



# CARVER COUNTY

# minnesota

Carver County Board of Commissioners  
December 3, 2019  
Regular Session  
County Board Room  
Carver County Government Center  
Human Services Building  
Chaska, Minnesota

PAGE

## REGULAR SESSION

9:00 a.m.	1.	a) <b>CONVENE</b>	
		b) <b>Pledge of allegiance</b>	
		c) <b>Public comments</b> – <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 November 26, 2019, Regular Session .....	1-4
	4.	Community Announcements	
9:05 a.m.	5.	<b>CONSENT AGENDA</b>	
		<i>Growth: Manage the challenges and opportunities resulting from growth and development</i>	
	5.1	Settlements for Right of Way for the Highway 50 Project-Bevens Creek Area and Highway 50 Bridge Project .....	5-8
	5.2	William and Maria Boecker - One building eligibility incentive (Conservation) .....	9-12
	5.3	Kristopher and Heather Hanson - Equestrian Facility (CUP).....	13-16
	5.4	Contract Amendment with LeVander Gillen and Miller PA for the CSAH 18 Reconstruction Project - Phase 3.....	17
		<i>Communities: Create and maintain safe, healthy and livable communities</i>	
	5.5	2020-2021 Carver County Feedlot Delegation Agreement Work Plan .....	18
	5.6	Supplemental Agreements 14 and 32 for the Flying Cloud Drive Reconstruction Project.....	19
	5.7	Approval for out of state training .....	20
		<i>Connections: Develop strong public partnerships and connect people to services</i>	
	5.8	Encore Donation Received .....	21
	5.9	Purchase IT Endpoint Security Application .....	22
	5.10	Accepting donation for Ford Transit Van Upgrades from Carver County Veterans' Council.....	23-24

*Culture: Provide organizational culture fostering accountability to achieve goal and sustain trust/confidence in County government*

5.11 County Auditor and License Center Deputy Registrar  
Appointments ..... 25

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

5.12 Property Tax Late Payment Penalty Waiver Policy ..... 26-27

5.13 Property Tax Abatement Policy ..... 28-30

5.14 Tax Forfeiture Delegation of Authority ..... 31

5.15 Review/Social/Commissioners' Warrants..... NO ATT

9:05 a.m. **6. GROWTH: Manage the challenges and opportunities resulting from growth and development**

6.1 WM Mueller & Sons, Inc - IUP for an Aggregate Mining Operation ... 32-40

10:00 a.m. **ADJOURN REGULAR SESSION**

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

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

David Hemze  
County Administrator

#### **UPCOMING MEETINGS**

December 5, 2019 6:00 p.m. 2020 Budget Public Hearing  
December 10, 2019 AMC Conference, No Meeting  
December 17, 2019 4:00 p.m. Board Meeting  
December 24, 2019 No Work Session  
December 31, 2019 No Meeting

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on November 26, 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 comments, Karen Johnson Leuthner, 15735 38<sup>th</sup> Street, Mayer, explained she was upset as she had recently received a notice of trespass warning from the Sheriff regarding the Hollywood Township property. She indicated she had emailed the Sheriff photos of what was occurring at the site but was sent this letter. Johnson Leuthner referenced her efforts to keep 100,000 watts off the tower and the land was the property of Hollywood Township citizens. She stated she was here to protect people.

Noah McCourt referenced the data practices act and stated he has had repeated issues with accessing County data. He stated he had served a civil complaint back in October and it should not be this difficult to obtain this data.

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

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

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

Resolution #86-19, Authorizing Settlement of Compensation to Owners for Acquisition of Real Property Interests Needed for the Highway 50-Bevens Creek Area Project and Highway 50 Bridge Project.

Resolution #87-19, Adoption of the Carver County Hazard Mitigation Plan.

Authorized the County Engineer, or his designee, to approve Supplemental Agreement #30 for \$309,897.00 for the Flying Cloud Reconstruction Project.

Resolution #88-19, County Board Acknowledgement 2019 Highway Preservation Program Final Payment.

Resolution #89-19 County Board Acknowledgment Highway 36 Railroad Project Final Payment.

Approved amendment 1 to the professional service agreement with Bolton and Menk, Inc., for the Highway 18/43 project pending finalization of the contract review process.

Approved professional services agreement with Kimley Horn for engineering services for the Highway 24 and Highway 10 safety improvement projects pending finalization of the contract review process.

Approved the purchase of a sweeper from MacQueen Equipment and the JPA with the City of Carver and the City of Victoria pending final contract review.

Approved HH&S acceptance of donation from Truist for Encore program.

Approved contract amendment to purchase and the implementation of Quick Connect software in all six libraries.

Approved hiring of future civil technician candidates based on the candidates qualifications as a civil technician 1 up to a civil technician 4 classification.

Authorized Sheriff's office acceptance of donation from Kwik Trip and Shakopee Mdewakanton Sioux Community.

Reviewed November 12, 2019, Community Social Services' actions/Commissioners' warrants in the amount of \$266,737.02; reviewed November 19, 2019, Community Social Services' actions/Commissioners' warrants in the amount of \$409,096.19, and reviewed November 26, 2019, Community Social Services' actions/Commissioners' warrants in the amount of \$ of \$311,065.69

Motion carried unanimously.

Lynch moved, Degler seconded, to open the public hearing to consider changes on the County's 2020 fee schedule. Motion carried unanimously.

David Frischmon, Finance, explained each year the Finance Department goes through a process to update the fee schedule to reflect any changes. He pointed out the fee increase related to certain title transactions at the License Center that allows them to hire greeters to assist with traffic at the License Center.

No public testimony was received.

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

Degler offered the following Resolution, seconded by Lynch:

Resolution #90-19  
Adopting Ordinance 87-2020,  
The Carver County Fee Schedule

On vote taken, all voted aye.

Summary: Adoption of Ordinance 87-2020, the 2020 Carver County Fee Schedule.

After holding a public hearing at its regular meeting, the Carver County Board of Commissioners unanimously adopted Ordinance 87-2020, the 2020 Carver County Fee Schedule. This summary contains the essential elements of Ordinance 87-2020, which sets the schedule of fees that the County charges to record, file, certify, or provide copies of instruments, documents, or papers filed in the any county office, and the fees for services provided by county offices, official, departments, the court and employee. A reasonable relation exists between the amounts of each fee in the ordinance and the cost to the County to provide those services. A printed official copy of Ordinance 87-2020 is available for inspection by any person during regular business hours at the office of the Carver County Auditor, or may be purchased from the Carver County Property and Financial Services Division. Ordinance 87-2020 shall become effective on January 1, 2020.

Jason Kamerud, Sheriff, appeared before the Board regarding the migration from microwave radios to fiber optic connectivity for the ARMER radio sites. He pointed out the previous plan to purchase new equipment and highlighted a sketch of how the system currently works. He explained they since have identified an alternate plan and now know they can use fiber and eliminate the need for the microwave network. Sheriff stated this would cost less; confirmed when other jurisdictions have access to fiber they are using it and they would have the redundancy they need.

Karen Johnson Leuthner, Mayer, stated the path is what she was concerned about health wise and the health affects of those living in that path. She stated she was not trespassing, and Hollywood Township would be signing a lease. Chair Maluchnik stated the statements were off topic and ruled her out of order.

Ische moved, Degler seconded, to approve the elimination of the microwave network and migrate to the fiber network using the CIP funds allocated for the microwave project. Motion carried unanimously.

David Hemze, County Administrator, requested the Board adopt their 2020 Legislative Priorities. He pointed out the broad policy statement that was included supporting local control and allows the Board to make decisions that are necessary to move issues forward. He noted the cost shifts and mandates and the importance of giving the County control in making decisions. He summarized each of the ten top priorities and the impacts to the County.

Workman moved, Ische seconded, to approve Carver County's 2020 Legislative Platform as outlined. Motion carried unanimously.

Lynch moved, Degler seconded, to adjourn the Regular Session at 9:58 a.m. and go into work sessions with Public Works and Property and Financial Services. 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:**

**Settlements for Right of Way for the Highway 50 Project-Bevens Creek Area and Highway 50 Bridge Project**

Primary Originating Division/Dept:

Meeting Date:

Contact:  Title:

Item Type:

Amount of Time Requested:  minutes

Attachments:  Yes  No

Presenter:  Title:

**Strategic Initiative:**

**BACKGROUND/JUSTIFICATION:**

The 2020 construction season includes the Highway 50 Project-Bevens Creek Area and the Highway 50 Bridge Project from County Highway 41 on the west to Highway 40 on the east. In order to complete the project, additional right of way is needed. Appraisals by a certified appraiser were completed and the County Board approved the making of offers based on the appraised values at its September 3, 2019 regular session. The Public Works Director, or agents under his supervision, made offers to the affected property owners based on the appraisals and negotiations then commenced. Settlements with several property owners located at PID #'s 08.0021510 and 08.0031310 have been reached.

**ACTION REQUESTED:**

Motion to adopt resolution to approve settlements for right of way acquisitions for the Highway 50 Project-Bevens Creek Area and the Highway 50 Bridge Project.

**FISCAL IMPACT:**

**FUNDING**

If "Other", specify:

County Dollars =

CSAH Reg. Const. Funds

**FTE IMPACT:**

**Total**

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2019 - 6552

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

Date: December 3, 2019

Resolution No: \_\_\_\_\_

Motion by Commissioner: \_\_\_\_\_

Seconded by Commissioner: \_\_\_\_\_

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**Resolution Authorizing Settlement of Compensation to Owners for Acquisition of Real Property Interests Needed for the Highway 50-Bevens Creek Area Project and Highway 50 Bridge 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 shoulder widening and bridge reconstruction as part of the Highway 50-Bevens Creek Area Project (“Project”); and

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

WHEREAS, the County obtained 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 of shoulder widening and bridge reconstruction as part of the Highway 50-Bevens Creek Area Project 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 December 3, 2019, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 3rd day of December, 2019.

