

Carver County Board of Commissioners
 Regular Session
 May 1, 2007
 County Board Room
 Carver County Government Center
 Human Services Building
 Chaska, Minnesota

PAGE

9:00 a.m.

1. a) **CONVENE**
- b) *Pledge of Allegiance*
- c) *Introduction of New Employees*
2. Agenda review and adoption
3. Approve minutes of April 24, 2007, Regular Session 1-3
4. Public participation (Comments limited to five minutes)
5. Community announcements

9:05 a.m.

6. **CONSENT AGENDA**
- 6.1 Payment of emergency claim 4
- 6.2 Administrative permit for Watertown Wings Soccer Club ... 5-9
- 6.3 Stephen Rademacher-request for an accessory structure 6-13
- 6.4 Craig Peterson-request for a accessory structure..... 14-17
- 6.5 Andrew Kleindl-request for two accessory structures..... 18-21
- 6.6 Pete Vickermann-request for a contractor's yard 22-27
- 6.7 William McDonald-request for recreational activity 28-32
- 6.8 Contract amendment to the MPCA organics grant 33-34
- 6.9 Yamaha Rhino Law Loan Program..... 35-36
- 6.10 Minnesota Immunization Information Connection User
 Agreement..... 37
- 6.11 Professional services agreement with Gary L. Fischler and
 Associates P.A..... 38
- 6.12 2007 crack sealing agreement 39
- 6.13 Wash bay exhaust make up air at PWHQ 40-41
- 6.14 Tobacco license..... 42-43
- 6.15 Community Social Services' warrants NO ATT
- 6.16 Commissioners' warrants..... SEE ATT

9:05 a.m.

7. **PUBLIC WORKS**
- 7.1 Dakota Regional Trail Master Plan 44-47

9:30 a.m.

ADJOURN REGULAR SESSION

BOARD REPORTS

9:30 a.m.

1. Chair
2. Board Members
3. Administrator

10:00 a.m.

4. Adjourn

David Hemze
County Administrator

REGULAR SESSION
April 24, 2007

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on April 24, 2007. Chair Gayle Degler convened the session at 9:00 a.m.

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

Members absent: James Ische.

Chair Degler explained Vice Chair Ische would be absent today as he was attending his mother-in-law's funeral.

Workman moved, Lynch seconded, to approve the agenda. Motion carried.

Lynch moved, Degler seconded, to approve the minutes of the April 10, 2007, Regular Session Motion carried.

Community announcements were made by the Board.

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

Payment of emergency claim to Minnesota State Treasurer in the amount of \$1,294.72.

Accepted proposals for refuse and recycling as outlined and directed staff to provide contracts for Evergreen Sanitation, TCW and Waste Management and accepted two one year options.

Contracts for 2007 special waste collection events with Greenman Technologies of Minnesota, Inc., J.R.'s Appliance Disposal, Inc., Asset Recovery Corporation and Retrofit Recycling, Inc.

Service agreement with Green Line Products for the purchase of backyard compost bins.

Approved the following tobacco licenses:

License #10-615, Parker Tannin's.

License #10-616, TT&K, Inc. d/b/a Carver Liquor

Authorized the Sheriff's Office acceptance of \$500 donation from Custom Fab Solutions.

Set May 22, 2007, at 2:00 p.m. as the date and time for opening of bids for furnishing bituminous material for seal coating.

Approved jet ski loan program with Cities Edge Motor Sports.

Appointed Eric Evenson to the Water, Environment and Natural Resource Committee to fill an unexpired term.

Community Social Services' actions.

Approved payment of the following Commissioners' warrants:

INSERT

Motion carried.

Commissioner Maluchnik pointed out the appointment of Eric Evenson to the WENR Committee as part of the consent agenda and noted his appearance at today's meeting. Eric Evenson stated he looked forward to serving on the WENR Committee and thanked the Board for the opportunity to serve on the Committee. He explained he has lived in the County for 18 years and had a background in environmental resource management.

Martin Walsh, Parks, appeared before the Board to request approval of agreements with the Cities of Chanhassen and Shorewood to create an off leash dog area at Lake Minnewashta Regional Park. He noted this was a collaborative effort between three units of government that would create 17 acres of an off leash dog area in the Park.

Chanhassen Park Commission members Glenn Stolar, Steve Scharfenberg and Jeff Daniel stressed the need for an off leash area and noted the support from the community. They stated they were excited about the project and thanked the Board for the opportunity for them to partner.

Walsh noted the financial contributions of the Cities assisted them in advancing the project. He explained the location of the off leash area would be in the northeast quadrant of the Park and in an area that is underutilized. He indicated there would be parking for 20 vehicles and the off leash area would be fenced. He clarified dogs would still be allowed on a leash in other parts of the Park. He stated the County would provide the labor to construct and the ongoing operations and maintenance.

Workman offered the following Resolution, seconded by Degler:

Resolution #35-07
Approving and Authorizing Execution of
Cooperative Agreements Between
Carver County and the City of Chanhassen and
City of Shorewood for Participation in the Off Leash
Dog Area within Lake Minnewashta Regional Park

On vote taken, all voted aye.

This motion also approved related Parks budget amendment increasing intergovernmental revenue \$40,000 and increasing land improvement expenditures \$40,000.

Robert Hendricks, Assistant County Attorney, explained the Board was being asked to hold a closed session pursuant to Minnesota Statute 13D.05 Subd. 3 and identified the property that is subject to the closed session as PID 70180300, 8155 Paradise Lane.

Present for the closed session were Gayle Degler, Tim Lynch, Randy Maluchnik, Tom Workman, David Hemze, Martin Walsh and Robert Hendricks.

Workman moved, Lynch seconded, to go into closed session. Motion carried.

The Board adjourned the closed and Regular Session.

David Hemze
County Administrator

(These proceedings contain summaries of resolutions. The full text of the resolutions are available for public inspection in the office of the county administrator.)



CARVER
COUNTY

Office of Controller
Carver County Government Center
Administration Building
600 East Fourth Street
Chaska, Minnesota 55318-2158
Phone (952) 361-1508
Fax (952) 361-1541
Email fboethin@co.carver.mn.us

265268

AUTHORIZATION

PAYMENT OF EMERGENCY CLAIM

Motion passed by the Board of County Commissioners at their February 24, 1987 meeting has authorized the issuance of a check upon the consensus of the Chairman of the Board, County Administrator and the County Attorney (with minimum of two).

VENDOR: Jennifer Wiitala

ACCOUNT: 6379

AMOUNT: \$193.38

REASON: Reimbursement for travel expenses -
witness on criminal hrg.

Department Head Signature: Kari Myrdal

Chairman of the County Board

County Administrator

County Attorney

Date: 4/17/07

Dave Hemze
Dave Hemze

Michael A. Fahey
Michael A. Fahey



REQUEST FOR BOARD ACTION

AGENDA ITEM: Administrative Permit for Watertown Wings Soccer Club

Originating Division: Land & Water Services

Meeting Date: May 1, 2007

Amount of Time Requested: None

Attachments for packet: Yes No

Item Type: Consent Regular Session Closed Session Work Session Ditch/Rail Authority

BACKGROUND/EXPLANATION OF AGENDA ITEM:

File #A20070105. This request is for an Administrative Special Event Permit to allow the Watertown Wings Soccer Club to conduct practices and games on the property of Rob and Linda Berg, at 1890 Sally Ave, Watertown Twp. Other playing fields are not available due to construction work at several schools in Watertown. Games and practices would be played in the evenings Monday through Thursday from May 1 to July 10, 2007. Access to the soccer fields would be from Co. Rd. 20, and traffic is predicted to be 15 to 25 cars dropping off and picking up children. A parking area, satellite bathroom, and trash disposal are indicated on the site plan. Watertown Township has approved the event. The permit application has been reviewed by Carver County Public Works, Carver County Sheriff's Office, and Carver County Risk Management Department, and conditions have been included on the permit that address all of their comments/concerns.

ACTION REQUESTED: A motion to allow the issuance of a Certificate of Zoning Compliance (#A20070105).

FUNDING

County Dollars = \$-0-
Other Sources & Amounts = -0-
= \$
TOTAL = \$-0-

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments:

Reviewed by Division Director 

Date: 4/19/2007

COUNTY OF CARVER
CERTIFICATE OF ZONING COMPLIANCE

FILE/CERTIFICATE # A20070105

DATE ISSUED: May 1, 2007

TYPE OF CERTIFICATE: Soccer Club practice/games on Berg Property

This permit certificate is issued for Wings Watertown Soccer Club to hold practices and games during the evenings Monday through Thursday, of May 1 – July 10 in 2007. The activities will take place on the Rob & Linda Berg property which will be located in Hollywood Township as described in the application. The event shall take place in accordance with the conditions listed on this permit and in accordance with Chapter 152, Section 152.074 B6 of the Carver County Code. **This certificate is issued to:**

Wings Watertown Soccer Club
C/O Jennie Menke and Rob & Linda Berg
1980 Sally Ave.
Watertown, MN 55388

And is not transferable to another person or to another parcel of property.

Purpose of Certificate: To certify that the permittee and/or organization to which this certificate is issued is permitted and authorized to hold soccer practices at the Berg property. The event shall take place in Hollywood Township in accordance with the conditions listed on this permit and in accordance with Chapter 152, Section 152.074 B6 of the Carver County Code.

THE FOLLOWING CONDITIONS ARE ATTACHED AND MUST BE COMPLIED WITH:

1. The Permit is valid only for Monday through Thursday evenings, May 1 through July 10, 2007.
2. The event must be conducted in accordance with the Operational Plan & Site Maps attached hereto.
3. A stop sign shall be installed at the end of the driveway to stop vehicles prior to entering Co Rd 20.
4. There shall be at least one (1) bathroom satellite on the site throughout the soccer season.
5. The sponsors are responsible to clean up all excess trash and litter during and after the event.
6. Permittee shall contact Jason Kamerud of the Carver County Sheriff's Office no later than May 2, 2007 to discuss security, traffic and other related issues and will be required to contract with the Sheriff's Office for off-duty law enforcement coverage at the event if determined necessary by the Sheriff's Office.
7. Emergency vehicle access must be provided within the activity areas of the event.

8. Parking shall be provided on-site. Parking for this event is not allowed on Co Rd 20.
9. Permittee shall contact Land Management Office prior to any events held outside the purview of this permit.
10. Permittee shall sign the Carver County Waiver of Liability form at the time of signing the permit.

Sharon Wheeler
Carver County Planning Technician

THIS CERTIFICATE IS ISSUED FOR MONDAY THROUGH THURSDAY EVENINGS, MAY 1 THROUGH JULY 10, 2007, AND IS NOT EFFECTIVE UNTIL SIGNED:

I HAVE READ THE ABOVE CONDITIONS AND AGREE TO FOLLOW THEM. I REALIZE THAT FAILURE TO ABIDE BY THE CONDITIONS IS A VIOLATION OF THE ZONING ORDINANCE. I AGREE THAT THE ZONING ADMINISTRATOR OR A DESIGNATED REPRESENTATIVE MAY ENTER UPON THE SUBJECT PROPERTY TO CHECK FOR COMPLIANCE OR FOR REVIEW PURPOSES. I ALSO UNDERSTAND THAT THIS IS NOT A BUILDING PERMIT AND THAT OTHER PERMITS MAY BE REQUIRED.

