

Carver County Board of Commissioners
 Regular Session
 February 7, 2005
 County Board Room
 Carver County Government Center
 Human Services Building
 Chaska, Minnesota

PAGE

4:00 p.m.

1. a) **CONVENE**
- b) **Pledge of Allegiance**
- c) **Introduction of New Employees**
2. Agenda review and adoption
3. Approve minutes of February 1, 2005 Regular Session1-3
4. Public participation (Comments limited to five minutes)
5. Community announcements

4:05 p.m.

6. **CONSENT AGENDA**
- 6.1 2005 rates for seasonal, temporary part-time and on-call positions4-5
- 6.2 Charitable gambling application for exempt permit for Carver County Ducks Unlimited Chapter 128.....6-7
- 6.3 2005 Foster care contracts 8
- 6.4 Donations to Community Social Services for foster care 9
- 6.5 Delegate Social Service client claims approval 10
- 6.6 Sheriff's office off duty contract 11
- 6.7 Professional service agreement with Taylor-Menko Appraisal Company12-13
- 6.8 2005 Seasonal road restrictions14-15
- 6.9 Manual & Louise Pinto-request for an equestrian facility ... 16--21
- 6.10 Community Social Services' warrants..... NO ATT
- 6.11 Commissioners' warrants SEE ATT

4:10 p.m.

7. **ADMINISTRATION**
- 7.1 Association of Minnesota Counties District X appointment..... 22

4:15 p.m.

ADJOURN REGULAR SESSION

4:15 p.m.

NEW BUSINESS

BOARD REPORTS

- | | | |
|-----------|----|---------------|
| 4:15 p.m. | 1. | Chair |
| | 2. | Board Members |
| | 3. | Administrator |
| 4:35 p.m. | 4. | Adjourn |

David Hemze
County Administrator

County Board Retreat
February 8, 2005
8:30 a.m. – 12:00 p.m.
Carver County Historical Society Museum Conference Room
Waconia, MN

REGULAR SESSION

February 1, 2005

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on February 1, 2005. Chair James Ische convened the session at 9:00 a.m.

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

Members absent: None.

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

Delaney moved, Workman seconded, to approve the minutes of the January 25, 2005, Regular Session. Motion carried unanimously.

Under public participation, James Kuhl, San Francisco Township, explained he recently became aware of special legislation that allowed Board members to receive a monthly expense allowance. He noted the allowance was to have been set by each Commissioner District but this has not been done. Kuhl also requested that he be provided evidence that the County fulfilled the other requirements necessary for the special legislation.

Community announcements were made by the Board.

Del Hurt, Community Health Services, explained the County has the duty to ensure emergency medical services in the County and was asking the Board to adopt a Resolution related to EMS as part of today's consent agenda. Carolyn Schmidt, Community Health Services, stated they have been requested through the Emergency Medical Services Regulatory Board to not support the draft 1.0 of the National EMS Scope of Practice Model. She stated, in the review of the State of Minnesota and the metro region, the draft is found to be too limiting and too confining. She indicated she has spoken with the emergency medical service providers in the County and they all agreed with the Resolution to not adopt the National Standards.

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

Contract with United First Aid and Safety in the amount of \$5,000.

Accepted \$100 memorial gift made to the Carver County Care Center.

Resolution #08-05 EMS Scope of Practice Rejection.

Contract amendment #4 to the Public Health Preparedness and Response to Bioterrorism project agreement.

Contract for the MIIC immunization registry with the Minnesota Department of Health and related Community Health Services budget amendment increasing grant revenue \$5,000 and increasing services and charges \$5,000.

Adopted the Findings of Fact and issued Order #PZ20040085 for the issuance of Conditional Use Permit #PZ20040085, Richard Paul, Dahlgren Township.

Adopted Findings of Fact and issued Order #PZ20040083 for the issuance of Conditional Use Permit #PZ20040083, Mary Newman, Hollywood Township.

Adopted Findings of Fact and issued Order #PZ20040086 for the issuance of Conditional Use Permit #PZ20040086, Brenda Savaryn, Waconia Township.

Resolution #09-05, Approving the Designation of Parcel 020180800 as an Ag Preserve.