\_\_\_\_\_  
Dave Hemze County Administrator

**EXHIBIT A**

**to**

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

**Highway 50 Project-Bevens Creek Area and Highway 50 Bridge Project**

Carver County Public Works No. 188845

**Property Tax Identification No. 08.0021510**

**Parcel Number(s): 29**

Fee Owners Corey B. Olson, and Megan M. Olson, husband and wife

Property Address: Vacant Lane County Road 50, Carver, MN 55315

Permanent easement for public right-of-way purposes contains **10,235 sq. ft.**, more or less;

Temporary Construction Easement contains **4,999 sq. ft.**, more or less;

Settlement Amount: **\$7,825.00**

**Property Tax Identification No. 08.0031310**

**Parcel Number(s): 22**

Fee Owners: Thomas John Joing, Single

Property Address: 6675 County Road 50, Carver, MN 55315

Permanent easement for public right-of-way purposes contains **5,610 sq. ft.**, more or less;

Settlement Amount: **\$29,350.00**

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**William and Maria Boecker - One building eligibility incentive (Conservation)**

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 #PZ20190053. The Planning Commission recommended approval of William and Maria Boecker's Conditional Use Permit (CUP) for one "Conservation Amenity" building eligibility on their 40.9-acre parcel located in Section 3, San Francisco Township. The site is heavily wooded, with bluff areas leading down to Silver Creek and Bevens Creek as well as open field areas which could support building sites. The CUP would allow for a 38-acre amenity lot on the eastern portion of the property. A conservation easement would be required to be placed over at least 10 acres of qualifying land in the proposed 38-acre parcel. The remaining 2.9-acres would be created as a residential parcel using the remaining one "1 per 40" building eligibility. The Board of Adjustment approved Variance #PZ20190051 on November 6, 2019, allowing for a reduced width to depth ratio for both proposed parcels, as well as allowing for reduced driveway separation between the proposed shared access at the Boeckers' parcel and the existing access for property owner to the south. The San Francisco Town Board has also recommended approval of the request.

**ACTION REQUESTED:**

A motion to adopt Findings of Fact and issue Order #PZ20190053 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 - 6557

**COUNTY OF CARVER**  
***PLANNING COMMISSION RESOLUTION***

**FILE #: PZ20190053**

**RESOLUTION #: 19-19**

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

**FILE #:** PZ20190053

**APPLICANT/OWNER:** William and Maria Boecker

**SITE ADDRESS:** 16XXX County Road 40 San Francisco Township

**PERMIT TYPE:** Additional Density (Conservation Incentive)

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

**LEGAL DESCRIPTION:** See attached Exhibit "A"

**PARCEL #:** 08-003-0330

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

**WHEREAS**, the Carver County Planning Commission finds as follows:

1. William and Maria Boecker own a 40.9-acre parcel, located in the South Half (S½) of Section 3, San Francisco Township. The parcel is unimproved (vacant land) with one (1 per 40) building eligibility and potential for the additional density option. The property is in the Agricultural Zoning District, Shoreland/Floodplain Overlay District of DNR protected waters (i.e. Silver Creek and Bevens Creek) and Carver County Water Management Organization (CCWMO) – Bevens Creek watershed.
2. The applicants are proposing a one building eligibility incentive (conservation) lot that would be approximately 38 acres. The applicants are requesting a Conditional Use Permit (CUP) pursuant to Section 152.078 of the Carver County Zoning Code.
3. The approximate 40.9-acre subject property meets the standards for the additional density (conservation incentive) lot. The additional density 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). The parcel from which the proposed lot originated was a parcel of more than 40 acres on July 1, 1974, and under one ownership. San Francisco Township has provided for high amenity/conservation incentive lots in their chapter of the 2030 Comprehensive Plan.
4. The Boecker property has bluff and wooded areas along Silver Creek and Bevens Creek (for permanent preservation) which qualify as eligible land. The applicants could have requested platting the property for more additional density lots; however, have chosen to forgo the maximum eligibility potential and apply for the conditional use permit for the additional density one lot incentive (Minor Subdivision). The applicants would like to have the one conservation lot without platting or having to build a township road to meet the road frontage requirement for new lots.
5. The minor subdivision process would allow the Boeckers to create a 38-acre conservation lot and utilize the remaining “1 per 40” building eligibility on an approximate 2.9-acre residential parcel. There have not been any Conditional Use Permit(s) for additional density issued previously on this parcel, nor are there any other “1 per 40” building eligibilities from the original acreage available on the subject site.
6. In order to qualify for the one building eligibility incentive, the applicants must show the property could support two or more amenity building site eligibilities as detailed in Section 152.087 (D)(2)(a) of the Zoning Code. Lori Brinkman, the county septic inspector, has confirmed that the applicants hired septic contractor has identified

potential SSTS locations for two building sites. Typically, a buildable site consists of a one-acre area which can support a house, and primary and alternate septic locations. Based on the SSTS location information, multiple locations have been identified and the applicants wish to forgo developing multiple lots in order to subdivide one additional density lot and the 1 per 40 eligibility pursuant to a minor subdivision application.

7. As one of the requirements for a conservation lot, the applicants would have to maintain a conservation easement over at least 10 acres of the parcel. The easement language would need to be submitted to the Land Management Department for review and approval as part of the minor subdivision process.
8. On November 6<sup>th</sup>, 2019, the Board of Adjustment approved Variance #PZ20190051 for the property allowing for a reduced width to depth ratio for both the 1 per 40 parcel and the additional density parcel. The variance also allowed for reduced driveway separation between the proposed shared access at the Boeckers' lot and the existing access for the southern property.
9. Carver County Public Works has reviewed and issued Permit #20190004 at the beginning of the year for the shared access permit requiring a minimum 24-foot wide roadway top surface from the edge of the existing roadway to the right-of-way line as well as an intersection of County Road 40 at 90 degrees for the portions of the driveway within the right-of-way.
10. The San Francisco Town Board reviewed the request and recommended approval at their October 21, 2019, Town Board meeting.
11. 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 #PZ20190053 for a conservation 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:

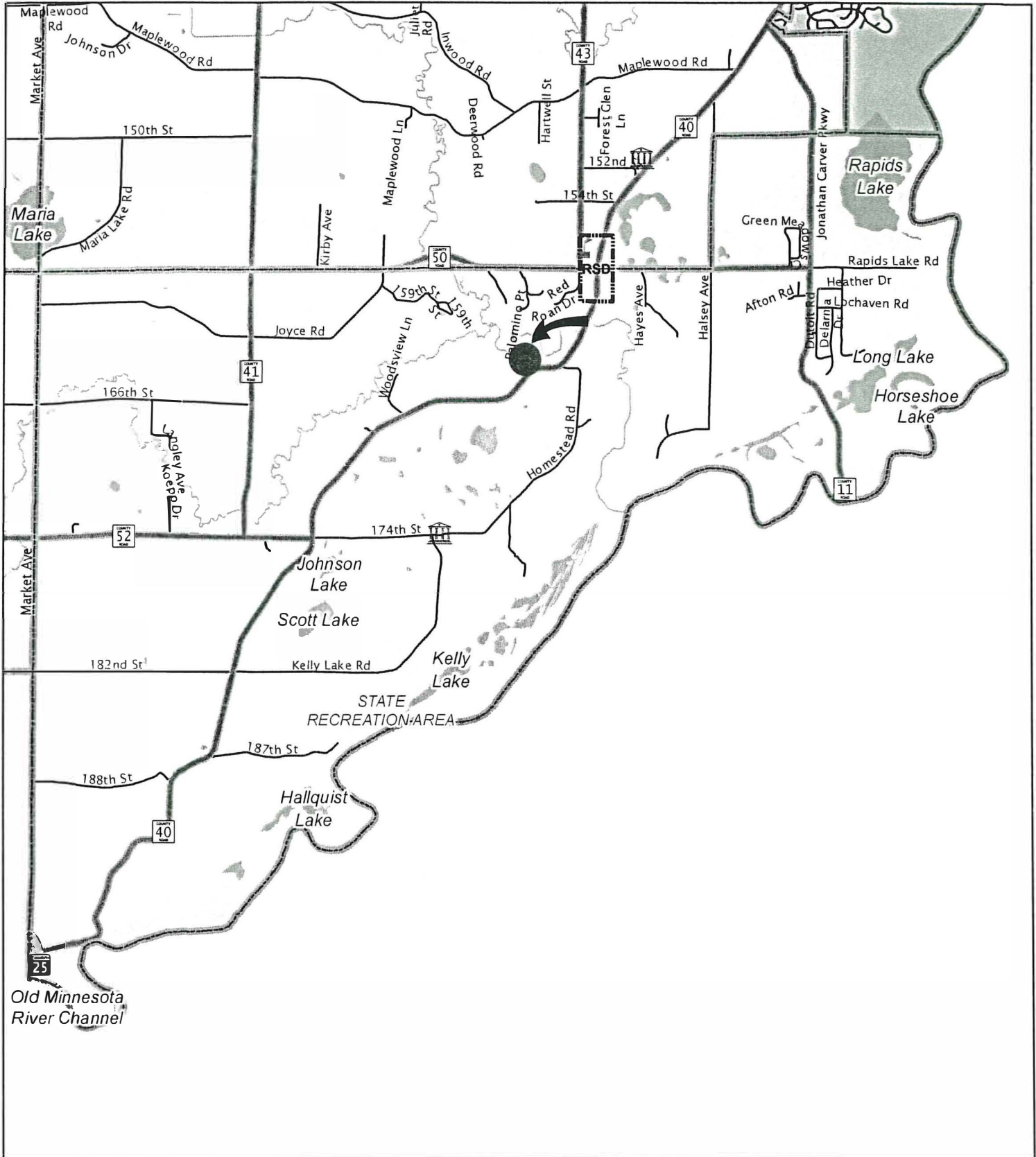
1. One conservation incentive lot (approx. 38 acre) is available pursuant to the approved site plan and provided the building site definition and minimum lot standards are satisfied. The remaining 1 per 40 building eligibility shall be retained on the approximately 2.9-acre lot. No further lots shall be permitted as only one request for additional density is permitted. The lot shall be subdivided in accordance with the Minor Subdivision requirements including, but not limited to, a survey, and primary and alternate septic locations.
2. A conservation easement proposal must be drafted for review and submitted with the minor subdivision application. Easement documents must be recorded simultaneously with the deeds for the new lots.
3. The property owners shall be subject to the local road authority (i.e. County Public Works) standards pertaining to road access. The appropriate permit(s) shall be obtained before any work commences within the right-of-way.
4. The lots must have a one 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 and submitted for review/approval by the Environmental Services Department.
5. Notice is hereby provided that "odors, dirt dust, insects, noises, long hours of operation and other factors associated with agriculture and feedlot activities" will occur in the area.