Signature of Certificate Holder

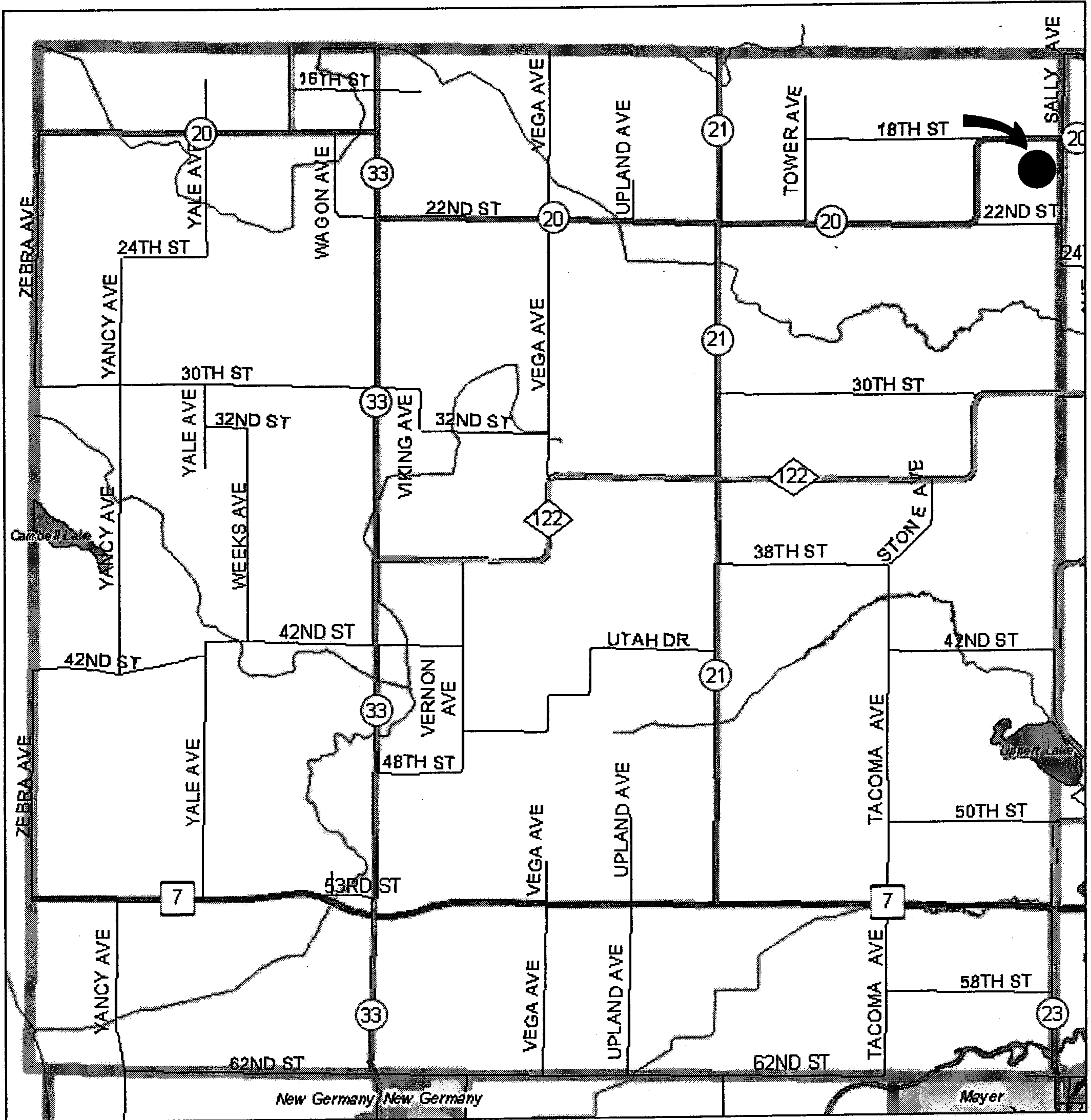
Date

Attached To:

***Property outlined in attached site plans,
And PID #06-001-0300***

The North Half of the Southeast Quarter of Section 1, Township 117, Range 26, Carver County, Minnesota, EXCEPTING the North 330' of the East 330' thereof.

Hollywood Township



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Map Created by Carver County GIS
Apr 21, 2005



REQUEST FOR BOARD ACTION

AGENDA ITEM: Stephen Rademacher - request for an accessory structure

Originating Division: Land Water Services

Meeting Date: May 1, 2007

Amount of Time Requested: None

Attachments for packet: Yes No

Item Type: Consent Regular Session Closed Session Work Session Ditch/Rail Authority

BACKGROUND/EXPLANATION OF AGENDA ITEM: File #PZ20070017. The Planning Commission recommended approval of the Conditional Use Permit for Stephen Rademacher. The applicant built a one-vehicle portable metal storage structure in Fall 2005 after being told by the manufacturer that no permits were necessary. The applicant has submitted a building permit application to the Land Management Office. The total personal storage area on the property would be approximately 3,450 sq. ft. The Benton Town Board recommended approval of the request.

ACTION REQUESTED: A motion to adopt the Findings of Fact and to issue Order #PZ20070017 for the issuance of a Conditional Use Permit

FUNDING

County Dollars = \$-0-
Other Sources & Amounts = -0-
= \$
TOTAL = \$-0-

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments:

Reviewed by Division Director

Date: April 19, 2007

COUNTY OF CARVER
PLANNING COMMISSION RESOLUTION

FILE #: PZ20070017

RESOLUTION #: 07-10

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

FILE #: PZ20070017

APPLICANT: Stephen Rademacher

OWNER: Stephen Rademacher

SITE ADDRESS: 11970 Market Ave, Cologne

PERMIT TYPE: Accessory Structure

PURSUANT TO: County Code, Chapter 152, Section(s) 152.073 A2 & 152.077 A1

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 01-012-1110

WHEREAS, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meeting of April 17, 2007; and,

WHEREAS, the Carver County Planning Commission finds as follows:

1. 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.
2. Stephen and Barbara Rademacher own a 2.03 acre parcel located in the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 12, Benton Township. The property is improved with a home, an attached garage, and two accessory structures. The property is located in the Agricultural Zoning District and the CCWRMA (Carver Creek).
3. The applicant is requesting a Conditional Use Permit (CUP) to allow a previously constructed accessory structure (378 sq. ft.) pursuant to Section 152.073 A2 and 152.077 A1 of the Carver County Zoning Code.
4. The applicant built the portable 18' x 21' metal structure in Fall 2005 without building permits after being told by the manufacturer that building permits were not needed for this type of structure.
5. The total amount of storage space on the property including this building is 3,450 sq ft, which is 450 sq ft more than what the Zoning Code allows without a Conditional Use Permit on parcels of this size.
6. The applicant's letter states the accessory structure is being used to store his son's car and that the sole purpose of the building is for personal storage of vehicles. There is no heat, electricity, or running water in the structure.
7. The applicant received Conditional Use Permit #10668 in 1997 for an oversized accessory structure for the 40' x 60' machine shed.
8. The applicant has submitted a building permit application to the County for this structure.
9. The Benton Town Board reviewed the request and recommended approval at their April 12, 2007 Town Board Meeting.

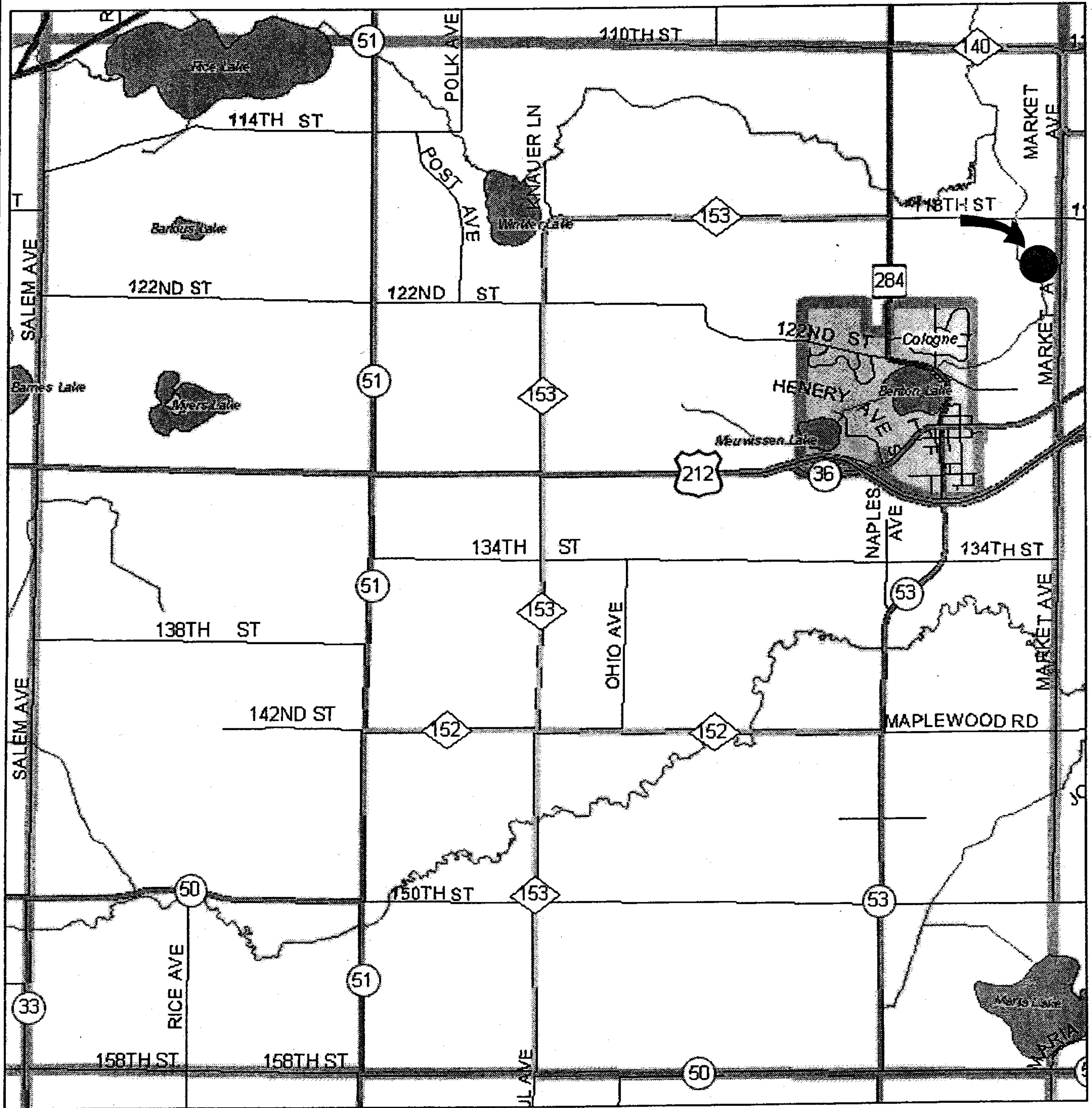
THEREFORE, BE IT RESOLVED, THAT The Carver County Planning Commission hereby recommends the issuance of the subject permit on the land described in Exhibit "A" of the permit application. The Planning Commission further recommends that the following conditions be attached to the permit:

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. This structure shall be used only by the occupant(s) of the residence for personal storage, hobbies, recreation, entertainment, family uses, private maintenance and repair activities, and as otherwise regulated by this Ordinance. Guest quarters and/or additional dwelling units are strictly prohibited. No products or services shall be offered for sale or pay or similar remuneration except as permitted for a home occupation or as otherwise regulated by this Code.
3. The accessory structure shall meet all building code requirements.

ADOPTED by the Carver County Planning Commission this 17th day of April, 2007.