Contract between Carver County and the Minnesota Counties Research Foundation.

Joint Powers agreements with Carver County Townships allowing Auditor's office to serve as Absentee Ballot Board for 2005 Township elections.

Community Social Services' actions.

Motion carried unanimously.

Angela Johnson, County Assessor, requested Board set a date for the County Board of Equalization meeting. She reviewed the dates allowed by the Department of Revenue and the date she recommended.

Workman moved, Lynch seconded, to set the County Board of Appeals and Equalization for June 14, 2005, at 1:30 p.m. Motion carried unanimously.

Paul Moline, Planning and Zoning, reviewed the results of the County survey that was conducted late last year. He noted this had been the third County survey done and the general purpose for doing this is to rate the quality of life in the County from a resident's perspective. He indicated the questions were similar to those asked by Scott and Dakota Counties and certain comparisons were done.

He explained 450 residents responded to the phone survey with 75 in each Commissioner district. Moline stated the rating for quality of life in Carver County was excellent to good which in turn puts the County above the norm. He explained growth and traffic congestion were seen as major issues and problems facing the County. Moline continued with ratings for specific areas and indicated they hoped to continue these surveys. He requested Board members to contact his office if there were additional questions and indicated the complete survey was available on-line for the public to access.

Degler moved, Lynch seconded, to approve payment of the following Commissioners' warrants:

INSERT

Motion carried unanimously.

Workman moved, Degler seconded, to adjourn the Regular Session at 9:45 a.m. Motion carried unanimously.

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 REQUEST FOR BOARD ACTION

AGENDA ITEM

Item Name: 2005 Rates for Seasonal, Temporary Part-time and On-call Positions

Originating Department: Human Resources

Agenda Date: February 7, 2005

Amount of Time Requested:

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

Previous County Board Action, If Any (include other parties which were advised, if any):

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

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

2005 compensation rates for Seasonal, Temporary and On-call Carver County positions. Said compensation rates represent a 1.5% increase over the 2003 rates as there was no increase in year 2004.

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

Action to approve the Seasonal, Temporary Part-time and On-call compensation rates for 2005.

FINANCIAL IMPLICATIONS

Funding:

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

Budget Information (✓ appropriate items):

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

Related Financial Comments:

REVIEWS AND APPROVALS AS REQUIRED

✓ All Reviews and Approvals Received:

County Attorney _____ Risk Management _____ Human Resources _____ Controller _____ Other _____


DEPARTMENT HEAD APPROVAL (Signature)

1-31-05
Date

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

Report Date: January 31, 2005

2005 Rates for Seasonal, Temporary, and On-call Positions

Seasonal Maintenance I (16 and 17)	\$8.1000 — \$8.5000
Seasonal Maintenance II (16 & 17)	\$8.7400 — \$9.1800
Seasonal Maintenance III (18 & Up)	\$9.2200 — \$9.6700
Seasonal Maintenance IV (18 & Up)	\$9.5400 — \$10.0200
	(\$.50 for each additional year to a maximum of \$11.0800)
Seasonal Surveying/Engineering I	\$8.1000 — \$8.5000
Seasonal Surveying/Engineering II	\$8.7400 — \$9.1800
Seasonal Surveying/Engineering III	\$9.2200 — \$9.6700
Seasonal Surveying/Engineering IV	\$9.5400 — \$10.0200
	(\$.50 for each additional year to a maximum of \$11.0800)
Seasonal Gatekeeper I	\$7.7200 — \$8.1100
Seasonal Gatekeeper II	\$7.9900 — \$8.3800
Seasonal Gatekeeper III	\$9.2700 — \$10.0200
On-Call Clerical/Receptionist	\$9.4100 — \$13.4700
On-Call Clerical/Typist	\$11.7400 — \$16.3100
On-Call Administrative Support	\$14.2200 — \$18.9700
On-Call Accounting Clerk	\$11.7400 — \$16.3100
On-Call Accounting Technician	\$13.3200 — \$17.6500
PT Medical Technician	\$13.5800 — \$14.2500
PT Reservist	\$12.9400 — \$13.5900
PT Library Page	\$6.3900 — \$8.9500
On- Call Library Aide	\$11.7400 — \$14.3500
On-Call Librarian	\$14.4600 — \$18.9700
PT/On-Call 911 Dispatch	\$14.0500 — \$21.1000
PT/On-Call Corrections Officer	\$15.8900 — \$23.8700
PT/On-Call Patrol	\$16.9500 — \$25.4300
On-Call Transit Bus Driver	\$11.7400 — \$13.4700
PT Delivery Driver	\$8.9500 — \$12.6800