**ADOPTED** by the Carver County Planning Commission this 19<sup>th</sup> day of November 2019.

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Jim Burns, Chair  
Carver County Planning Commission

# 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.



# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Kristopher and Heather Hanson - Equestrian Facility (CUP)**

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 #PZ20190050. The Planning Commission recommended approval of Kristopher and Heather Hanson's request for a Conditional Use Permit (CUP) for an Equestrian Facility (i.e. personal indoor riding arena). The proposed site is approximately 20 acres, located in Sections 25 of Hollywood Township. The Conditional Use Permit provides for the construction of an approximately 51.5' x 100' (5,150 square feet) personal indoor riding arena as well as for hay storage. Approximately 960 square feet of the building would be used for personal storage. The applicants anticipate having one horse on the property at any given time, and the main purpose of the riding arena area would allow their daughter to train and ride horses year-round. The property would not be open to the public for boarding activities. Hollywood Township has also recommended approval of the request.

**ACTION REQUESTED:**

Motion to adopt Findings of Fact and issue Order #PZ20190050 for the issuance of the Conditional Use Permit.

**FISCAL IMPACT:**    
If "Other", specify:

**FUNDING**

County Dollars =   
   
**Total**

**FTE IMPACT:**

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2019 - 6558

**COUNTY OF CARVER**  
***PLANNING COMMISSION RESOLUTION***

**FILE #: PZ20190050**

**RESOLUTION #: 19-18**

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

**FILE #:** PZ20190050

**OWNER/APPLICANT:** Kristopher and Heather Hanson

**SITE ADDRESS:** 14950 50<sup>th</sup> Street Hollywood Township

**PERMIT TYPE:** Equestrian Facility (Personal Riding Arena)

**PURSUANT TO:** County Code, Chapter 152, Section 152.079 C5

**LEGAL DESCRIPTION:** See attached Exhibit A

**PARCEL #:** 06-025-1010

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

**WHEREAS**, the Carver County Planning Commission finds as follows:

1. Kris and Heather Hanson own a 20-acre parcel located in the Northwest Quarter (NW¼) of Section 25, Hollywood Township. The property is improved with an existing residence. The site is located within the Agriculture Zoning District and the CCWMO – Crow River watershed.
2. The property owners are requesting a Conditional Use Permit (CUP) to construct a personal riding arena (approximately 51.5' x 100') pursuant to Section 152.079 C5 of the Carver County Code.
3. The applicants are requesting to construct an approximate 51.5' x 100' indoor riding arena which would be located to the northwest of their existing house and as indicated in their operational and site plan(s) (dated: October 2, 2019). The proposed structure would also include an area to be utilized for hay storage as well as for personal storage of items such as a boat and bobcat. The portion of the building used for personal storage would be approximately 40' x 24' (960± sq. ft.). The proposed structure would meet all applicable setback requirements.
4. According to the applicants, the main purpose of the riding arena area would allow their daughter to train and ride horses year-round as well as store hay. The applicants do not intend to board horses or use the riding arena as a business, so there would not be the need for specific hours of operation, employees, etc. The Hansons anticipate having one horse on the property at any given time. The horse would not be housed in the proposed structure but would be kept on the adjacent family member's property. Any additional buildings associated with the equestrian facility (or change from personal use to commercial use) would require a discussion with Land Management to determine whether a new CUP will be required.
5. The Carver County Feedlot Officer has reviewed the application and does not have any concerns at this time with the one horse. Until such time the animal units on the property exceeds 10 animal units, no feedlot requirements need to be met. The applicant has indicated he does not expect the animal units to exceed the threshold in the near future.
6. Based on the intended use, the structure on the property would not increase traffic, water use, manure generation or septic requirements as the structure is specifically for personal use.



7. It has been observed that the property owner exceeds the number of unlicensed vehicles. Staff is currently working with the property owner to gain compliance. Therefore, staff may not issue building permits until compliance with the unlicensed vehicle limit, on the property, is met pursuant to the Section 152.032 of the Carver County Zoning Code.
8. The Hollywood Town Board reviewed and recommended approval of this request at their October 14, 2019, Town Board meeting. The Board approved the decision with the requirement that unlicensed vehicle compliance would be required as addressed in the August 29, 2019, letter concerning unlicensed vehicles from the county before the building is constructed.
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 #PZ20190050 for a personal equestrian facility 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:

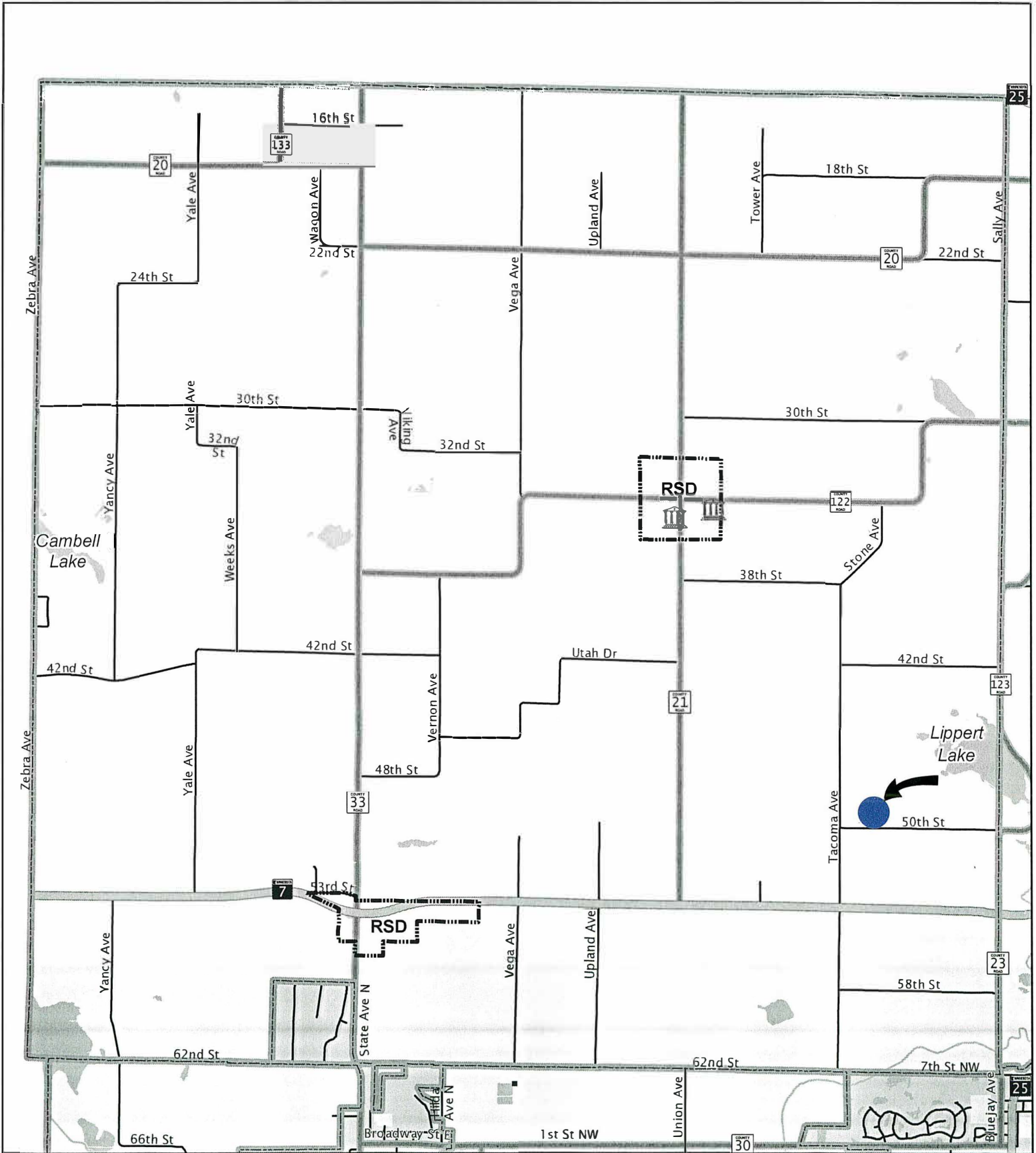
1. The permit is subject to administrative review. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners and/or operators are encouraged to contact Land Management as early on in the timeline of the proposed change as possible.
2. The structure shall be used only by the occupants of the residence and their guests. The structure shall be utilized for: a personal riding arena, keeping of animals and appurtenant equipment and supplies, personal storage, hobbies, recreation, entertainment, family uses, private maintenance and repair activities, and as otherwise permitted as an accessory structure. Guest quarters and/or additional dwelling units are strictly prohibited. No products or services shall be offered for sale, pay or similar remuneration except as permitted for a home occupation or as otherwise regulated by the Code.
3. The equestrian facility shall be operated in accordance with the operational plans (dated 10/2/2019). These plans shall be attached to and become part of this permit. No public or commercial activities shall be permitted on the site.
4. Any required building permit(s) must be applied for and issued prior to construction. Any future remodeling or construction shall be reviewed by the Zoning Administrator to determine if an amendment to the CUP is necessary. All structures shall meet the applicable State Building Code, Carver County Zoning Code (Chapter 152) requirements.
5. The Permittee shall comply with the County standards as detailed in Chapter 54 – Feedlot Management requirements and/or appropriate permit(s) required by the Environmental Service Department.
6. The permit is subject to any/all Township (or appropriate road authority) standards.

