



CARVER COUNTY

minnesota

Carver County Board of Commissioners
June 25, 2019
Special Session
County Board Room
Carver County Government Center
Human Services Building
Chaska, Minnesota

PAGE

SPECIAL SESSION

- 10:00 a.m. 1. a) **CONVENE**
b) **Pledge of allegiance**
d) **Public comments** – *Anyone wishing to address the Board of Commissioners on an item not on the agenda may come forward at this time. Please limit your comments to five minutes.*
- 2. Agenda review and adoption
- 3. Approve minutes of June 4, 2019, Regular Session 1-7
- 4. Community Announcements
- 10:00 a.m. 5. **CONSENT AGENDA**

Finances: Improve the County’s financial health and economic profile
5.1 Review/Social/Commissioners’ Warrants..... NO ATT
- 10:05 a.m. 6. **FINANCES: Improve the County’s financial health and economic profile**
6.1 Deputy Registrar Reimbursement Grant..... 8-10
- 10:15 a.m. **ADJOURN SPECIAL SESSION**
- 10:15 a.m. **BOARD REPORTS**
1. Chair
2. Board Members
3. Administrator
4. Adjourn

David Hemze
County Administrator

UPCOMING MEETINGS

July 2, 2019	9:00 a.m. Board Meeting
July 9, 2019	No Meeting
July 16, 2019	4:00 p.m. Board Meeting

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on June 4, 2019. Chair Randy Maluchnik convened the session at 9:00 a.m.

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

Members absent: None.

Under public participation, Karen Johnson Leuthner, 15735 38th Street, Mayer, stated she was a relevant public watch dog and would be continuing her recap of the Hollywood Tower. She pointed out at the June 1997, Planning Commission meeting the tower was listed at 825 feet and thereafter dropped to a dangerous level. She stated in 2012 an antenna appeared on the radio tower without following the process and believed the residents had not been given the information. She questioned the involvement of Mr. Nelson and believed deals were being made with Mr. Lindner. She also noted the investigation that was requested but was denied that would have helped the residents.

Michael Fahey, 216 West 4th Street, Carver, commended the Board for the County being named the happiest County in the United States. He pointed this was an honor and recognized the work done by the employees and the Board's work in giving back to the County.

The following amendments were made to the agenda:

Add to Regular Agenda

6.1a No Wake Ordinance

Add to Work Session:

Project Update on Highway 101 Project – Bluff Area

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

Ische moved, Lynch seconded, to approve the minutes of the May 21, 2019, Regular Session. Motion carried unanimously.

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

Approved transferring ownership of CarverLink standby backup generator to the City of Mayer once all project deliverables have been completed.

Approve the one day to four day temporary on sale liquor license application for Augusta Ball Club, Inc., for Saturday, October 5, 2019.

Approved the purchase of a Ford Escape, Ford Transit and Dodge Caravan from quoted vendors.

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

Approved joint powers agreement with the City of Chanhassen pending finalization of the contract review process.

Approved joint powers agreement with the University of Minnesota pending finalization of the contract review process.

Approved the easement agreements and accepted donation in the form of waiver of just compensation and donation of real property interest with Lifetime Fitness pending finalization of the contract review process.

Resolution #42-19, Supporting the Metro Local Partnership Program Grant Application for the TH 25/CSAH Intersection Safety Improvement.

Resolution #43-19 Supporting the Metro Local Partnership Program Grant Application for the Highway 11 Project-West Carver Area.

Approved the easement agreement and accepted 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.

Resolution #44-19, 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.

Resolution #45-19, 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 in Chanhassen.

Resolution #46-19, Support and Approval of Highway 212 Expansion Project Application for 2020 State Bonding Request.

Approved eliminating one 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 meets the needs of the County and related County Attorney budget amendment.

Adopted the Findings of Fact and issued Order #PZ20190021 for the issuance of a Conditional Use Permit, Westbrook Community Church, Laketown Township.