Temporary part-time and on-call employees shall generally be hired within the first quartile of the appropriate range. The Employee Relations Division Director or designee may authorize a starting wage above the first quartile based on qualifications and background of the proposed employee or by labor market conditions. Movement within the range shall occur upon successful completion of 1040 hours of temporary part-time or on-call work in the same classification. Movement thereafter shall occur upon completion of 2080 hours of temporary part-time or on-call work in the same classification. No employee shall exceed the maximum of the pay range for the classification.

Board approved _____

CARVER COUNTY REQUEST FOR BOARD ACTION

AGENDA ITEM

Item Name (as you would like it to appear on the agenda): **Charitable Gambling Application for Exempt Permit for Carver County Ducks Unlimited Chapter 128**

Originating Department: **Auditor**

Agenda Date: **2/8/05**

Amount of Time Requested: **0 minutes**

Supp. Doc. Attached (y/n): **Y**

Previous County Board Action, If Any (include other parties which were advised, if any):

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

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

Charitable gambling application for exempt permit was received from Carver County Ducks Unlimited Chapter 128. They will be holding a raffle on Tuesday, April 8, 2005, at Lakeside Ballroom, 8155 Co Rd 30, Waconia, MN 55387.

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

See Attached Resolution

FINANCIAL IMPLICATIONS

Funding:

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

Budget Information (✓ appropriate items):

Budgeted: _____
 Not Budgeted: **XX**
 Amendment Required: **NO**
 (requires controller approval)

Related Financial Comments:

REVIEWS AND APPROVALS AS REQUIRED

✓ All Reviews and Approvals Received:

County Attorney _____ Risk Management _____ Human Resources _____ Controller _____ Other _____


 DEPARTMENT HEAD APPROVAL (Signature)

1-28-05
 Date

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

BOARD OF COMMISSIONERS CARVER COUNTY, MINNESOTA

DATE _____

RESOLUTION NUMBER _____

MOTION BY COMMISSIONER _____

SECONDED BY COMMISSIONER _____

APPROVAL OF CHARITABLE GAMBLING LICENSE Carver County Ducks Unlimited

WHEREAS, the Carver County Ducks Unlimited Chapter 128 seeks approval of a charitable gambling license; and

WHEREAS, the Carver County Ducks Unlimited Chapter 128 will hold the raffle at the Waconia Lakeside Ballroom, Waconia MN; and

WHEREAS, the Minnesota Department of Gaming requires the County Board of Commissioners to specifically approve or deny a resolution for each applicant for each application.

NOW, THEREFOR BE IT RESOLVED, the Carver County Board of Commissioners does approve the renewal of said license upon compliance with Resolution #29 94-1.

YES

ABSENT

NO

STATE OF MINNESOTA
COUNT 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 proceeding of the Board of County Commissioners, Carver County, Minnesota, at its session held on the _____ day of _____, 20____, now on file in the Administration office, and have found the same to be true and correct copy thereof.

Dated this _____ day of _____, 20____.

David Hemze, Carver County Administrator

CARVER COUNTY REQUEST FOR BOARD ACTION

AGENDA ITEM

Item Name (as you would like it to appear on the agenda):
2005 Foster Care Contracts

Originating Division: Community Social Services

Agenda Date: 02/08/05

Amount of Time Requested: NA

Supp. Doc. Attached (y/n): No

Previous County Board Action, If Any (include other parties which were advised, if any):
none

Item Type (_ Only One): Consent Regular Session Discussion Session

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

Community Social Services is required to have contracts with Foster Parents if they serve individuals that are being funded by the Medical Assistance waiver program. These are annual contracts.

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

Motion to approve the Foster Care contracts.