Gene Miller
Planning Commission Vice-Chair

Benton Township



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Map Created by Carter County GIS
Apr 21, 2005



REQUEST FOR BOARD ACTION

AGENDA ITEM: Craig Peterson - request for an accessory structure

Originating Division: Land Water Services

Meeting Date: May 1, 2007

Amount of Time Requested: None

Attachments for packet: Yes No

Item Type: Consent Regular Session Closed Session Work Session Ditch/Rail Authority

BACKGROUND/EXPLANATION OF AGENDA ITEM: File #PZ20070014. The Planning Commission recommended approval of the Conditional Use Permit for Craig Peterson. The applicant proposed building a 1,920 square foot accessory structure to use for his car restoration hobby, as well as personal storage for items such as a camper, a trailer, and fish houses. The building would be cold storage only. The total personal storage area on the property would be approximately 4,464 square feet. The Dahlgren Town Board recommended approval of the request.

ACTION REQUESTED: A motion to adopt the Findings of Fact and to issue Order #PZ20070014 for the issuance of a Conditional Use Permit

FUNDING

County Dollars = \$-0-
Other Sources & Amounts = -0-
= \$
TOTAL = \$-0-

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments:

Reviewed by Division Director

Date: April 19, 2007

COUNTY OF CARVER
PLANNING COMMISSION RESOLUTION

FILE #: PZ20070014

RESOLUTION #: 07-12

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

FILE #: PZ20070014

APPLICANT: Craig Peterson

OWNER: Craig Peterson

SITE ADDRESS: 5985 Hwy 212, Chaska

PERMIT TYPE: Accessory Structure

PURSUANT TO: County Code, Chapter 152, Section(s) 152.073 A2 & 152.077 A1

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 04-014-0500

WHEREAS, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meeting of April 17, 2007; and,

WHEREAS, the Carver County Planning Commission finds as follows:

1. 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.
2. Craig Peterson owns a 4 acre parcel located in the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 14, Dahlgren Township. The property is improved with a home, a detached garage, and three accessory structures. The property is located in the Agricultural Zoning District and the CCWRMA (Carver Creek).
3. The applicant is requesting a Conditional Use Permit (CUP) to build an accessory structure (1,920 sq. ft.) pursuant to Section 152.073 A2 and 152.077 A1 of the Carver County Zoning Code
4. The applicant's letter states the building would be 30' x 60', but after receiving bids he has decided to increase the size slightly to 32' x 60'. The applicant currently has 2,544 sq ft of accessory storage space on his property, and the proposed pole shed would bring his total to 4,464. This is 1,464 sq ft more than what the Zoning Code allows without requiring a conditional use permit on a property of this size.
5. The applicant's letter states that he needs more storage space in order to allow room for his hobby, which is car restoration. He needs to have several cars available in order to restore one complete car, and he desires to keep his property neat. Also, he has other equipment, such as fish houses, trailers, and a camper, that he would like to store inside where they are protected from the weather and out of sight. His other storage structures hold collector vehicles that he has restored, a camper, and miscellaneous yard equipment.
6. The new shed will be cold storage only, with no heating or plumbing.
7. The Dahlgren Town Board reviewed the request at their April 9, 2007 Town Board Meeting and recommended approval.

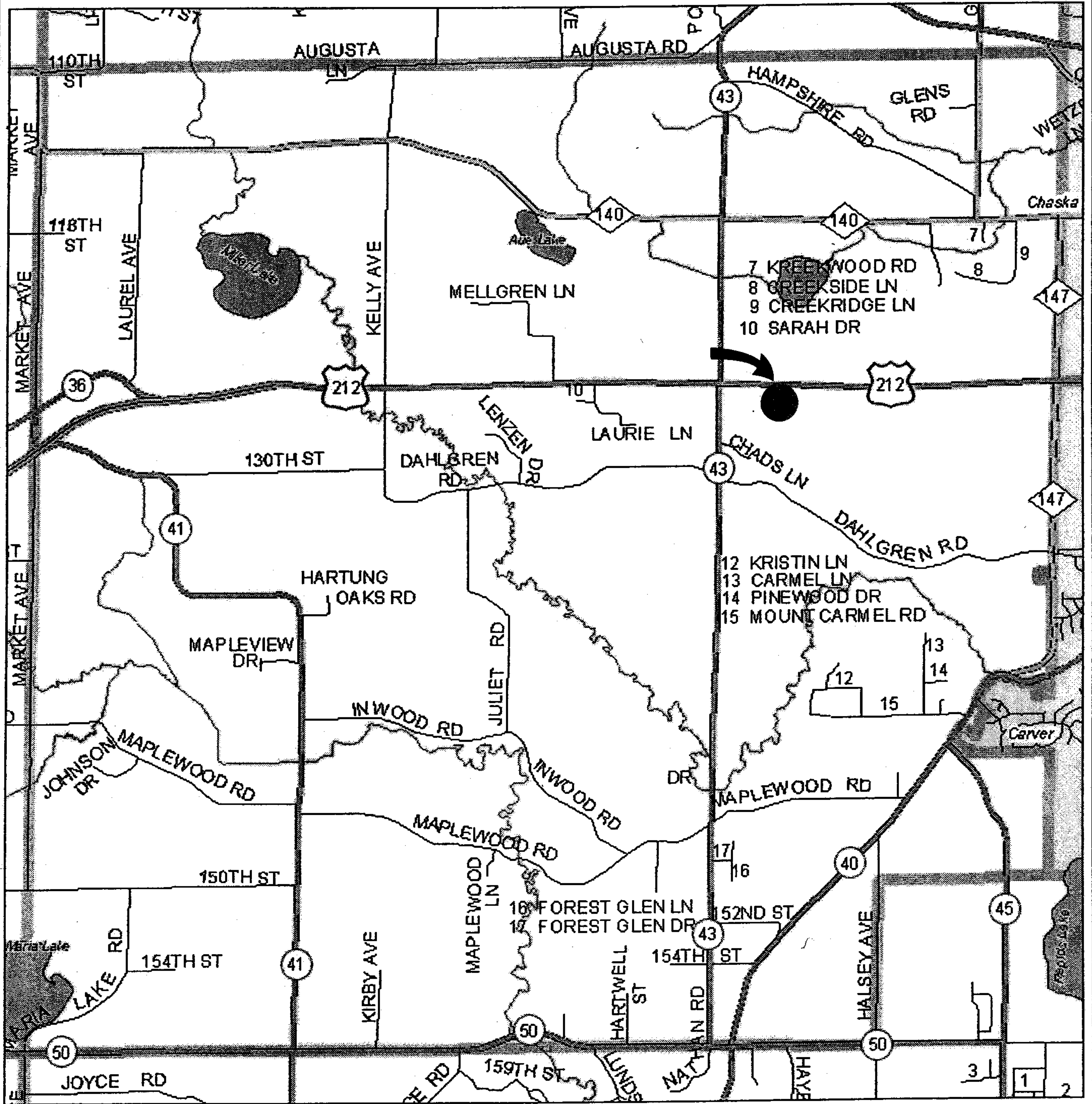
THEREFORE, BE IT RESOLVED, THAT The Carver County Planning Commission hereby recommends the issuance of the subject permit on the land described in Exhibit "A" of the permit application. The Planning Commission further recommends that the following conditions be attached to the permit:

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. This structure shall be used only by the occupant(s) of the residence for personal storage, hobbies, recreation, entertainment, family uses, private maintenance and repair activities, and as otherwise regulated by this Ordinance. Guest quarters and/or additional dwelling units are strictly prohibited. No products or services shall be offered for sale or pay or similar remuneration except as permitted for a home occupation or as otherwise regulated by this Code.
3. All building permits shall be obtained prior to the construction of the accessory structure.

ADOPTED by the Carver County Planning Commission this 17th day of April, 2007.

Gene Miller
Planning Commission Vice-Chair

Dahlgren Township



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Map Created by Carver County GIS
Apr 21, 2005



REQUEST FOR BOARD ACTION

AGENDA ITEM: Andrew Kleindl - request for two accessory structures

Originating Division: Land Water Services

Meeting Date: May 1, 2007

Amount of Time Requested: None

Attachments for packet: Yes No

Item Type: Consent Regular Session Closed Session Work Session Ditch/Rail Authority

BACKGROUND/EXPLANATION OF AGENDA ITEM: File #PZ20070013. The Planning Commission recommended approval of the Conditional Use Permit for Andrew Kleindl. The applicant proposed building a 60' x 84' square foot accessory structure to use for his home occupation (septic pumping), and to move a 28' x 70' structure from another property to use for personal storage. The new building would have a small office, ¾ bathroom, and allow inside storage of the pumper truck, as well as other supplies used for the business. The total personal storage area on the property would be approximately 12,364 square feet. The Benton Town Board recommended approval of the request. The Conditional Use Permit would act as the certificate of zoning compliance necessary to meet the home occupation standards.

ACTION REQUESTED: A motion to adopt the Findings of Fact and to issue Order #PZ20070013 for the issuance of a Conditional Use Permit

FUNDING

County Dollars = \$-0-
Other Sources & Amounts = -0-
= \$
TOTAL = \$-0-

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments:

Reviewed by Division Director

Date: April 19, 2007

COUNTY OF CARVER

PLANNING COMMISSION RESOLUTION

FILE #: PZ20070013

RESOLUTION #: 07-11

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

FILE #: PZ20070013

APPLICANT/OWNER: Andrew Kleindl

SITE ADDRESS: 12175 Co Rd 51, Cologne

PERMIT TYPE: Accessory Structure

PURSUANT TO: County Code, Chapter 152, Section(s) 152.073 A3 & 152.077 A1

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 01-009-0300

WHEREAS, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meeting of April 17, 2007; and,

WHEREAS, the Carver County Planning Commission finds as follows:

1. 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.
2. Andrew and Julie Kleindl own a 76.38 acre parcel located in the South Half (S $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$) in Section 9, Benton Township. The property is improved with a home with attached garage and a pole shed. The property is located in the Agricultural Zoning District and the CCWRMA (Carver Creek).
3. The applicant is requesting a Conditional Use Permit (CUP) to construct an accessory structure (approx. 5,100 sq. ft.) and to move an accessory structure (approx. 1,960 sq. ft.) on to his property pursuant to Section 152.073 A3 and 152.077 A1 of the Carver County Zoning Code.
4. The request is for the construction of an approximately 60' x 84' (5,100 sq ft including mezzanine) accessory structure to be used for the applicant's home occupation, and the moving of a 28' x 70' (1,960 sq. ft.) to the applicant's property for personal storage. The proposed total square footage for accessory structure space on the property would be approximately 12,364 sq. ft., which is 8,364 sq. ft. larger than the Zoning Code allows without a CUP for a property of this size.
5. The applicant's letter states the proposed new accessory structure will be utilized for storage of excavating equipment, a pumper truck and a trailer, and would have an office with $\frac{3}{4}$ bathroom with a mezzanine area above the office. Mr. and Mrs. Kleindl own and operate Jim's Excavating and Pumping, LLC. They have no employees and one business vehicle (the septic pumper truck). The new building would have in-floor heating and utilize two septic holding tanks- one for the bathroom and one for the floor drains. Water would be provided from the existing well. The applicant's letter states that all equipment used for the business would be stored inside. These activities would qualify under the Zoning Code's home occupation requirements.
6. The building to be moved would come from Mr. Kleindl's father-in-law's farm. The building is a four-stall garage and would be utilized solely for personal storage. It would be moved in Fall 2007 or Spring 2008. The garage would need to meet all building code requirements.
7. Because the Zoning Code allows only one access for each property to a public road, the current access for the Kleindl property would have to be removed. The current access is approximately 50 feet away from Co Rd 51 on 122nd St. This is a

legal non-conformity which will be rectified when the Kleindl's construct a new access which would be approximately 300' further west on 122nd St.

