request for the CUP for a Large SES; and,

WHEREAS, on March 25, 2019, 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,

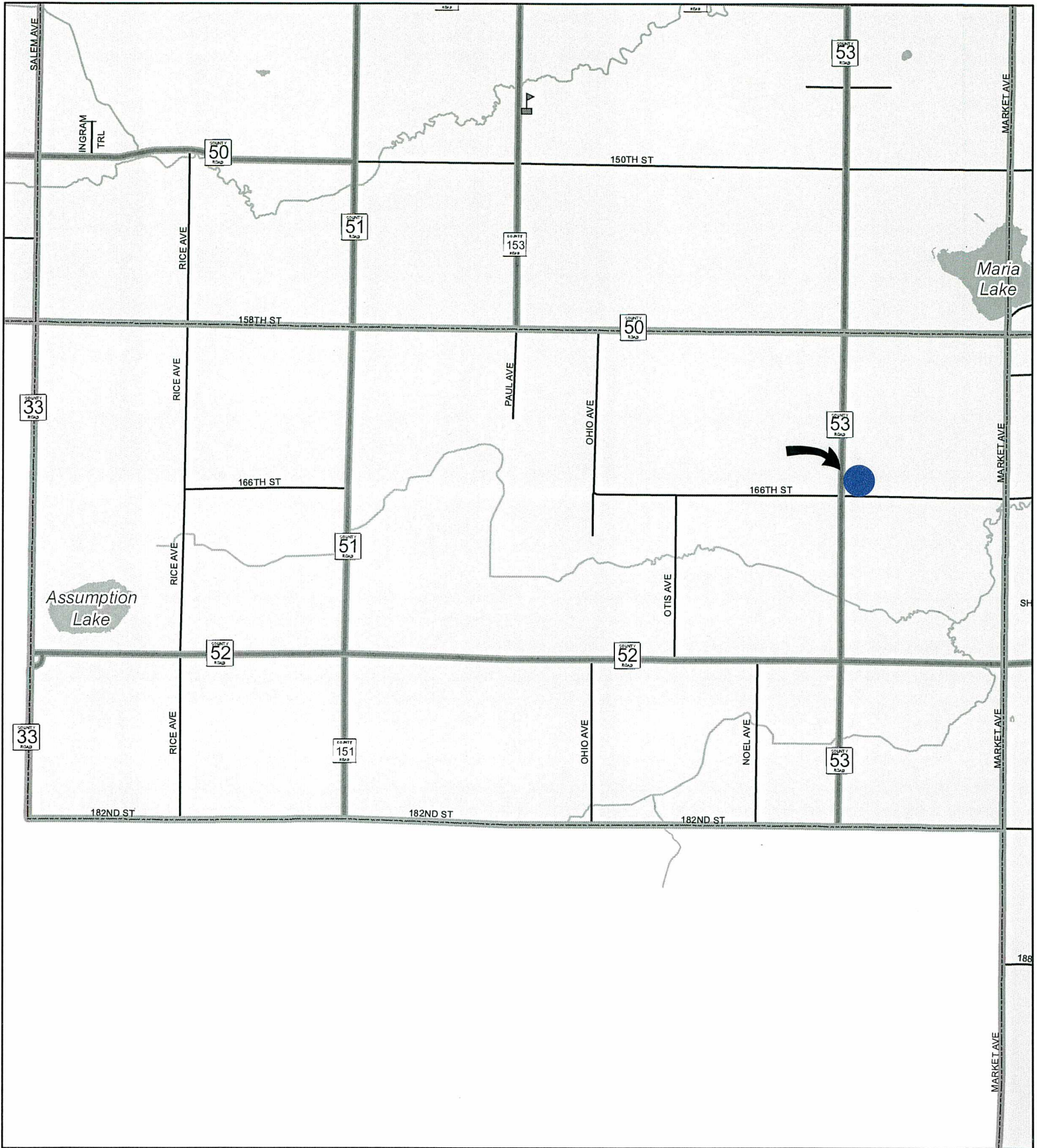
WHEREAS, public input was sought by the Planning Commission at its regular meeting of May 21, 2019, and the draft conditions were deemed to be reasonable.

THEREFORE, BE IT RESOLVED, THAT the Carver County Planning Commission hereby recommends the issuance of the attached CUP #PZ20170035 for a Large SES on the land described in the attached Exhibit “A”.

ADOPTED by the Carver County Planning Commission this 21st day of May, 2019.

Jim Burns, Chair
Carver County Planning Commission

HANCOCK 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
State of Minnesota**

FILE #: PZ20170035
APPLICANT: David Watts (United States Solar Corporation,
(Site Name: USS Hancock Solar LLC)
OWNER: Wayne & Arlys Panning
SITE ADDRESS: 165XX Co Rd 53, Hancock 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 #: 05-001-1711

Drafted by} Land Management
Return to} Land Management

CONDITIONAL USE PERMIT #PZ20170035

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

DATE ISSUED: June 4, 2019

THE CUP FOR A RENEWABLE ENERGY – LARGE SOLAR ENERGY SYSTEM IS AUTHORIZED PURSUANT TO THE, MARCH 25, 2019, MINNESOTA COURT OF APPEALS’ DECISION (A18-0432), 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 24.26± 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, February 2, 2018, February 26, 2018, and May 10, 2019) and Site Plan(s) (dated: May 10, 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 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.
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 & May 10, 2019) USS Hancock 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 Hancock 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 & May 10, 2019) 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, Chair
Carver County Board of Commissioners

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 Hancock Solar LLC

Date

Signature of Property Owner,
Wayne and Arlys Panning

Date

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 05-001-1711

File# PZ20170035

APPLICANT: David Watts, representing USS Hancock Solar LLC
OWNER: Wayne and Arlys Panning

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Sheriff Citizen Advisory Committee

Primary Originating Division/Dept: Sheriff

Meeting Date: 6/4/2019

Contact: Jason Kamerud Title: Sheriff

Item Type:
Work Session

Amount of Time Requested: <5 minutes

Attachments: Yes No

Presenter: Jason Kamerud Title: Sheriff

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

Sheriff Kamerud organized a citizen advisory committee to provide comment, advice, guidance, and opinions that will help shape some of the policy and operational decisions within the Sheriff's Office. The first topic for the group's consideration is body worn cameras. Sheriff Kamerud will brief the Board on the committee structure and organization, as well as share an update on the initial discussion held with the committee.

ACTION REQUESTED:

None.

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 - 6183