FINANCIAL IMPLICATIONS

Funding:

County Dollars =	\$	
Other Sources & Amounts =	\$	
_____ =	\$	489,110.00
_____ =	\$	
TOTAL =	\$	489,110.00

Budget Information (_ appropriate items):

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

Related Financial Comments:

REVIEWS AND APPROVALS AS REQUIRED

All Reviews and Approvals Received:

County Attorney Risk Management Human Resources Controller Other


DEPARTMENT HEAD APPROVAL (Signature)

1-28-05
Date

Admin. Dept. Use Only: Approved Denied Tabled Other

CARVER COUNTY REQUEST FOR BOARD ACTION

AGENDA ITEM

Item Name (as you would like it to appear on the agenda):
 Donations to Community Social Services for Foster Care

Originating Division: Community Social Services

Agenda Date: 02-01-05

Amount of Time Requested: NA

Supp. Doc. Attached (y/n): No

Previous County Board Action, If Any (include other parties which were advised, if any):

Item Type (_ Only One): Consent Regular Session Discussion Session

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

The West Carver Lioness Club, c/o Cathleen Williams 12260 Salem Avenue, Norwood/Young America, purchased holiday gifts for children in the Carver County Foster Care System. The total amount for the gifts was \$500.00. This organization provides gifts for us every year.

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

Motion to accept the donation of holiday gifts for children in foster care by the Carver Lioness Club.

FINANCIAL IMPLICATIONS

Funding:

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

Budget Information (_ appropriate items):

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

Related Financial Comments:

REVIEWS AND APPROVALS AS REQUIRED

_ All Reviews and Approvals Received:

County Attorney ___ Risk Management ___ Human Resources ___ Controller ___ Other ___

Gary Bork

DEPARTMENT HEAD APPROVAL (Signature)

1-28-05

Date

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

CARVER COUNTY REQUEST FOR BOARD ACTION

AGENDA ITEM

Item Name (as you would like it to appear on the agenda):
 Delegate Social Service Client Claims Approval

Originating Division:: Community Social Services

Agenda Date: 2/1/2005

Amount of Time Requested: NA

Supp. Doc. Attached (y/n) no

Previous County Board Action, If Any (include other parties which were advised, if any): 1/13/04

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

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

Community Social Services is requesting the Board delegate to the County Administrator the authority to approve Social Service client claims which are reimbursing clients for out of pocket expenses or claims to vendors for services that have immediate impact, that are processed for approval the weeks in 2005 when the Board does not meet. The vendor claims are generally payments to foster parents and family day care providers. The Board would formally approve these claims at their following session. This procedure has been followed since 1994, and is reauthorized by the Board on an annual basis.

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

Motion to delegate to the County Administrator the authority to approve Social Services client claims and vendor claims for client services that have immediate client impact in the weeks in 2005 when the Board does not meet.

FINANCIAL IMPLICATIONS

Funding:

County Dollars = \$

Other Sources & Amounts = \$

_____ = \$

_____ = \$

TOTAL = \$

Budget Information (✓ appropriate items):

Budgeted:

Not Budgeted:

Amendment Required:
 (requires controller approval)

Related Financial Comments:

REVIEWS AND APPROVALS AS REQUIRED

✓ All Reviews and Approvals Received:

County Attorney _____ Risk Management _____ Human Resources _____ Controller _____ Other _____

Gay Bank

 DEPARTMENT HEAD APPROVAL (Signature)

1-28-05

 Date

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

CARVER COUNTY REQUEST FOR BOARD ACTION

AGENDA ITEM

Item Name: Off-duty contract between Independent School District 111 and the Carver County Sheriff's Office

Originating Department: Sheriff's - (Sgt. Jason Kamerud)

Agenda Date: 2/15/2005

Amount of Time Requested: 5 minutes

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

Previous County Board Action, If Any (include other parties which were advised, if any):

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

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

Independent School District 111 would like to utilize the services of Carver County Sheriff's Office for off-duty events during the year. The details consist of providing security, crowd control, and enforcing all local, state, and federal laws at the requested events. The Sheriff's Office has provided this Service in the past.

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

The Carver County Board approves the off-duty contract between **Independent School District 111** and the Carver County Sheriff's Office.