8. The applicant has been informed that he needs to contact Minnesota Pollution Control Agency for their requirements on outside fuel barrel storage.
9. No Water Rules Application is necessary because the new impervious area and construction area for the site are under one acre. County GIS calculations show the new gravel area is approximately 0.98 acres. Mr. Kleindl has stated that he will restrict the construction activity to the operational area on his site plan and he will plant grass buffers to the north and east. Because the new gravel area is so close to one acre, SWCD should check the site during construction to make sure there are no erosion or sediment control problems.
10. If approved, the CUP would act as the certificate of zoning compliance necessary to meet the home occupation standards.
11. The Benton Town Board reviewed and recommended approval of the request at their March 8, 2007 Town Board meeting.

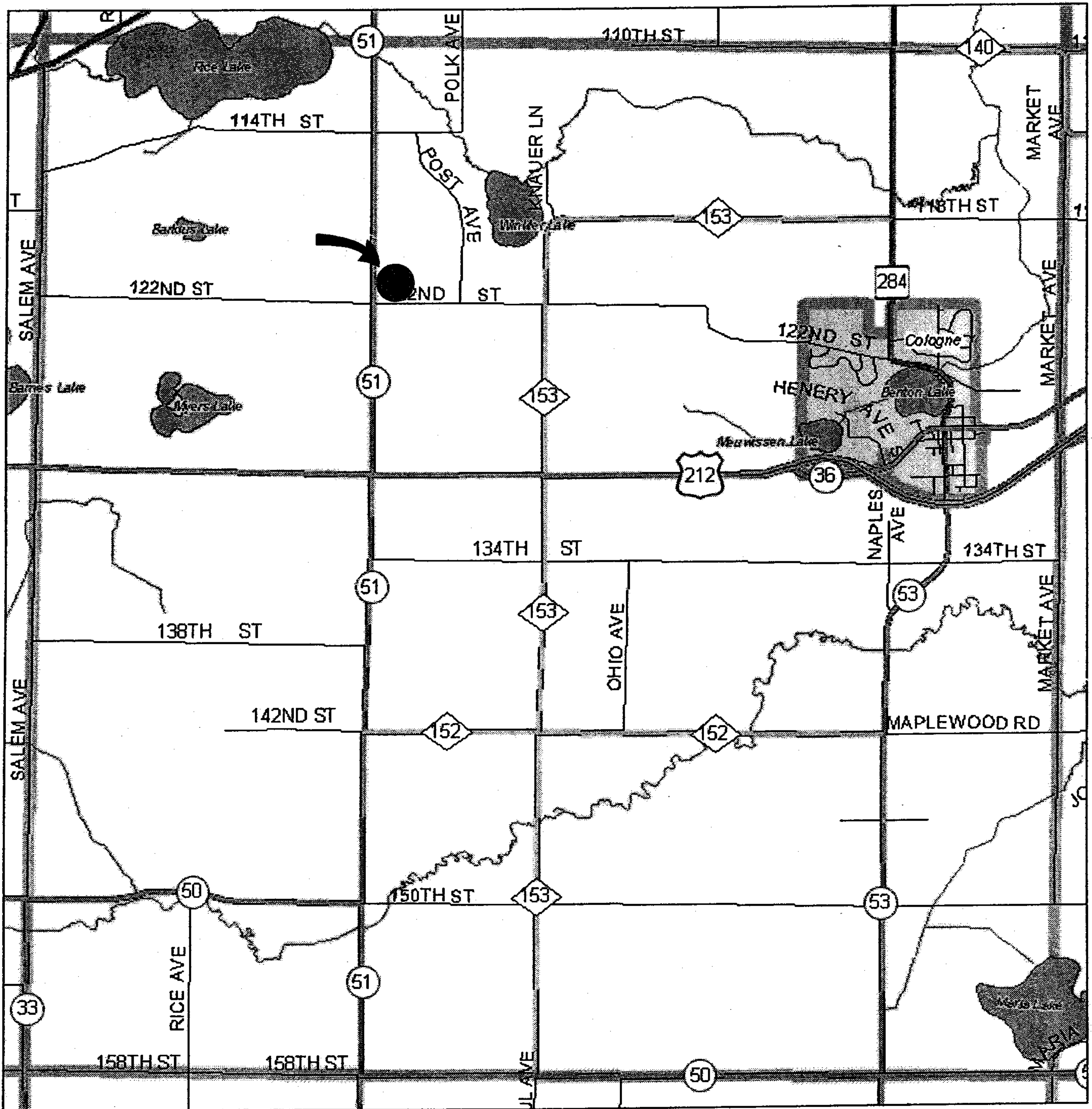
THEREFORE, BE IT RESOLVED, THAT The Carver County Planning Commission hereby recommends the issuance of the Conditional Use Permit for two Accessory Structures on the land described in Exhibit "A" of the permit application. The Planning Commission further recommends that the following conditions be attached 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. This structures shall be used only by the occupant(s) of the residence for a Home Occupation, personal storage, hobbies, recreation, entertainment, family uses, private maintenance and repair activities, and for the keeping of animals and ap-purtenant equipment and supplies, and as otherwise regulated by this Ordinance. Guest quarters and/or additional dwelling units are strictly prohibited. No products or services shall be offered for sale or pay or similar remuneration except as permitted for a home occupation or as otherwise regulated by this Code.
3. No more than one employee other than members of the family living on the premises may be employed on the premises.
4. All equipment and supplies utilized in conjunction with the Home Occupation must be stored inside the building. No outside storage of business equipment is permitted. No more than 1 business vehicle is allowed to be actively used for the home occupation.
5. The current residential access shall be removed upon completion of the new driveway.
6. Grass buffer strips shall be installed according to the operational plan within the current growing season. The permittee shall contact SWCD prior to beginning construction of the shed to check for erosion or sediment control problems.
7. All building and septic permits shall be obtained prior to the construction of both accessory structures.

ADOPTED by the Carver County Planning Commission this 17th day of April, 2007.

Gene Miller
Planning Commission Chair

Benton Township



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Apr 21, 2005



REQUEST FOR BOARD ACTION

AGENDA ITEM : Pete Vickerman – Request for a Contractor’s Yard

Originating Division: Land & Water Services

Meeting Date: May 1, 2007

Amount of Time Requested: None

Attachments for packet: Yes No

Item Type: Consent Regular Session Closed Session Work Session Ditch/Rail Authority

BACKGROUND/EXPLANATION OF AGENDA ITEM:

File #PZ20070015. The Planning Commission recommended approval of the Conditional Use Permit (CUP) for Pete Vickerman. Mr. Vickerman owns a 9.9 acre parcel located in Section 14, Dahlgren Township. The parcel does not have a building eligibility (B.E.), but it is improved with two (2) connected buildings of approximately 16,824 total sq. ft. The buildings are being utilized as part of Mr. Vickerman’s operation for a Contractor’s Yard/Farm Related Business. The subject property has had commercial activity (CUP’s) taking place on the site since 1974, with one of the better known being “Vernco”. This request would authorize the removal of a dilapidated commercial structure and construct new commercial buildings totaling approximately 28,400 sq. ft. The total square footage of business related accessory structure space on the property would be approximately 36,800 sq. ft. This new CUP would be issued for the property and any prior approved CUP would be terminated. On April 4, 2007, Mr. Vickerman was granted Variance #PZ20070010 which authorized the construction of the additional square footage constituted intensifying the legal non-conformity (the business is not home-based). The Board of Adjustment has the authority to rule on non-conformities and the conditions of the variance have been included in the CUP. The Dahlgren Town Board supports the request.

ACTION REQUESTED:

A motion to adopt the Findings of Fact and to issue Order #PZ20070015 for the issuance of the Conditional Use Permit.

FUNDING

County Dollars = \$-0-
Other Sources & Amounts = -0-
= \$
TOTAL = \$-0-

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments:

Reviewed by Division Director

Date:

COUNTY OF CARVER
PLANNING COMMISSION RESOLUTION

FILE #: PZ20070015

RESOLUTION #: 07-13

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

FILE #: PZ20070015

APPLICANT: Pete Vickerman

OWNER: PTV LLC

SITE ADDRESS: 12775 Co Rd 43 Chaska

PERMIT TYPE: Contractor's Yard/FRB w/Warehousing

PURSUANT TO: County Code, Chapter 152, Section(s) 152.075 & 152.079 C10

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 04-087-0010

WHEREAS, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meeting of April 17, 2007; and,

WHEREAS, the Carver County Planning Commission finds as follows:

1. Pete Vickerman owns a 9.9 acre parcel in Chads Addition (Lot 1, Block 1), which is located in the Southwest Quarter (SW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section 14, Dahlgren Township. The parcel does not have a building eligibility (B.E.), but is improved with two (2) connected buildings of approximately 16,824 total square foot and a communications tower (Conditional Use Permit #10503). The buildings are being utilized as part of Mr. Vickerman's operation for a Contractor's Yard/Farm Related Business (Conditional Use Permit #12351). The property is also located in the Agricultural Zoning District, Platted Development (Chad's Addition) and the CCWRMA (Carver Creek).
2. PTV LLC and Vickerman Company (Mr. Vickerman) are requesting to amend the existing Conditional Use Permit (Order #12351) which would include the removal of an existing (54' x 156' = 8,424 sq. ft.) commercial structure and constructing new buildings totaling approximately 28,400 sq. ft. The total square footage of business related accessory structure space on the property would be approximately 36,800 square feet. The request to is pursuant to Section 152.075 & 152.079 C10 of the Carver County Code.
3. On April 4, 2007, Mr. Vickerman was granted Variance #PZ20070010, which allows for the removal of an existing (54' x 156' = 8,424 sq. ft.) commercial structure and constructing new buildings totaling approximately 28,400 sq. ft. The total square footage of business related accessory structure space on the property will be limited to approximately 36,800 square feet. Currently, the property has a total of 16,824 sq. ft.; therefore, this would be an increase of approximately 19,976 sq. ft. The construction of the additional square footage constitutes intensifying the legal non-conformity because the business is not home-based. Section(s) 152.009 & 152.079 of the Carver County Zoning Code addresses the standards for Non-Conforming Uses and Structures and Conditional Use Activities Centered around a Home or Home/Farm combination; therefore, the variance also authorized the expanded warehousing and "non homestead" status of the operation. The Board of Adjustment has the authority to rule on non-conformities.