**ADOPTED** by the Carver County Planning Commission this 19<sup>th</sup> day of November 2019.

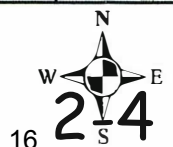
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Jim Burns, Chair  
Carver County Planning Commission

# HOLLYWOOD 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:**

**Contract Amendment with LeVander Gillen and Miller PA for the CSAH 18 Reconstruction Project - Phase 3**

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 2015 construction season included the reconstruction of Highway 18 (Lyman Blvd) from Powers Boulevard on the east to Audubon Road on the west. Additional right of way was needed to complete the project. Appraisals by a certified appraiser were received and offers made based on those appraisals to the property owners impacted by the project. Eminent domain was filed against two of the property owners, condemnation hearings commenced before three condemnation commissioners and damages were awarded by said commissioners. The property owners located at PID #'s 25.0230420, 25.0230430 and 25.0230500 has filed an appeal of the condemnation commissioners award. This contract is to engage Peter G. Mikhail of LeVander; Gillen & Miller; P.A. to handle all discovery, mediation and trial activities related to the appeal.

**ACTION REQUESTED:**

Motion to amend the contract with LeVander Gillen and Miller PA pending finalization of the contract review process.

**FISCAL IMPACT:**

If "Other", specify:

**FTE IMPACT:**

**FUNDING**

County Dollars =

CSAH Regular	\$37,500.00
City of Chanhassen	\$37,500.00
<b>Total</b>	<b>\$75,000.00</b>

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2019 - 6562

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**2020-2021 Carver County Feedlot Delegation Agreement Work Plan**

Primary Originating Division/Dept: <u>Public Services - Environ. Svc.</u>	Meeting Date: <u>12/3/2019</u>
Contact: <u>Brad Hanzel</u> Title: <u>Environmental Services Actin...</u>	Item Type: <u>Consent</u>
Amount of Time Requested: <input type="text"/> minutes	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Presenter: <input type="text"/> Title: <input type="text"/>	

**Strategic Initiative:**

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

**BACKGROUND/JUSTIFICATION:**

Minnesota's regulatory feedlot program includes an optional arrangement between the Minnesota Pollution Control Agency (MPCA) and county government. This agreement, known as "county delegation" increases local service and resources for livestock producers. Delegated counties are responsible for the implementation of feedlot rules and regulations. A total of 50 counties, including most of the state's major feedlot areas, participate. Carver County has been a delegated county, implementing State feedlot regulations since 1978.

In 2000, the MPCA began providing financial assistance to delegated counties based on the number of feedlots they contain and the county's level of effort. Carver County currently has 190 feedlots that are large enough to require State registration and will receive \$14,615 in MPCA financial assistance based on this number. The County is required to match these funds at a 100% level (\$14,615). If minimum program requirements are met, the County will receive an additional \$6,416, for a 2020 base grant total of \$21,031. Counties have the opportunity to earn additional funding through performance credits accumulated throughout the year.

State rules require each delegated county to prepare a two-year Delegation Agreement Work Plan (Plan) that describes strategies and goals for administration and implementation of the feedlot program. Environmental Services staff members have prepared the 2020-2021 Plan, which is similar to previous years. MPCA staff members have reviewed and approved the document. The County Attorney and Risk Manager have also reviewed and approved the agreement.

The 2020-2021 Delegation Agreement Work Plan needs to be signed by the County Board Chair as per MPCA policy.

**ACTION REQUESTED:**

Approve the 2020-2021 Carver County Feedlot Delegation Agreement Work Plan

**FISCAL IMPACT:** Included in current budget

*If "Other", specify:*

**FTE IMPACT:** None

**FUNDING**

County Dollars =	<b>\$14,615.00</b>
Grant Revenue	\$21,031.00
<b>Total</b>	<b>\$35,646.00</b>

**Related Financial/FTE Comments:**

The actual amount of the grant varies slightly each year due to a "performance credit" provision. An estimate for the grant has been included in the 2020 budget recommendation.

*Office use only:*

RBA 2019 - 6539

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Supplemental Agreements 14 and 32 for the Flying Cloud Drive Reconstruction Project**

Primary Originating Division/Dept: <u>Public Works - Program Delivery</u>	Meeting Date: <u>12/3/2019</u>
Contact: <u>Shelby Sovell</u> Title: <u>Construction Supervisor</u>	Item Type: <u>Consent</u>
Amount of Time Requested: <input type="text"/> minutes	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Presenter: <input type="text"/> Title: <input type="text"/>	

**Strategic Initiative:**

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

**BACKGROUND/JUSTIFICATION:**

The Flying Cloud Drive Reconstruction Project is primarily a Hennepin County led project with the westerly 4,212 ft of the project in Carver County. Hennepin County is acting as the lead Agency and holds the construction contract with Ames Construction, Inc..

Supplemental Agreement #14 was created by Hennepin County , with our staff input and consent to modify the construction plans and direct the contractor to install a new 8" drain tile line to collect ground water that was seeping out of the hillside and causing slope failures on the north side of Highway 61 near Castair. Also, an existing drain tile line was located in this vicinity. The condition as well as the adequacy of the drain tile line was unknown. In order to ascertain this information the contractor was directed to clean, inspect and repair the existing drain tile line. The total cost of constructing the new 8" drain tile line as well as cleaning, inspecting, and repairing the existing dain tile line was \$62,996.02

Supplemental Agreement #32 was created by Hennepin County , with our staff input and consent to modify the construction plans and direct the contractor to remove and replace the security entrance gate to the Moon Valley Gravel Pit on the north side of Highway 61. The location of the existing gate conflicted with the proposed driveway location and size. The total cost of removing and replacing the gate was \$5,106.00

In the JPA between Carver County and Hennepin County for this project, the county board authorized the County Engineer to sign change orders and supplemental agreements up to \$100,000.00 per occurrence and with a project aggregate total of \$1,000,000.00. The County Engineer is requesting that the county board authorize the County Engineer, or his designee, to approve of supplemental agreements #14 & 32 for the Flying Cloud Drive Reconstruction Project.

**ACTION REQUESTED:**

Motion to authorize the Carver County Engineer, or his designee, to approve Supplemental Agreements 14 and 32 for \$68,102.02 for the Flying Cloud Drive Reconstruction Project.

**FISCAL IMPACT:** Included in current budget

*If "Other", specify:*

**FTE IMPACT:** None

**FUNDING**

County Dollars =	<input style="width: 100%;" type="text"/>
County Turnback Fundi...	\$68,102.02
<b>Total</b>	<b>\$68,102.02</b>

**Related Financial/FTE Comments:**

Carver County Public Works will be requesting County Turnback Funds for this supplemental agreement from MnDOT.

*Office use only:*

RBA 2019 - 6561

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Approval for out of state training**

Primary Originating Division/Dept: Sheriff

Meeting Date: 12/3/2019

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 IACIS, International Association of Computer Investigative Specialists, specializes in training and certification in the field of computer forensics. This training provides foundational knowledge in Computer Forensics needed to enter into the IACIS Certified Forensic Examiner certification process. Technology has continued to advance and increased the commission of criminal acts and victimization through the use of computers. Investigators trained in computer forensics investigate these crimes committed against victims and the criminal exploitation committed or facilitated by or through the use of computers.

**ACTION REQUESTED:**

Approval for two investigators to travel to Orlando, Florida to attend the Computer Forensic Examiner certification training program March 27-April 8, 2020.

**FISCAL IMPACT:** None

If "Other", specify:

**FUNDING**

County Dollars =

**FTE IMPACT:** None

**Total**  \$0.00

Insert additional funding source

**Related Financial/FTE Comments:**

Tuition, lodging, travel and meal expenses are accounted for in 2020 Sheriff's Office training budget.

*Office use only:*

RBA 2019 - 6563

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**  
**Encore Donation Received**

Primary Originating Division/Dept:

Meeting Date:

Contact:  Title:

Item Type:

Amount of Time Requested:  minutes

Attachments:  Yes  No

Presenter:  Title:

Strategic Initiative:

**BACKGROUND/JUSTIFICATION:**

Frontstream (formerly Truist) has provided a donation in the amount of \$50 (Check # 2842359) to Encore Adult Day Services. Encore would like to accept these funds with genuine gratitude and use them to purchase some items to aid with program enrichment for participants.

**ACTION REQUESTED:**

Approve receipt of donation

**FISCAL IMPACT:**    
*If "Other", specify:*

**FUNDING**

County Dollars =

**FTE IMPACT:**

**Total**

Insert additional funding source

Related Financial/FTE Comments:

*Office use only:*

RBA 2019 - 6553

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Purchase IT Endpoint Security Application**

Primary Originating Division/Dept:

Meeting Date:

Contact:  Title:

Item Type:

Amount of Time Requested:  minutes  
Presenter:  Title:

Attachments:  Yes  No

**Strategic Initiative:**

**BACKGROUND/JUSTIFICATION:**

The County's IT endpoint protection application that defends end-user's computing devices from cybersecurity threats is expiring at the end of December 2019. After diligent marketplace discovery, research, and testing, IT is requesting to purchase a next generation endpoint protection solution. The solution of choice will increase our security posture by offering continuous endpoint detection and response with full recording of process activity to aid in artificial intelligence and further ability to respond to active security incidents. This new solution is not reliant on traditional anti-virus signature updates and leverages cloud-based analytics to detect and remediate threats.

A three-year subscription provides the County the best deal at \$65,580 or \$21,860 per year. The product of choice was lower in cost of the researched applications.

**ACTION REQUESTED:**

Motion to approve purchase of the IT Endpoint Security Application.

**FISCAL IMPACT:**

*If "Other", specify:*

**FUNDING**

County Dollars =

**FTE IMPACT:**

**Total**

Insert additional funding source

**Related Financial/FTE Comments:**

Three year license agreement - \$21,860/year.

*Office use only:*

RBA 2019 - 6554



# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Accepting donation for Ford Transit Van Upgrades from Carver County Veterans' Council**

Primary Originating Division/Dept:

Meeting Date:

Contact:  Title:

Item Type:

Amount of Time Requested:  minutes

Attachments:  Yes  No

Presenter:  Title:

**Strategic Initiative:**

**BACKGROUND/JUSTIFICATION:**

In the summer of 2019, the Carver County Public Works Division purchased a base model van for the Veteran Transportation Program. During that process, the Carver County Veterans' Council advised and recommended add on features to enhance accessibility and convenience for veteran riders of this vehicle. After the designing of the vehicle, several options were added: Braun wheel chair lift, special non-slip flooring, grab bars, additional heating and cooling features, and specialized seating to name several. The amount of these add-on options resulted in an additional \$14,833.00 in cost. The Veterans' Council voted to donate this amount to Carver County as a partnership to better support our veterans' medical appointments.