Resolution #47-19, Authorizing Offers of Just Compensation to Owners for Acquisition of Real Property Interests, Needed for the Highway 5/33 Roundabout Project.

Adopted the Findings of Fact and issued Order #PZ20190022 for the issuance of a Conditional Use permit, Shane Touhey, Benton Township.

Adopted Findings of Fact and issued Order #PZ02190024 for the issuance of a Conditional Use Permit, Roger Storms, Dahlgren Township.

Adopted Findings of Fact and issued Order #PZ20190020 for the issuance of a Conditional Use Permit, Cary Fritsvold, San Francisco Township.

Resolution #48-09, Authorizing Settlement of Compensation to Owners for Acquisition of Real Property Interests Needed for the Highway 41 Project-Jonathan Area.

Approved the following abatements:

85.9510100	Scott Richter
75.0503141	Kathleen Summers
85.0504160	Shawn Douglas Klein
06.0190700	Melissa Jopp
25.4280010	LTF Real Estate
02.0180411	Joseph Kelly
30.1070040	Joseph J. Taran
30.2200370	Kevin James Neil (2018, 2019)
25.5310300	Kenneth Johnson
10.0950040	Heidi Guetzkow
25.5630090	Danielle Grimsley
04.0151310	Steven Lenzen
09.0220710	Philip D. Wagener
50.1260200	Brian Marquardt

Reviewed May 28, 2019, Community Social Services' actions/Commissioners' warrants in the amount of \$282,069.55 and reviewed June 4, 2019, Community Social Services' actions/Commissioners' warrants in the amount of \$255,584.26.

Motion carried unanimously.

Degler moved, Ische seconded, to open the public hearing on the Water Surface Ordinance #93-2019. Motion carried unanimously,

Jason Kamerud, Sheriff, explained the KPMG Women's PGA tournament would begin June 18th and noted the security planning that was done for the Ryder Cup. He stated Lake Hazeltine abuts a significant portion of the golf course and they would like to control access to provide security at the event. He indicated they were proposing a temporary ordinance to control surface use for a five-day window. Sheriff indicated they have checked the lake for use and believed there would be minimal disruption.

Sheriff clarified there was no public access for the lake with a majority of the shoreline owned by private parties or the City. He added this would give them an enforcement tool if an airplane landed.

No public testimony was received.

Workman moved, Lynch seconded, to close the public hearing. Motion carried unanimously.

Degler offered the following Resolution, seconded by Ische:

Resolution #49 -19
To Add an Ordinance to Carver County Code of Ordinances
By Enacting Ordinance No. 93-2019
Water Surface Use Ordinance

On vote taken, all voted aye.

The following is a summary of the essential elements of Ordinance No. 93-2019 for the purpose of publication as required by Minnesota Statutes Section 375.51. A printed official copy of the ordinance is available for inspection by any person during regular business hours at the Carver County Land Records Department. Ordinance No. 93-2019 prohibits 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., imposes penalties on individuals violating the ordinance, and authorizes the Carver County Sheriff's Office, local law enforcement agencies, and agents of the State Department of Natural Resources to enforce the ordinance

Dave Hemze, County Administrator, explained this was the third wettest year on record and stated today they would be asking the Board to approve a temporary no wake ordinance.

Paul Moline, Water Management, pointed out with this being the 11th snowiest season, deep frost and high soil moisture, they were seeing an increase in lake levels. He reviewed the current lake levels compared with the 2014 levels. Moline indicated the wind and extra wave action leads to erosion and water quality issues. He explained they were proposing a temporary ordinance similar to the 2014 temporary ordinance. He stated the ordinance establishes no wake zones on Lake Waconia, Lake Bavaria and Reitz Lake for a maximum of 30 days and delegates certain authorities to the County Administrator. He identified proposed language and indicated their recommendation is to implement a no wake restriction at 600 feet on Lake Waconia. He reviewed the restrictions being placed on other lakes by the Cities of Chanhassen and Chaska. The City of Waconia also supported the County's no wake ordinance. He explained they would be recommending a permanent ordinance in the future.