4. The subject property has had commercial activity (Conditional Use Permits) taking place on the site since approximately 1974. Over time, different requests have been granted with one of the better known being "Vernco", which was a landscaping/composting facility, owned by Vern and Barb Husemoen. On January 14, 1997, Conditional Use Permit (Order #10503) was issued to American Portable Telecom for the wireless communications facility on this property. On May 1, 2000, Conditional Use Permit (Order #11916) was issued to Mr. Vickerman in order to operate a Contractor's Yard/Farm Related Business activity (landscaping, snowplowing business with limited warehousing for his wholesale business of artificial Christmas trees) from the site. On June 4, 2001, Mr. Vickerman amended his CUP (Order #12351) to include a 12' x 156' addition onto the south side of the south building.
5. Based on the prior CUP (Order #12351) the site has been authorized principally as a contractor's yard for landscaping and snowplowing operation. The warehousing/wholesaling component of the operation was to be limited to artificial Christmas trees and considered a subordinate use. The prior permit also allowed for a maximum of 15 truck loads of artificial Christmas trees to be delivered to the site per year. They received 45 trucks in 2006 and they expect to see that number increase by 10% a year for the next five to ten years, if all goes well. Due to the quick turn around of trucks upon arrival, the proposed space will be sufficient to handle the potential increase in business activity. Discussions are also taking place with the United Postal Service (UPS) & FreightMasters, about order fulfillment service, which means truck loads would be shipped directly to their facilities instead of the site on Co Rd 43. Currently, the operation consists of six (6) full-time employees reporting to the site, and Mr. Vickerman is anticipating adding another six (6) employees by August/September of 2007. The twelve (12) employees reporting to the site would include the Contractor's Yard and Warehousing activities. The hours of operation are Monday - Friday, 8:00 a.m. to 5:00 p.m.
6. Mr. Vickerman has indicated that the property will also be utilized for the storage of his new product line "All Natural Mosquito Control, Inc.", which is a professionally installed automatic misting insect control system. The product would be installed on residential properties, as well as in horse barns, dairy barns, etc. This activity could possibly be classified as part of the Contractor's Yard activity (Landscaping). Pursuant to the Variance, the warehousing activity allowed on the property shall consist of no more than 50% (gross floor area) of the operation. The operation shall be limited to a total of 36,800 sq. ft. of commercial structure space and no future structures shall be allowed, unless an existing structure is demolished and replaced. The applicant's letter (dated: 4/10/07) addresses the storage locations for the different aspects of the operation.
7. Mr. Vickerman's approved Variance #PZ20070010 and Conditional Use Permit operational plan letters (dated: 3/23/07 & 4/10/07) address the reasons for the request. The business operation has grown to the point in which space has become an issue not only because of the Christmas trees business, but also the introduction of a new business to coincide with their lawn maintenance and snowplowing activities. Space problems during the summer/fall shipping season have become detrimental to their business and property, which has a direct impact on the surrounding area. Also, the structure proposed to be demolished has roof leaks, which continue to worsen every year. The change in operation would eliminate the need for outside storage.
8. Mr. Vickerman has indicated that the new construction will provide buildings that are pleasing in appearance and also screen the operation from neighboring properties by limiting all vehicles, trucks, and business activity to the east and northeast side of the property. Landscaping measures will be taken to help improve the appearance of the property. The buildings will meet the required front yard setback of 110' from the centerline of Co Rd 43 on the west side, 68' from the centerline of Chads Lane on the south side, 15' from property lines and 500' from any existing homes on the east side.
9. The proposed building plan would be completed in three phases; the first phase would include the construction of a new building (Spring/Summer of 2007) in order to relocate product stored on-site, the second phase would include the removal of the existing structure (52' x 156'±) and old greenhouse structure in order to construct a new 12,000± sq. ft. building (Fall/Winter of 2007), and the third phase would include the remodeling or replacement of the existing (8,400± sq. ft.) building to match the color and design of the new buildings (not to begin until after 2007). It has been determined that substantial action between building projects will need to take place in order to comply with the Board of Adjustment's decision.

10. The Carver County Environmental Services Department will need to review and approve the septic system which will be utilized on the property. The intended use of the structure and building code requirements will have an impact on the type of system needed. (There are typically two (2) types of systems: holding tank or standard system w/drainfield.)
11. The Permittee has been in contact with the Carver County Building Official. All structures utilized in conjunction with the Contractor's Yard activity will need to meet State Building Code requirements prior to occupancy.
12. The Carver County Public Works Department has been contacted to review both existing access locations for the property.
13. The Dahlgren Town Board recommended approval of Variance #PZ20070010 and is also recommending approval of the proposed amendment to the existing Conditional Use Permit (Order #12351).

THEREFORE, BE IT RESOLVED, THAT The Carver County Planning Commission hereby recommends the issuance of Conditional Use Permit #PZ20070015 on the subject permit on the land described in Exhibit "A" of the permit application. The Planning Commission further recommends that this permit shall terminate and supercede the prior approved Conditional Use Permit(s) #11916 & #12351. The Planning Commission further recommends that the following conditions be attached to the permit:

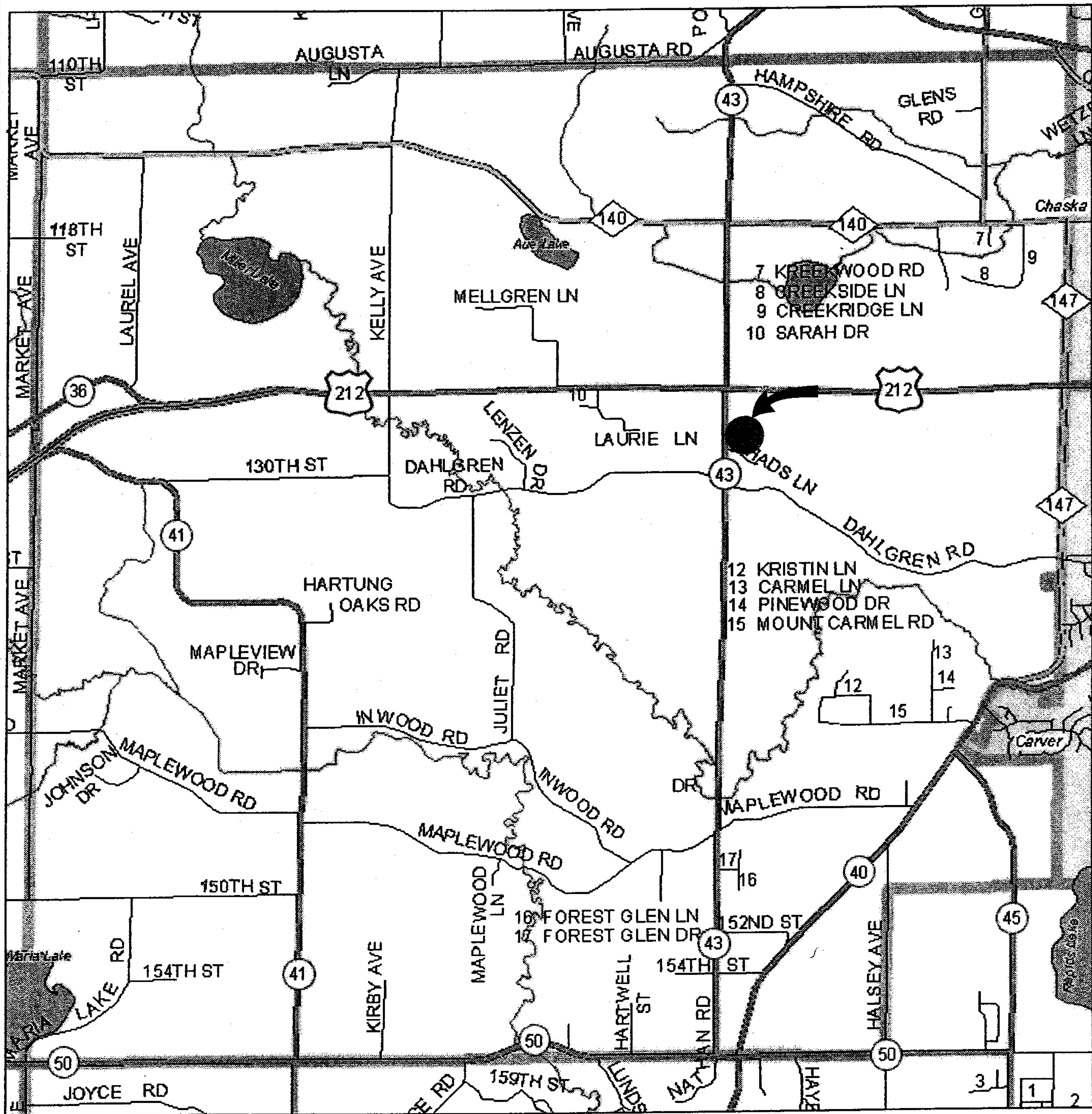
1. The permit is subject to administrative review. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners and/or operators are encouraged to contact Land Management as early on in the timeline of the proposed change as possible.
2. The business operation shall conform in accordance to with the approved Variance #PZ20070010, operational plan letters (dated: 3/23/07 & 4/10/07), and the proposed site plan (dated: 4/10/07). The hours of operation shall be from 8:00 a.m. to 5:00 p.m. Monday through Friday.
3. The site shall be operated principally as a Contractor's Yard for landscaping and snowplowing activities. The warehousing/wholesaling component of the operation shall be limited to artificial Christmas trees. The operation shall consist of no more than 50% (gross floor area) warehousing. The operation shall be limited to a total of 36,800 sq. ft. of commercial structure space and no future structures shall be allowed, unless an existing structure is demolished and replaced.
4. The operational area (structures) shall be located no closer to the east property line than what currently exists. Expansion of the business activity will be allowed to the south of the existing building site location; however, the distance allowed to be expanded shall only allow for the placement of the proposed structures as authorized by the Variance. The County Road 43 front yard setback of 110' shall be maintained.
5. No outside storage shall be allowed as part of the business. All business related trucks, equipment and supplies must be stored inside buildings. All employee parking shall occur along the easterly side of the north building.
6. The Permittee shall comply with Carver County Public Works Department and Dahlgren Township requirements regarding access to the site, if any.
7. The Permittee shall maintain a Hazardous Waste Generator License or Non-Generator Certificate, as required.
8. All demolition, building and septic permits shall be obtained prior to the specified construction, remodeling and/or replacement of a certain structure.

9. The Permittee shall submit a copy of the workers compensation insurance or sign an affidavit stating that he/she will not have any employees to the Land Management Department.

ADOPTED by the Carver County Planning Commission this 17th day of April, 2007.

Gene Miller
Planning Commission Chair

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.



Map Created by Carver County GIS
Apr 21, 2005



REQUEST FOR BOARD ACTION

AGENDA ITEM : William McDonald – Request for Recreational Activity

Originating Division: Land & Water Services

Meeting Date: May 1, 2007

Amount of Time Requested: None

Attachments for packet: Yes No

Item Type: Consent Regular Session Closed Session Work Session Ditch/Rail Authority

BACKGROUND/EXPLANATION OF AGENDA ITEM:

File #PZ20070009. The Planning Commission recommended approval of the Conditional Use Permit (CUP) for William McDonald. The McDonald family owns 231.27 acres located in Section 2, Hollywood Township. Mr. McDonald is requesting a CUP to develop and operate a small shooting preserve/game farm on the property. The facility would be utilized by pheasant hunters, dog training groups, corporate groups entertaining potential clients and their employees. The field hunting would be set up in order to allow for a morning hunting session (2 groups of 4 hunters) and an afternoon hunting session (2 groups of 4 hunters). This activity will be limited to a maximum of 8 persons, in addition to family members, at any given time. Any shooting taking place by family members will be excluded from the recreational activity requirements. The game farm would be allowed to operate annually from September 1st through March 31st. The hours of operation shall be 8:00 a.m. until 5:00 p.m. (weekends only). The request identifies three (3) hunting fields that will be utilized as part of the operation. The Department of Natural Resources (DNR) requires public and private shooting preserves/game farms to obtain and maintain a license to raise, release and hunt pheasants. The Hollywood Town Board supports the request.

ACTION REQUESTED:

A motion to adopt the Findings of Fact and to issue Order #PZ20070009 for the issuance of the Conditional Use Permit.