**ACTION REQUESTED:**

Accept the donation of \$14,833 from the Carver County Veterans' Council.

**FISCAL IMPACT:**

If "Other", specify:

**FUNDING**

<b>County Dollars =</b>	<b>\$0.00</b>
Carver County Veterans' Council	\$14,833.00
<b>Total</b>	<b>\$14,833.00</b>

**FTE IMPACT:**

Insert additional funding source

Related Financial/FTE Comments:

*Office use only:*

RBA 2019 - 6559

# Budget Amendment Request Form



To be filled out AFTER RBA submittal

**Agenda Item:** Accepting donation for Ford Transit Van Upgrades from Carver County Veterans' Council

Department: Public Services

Meeting Date: 12/3/2019

Requested By: Dan Tengwall

- 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

DEBIT		
Description of Accounts	Acct #	Amount
Vehicle Expense	03-304-000-0000-6670	\$14,833.00
<b>TOTAL</b>		\$14,833.00

CREDIT		
Description of Accounts	Acct #	Amount
Refunds and Reimbursements	03-304-000-0000-...	\$14,833.00
<b>TOTAL</b>		\$14,833.00

Reason for Request:

To add donation amount from the Carver County Veterans' Council to the Public Works Budget.

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**County Auditor and License Center Deputy Registrar Appointments**

Primary Originating Division/Dept:

Meeting Date:

Contact:  Title:

Item Type:  
Consent

Amount of Time Requested:  minutes

Attachments:  Yes  No

Presenter:  Title:

**Strategic Initiative:**

**BACKGROUND/JUSTIFICATION:**

The County's Property and Finance Director is currently appointed to be the County Auditor and License Center Deputy Registrar. County staff recommend these statutory responsibilities be assigned to county staff who are actively and directly involved with the related work by appointing the interim Property Tax Manager Crystal Campos as the County Auditor and the License Center Manager LeaAnn Novosad as the License Center Deputy Registrar. These appointments are consistent with the Assistant Finance Director being previously appointed as the County Treasurer and the Assistant Land Records Manager being previously appointed as the County Recorder.

**ACTION REQUESTED:**

Motion to appoint the County's:  
  
Property Tax Manager as County Auditor, and  
  
License Center Manager as License Center Deputy Registrar.

**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 - 6538

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Property Tax Late Payment Penalty Waiver Policy**

Primary Originating Division/Dept:  ▼

Meeting Date:

Contact:  Title:

Item Type:  
 ▼

Amount of Time Requested:  minutes

Attachments:  Yes  No

Presenter:  Title:

**Strategic Initiative:**

▼

**BACKGROUND/JUSTIFICATION:**

State law allows the County Board to delegate to the County Treasurer the authority to abate the penalty for the late payment of taxes in the current year. The attached policy has been the practice followed by Carver County since 2003. County staff recommend that this authority be formally affirmed and delegated to the County Treasurer with a limit per parcel of \$1,000 in accordance with the attached policy.

**ACTION REQUESTED:**

Motion to delegate authority and responsibility to the County Treasurer to waive penalty for late payment of current property taxes in accordance with the attached policy. The County Auditor will annually forward a list of penalty and interest abatements processed under this delegation to the County Board. The effective date for this policy is January 1, 2020.

**FISCAL IMPACT:**  ▼

*If "Other", specify:*

**FUNDING**

County Dollars =

**FTE IMPACT:**  ▼

**Total**

Insert additional funding source

Related Financial/FTE Comments:

*Office use only:*

RBA 2019 - 6103

CARVER COUNTY  
PROPERTY TAX PENALTY WAIVER POLICY

State law gives the County Treasurer the power to waive current year penalty from late payment of property taxes if the imposition of the penalty would be unjust and unreasonable. An unjust and unreasonable penalty would include but may not be limited to the inability to pay due to a hardship. The County reserves the right to seek additional information from the Applicant to substantiate the reason for the request.

The County Auditor will recommend to the County Treasurer approval or denial of all penalty waiver applications.

1. Hardship Defined: Hardship is defined as a circumstance beyond the control or ability of the property owner to timely submit payment.

Examples of a hardship include but are not limited to: extreme or extended hospitalization, accident or illness, extended physical or mental incapacity of the taxpayer, death of the taxpayer, military service including deployments or being out of country, and other events or circumstances which may constitute excusable inaction on the part of the taxpayer.

Inability to pay the taxes due to financial problems do not meet the definition of a hardship.

2. \$1,000 Penalty Waiver Request: Current year penalty waiver requests not in excess of \$1,000 per parcel will be handled administratively by the County Auditor and County Treasurer. If the application exceeds \$1,000 for waived penalty in the current year and is approved by both the County Auditor and the County Treasurer, the application would be forwarded to the County Board for final approval.
3. Annual Report of Activity: The County Auditor will provide an annual report of property tax penalty and interest that has been waived to the County Board.
4. Abatements of Penalty, Interest and Costs from Delinquent Property Taxes: Applications to abate penalty, interest and costs from delinquent taxes are not covered under this policy. These will be considered based on hardship and according to State Statute could only be approved for up to the prior two years. The applications must be approved by both the County Auditor and the County Treasurer. The request would then be forwarded to the County Board for final approval.

This Property Tax Penalty Waiver Policy revokes all prior policies, effective on the date of approval by the County Board.

The foregoing was approved by the Carver County Board of Commissioners on the \_\_\_\_ day of \_\_\_\_\_, 2019.

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Property Tax Abatement Policy**

Primary Originating Division/Dept:

Meeting Date:

Contact:  Title:

Item Type:

Amount of Time Requested:  minutes

Attachments:  Yes  No

Presenter:  Title:

**Strategic Initiative:**

**BACKGROUND/JUSTIFICATION:**

State law allows the County Board to delegate to the County Auditor the authority to abate property taxes. Consistent with a consensus among other metro counties, county staff recommends the County Board delegate its authority to the County Auditor to approve property tax abatements with a limit up to \$10,000 per parcel in accordance with the attached policy.

**ACTION REQUESTED:**

Motion to delegate authority and responsibility to the County Auditor to approve and process property tax abatements as defined in the attached policy. The County Auditor will annually forward a list of tax abatements processed under this delegaton to the County Board. The effective date for this policy is January 1, 2020.

**FISCAL IMPACT:**

*If "Other", specify:*

**FUNDING**

County Dollars =

**FTE IMPACT:**

**Total**

Insert additional funding source

Related Financial/FTE Comments:

*Office use only:*

RBA 2019 - 6104

## CARVER COUNTY PROPERTY TAX ABATEMENT POLICY

State law gives the County Board the power to abate property taxes if approved by the County Assessor and the County Auditor. The County reserves the right to seek additional information from the Applicant to substantiate the reason for the request.

Taxpayers have available to them several methods to challenge valuations and assessments. They can use Minnesota Chapter 278 (Tax Court), appeal to the Board of Review and Equalization, or discuss their valuation directly with the County Assessor. Because there are other alternatives available, abatements should be used as a last resort to correct assessment errors and inequities when no other solution is possible. They are not for the purpose of reducing conflict and controversy.

Absent exceptional circumstances, it is the County's policy to only consider property tax abatement applications as they relate to taxes payable in the current year. Under exceptional circumstances, abatements will be considered for up to two prior years. If claiming a hardship, the Applicant will need to explain the basis for the hardship that precluded them from addressing the issue of taxes during the prior year or years.

1. Homestead Applications: Abatements for homestead will not be considered unless a homestead application has been properly signed, returned, and approved. Property owners will also be required to file the appropriate abatement application and provide proof of occupancy at the homesteaded address for the assessment year in question. The County reserves the right to seek additional information regarding the Applicant's homestead status.
2. Clerical Error Defined: Clerical errors are defined as errors that are made by someone doing the work of a clerk. Examples of clerical errors include, but are not limited to: mathematical errors, transposition of numbers, keypunch errors, and coding errors.

Judgement errors do not meet the definition of clerical. Examples of judgment errors would be poor estimations or incorrect data used in making estimations, such as an incorrect record of the actual square footage or the number of bathrooms.

3. Hardship Defined: Hardship is defined as a circumstance beyond the control or ability of the property owner to correct assessment errors or inequities and which were not appealed in the normal process of the County Board of Appeal and Equalization or Tax Court. Hardship circumstances need to be clearly explained.

Examples of hardship include but are not limited to: extreme or extended hospitalization, accident or illness, extended physical or mental incapacity of the taxpayer, death of the taxpayer, military service including deployments or being out of country, and other events or circumstances which may constitute excusable inaction on the part of the taxpayer.

Inability to pay the taxes due to financial problems do not meet the definition of hardship.

4. Occasional Assessment or Calculation Errors Do Occur: In the case of an assessment or calculation error, an abatement may be processed in order to restore uniformity between the subject property and other similar properties. A miscalculation of the value may be a result of the inability of the Assessor's Office to access the property at the time of the entry of the assessment and later having the opportunity to access the property. These abatements may only be granted for taxes payable in the current year.

5. Occasional Clerical Errors by the County Do Occur: In the case of a clerical error, an abatement to correct the error is not limited to the current year. The discretion to grant this type of application for the two prior years is pursuant to Minnesota Statutes, Section 375.192.
6. Local Option Disaster Abatements: In the case of a property that does not qualify for disaster reassessment, as approved by the Executive Council; (consisting of the governor, lieutenant governor, secretary of state, state auditor, and attorney general), Carver County will consider an abatement for the property tax due on the property for each full month that the property is not able to be occupied due to the damage that has occurred, if the requirements of Minnesota Statutes, Section 273.1233 are met. Disaster abatements may only be applied to taxes calculated based upon the structures located on a property.
7. Abatements of Special Assessment: In the case of a Taxing Authority that erroneously charges a special assessment to a property, Carver County will abate the charge upon request of the Taxing Authority. There will be an administrative fee charge in accordance to the county fee schedule. These abatements may be granted for taxes payable in the current and prior two years.
8. \$10,000 Abatement Request: Abatement requests of less than \$10,000 for the current year may be handled administratively by the County Assessor and County Auditor. Pursuant to Minnesota Statutes, Section 375.192, Subdivision 2, if the request is for \$10,000 or more in tax, penalty, and interest reduction, the County is required to provide notice of the request to the school board and the municipality within 20 days. The request would then be forwarded to the County Board for approval.
9. Annual Report of Activity: The County Auditor will provide an annual report of property tax abatements to the County Board.