Moline indicated the ordinance would be communicated to residents through a news release, website posting and signage on lakes.

Lynch offered the following Resolution, seconded by Ische:

Resolution #50-19
Ordinance 78-2019
Declaration of Emergency High Water Conditions and
Temporary Slow-No Wake Restrictions
On the Use of Watercraft on Designated Lakes

On vote taken, all voted aye.

The following is a summary of the essential elements of Ordinance No. 78-2019 for the purpose of publication as required by Minnesota Statutes Section 375.51. A printed official copy of the ordinance is available for inspection by any person during regular business hours at the Carver County Land Records Department. Ordinance No. 78-2019 declares a high water emergency on Lake Bavaria, Reitz Lake, and Lake Waconia and imposes a slow-no wake restriction pursuant to Minnesota Rule 6110.3700, Subpart 9 on the entire body of water of Lake Bavaria, the entire body of water of Reitz Lake, and the area 150 feet from the shore of Lake Waconia or where watercraft speed or wake constitutes a hazard or where it has been determined that such control would enhance the recreational use and enjoyment of the majority of users. The ordinance shall be effective beginning June 4, 2019, and, unless extended, shall continue for a period not more than 30 days. During the period this Ordinance is in effect, it shall be unlawful for any person to operate a watercraft at greater than a slow-no wake speed, 24 hours per day, or the designated and identified effective time, within the slow-no wake restriction area specified on any designated lake. The County Board of Commissioners has delegated to the County Administrator or his designee the authority to suspend, remove, modify, or terminate the high-water declaration and the slow-no wake restriction area and effective time with respect to any designated lake and to identify and designated additional lakes within Carver County jurisdiction if the lake elevation reaches Ordinary High Water Mark or is at a level where property damage is expected. The slow-no wake restriction shall be removed once the water body has been .1 feet below the elevation that triggers the slow- no wake restriction for three consecutive days. The Carver County Sheriff's Office and other licensed peace officers are authorized to enforce the ordinance and Carver County is responsible to provide placement of a sign at each designated lake public watercraft access as well as placement of necessary buoys and signs.

Martin Walsh, Parks Director, requested the Board adopt a Resolution supporting a State Capital funding request for Lake Waconia Regional Park. He pointed out Lake Waconia was part of a regional park system and funding has been part of the County's legislative platform for the last few years. He identified past funding requests and funding awarded to date. He explained the next step would be to request 4.3 million in State Bonds to be matched with 4.3 million in County funds. He indicated the County has 20 million bonding capacity and reviewed bonding strategy. Walsh identified key elements the funding would be used for.

Lynch offered the following Resolution, seconded by Ische:

Resolution #51-19
Supporting a State Capital Funding Request for
Lake Waconia Regional Park

On vote taken, all voted aye.

Hemze clarified the County would need to issue debt for the required funding match if the application were successful.

Jason Mielke, Land Management, requested the Board issue a CUP for USS Hancock Solar's request for a large solar energy system. He stated the site was located in Hancock Township on approximately 24 acres. He noted the Board's previous motion to deny and the subsequent Court of Appeals decision to reverse the Board's decision and directed the County to issue a CUP. He indicated the Planning Commission reviewed and found the draft conditions to be reasonable. He pointed out the specific condition for USS Sikar to provide the option for stray voltage testing to dairy operations pre and post construction. Public Works would coordinate a County Road 53 road use agreement with the applicant.

Lynch moved, Degler seconded, to authorize the Chair's signature for the issuance of CUP #PZ20170035.

Workman pointed out the information provided today related to the manufacturer specifications and the use of that inverter manufacturer for the project.

Chair Maluchnik directed the information received be included as part of the public record.

Workman inquired if the Board could include a condition that an American manufacturer be used.

Mark Metz, County Attorney, stated the Court of Appeals remanded the case back to the County to allow this solar garden with reasonable restrictions and the Board can determine what are reasonable conditions.