FUNDING

County Dollars = \$-0-
Other Sources & Amounts = -0-
= \$
TOTAL = \$-0-

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments:

Reviewed by Division Director 

Date:

COUNTY OF CARVER
PLANNING COMMISSION RESOLUTION

FILE #: PZ20070009

RESOLUTION #: 07-14

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

FILE #: PZ20070009

APPLICANT: William McDonald

OWNER: Phillip & Abigail McDonald

SITE ADDRESS: 15950 Co Rd 20, Watertown

PERMIT TYPE: Recreational Activity with Unique Land or Location Needs

PURSUANT TO: County Code, Chapter 152, Section(s) 152.075 & 152.080 C7

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 06-002-1200, 1300 & 1320

WHEREAS, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meeting of April 17, 2007; and,

WHEREAS, the Carver County Planning Commission finds as follows:

1. William McDonald's parents, Philip & Abigail McDonald, own 231.27 acres located in the West Half (W¹/₂) of Section 2, Hollywood Township. The acreage consists of two (2) separate parcels: the 153.77 acre parcel is improved with an existing farmstead (home & ag buildings), agricultural production land and wetlands and the 77.5 acre parcel consists of agricultural production land and woods. William & Lis McDonalds 3.5 acre parcel which includes one (1) building eligibility (B.E.) located off of Tower Avenue, will also be included as part of the application request. The properties are located in the Agricultural Zoning District, Agricultural Preservation Program (until July 21, 2007) and the CCWRMA (Crow River).
2. The applicant is requesting a Conditional Use Permit (CUP) to operate a Recreational Activity pursuant to Section(s) 152.075 & 152.080 C7 of the Carver County Zoning Code.
3. Mr. McDonald is proposing to develop and operate a shooting preserve/game farm (Wings of Watertown) on property owned by his parents in Hollywood Township. The existing farmstead is occupied by Flip & Abbie McDonald, and the tillable land within the two (2) properties has been rented to an area farmer for the past 25+ years. In July 2007, the Agricultural Preservation status on the two (2) properties will expire, and the properties will then be placed into the CRP program, which will ultimately lock the properties up for the next 15 years.
4. The facility will be utilized by pheasant hunters, dog training groups, corporate groups entertaining potential clients and their employees. Mr. McDonald believes there is a need for a shooting preserve for the general public to utilize in this area. This operation would attract hunters not only from neighboring towns, but also from the Twin Cities area. The majority of the existing game farmers are over an hour drive from the Twin Cities area. This facility is located approximately 40 minutes west of the Minneapolis/St. Paul (MSP) International Airport.
5. According to the applicant's letters (dated: 3/6/07 & 4/9/07), all fields will be clearly marked with "No Shooting Beyond This Point" signs to ensure shots stay a safe range from homes. According to the Minnesota Department of Natural Resources (DNR), no hunting can take place within 500' of an existing home nor can shooting take place across public roads. Hunting parties will be given a map of the property prior to hunting, instructing them as to where

they may or may not shoot. The request identifies three (3) fields that will be utilized as part of the operation (Fields A, B & C). Field C will be utilized mainly for natural wildlife habitat and not regular hunting activity; however, hunting will occur on occasion in the swamp area. The fields have been kept large enough to allow a safe distance between hunting parties on the three fields with no overlap. There will be no hunting on the north 17 acres of Field A, and no hunting within 800' of the William Winsperger property (1675 Co Rd 21) located west of Field B. These no hunting "zones" will be designated as nesting areas for pheasants. The applicant has stated no trap shooting will be allowed as part of the game farm operation.

6. The applicant has been in contact with the DNR in regard to the permitting process required by the State. The DNR requires a shooting preserve/game farm application process which Mr. McDonald has submitted to their office. The DNR requires private and public shooting preserves/game farms to obtain and maintain a license to raise, release and hunt pheasants.
7. The main parking area for the facility will take place on the farm site. There will be no field parking access points located off of Co Rd 20 or 21. In order to hunt Field A, the hunters will access the field area through the farm site. Field B will be accessed either through Field A or by a field access located off of Tower Avenue. Field C, which will be utilized mainly for wildlife habitat, would also be accessed by either through Field A or by a field access located off of Tower Avenue. The Township would allow the field accesses located off of the Township Road to be utilized for hunting purposes. The Carver County Public Works Department has been contacted to review the access location for the property; however, as of the time this report was completed, we have not received any comments and/or concerns
8. The applicant is proposing to construct water features within some of the field areas. The construction of these features will consist of grading and closing existing field tile, in order to allow water to fill depressions on the property making effective wildlife habitat. Any construction taking place on the properties will need to comply with the Carver County Water Management guidelines. The Carver SWCD will also be involved during the Water Management process.
9. The applicant has indicated that the nature of the operation is to remain very small scale. The field hunting would be set up in order to allow for a morning hunting session (2 groups of 4 hunters) and an afternoon hunting session (2 groups of 4 hunters). This Large Scale activity will be limited to a maximum of 8 persons, in addition to family members, at any given time. Any shooting taking place by family members on the property will be excluded from the large scale activity requirements. The applicant stated that the game farm will operate September 1st through March 31st. Hours of operation shall be 8:00 a.m. until 5:00 p.m. (Weekends only). Parking on the farm site and fields appear to be more than adequate.
10. The Hollywood Town Board reviewed and recommended approval of the "Large Scale Activity" request at their March 12, 2007, Town Board Meeting.

THEREFORE, BE IT RESOLVED, THAT The Carver County Planning Commission hereby recommends the issuance of Conditional Use Permit #PZ20070009 on the subject permit 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 operation shall be in accordance with the submitted operational plan (dated: 3/6/07 & 4/9/07) & site plan (dated: 4/17/07). These plans shall be attached to and become part of this permit. The field hunting would be set up in order to allow for a morning hunting session (2 groups of 4 hunters) and an afternoon hunting session (2 groups of 4 hunters). This Large Scale activity will be limited to a maximum of 8 persons, in addition to family members, at any given time. Any shooting taking place by family members on the property will be excluded from the large scale activity requirements. The game farm shall be allowed to operate September 1st through March 31st. The hours of

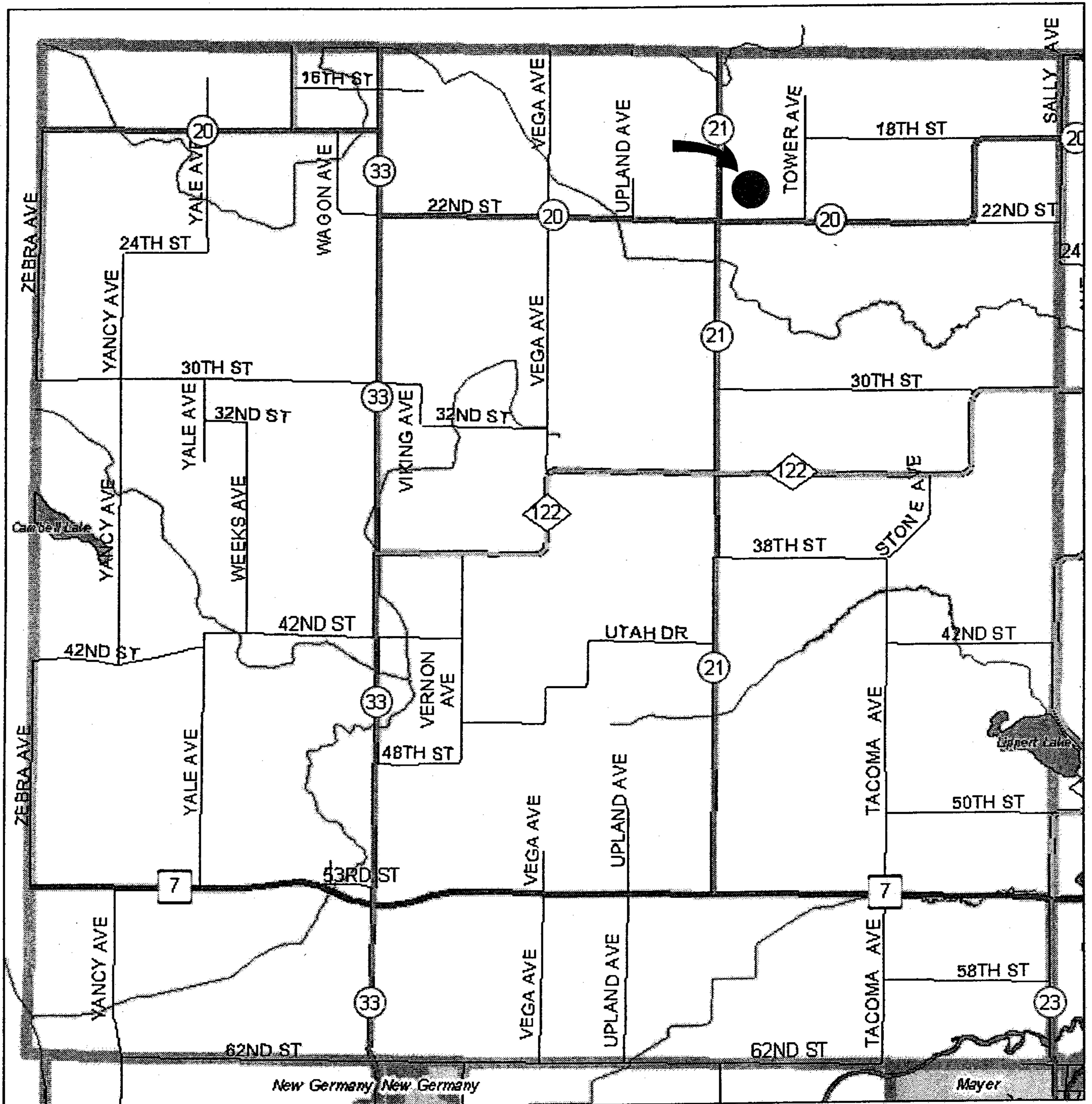
operation shall be 8:00 a.m. until 5:00 p.m. (weekends only). The Permittee must apply to amend the permit if the size and/or scope of the operation intensify, as determined by the Land Management Administrator.

3. Only the hunting of Pheasants & Chuckers shall take place as part of this permit. The authorized activity shall be limited to steel shot only (no lead shot shall be utilized).
4. The Permittee must obtain permission from the Carver County Public Works Department in order to access the properties from the County Roads (County Road 20 & 21). The Permittee must also obtain permission from the local road authority to access the properties from the Township Road (Tower Avenue). The Permittee must comply with any dust/traffic controls or access requirements as specified by the responsible road authority, if applicable.
5. The Minnesota Department of Natural Resources (DNR) is the regulatory authority for the licensing of the shooting preserves/game farms. The Permittee is responsible to the DNR for compliance with any/all license(s) for the duration of the use. Any County notification that is required by the licensing of the shooting preserve/game farm should be sent to the Director of the Land & Water Services Department. The operation shall at all times comply with state and federal requirements.
6. All garbage/waste shall be handled/removed from the property pursuant to the Environmental Services provisions of the Carver County Code.
7. Any grading and/or filling activity on the properties shall be completed in accordance to the Carver County Water Resource Management guidelines and the Wetland Conservation Act (WCA).
8. Any type of special event that will attract or involve more than the number of people stipulated under the large scale activity in the operational plan and/or Conditional Use Permit #PZ20070009, shall require approval by the Carver County Board of Commissioners.
9. The Permittee shall submit a copy of the workers compensation insurance or sign an affidavit stating that he/she will not have any employees to the Land Management Department. The Permittee shall also submit a copy of the Certificate of Property Insurance and a Certificate of Liability Insurance to the Land Management Department.
10. Any required building and septic 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 requirements.

ADOPTED by the Carver County Planning Commission this 17th day of April, 2007.

Gene Miller
Planning Commission Chair

Hollywood Township



This map was created using Carver County's Geographic Information Systems (GIS), which 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
Apr 21, 2005



REQUEST FOR BOARD ACTION

AGENDA ITEM : Contract Amendment to the MPCA Organics Grant

Originating Division: Land and Water

Meeting Date: May 1, 2007

Amount of Time Requested: NA

Attachments for packet: No

Item Type: Consent Regular Session Closed Session Work Session Ditch/Rail Authority

BACKGROUND/EXPLANATION OF AGENDA ITEM:

In 2006, the MPCA awarded Carver County a Environmental Assistance Grant of \$40,000 for a residential food waste and non-recyclable paper composting pilot project. These funds allowed for the collection and processing of organics for an eight month period from April through November. The requested amendment will allow continuing the program for an entire year.