This Abatement Policy revokes all prior policies, effective on the date of approval by the County Board.

The foregoing was approved by the Carver County Board of Commissioners on the \_\_\_\_ day of \_\_\_\_\_, 2019.



# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Tax Forfeiture Delegation of Authority**

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 acts as administrator of tax-forfeited property on behalf of the State of Minnesota. The County Auditor is statutorily responsible for the day-to-day administration of the tax-forfeiture process.

The tax forfeiture process timeline is necessarily long, with many regular required publication and notice deadlines as well as numerous procedural steps. The nature of this process is to ensure it is conducted in compliance with state law and provides the former property owners enough opportunity to regain ownership of their property and notice of the sale of their property due to their unpaid property taxes.

Delegation of authority is a common strategy to effectively administer and complete the tax-forfeited property process to achieve the mutually beneficial goal of Carver County and the State of Minnesota to return tax-forfeited property to the tax rolls.

Consistent with other metro counties, county staff recommends streamlining the tax forfeiture process by delegating the administration of tax-forfeited land to the County Auditor except for the most significant step in the tax forfeiture process, approving the public sale and minimum bids of tax forfeited properties, which will remain with the County Board.

**ACTION REQUESTED:**

Motion to approve the delegation of authority for the tax forfeiture process to the County Auditor except for approving the public sale and minimum bids of tax forfeited properties which will remain with the County Board.

**FISCAL IMPACT:**  ▼

If "Other", specify:

**FUNDING**

County Dollars =

**FTE IMPACT:**  ▼

**Total**

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2019 - 6471

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**WM Mueller & Sons, Inc - IUP for an Aggregate Mining Operation**

Primary Originating Division/Dept: <input type="text" value="Public Services - Land Mgmt."/>	Meeting Date: <input type="text" value="12/3/2019"/>
Contact: <input type="text" value="Jason Mielke"/> Title: <input type="text" value="Land Use Manager"/>	Item Type: <input type="text" value="Regular Session"/>
Amount of Time Requested: <input type="text" value="30"/> minutes Presenter: <input type="text" value="Jason Mielke"/> Title: <input type="text" value="Land Use Manager"/>	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 #20190043. The Planning Commission recommended approval of an Interim Use Permit (IUP) on Paul & Jeanne Lundquist's property located in Section 35, Dahlgren Township. The applicant, WM Mueller & Sons, Inc. (WMS), has been operating the existing aggregate mining operation on Mr. Lundquist's property for the past 16 years. WMS is requesting replacement of the existing Conditional Use Permit (CUP) (CU-PZ20070005) with an Interim Use Permit (IUP) (#PZ20190043) that would permit an expansion of the mining area pursuant to Section 152.081 and 152.082 of the Carver County Zoning Code.

Upon the issuance of the IUP, WMS would purchase the portion of the Lundquist property which is proposed for the mining activity. The previous Conditional Use Permits (PZ20070005, Document #A462015 and PZ 20030068, Document #A375653) for a mining operation would be terminated. The proposal would encompass an approximate 103 acres and allow for the expansion to the existing impacted area (approximate 20 acres) while establishing ultimate mining limits, phasing and reclamation plans, revision of hours of operation, the ability for processing and recycling as permitted activities and removing limitations of production levels. The maximum operational area would consist of 35 acres for mining, processing and stockpiling, at any given time. Mining activity would maintain a 50-foot setback from property lines and the road right-of way, and a minimum 500-foot setback from all homes, excluding any residence on the same property.

A mandatory EAW for the 103-acre site was conducted and the process concluded on October 8, 2019, with the Carver County Board of Commissioners Resolution No. 79-19 declaring a negative declaration on the need for an EIS; therefore, allowing for the IUP process to commence.

A traffic study was submitted as part of the application process, stating that there would be an increase in future generated site trips to/from the Lundquist mine; future average daily trips are based on an assumed increase in market demand for aggregate in the area. The Carver County Public Works Department is the road authority for Co Rd 40 and would require an access acceleration lane to be constructed for north bound traffic as well as an expansion to the existing shoulder (i.e. by-pass lane) for south bound traffic. All road improvements would be constructed at the expense of WMS and designed pursuant to County standards.

The Carver County Planning and Water Management Department is the regulatory authority for the Stormwater Management standards as well as erosion sediment control measures for the site. A financial security for erosion control/restoration will be maintained for the duration of the permit.

The Dahlgren Town Board supports the request.

**ACTION REQUESTED:**

A motion to adopt the Findings of Fact and issue Order #20190043 for the issuance of the Interim 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"/>
<input checked="" type="checkbox"/> Insert additional funding source	

Related Financial/FTE Comments:

Office use only:

RBA 2019 - 6565

**COUNTY OF CARVER**  
***PLANNING COMMISSION RESOLUTION***

**FILE #: PZ20190043**

**RESOLUTION #: 19-20**

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

**FILE #:** PZ20190043

**APPLICANT:** WM. Mueller & Sons, Inc. (Tim Mueller)

**OWNER:** Paul & Jeanne Lundquist

**SITE ADDRESS:** 15125 Co Rd 40

**PERMIT TYPE:** Mining and/or Land Reclamation

**PURSUANT TO:** County Code, Chapter 152, Section(s) 152.081 and 152.082

**LEGAL DESCRIPTION:** See attached Exhibit "A"

**PARCEL #:** 04-035-0400

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

**WHEREAS**, the Carver County Planning Commission finds as follows:

1. WM. Mueller & Sons, Inc. (WMS) currently operate the Lundquist Sand and Gravel Mine (Lundquist Mine) under a lease agreement of an approximate 20-acre area from the Lundquist family for mining purposes. The Lundquist property (approximately 154 acres) is located in the Northeast Quarter (NE¼) of Section 35, Dahlgren Township. The property is improved with an existing farmstead (i.e. house and associated buildings), agricultural land, an unnamed DNR Protect Wetland (10-40W), an existing pipeline easement (i.e. Northern Natural Gas) and the current gravel mining activity (#PZ20070005). The site is also located in the Agricultural Zoning District, Transition Overlay District for the City of Carver, and the CCWMO (Bevens Creek watershed).
2. On April 10, 2007, Conditional Use Permit (CUP #PZ20070005) was issued to WMS for the mining of aggregate on the property and further terminated and superseded their initial mining permit from 2003 (CUP #PZ20030068). That permit allowed the processing of Class 5 material which was utilized on the MN State Hwy 212 and CSAH 10 projects which were completed Fall/Winter of 2008. After the projects were completed, the processing activity taking place on the Lundquist site would cease, and the mining activity would continue to operate under the previously approved conditions. The amount of material (sand & gravel) excavated and hauled from the site was approved for up to a maximum of 50,000 cubic yards per year.
3. WMS is requesting an Interim Use Permit (IUP) for the expansion of their existing Lundquist mine activities pursuant to Section 152.081 and 152.082 of the Carver County Zoning Code. Upon issuance of the IUP, WMS would purchase the portion of the Lundquist property which is proposed for the mining activity. The request would encompass an approximate 103 acres and allow for the expansion to the existing impacted area over time, while establishing ultimate mine limits, phasing and reclamation plans, revision of the hours of operation, include the potential for processing and recycling as permitted activities and removing limitations of production levels. The project is anticipated to operate for 15-20 years or more. The timeline of the mine would be dependent on market demand as well as the timing of the eventual completion of mining at the Carver Mine located at 14060 County Road 40 in Dahlgren Township. The previously approved Conditional Use Permits (#PZ20070005, Document #A462015 and #PZ20030068, Document #A375653) for mining activities would terminate upon the approval of the new IUP (#PZ201900043).

4. Pursuant to the MN Rules for Environmental Review of Nonmetallic Mineral Mining projects, Carver County Land Management, acting as the Responsible Governmental Unit (RGU), prepared the mandatory Environmental Assessment Worksheet (EAW) for the 103-acre WMS mining expansion project. The EAW process concluded on October 8, 2019, with Carver County Board of Commissioners Resolution No. 79-19 declaring a negative declaration on the need for an Environmental Impact Statement (EIS); therefore, allowing for the IUP process to commence. The State Archaeologist recommended that a qualified archaeologist conduct a survey to determine if the project could damage unrecorded archaeological sites based on the adjacent unnamed lake to the southwest. During the November 19, 2019, Planning Commission meeting, the applicant indicated a Phase I archeological survey over the site has been completed and the results have been submitted to the State Archaeologist and the State Historic Preservation Office for further review. It has further been noted, the Permittee is prepared to follow the recommendations of the Phase I survey results.
5. The applicant's engineer, Sunde Engineering, has provided the IUP application, supporting documentation and site plans for the IUP request. The subject site has been operated primarily to supply material to WMS's existing sand and gravel operation located approximately 1¾ miles to the northeast (Carver Mine). The Carver Mine is located in an area of increasing development activity; therefore, the proposed request could shift a portion of the extraction, processing activity, and sales from the Carver Mine directly to the Lundquist Mine location to reduce the amount of extra hauling activities on Co Rd 40. WMS would like to make modifications to the current CUP by removing the existing permit cap of 50,000 cubic yards of materials permitted to be mined per calendar year, change the current hours of operation, and allow for the stockpiling of processed and recycled materials to be utilized at the Carver Mine. Based on the submitted permit application, the applicant's request appears to meet standards for an IUP pursuant to Section 152.082 of the Carver County Zoning Code. The impacted operational area would not exceed 35 acres at any given time and primarily involve mining, processing and stockpiling activities. The new hours of operation would be from 7:00 a.m. to 7:00 p.m. Monday through Saturday, whereas the previous hours ended at 4:00 p.m. Monday through Friday. No work would be done on Sundays or federal holidays, unless for emergency related purposes (i.e. flooding, etc.).
6. The proposed changes would potentially shift processing and selling of some materials from the Carver Mine to the subject property but would not significantly change peak hourly rates of traffic. The consultant engineer, Sunde Engineering, has provided traffic study narrative, showing the average daily trips (ADT) based on the use of the mine from the past four years (2014-2018) were 176 per day, with a peak of 270 ADT. ADT generation was based on the average of 19 tons per load and with hauling occurring on 180 days per year. Future ADT projections assume an increase to reflect an increase in market demand for aggregates and the shifting of production activities from the Carver Mine to the Lundquist Mine. The future estimate total ADT generated for the site is based on average production levels and would be proposed to be 402.
7. Materials would be processed at the floor of the mine to mitigate the noise and dust created by crushing, washing, and screening. After washing the materials, the water would be treated and would not be discharged offsite. Clean water would be reused in the wash plant. Construction equipment on-site would consist of front-end loaders, backhoes, excavators, scrapers, bulldozers, skid steers, mine trucks and water trucks. Processing equipment on-site may include: crushing and screening plants, wash plant, conveyors, stackers and other ancillary equipment, as well as other equipment as needed.
8. The applicant has requested the ability to allow for the recycling of concrete and aggregate. When 40,000-45,000 tons of materials is accumulated, it would be crushed and blended with native materials on the site. Some of the recycled materials would be hauled to the Carver Mine. At this time, the application does not include a request to operate an asphalt plant; therefore, if the future asphalt production is desired, an amendment and formal review/approval would be required.