FINANCIAL IMPLICATIONS

Funding:

County Dollars	=	\$.00
Other Sources & Amounts	=	\$
_____	=	\$
_____	=	\$
TOTAL		\$.00

Budget Information (✓ appropriate items):

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

Related Financial Comments:

Costs to County billed to contractee.

REVIEWS AND APPROVALS AS REQUIRED

✓ All Reviews and Approvals Received:

County Attorney _____ Risk Management _____ Human Resources _____ Controller _____ Other _____


 DEPARTMENT HEAD APPROVAL

(Signature)

1/26/05
 Date

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

CARVER COUNTY REQUEST FOR BOARD ACTION

AGENDA ITEM

Item Name (as you would like it to appear on the agenda):

Professional Services Agreement with Taylor-Menko Appraisal Company

Originating Department: Public Works

Agenda Date: 2/8/05

Amount of Time Requested: None

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

Previous County Board Action, If Any (include other parties which were advised, if any): None

Item Type (X Only One): Consent Regular Session Discussion Session

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

The County has not yet settled the right of way for three land owners along CSAH 20 east of Watertown. This appraiser did the initial appraisals on two of those properties and we desire that he do the updating of the appraisals and testify at Land Commissioner hearing we anticipate will take place this spring. The contract runs thru 12/31/05 in the event that we end up going to district court or have other unanticipated appraisal needs where his expertise is needed.

BOARD ACTION/MOTION REQUESTED (In proper format)

It is recommended the County Board pass this resolution.

FINANCIAL IMPLICATIONS

Funding:

County Dollars =	15,000
Other Sources & Amounts =	
=	
=	
Total	15,000

Budget Information (Appropriate Items):

- Budgeted
- Not Budgeted
- Amendment Required
(requires controller signature)

Related Financial Comments:

REVIEWS AND APPROVALS AS REQUIRED (Signatures)

County Attorney: _____ Risk Management: _____

Human Resources: _____ Controller: _____

DEPARTMENT HEAD APPROVAL _____

Date _____

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

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

Date: 2/8/05
Motion by Commissioner: _____

Resolution No: _____
Seconded by Commissioner: _____

**Professional Services Agreement
With
Taylor-Menko Appraisal Company**

WHEREAS, The County is in need of additional real estate appraisal services in connection with the CSAH 20 reconstruction project (SAP 10-620-11) and other appraisal needs that may arise,

BE IT RESOLVED, that the chair of the Carver County Board of Commissioners is authorized to sign the professional services agreement with Taylor-Menko Appraisal Company made a part hereof.

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 8th day of February, 2005, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 8th day of February, 2005.

David Hemze County Administrator

CARVER COUNTY REQUEST FOR BOARD ACTION

AGENDA ITEM

Item Name (as you would like it to appear on the agenda):

2005 SEASONAL ROAD RESTRICTIONS

Originating Department: Public Works

Agenda Date: February 7, 2005

Amount of Time Requested: None

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

Previous County Board Action, If Any (include other parties which were advised, if any): None

Item Type (X Only One): Consent Regular Session Discussion Session

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

BOARD ACTION/MOTION REQUESTED (In proper format)

Authorizing the posting of maximum load limit signs on Carver County Roads.

FINANCIAL IMPLICATIONS

Funding:

County Dollars =	
Other Sources & Amounts =	
=	
=	
Total	

Budget Information (Appropriate Items):

- Budgeted
 Not Budgeted
 Amendment Required
(requires controller signature)

Related Financial Comments:

REVIEWS AND APPROVALS AS REQUIRED (Signatures)

County Attorney: _____ Risk Management: _____

Human Resources: _____ Controller: _____

 _____  _____
DEPARTMENT HEAD APPROVAL Date

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

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

Date: February 7, 2005
Motion by Commissioner: _____

Resolution No: _____
Seconded by Commissioner: _____

2005 SEASONAL ROAD RESTRICTIONS

BE IT RESOLVED, that the seasonal road restrictions in Carver County be established in accordance with Chapter 169, Laws of Minnesota, at the ton per axle limitations of the 2005 Seasonal Road Restriction map for Carver County, and

BE IT FURTHER RESOLVED, that the County Engineer be and hereby is authorized to impose and to increase or decrease said restrictions whenever conditions warrant pursuant to Chapter 163, Section 163.02, Subdivision 3, Laws of Minnesota.