It was the County's original intent to administer a collection program for a full year but financial constraints required the project to be scaled back. Carver County and the Solid Waste Management Coordinating Board Source Separated Organics Committee believed it would be valuable to collect data for a full year to determine the feasibility of an ongoing program. The MPCA agreed and awarded the County another \$15,000. Collecting the material for a full year is important because it will provide valuable insight on seasonal variations of the amount of organics material generated by households. This information is needed to address the efficient collection and processing of organics.

It should be noted that the collection program has generated substantial interest with residents. Over 80% of the residents contacted in a pre-collection survey felt the program was a good idea. 540 residents [mainly Chanhassen residents] were provided with organics collection containers prior to the start of the collection the week of April 16th. Only 6 residents refused the containers. Further updates on the project will be provided in the future.

ACTION REQUESTED: Motion to approve the contract amendment to the MPCA Organics Grant.

FUNDING

County Dollars =	\$
Other Sources & Amounts =	\$15,000
	= \$
TOTAL	= \$15,000

FISCAL IMPACT

None
 Included in current budget X
 Budget amendment requested
 Other:

Related Financial Comments: The County will receive an additional \$15,000 for conducting a residential organics collection program. County matching funds of \$18,670 remain the same.

Reviewed by Division Director

Date:

27 Apr. 07

CARVER COUNTY REQUEST FOR BOARD ACTION

AGENDA ITEM

Item Name: Yamaha Rhino Law Loan Program

Originating Department: Sheriffs Office

Agenda Date: 5/01/07

Amount of Time Requested: N/A

Supp. Doc. Attached (y/n): Yes

Previous County Board Action, If Any (include other parties which were advised, if any): Attorney and Risk Management Approved

Item Type (✓ Only One): Consent Regular Session _____ Discussion Session _____

EXPLANATION OF AGENDA ITEM (Include a description of background and benefits)

Approval for the Carver County Sheriff's Office to enter into a loan program with Yamaha for the loan of 2 Rhino, side by side (2 passenger) 4 x 4 Utility Vehicle. This vehicle would be testing and evaluation for a possible future purchase of this type of vehicle in 2 years. Would be used for park patrol, emergency operations, transportation, public events, community relations events.

RECOMMENDATIONS/BOARD ACTION/MOTION REQUESTED (Include motion in proper format)

Motion to approve loan program with Lano Equipment for 2 Yamaha Rhinos 4 x 4 Utility Vehicles.

FINANCIAL IMPLICATIONS

Funding:

County Dollars = \$0
 Other Sources & Amounts = _____
 _____ = \$ _____
 _____ = \$ _____
TOTAL = \$ 0

Budget Information (✓ appropriate items):

Budgeted: _____
 Not Budgeted: _____
 Amendment Required: _____
 (requires controller approval)

Related Financial Comments: This is part of a loan program offered by Yamaha. There will be no cost to Carver County. Insurance through MCIT approximately \$300.00 for 5 months.

REVIEWS AND APPROVALS AS REQUIRED

✓ All Reviews and Approvals Received:

County Attorney Risk Management Human Resources _____ Controller _____ Other _____

Bud Olson

4.23.07

DEPARTMENT HEAD APPROVAL (Signature)

Date

Admin. Dept. Use Only: Approved _____ Denied _____ Tabled _____ Other _____

File:



Office of County Sheriff
 Carver County Government Center
 Justice Center
 606 East Fourth Street
 Chaska, Minnesota 55318-2102

Bud Olson, Sheriff
 Emergency: 911
 Sheriff Admin: (952) 361-1212
 Admin. Fax: (952) 361-1229
 Dispatch: (952) 361-1231
 (Non-Emergency)

April 20, 2007

Lano Equipment Inc.
 1015 Hwy 212 West
 Norwood, MN 55368

To: Bob Lano

The Carver County Sheriff's Office would like to participate in the Law Loan Program offered by Yamaha Motor Corporation, USA. We would like the following units:

	Quantity	Model	Start Date	End Date
1.	1	450	May 1, 2007	September 1, 2007
2.	1	660	May 1, 2007	September 1, 2007

The Carver County Sheriff's Office agrees to abide by the conditions set forth in the signed agency agreement.

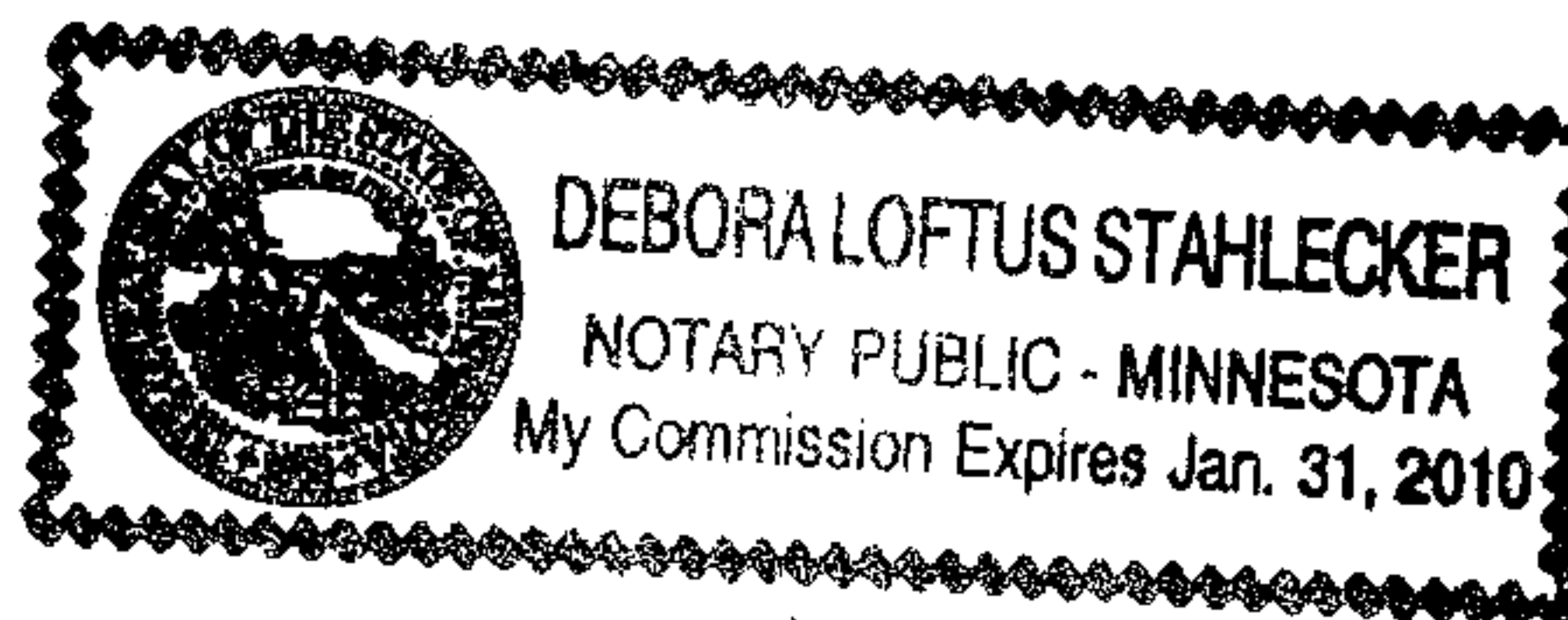
The contact person responsible for these units will be:

David M. Williams
Lieutenant-Support Services
952-361-1206

Thank you for your consideration.

Respectfully,

David M. Williams
 Lieutenant-Support Services



Notary: *Debora Loftus Stahlecker*
 Date: 4-20-07



REQUEST FOR BOARD ACTION

AGENDA ITEM : Minnesota Immunization Information Connection (MIIC) User Agreement

Originating Division: Public Health

Meeting Date: May 1, 2007

Amount of Time Requested:

Attachments for packet: Yes No

Item Type: Consent Regular Session Closed Session Work Session Ditch/Rail Authority

BACKGROUND/EXPLANATION OF AGENDA ITEM: The Minnesota Department of Health has requested that Public Health renew the User Agreement for the Minnesota Immunization Information Connection (MIIC) in order to continue Public Health's participation in the statewide immunization registry network. This immunization registry enables Public Health to fulfill Local Public Health Grant Assurances and Agreements mandates which were approved by the board on December 19, 2006.

ACTION REQUESTED: Motion to approve Minnesota Immunization Information Connection (MIIC) User Agreement.

FUNDING

County Dollars = \$

Other Sources & Amounts = \$

= \$

TOTAL = \$

Related Financial Comments: NA

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Reviewed by Division Director

Date: April 20, 2007



REQUEST FOR BOARD ACTION

AGENDA ITEM : Professional Services Agreement with Gary L. Fischler and Associates P.A.

Originating Division: Employee Relations

Meeting Date: May 2, 2007

Amount of Time Requested: 5 minutes

Attachments for packet: Yes No

Item Type: Consent Regular Session Closed Session Work Session Ditch/Rail Authority

BACKGROUND/EXPLANATION OF AGENDA ITEM: In 2002, Carver County received proposals and evaluated the services of several individuals to provide psychological examinations (pre-placement, promotional, and fitness for duty) for the Sheriff's Office. Gary L. Fischler and Associates were selected based on their experience and their strong reputation in the law enforcement community. We continue to be satisfied with the services received and look forward to continuing our working relationship with Gary L. Fischler and Associates.

ACTION REQUESTED: Approve the attached Professional Services Agreement between Gary L. Fischler and Associates P.A..

FUNDING

County Dollars = \$15,000

Other Sources & Amounts = \$

TOTAL = \$

Related Financial Comments:

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Reviewed by Division Director

Date: 4/20/07



REQUEST FOR BOARD ACTION

AGENDA ITEM : 2007 CRACK SEALING AGREEMENT (CP #0714)

Originating Division: Public Works

Meeting Date: April 24, 2007

Amount of Time Requested: n/a

Attachments for packet: Yes No

Item Type: Consent Regular Session Closed Session Work Session Ditch/Rail Authority

BACKGROUND/EXPLANATION OF AGENDA ITEM: This proposal is for labor and equipment to place approximately 40,000 lbs. of rubberized crackfiller, that the County has purchased, on various county roads. \$27,000 has been approved as the budget for this work. Proposals are based on per pound price to install this product. Proposals are as follows -

- * Astech Asphalt (\$0.6600/lb.)
- * Precision Sealcoating (\$0.8130/lb.)
- * Bargaen Inc. (\$0.9400/lb.)

ACTION REQUESTED: Approve service agreement between Carver County and Astech Asphalt from St. Cloud, MN.

FUNDING

County Dollars = \$27,000.00
 Other Sources & Amounts =
 =\$
TOTAL =\$27,000.00

FISCAL IMPACT

- None
- Included in current budget
- Budget amendment requested
- Other:

Related Financial Comments:

Reviewed by Division Director

Date:

4/3/07

S:\Seasonals\BAF-Award\2007\0714 - Cracksealing - Astech



REQUEST FOR BOARD ACTION

AGENDA ITEM : Wash bay exhaust make up air at PWHQ

Originating Division: Administrative Services

Meeting Date: May 1, 2007

Amount of Time Requested: 0 Minutes

Attachments for packet: Yes No

Item Type: Consent Regular Session Closed Session Work Session Ditch/Rail Authority

BACKGROUND/EXPLANATION OF AGENDA ITEM: Facilities Services has been working with Public Works and Dunham Engineering to complete planning and predevelopment activities for the installation and construction of additional exhaust and fresh air needs in the wash bay.