9. The pit would be expanded in phases ranging from five acres to 22 acres radially from the already mined area as shown on the attached site plan. The maximum operational area would consist of 35 acres for mining, processing and stockpiling, at any given time. Mining activity would maintain a 50-foot setback from property lines and the road right-of-way and a 500-foot setback from all homes existing at the time of application of the IUP. Reduced setbacks for adjacent residences would require the approval of a variance from the 500-foot setback standard. Prior to mining within 200 feet of the Northern Natural Gas (NNG) pipeline locations in the northeast corner of the property, pipeline locations would be field verified, and appropriate slopes maintained for slope stability and support of the pipeline. The estimated depth of aggregate materials is from two to 20 feet below the water table. The depth of extraction would be at its maximum 25-35 feet to the water table and 10-15 feet excavation below the water table.
10. The operational area(s) would be screened with berms (i.e. topsoil material from the site) around the perimeter of the mining phase. Topsoil would be scraped off and utilized a part of the screening berms, and clean fill material would be hauled back to the site to help reclaim mined areas. Once reclamation is completed the topsoil material would be re-applied to create agricultural production land and at a depth required pursuant to the Zoning Code and/or CCWMO, whichever is more restrictive. The berms would be shaped, seeded and mulched to establish vegetation. SWCD would continue to provide technical assistance on these matters. The applicant included a reclamation plan which would include grading at a 5:1 slope for land which is similar topography to the neighboring parcels as well as standards for the reclamation. During the November 19, 2019, Planning Commission meeting the applicant stated, they would provide perimeter site screening (i.e. vegetative berming) along Halsey Avenue at the easterly portion of the property. All berming activities would be reviewed and approved by the Carver County Land Management Department and through the CCWMO's permitting process. It would be the responsibility of the property owner to maintain the berms vegetative cover for the duration of the IUP.
11. The proposed mine expansion is expected to continue utilizing the existing access on Country Road 40 once expanded. Currently, the access location to the site on County Road 40 has been upgraded to a bituminous entrance leading down to the mining activity. The Public Works Department has met with the applicant, received the application materials and in response, submitted a memo (attached) dated November 6, 2019, detailing their requirements for the site. The applicant noted a follow-up meeting on November 13, 2019, had taken place between County Public Works staff, County Land Management staff, and WMS owners/representatives to further clarify the County Public Works memo standards. It appears Public Works' position has changed and would require an access acceleration lane to be constructed for north bound traffic, and an expansion to the existing by-pass lane for south bound traffic. All road improvements would be constructed at the expense of WMS and pursuant to County's standards. Public Works would also require a 110-foot setback for all site related items to accommodate potential future expansion of the roadway. The applicant would be required to secure an access permit from the road authority, which would include a grading plans, cross sections of CSAH 40, as well as provide descriptions on the site improvements, design and schedule, etc.
12. A Carver County Water Management Organization (CCWMO) Permit is required and Stormwater Management standards would need to be met for the reclamation of all aggregate mining areas. The applicant would need to secure a permit with the Planning and Water Management Department in order to establish an appropriate restoration phasing plan. Erosion control and stormwater permits have been submitted to the CCWMO. During the preliminary review of the application submitted, the CCWMO commented (full document is attached) on the financial security of \$25,000, topsoil depth requirements for restoration and preservation, identification of potential wetland or surface water impacts, and links from the restoration plan to the water rules permit and topsoil management.
13. Jason Godwin, Northern Natural Gas Representative, has reviewed the request and provided comments via an email memo (dated: November 11, 2019). NNG does not object to this proposed expansion in principle. However, they would like to make the County aware that NNG does operate two-high pressure natural gas transmission pipelines which traverse the area of proposed expansion. NNG also operates a very short connector line, and natural gas distribution station at this location which requires them to hold a 100-foot wide pipeline easement and a 40' x 15' regulator station easement. NNG stated, "Northern must insist that no development of any mining or sand and gravel

pit operations be allowed to be developed within the boundaries of these easements. Northern would also ask the County to consider the following additional concerns that Northern has as this mining project moves forward:

- (1) Northern will require the mine operator to obtain written permission from Northern in the event that any blasting is to occur within 1,000 feet of Northern’s facilities.
- (2) Northern will require the mine operator to obtain written permission from Northern any time that they wish to drive overweight equipment or vehicles over Northern’s pipelines.

Northern asks that the County take this comment under advisement as this project moves forward.”

- 14. During the November 19, 2019, Planning Commission meeting, the Planning Commission discussed and recommended adding/clarifying condition #2 under General Requirements to include; a change in ownership and/or exhaustion of the aggregate mining shall be cause for permit termination; however, Permit #PZ20190043 shall not be terminated until all reclamation areas have been completed to the satisfaction of the approved CCWMO permit and Zoning Code standards.
- 15. During the November 19, 2019, Planning Commission meeting, the Commission directed the applicant to work with the County Public Works Department on creating a tracking plan to further help reduce material on CSAH 40. The applicant has agreed to work with the County Public Works Department as part of their access improvement permitting process.
- 16. The Dahlgren Town Board reviewed and recommended approval of the request during their October 14, 2019, Town Board meeting.
- 17. 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 Interim Use Permit #PZ20190043 for a mining operation on the land described in Exhibit “A” of the permit application. The Planning Commission further recommends the previous Conditional Use Permit(s) (#PZ20070005, Document #A462015 and #PZ20030068, Document #A375653) for mining activities be terminated, and the following conditions be attached to the permit:

**GENERAL REQUIREMENTS:**

- 1. The Permittee agrees to defend, indemnify and hold harmless the County, its officers and employees against any and all liability, loss, costs, damages and expenses which the County, its officers or employees may hereafter sustain, incur, or be required to pay arising out of the certificate holder’s performance or failure to adequately perform its obligations pursuant to this permit, or arising out of a dispute as to the ownership of the property.
- 2. The permit is subject to compliance review. The Interim Use Permit is issued to WMS. The permit allows for extraction limited by the 35-acre operational area at any one time and it is not transferable to another property owner and/or allowed for leasing activity. A change in ownership and/or exhaustion of the aggregate mining shall be cause for permit termination; however, Permit #PZ20190043 shall not be terminated until all reclamation areas have been completed to the satisfaction of the approved Carver County Water Management Organization (CCWMO) permit and Zoning Code standards.
- 3. A Minor Subdivision application shall be submitted and approved prior to the recording of any deed(s). The parcel(s) shall be subdivided in accordance with the Zoning Code requirements, including but not limited to, a survey and primary septic location for the exiting house.
- 4. WMS would conduct a Phase I archeological survey over the site, and no expansion of the mining area would be allowed until the survey is completed and the results are submitted to the State Archaeologist and the State Historic Preservation Office. The Permittee would further follow the recommendations of the Phase I survey.

5. The Permittee shall comply with all road authority access requirements (i.e. acceleration lane and by-pass lane), as determined by the Carver County Public Works Department. The Permittee may be required to obtain Co Rd 40 access approval, maintain agreement for the mining access, tracking plan, and required signage according to County Public Works' requirements. Mining and/or similar disturbance near the public right-of-way, shall be conducted in accordance with the County Public Works permit review and/or approval standards.
6. A Grading Plan (including restoration), Erosion/Sediment Control Plan and Stormwater Management Plan shall be prepared and implemented in accordance with the CCWMO Water Management guidelines and the Wetland Conservation Act (WCA) before mining commences, if applicable. Any and all site improvements shall be completed pursuant to Chapter 153 – Water Resource Management. Permittee shall obtain a National Pollutant Discharge Elimination System (NPDES) permit as required by the Minnesota Pollution Control Agency (MPCA).
7. The Permittee shall always comply with the County standards as detailed in Chapter 152 – Zoning Code and Chapter 154 – Sign Regulations. The Permittee shall not exceed the allowed square footage of signage per property. Any proposed signage within public road right-of-way shall be approved by the local Road Authority.
8. Please notify SWCD and/or the Carver County Land Management Department 24 hours prior to beginning any processing activities. (The Carver SWCD will be monitoring the site and the County will be enforcing implementation of the erosion and sediment control measures.)