Reed Richerson, representing USS Solar, recognized they do show the use of an inverter manufactured by Huawei, that they have to go through rigorous testing and indicated they had no issue with a condition that state they are required to meet the industry standards for inverter specifications. He clarified he did not see anything in the ordinance that requires country of origin requirements and suggested that would be unreasonable.

The Board inquired if it might be an unreasonable request to require American made materials. Metz stated the focus should be on what is reasonable. He added if the condition appeared to be too restrictive, there was a chance the Board's decision could be appealed again and overturned by the Court of Appeals.

Workman referenced the letter from the eleven Senators raising concerns and suggested they delay until they had a chance to talk to the Secretary of Energy.

Workman moved to table the issuance of a CUP to USS Solar. Motion failed for lack of a second.

On vote taken on above motion to authorize the Chair's signature for the issuance of CUP #PZ20170035, Degler, Ische, Lynch, Maluchnik voted aye. Workman voted nay. Motion carried.

Degler moved, Lynch seconded, to adjourn the Regular Session at 9:50 a.m. and go into a work session on updates from the Sheriff and Public Works. 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:

Deputy Registrar Reimbursement Grant

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

The 2019 Legislature and Governor approved an appropriation of \$13 million for deputy registrar reimbursement grants related to the development and deployment of the MN License and Registration System (MNLARS). The state calculated the grant amount for each location using the formula in the legislation that was primarily driven by the number of transactions from July 1, 2014 thru December 31, 2018 which results in one-time grants for the Chanhassen License Center of \$92,131.14 and for the Chaska License Center of \$66,883.14. To receive the funds, the County Board must adopt a resolution authorizing the County Administrator to sign the Grant Agreement and accept the grant disbursement of \$159,014.28 by June 30th, 2019.

ACTION REQUESTED:

Motion to adopt the attached resolution.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =	\$0.00
Deputy Registrar Grant	\$159,014.28
Total	\$159,014.28

FTE IMPACT:

Insert additional funding source

Related Financial/FTE Comments:

The grant offsets lost revenue and increased overtime for the License Centers from July 1, 2014 thru December 31, 2018 caused by the State's ineffective rollout of their new MNLARS software program.

Office use only:

RBA 2019 - 6233



BOARD OF COUNTY COMMISSIONERS CARVER COUNTY, MINNESOTA

Date: _____

Resolution No.: _____

Motion by Commissioner: _____

Seconded by Commissioner: _____

WHEREAS, the 2019 Legislature and Governor approved an appropriation of \$13 million for deputy registrar reimbursement grants related to the development and deployment of the MN License and Registration System (MNLARS).

WHEREAS, the Chanhassen License Center is eligible to receive a reimbursement grant of \$92,131.14 and the Chaska License Center is eligible to receive a reimbursement grant of \$66,883.14 based on their proportionate number of transactions from July 1, 2014 thru December 31, 2018.

NOW, THEREFORE BE IT RESOLVED, Carver County Board authorizes the County Administrator to sign the Deputy Registrar Reimbursement Grant Agreement and accept the grant disbursement of \$159,014.28.

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 25th 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 25th day of June, 2019. _____

County Administrator

Budget Amendment Request Form



To be filled out AFTER RBA submittal

Agenda Item: Deputy Registrar Reimbursement Grant

Department:

Meeting Date:

Fund:

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

Requested By:

DEBIT		
Description of Accounts	Acct #	Amount
YES Account- Fund Balance	Fund balance	\$159,014.28
TOTAL		\$159,014.28

CREDIT		
Description of Accounts	Acct #	Amount
Deputy Registrar Reimbursement Grants	01-40-55-1108-53...	\$92,131.14
Deputy Registrar Reimbursement Grants	01-40-55-1109-53...	\$66,883.14
TOTAL		\$159,014.28

Reason for Request:

2019 Deputy Registrar Reimbursement Grant related to MNLARS which offsets lost revenue and increased overtime from July 1, 2014 thru December 31, 2018.