The initial need was identified in the Capital Budget Process due to excess moisture buildup in the wash bay. Lights, doors, concrete and water heating equipment are showing visible signs of deterioration. Vehicles, heavy equipment and specialty equipment are washed frequently for maintenance and appearance. In order to maintain the County's investment and allow for a safe and cleaner operating condition; this project is recommended to proceed.

Staff and Dunham prepared specifications and requested proposals from two divisions; electrical and mechanical. The responses are as follows:

	<u>Proposal Amount</u>	<u>Division</u>
Laketown Electric/Mendota Electric	No Proposal	Electrical
General Sheet Metal/Wenzel Heating	No Proposal	Mechanical
Lano's Electric	\$8,500	Electrical
Lindemeirer Heating&Cooling	\$22,950	Mechanical
Associated Mechanical Contractors	\$23,565	Mechanical
Northern Air Corporation	\$27,749	Mechanical

30,000 is included in the Capital Budget to cover this project. Besides the installation cost we have some professional engineering costs and costs related to our energy management controls that allows us to monitor and control the equipment from our offices or by remote. The proposed project for expenditure is as follows:

Dunham Associates:	\$ 2,950 (Professional Services)
Siemens Controls:	\$ 5,200 (Existing Contract to add project).
Lano Electric:	\$ 8,500 (Existing Contract Amendment to add project)
Lindemeirer	\$ 22,950 (New Contract)
TOTAL:	\$ 39,600

ACTION REQUESTED: Move approval of the associated fund transfers and authorize the execution of contracts with Lindemeirer Heating & Cooling and Dunham Associates for professional services associated with the Wash Bay Exhaust Fan Project and approval of two contract amendments to Lano Electric and Siemens Controls for completion of the Wash Bay Exhaust Project; contracts are subject to County Attorney and Risk Management review and approval.

FUNDING

County Dollars = \$39,600
 Other Sources & Amounts = \$
TOTAL = \$39,600

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments: Facilities shall fund \$9,600 from operating to building improvements (Capital)
 \$2,950 Dunham from 110-000-0000-6260 to 110-000-0000-6640
 \$5,200 Siemens from 110-000-0000-6560 to 110-000-0000-6640
 \$8,500 from 110-000-0000-6310 to 110-000-0000-6640

Reviewed by Division Director

Date: 4/ /07

BUDGET AMENDMENT REQUEST FORM

Submit to Finance Office one week prior to County Board Session.

DEPARTMENT: Administrative Services

DATE: 5/1/07

General

Description of Account funds are to be transferred from:	Amount	Description of Account funds are to be transferred to:	Amount
Facilities: Operating Funds	\$ 9,600	Facilities: Capital Improvements	\$ 9,600
TOTAL:	\$ 9,600	TOTAL:	\$ 9,600

A. Reason for Request: See Board Action.

B. Financial Impact: (To be filled out by Controller)

C. Contingency Acct. Beginning Bal.: \$ 300,000

D. Contingency Acct. Current Bal.:

E. Current Balance After Adj.: \$ 300,000

F. Requested By:

G. Recommend Approval: Finance Director

H. County Board Decision: Approval/Disapproval



REQUEST FOR BOARD ACTION

AGENDA ITEM: Tobacco License

Originating Division: Property Records Taxpayer Services

Meeting Date: 5/1/07

Amount of Time Requested:

Attachments for packet: Yes No

Item Type: Consent Regular Session Closed Session Work Session Ditch/Rail Authority

BACKGROUND/EXPLANATION OF AGENDA ITEM: Attached is a list of businesses that have applied for a Tobacco License in compliance with the Carver County Tobacco Ordinance. The owners are requesting approval by the Carver County Board of Commissioners for them to sell tobacco products. There are no delinquent taxes on these parcels.

ACTION REQUESTED:

FUNDING

County Dollars = \$
Other Sources & Amounts =
= \$
TOTAL = \$

FISCAL IMPACT

- None
- Included in current budget
- Budget amendment requested
- Other:

Related Financial Comments:

Reviewed by Taxpayer Services Manager

Sam Engel

Date: 4-23-07

Tobacco License Applications To Be Approved by County Board

License #10-617 I.G.W.T.T.S. Inc. Mona Sonsteng 17550 Hwy 212 NYA, MN 55397	License #
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REQUEST FOR BOARD ACTION

AGENDA ITEM : Dakota Regional Trail Master Plan

Originating Division: Public Works

Meeting Date: May 1, 2007

Amount of Time Requested: 15 Minutes

Attachments for packet: Yes No

Item Type: Consent Regular Session Closed Session Work Session Ditch/Rail Authority

BACKGROUND/EXPLANATION OF AGENDA ITEM:

As an implementing agency of the Metropolitan Regional Park System, Carver County is responsible for creating a master plan for the Dakota Rail Regional Trail. The Metropolitan Council is responsible for acquisition and development and a portion of operations and maintenance funds for regional park and trail facilities. An approved master plan allows the County to apply for capital and operations and maintenance funds that are administered by the Metropolitan Council.

Work to develop a master plan for the Dakota Regional Trail began in January 2006. Information about the master plan process, solicitation for public input, and an open house took place in February. Individual meetings with area townships and cities occurred during the month of April informing them about preliminary direction of the master plan. Also during April, staff and consulting planner met with the area snowmobile club to address snowmobiling concerns. In May, a second open house was held to review a preliminary draft of the proposed Dakota Regional Trail Master Plan and additional public comment was received. Also, a public comment period was opened from June to September 30, 2006.

Staff and consulting planner worked to refine the master plan to address regional park and open space policies during early spring and into the summer of 2006. Staff reported back to area townships and cities about the draft master plan document during the months of July and August. Also in August, draft copies of the master plan were sent to area cities and townships for their review and comment. Additionally, the entire draft master plan was made available to the public at county libraries, the Public Works Headquarters Building, and on the Carver County web site.

The County Park Commission reviewed the draft master plan at its September 13 and October 11, 2006 meetings. The Commission has recommended that the County Board review the master plan and consider giving approval to it.

The County Board reviewed the draft master plan at a workshop session January 16, 2007. The master plan is in its final form for the Board to consider.

ACTION REQUESTED: It is recommended that the County Board approve the Dakota Rail Regional Trail Master Plan

FUNDING

County Dollars = \$

Other Sources & Amounts =

= \$

TOTAL = \$

Related Financial Comments:

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Reviewed by Division Director

Marty Walsh
For Harvey Gustafson

Date:

4-23-07

RBA Dakota Regional Trail Master Plan – Final



CARVER COUNTY PARKS

Department of Public Works

11360 Highway 212 West, Suite 2
Cologne, Minnesota 55322
Phone (952) 466-5250 Fax (952) 466-5223
www.co.carver.mn.us/parks

11360 Hwy. 212 West, Suite 1
Cologne, Minnesota 55322
Phone (952) 466-5200
Fax (952) 466-5223

Memo

To: Members of the County Board
From: Martin Walsh, Parks Director
CC: David Hemze, County Administrator
Roger Gustafson, County Engineer
Date: April 23, 2007
Re: Dakota Rail Regional Trail

The planned Dakota Rail Regional Trail meets planning requirements established by the Metropolitan Council for regional trails. In addition, the Dakota Rail Regional Trail traverses areas of high natural amenity making the trail a destination itself. In Carver County, the trail passes through significant wildlife and wetland areas west of the City of New Germany, travels through rural agricultural lands, crosses the Crow River and passes by Goose Lake and Lake Waconia. Many scenic views of the area landscape can be enjoyed from the planned Dakota Rail Regional Trail.

The following highlights key elements addressed in the master plan.

Boundaries and Acquisition

One acquisition at the intersection of County Road 10 is foreseen at this time. The County Comprehensive Trails Plan supports a trail along County Road 10. It is recommended that the planned future trail along County Road 10 connect to the Dakota Rail Regional Trail. Because of the height of the County Road 10 bridge over the former Dakota Rail Line, steep slopes from the planned trail grade to the roadway and limited railroad property, additional land will be needed to make this connection. The timing of the land purchase might coincide with plans to reconstruct the bridge.

Development Concept

Trail design would meet applicable design standards. The trail is planned to be 10 feet wide with three foot mowed shoulders. Long term plans are for the trail to be paved. However, priority is given to making the trail safe and usable. If funding is available that would address safety and put the trail in a useable condition without pavement, then those funding options would be utilized. The trail could have an aggregate surface which would be an interim surface until such time a paved surface is constructed. Supporting elements such as signage, vegetative screening and scenic overlooks, trailheads, parking and other site amenities are outlined in this master plan.

Cost

The estimated cost to construct the trail is \$1,872,201. Total project cost, including design/engineering and construction observation, is estimated at \$2,320,807. A detailed listing of the cost is provided in Appendix A.

Conflicts

A number of potential conflicts were identified and addressed. They include safety and security, privacy, property values, aesthetic design, parking, appropriate trail uses, trail surface, snowmobiling, equestrian use, dog walking and encroachments.

The master plan for the regional trail states that the trail is for non-motorized uses. The plan prohibits ATV's, equestrian uses and hunting.

A provision is provided that could allow snowmobiling, providing a permit is issued to a snowmobile organization to accept liability, maintenance, educational responsibilities and address other issues as they apply to snowmobiling.

Trail Operations and Management

Trail operations shall consist of routine and planned maintenance operations and capital improvements. County park staff will be responsible for providing services of mowing, sweeping, tree trimming, waste collection, etc.

The County Sheriff's department will provide patrolling and enforcement of rules and ordinances.

Existing personnel and equipment, supplemental part-time staff will be utilized for the ongoing operations and maintenance of the trail.

Funding for operations and maintenance is projected to come from County and regional funding sources.

Citizen Participation

Citizen participation consisted of surveying land owners within 500 feet of the former rail corridor, two public open houses, public comment sheets, meetings with local governmental units, two meetings with the snowmobile club and other public survey data. Information from the public was used to develop the master plan. The master plan was also made available by staff on the County website and at the County Libraries.

Recommendation:

The proposed master plan is consistent with regional planning policies and with information that was presented as a part of the public process.

Park Staff and Park Commission recommend approval of the Dakota Regional Trail Master Plan.

BOARD OF COUNTY COMMISSIONERS CARVER COUNTY, MINNESOTA

DATE May 1st, 2007
MOTION BY COMMISSIONER _____

RESOLUTION NO. _____
SECONDED BY COMMISSIONER _____

RESOLUTION APPROVING THE DAKOTA RAIL REGIONAL TRAIL MASTER PLAN

WHEREAS, Carver County is an implementing park agency of the Metropolitan Councils regional park system, and

WHEREAS, Carver County's comprehensive plan supports the acquisition, development, operation, and maintenance of a regional parks and trails in the County, and

WHEREAS, the Metropolitan Council's Regional Parks Policy Plan identifies the former Dakota Rail Line as a regional trail, and

WHEREAS, Carver County has proceeded to create the master plan master plan for the regional trail, and

WHEREAS, input for the creation of the master plan has been received through stakeholders, at public meetings and open house settings, and

WHEREAS the Carver County Board and Park Commission support the Dakota Rail Regional Trail Master Plan,

THEREFORE BE IT RESOLVED, contingent on Metropolitan Council's approval, the Carver County Board of Commissioners hereby approve the Dakota Rail Regional Trail Master Plan.

YES

ABSENT

NO

STATE OF MINNESOTA
COUNTY OF CARVER

I, David Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 1st day of May, 2007, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 1st day of May, 2007.

David Hemze

County Administrator