**OPERATIONAL REQUIREMENTS:**

*These requirements combined with the Site/Operational Plan shall govern the mining operation.*

1. The mining activity shall operate in accordance with the submitted application and supporting documentation (dated: September 30, 2019), Phasing Site Plan (dated: 9/26/2019), approved site plan(s) (dated: September 30, 2019 and November 4, 2019), any/all CCWMO permit approval(s) (i.e. stormwater infiltration, BMPs and site reclamation), and any/all Carver County Public Works access requirements/right-of-way standards. 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 mining activity shall be operated and maintained in accordance with the Carver County Zoning Code (i.e. screening, noise mitigation, etc.). These plans shall be attached to and be considered part of this permit.
2. The hours of operation shall be from 7:00 a.m. to 7:00 p.m. Monday through Saturday. Mining shall not occur on Sundays or Federally observed holidays. All truck hauling shall cease if East Union Lutheran Church has a function (i.e. wedding, funeral, etc.). The construction equipment located on-site includes, but is not limited to: front-end loaders, backhoes, excavators, scrapers, bulldozers, skid steers, mine trucks and water trucks. Other processing equipment may include: crushing and screening plants, wash plant, conveyors, stackers and other ancillary equipment.
3. The operations shall be conducted so that the required material can be removed while disturbing a minimal area and to permit restoration at the earliest possible time. The operational area for mining, processing, and stockpiling shall not exceed 35 acres at any time.
4. The Permittee shall confine mining operations as much as possible to one area at a time or to the minimum area required to obtain the proper materials required for blending. Exploration may be conducted in unmined areas, but actual mining shall consist only under the conditions of this permit. Exploration shall consist only of boring or excavation required to determine extent and quality of the resource; material disturbed during exploration shall not be processed or removed until actual mining has begun.
5. Existing drainage patterns shall not be altered if possible; if alteration is unavoidable, the alteration shall not adversely affect surrounding properties and/or cause erosion or sedimentation. 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.

6. The Permittee is subject to any/all easement agreements with adjacent property owners.
  - A. Northern Natural Gas (NNG) is the holder of a 100-foot wide pipeline easement and a 40' x 15' regulator station easement. No development of any mining or sand and gravel pit operations shall be allowed to be developed within the boundaries of these easements.
  - B. WMS must obtain written permission from NNG in the event that any blasting is to occur within 1,000 feet of NNG facilities.
  - C. WMS must obtain written permission from NNG any time that they wish to drive overweight equipment or vehicles over NNG pipelines.
7. The Permittee shall submit to the Land Management Department quarterly tonnage calculations, in order to document all aggregate material(s) removed from the site.
8. Vertical faces shall be kept to a minimum except during the actual mining operation and pursuant to the County Zoning Code. Mining below the water table shall only be allowed pursuant to MPCA, Minnesota Department of Natural Resources (MnDNR), and/or any other State or Federal approval.
9. Stockpiles and restored areas must be seeded, and disc mulched within 72 hours of final grading. Weeds and other unsightly vegetation shall be cut and/or sprayed as necessary to present a neat appearance and to prevent seeding of adjacent properties.
10. All storage of equipment and materials used in the operation shall be kept within the interior of the mining area to minimize visual exposure to areas outside the mining area. Screening (i.e. vegetated berms) shall be implemented according to the approved operational plan and site plan(s) as pursuant to IUP application and the CCWMO application. It shall be the responsibility of the property owner to maintain the berms vegetative cover (i.e. screening) for the duration of the IUP.
11. If internal access roads are used to the extent that dust becomes a problem for surrounding properties, the access roads shall be treated with water or other similar dust control measures. Waste oil SHALL NOT be used.
12. Noise pollution shall be kept to the requirements/standards of the Minnesota State Statute Chapter 7030.
13. No trash, garbage, waste, construction debris, or other similar materials shall be deposited in or near the permitted area.
14. The 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.

**RESTORATION REQUIREMENTS:**

1. The design of the restored areas must be according to standards of the Zoning Code and the CCWMO Water Management Rules. To the extent possible, restoration shall be staged such that the exhausted phases of the operation are stabilized and have established turf. Said design may be subject to revisions and modifications by the Land Management Department and Carver SWCD.
2. The Permittee must maintain existing vegetation wherever possible and implement erosion control as required by the CCWMO Rules permit. The Permittee is responsible for obtaining a CCWMO Permit regarding stormwater management and site reclamation of all aggregate mining areas. If a CCWMO Permit is not obtained within six (6) months of the County Board's approval, PZ20190043 shall be suspended until the appropriate permit is obtained. A financial security of \$25,000.00 for erosion control/restoration shall be held by the County for the duration of the project/permit.



- 3. Topsoil and overburden required for restoration shall be maintained and shall be preserved from erosion or other loss. Only material necessary for restoration may be hauled to the site. Said material shall be incorporated into site restoration immediately or stockpiled according to the site plan.

**PERFORMANCE SECURITIES & INSURANCE REQUIREMENTS:**

- 1. The Permittee shall provide a performance security in a form acceptable to the County, naming the County as obligee. The security shall be drafted to be effective for at least three months after the annual anniversary dated of this point.
- 2. PERFORMANCE SECURITY REQUIRED FOR THIS PERMIT - **\$50,000.**
- 3. The conditions of the surety shall be that if the Permittee fails to conform to any of the conditions or requirements of this permit or for any reason ceases to operate the facility in accordance with the provisions of this permit and the County is required to expend monies, labor, or material to bring the operation into conformance with the permit or to perform restoration as provided in this permit due to non-performance by the Permittee, the County may utilize the performance security for reimbursement for any and all expenses incurred to remedy such failure of the Permittee.
- 4. The obligor and their sureties hereby indemnify and save the County harmless from all losses, costs, and charges that may occur to the County because of default.
- 5. Permittee shall submit a Certificate of Insurance with coverage provided by an insurance company duly licensed by the State of Minnesota indicating that the Permittee has in force coverage for General Liability, Automobile Liability, Loading and Unloading, Completed Operations Liability, Explosion and Collapse of Underground Operations Liability including a minimum limits of liability in the amount of \$2,000,000 for any one occurrence. The Certificate of Insurance shall include Workers' Compensation Insurance or Permittee shall sign an appropriate affidavit regarding employee status and submit it to the Land Management Department. The Insurance Certificate(s) described above shall carry an irrevocable notice to the County by the carrier 30 days prior to any change, modification, lapse, or cancellation of the policies required.
- 6. Insurance coverage required above shall be kept in effect for the duration of the permit. If the permit is to be terminated, insurance shall be maintained until the completion of restoration and return of the performance security.
- 7. The Permittee shall submit a copy of Worker's Compensation Insurance to the Carver County Land Management Department annually.

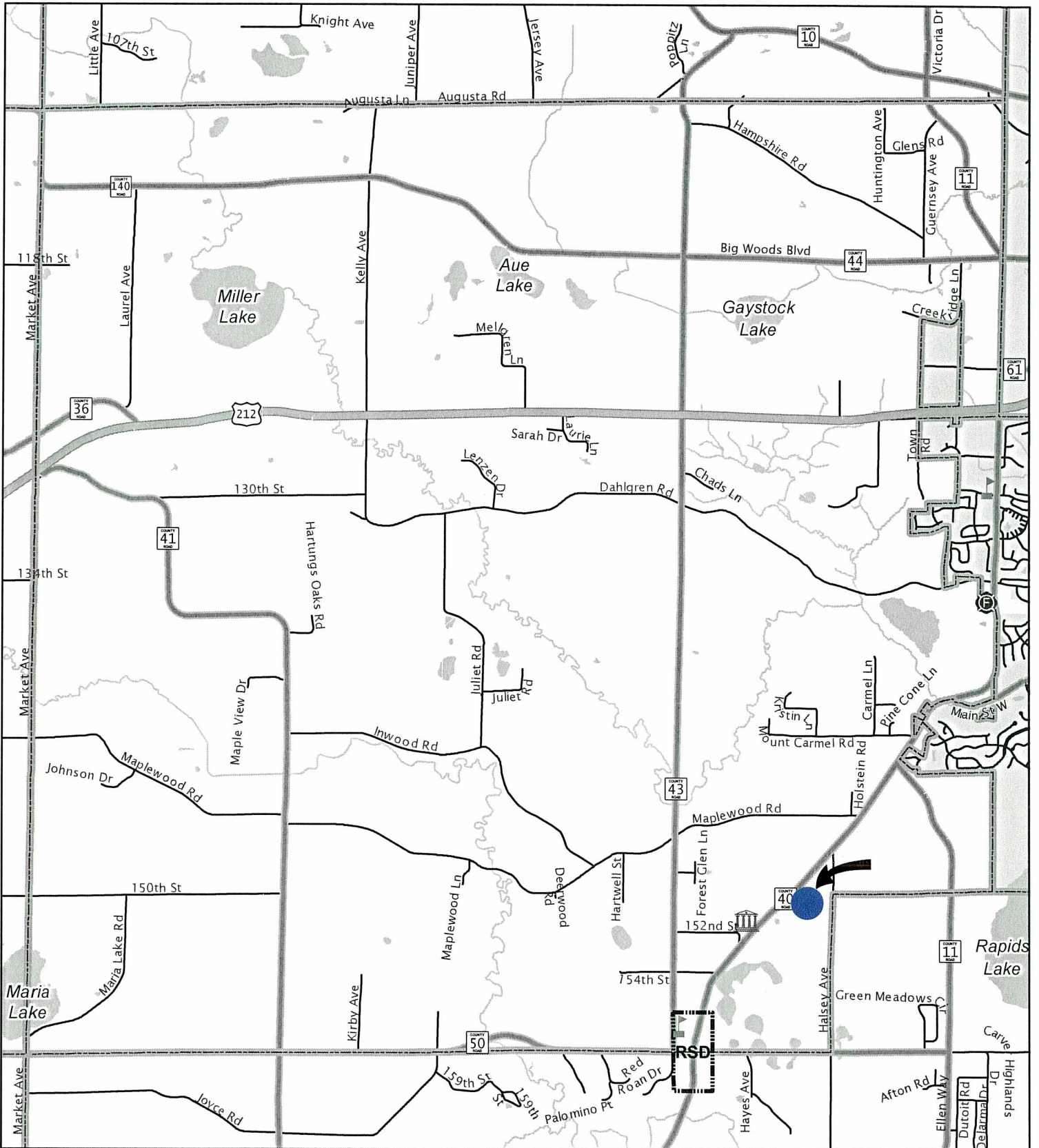
**ADOPTED** by the Carver County Planning Commission this 19<sup>th</sup> day of November, 2019.

DocuSigned by:

*Jim Burns*

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 Jim Burns, Chair  
 Carver County Planning Commission

# DAHLGREN 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.