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 7th day of February, 2005, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 7th day of February, 2005.

County Administrator

CARVER COUNTY REQUEST FOR BOARD ACTION

AGENDA ITEM

Item Name: Manuel & Louise Pinto - Request for an Equestrian Facility (Breeding/Training).

Originating Department: Planning & Zoning

Agenda Date: February 8, 2005

Amount of Time Requested:

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

Previous County Board Action, If Any: None

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

EXPLANATION OF AGENDA ITEM

File #PZ20040080. The Planning Commission recommended approval of the Conditional Use Permit (CUP) for Manuel & Louise Pinto. Their request is to allow for the operation of an Equestrian Facility (Breeding/Training) on their approximate 79 acre parcel located in Section 2 of Watertown Township. The facility will consist of approximately 25-30 horses, however the operation could exceed the threshold for a feedlot permit. The applicants have located the site to meet these requirements if needed. The applicant's main operation will consist of breeding however they may board approximately 5 animals to defray costs. The operation will most likely employ two (2) people, excluding family members of the owners. Hours of operation would be from 8:00 a.m. to 8:00 p.m. seven days a week. The Watertown Town Board supports the request.

RECOMMENDATIONS/BOARD ACTION/MOTION REQUESTED

A motion to adopt the Findings of Fact and Order #PZ20040080 for the issuance of a Conditional Use Permit.

FINANCIAL IMPLICATIONS (None)

Funding:

County Dollars = \$0.00

Other Sources & Amounts =

_____ = \$

_____ = \$

TOTAL = \$0.00

Budget Information (✓ appropriate items):

Budgeted:

Not Budgeted:

Amendment Required:

(requires controller approval)

Related Financial Comments:

REVIEWS AND APPROVALS AS REQUIRED

✓ All Reviews and Approvals Received:

County Attorney _____ Risk Management _____ Human Resources _____ Controller _____ Other _____


DEPARTMENT HEAD APPROVAL (David K. Drealan)

21 Jan 05
Date

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

COUNTY OF CARVER

PLANNING COMMISSION RESOLUTION

FILE #: PZ20040080

RESOLUTION #: 05-02

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

FILE #: CU-PZ20040080

APPLICANT: Manuel & Louise Pinto

SITE ADDRESS: XXXX Neal Ave, Delano MN 55328

PERMIT TYPE: Equestrian Facility

PURSUANT TO: County Code, Chapter 152, Section(s) 152.079 C5, 152.077 C

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 10-002-2000

WHEREAS, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meeting of January 18, 2005; and,

WHEREAS, the Carver County Planning Commission finds as follows:

1. Manuel and Louise Pinto are in the process of purchasing a 79 acre property located in the Northeast Quarter (NE¼) of Section 2 in Watertown Township. The site is located within the Agricultural Zoning District and Pioneer Creek Watershed. The property is unimproved.
2. The applicants are applying for a Conditional Use Permit for an equestrian breeding and training facility pursuant to Section 152.079 C5 & 152.077 C of the Carver County Code, which reads as follows:

§ 152.079 CONDITIONAL USES—ACTIVITIES CENTERED AROUND A HOME OR A HOME/FARM COMBINATION.

(C) Activities.

(5) Equestrian facilities.

- (a) This subsection is intended to provide for equestrian-related facilities, such as, a riding academy, stable, personal riding arena or other similar use.
- (b) The use must be located on a minimum of ten acres. The number of animal units permitted will be regulated by the permit.
- (c) A facility having ten or more horses shall be required to obtain a feedlot certificate of compliance or as administered through the feedlot regulations.
- (d) A facility having nine or fewer horses shall provide evidence of acceptable manure management.
- (f) Permits involving personal riding arenas are exempt from the prohibition on permit issuance on AG preserve land provided the approved operation is accessory to the residence and there will be no commercial boarding, training or other use for pay or similar remuneration.

§ 152.077 CONDITIONAL USES—RESIDENTIAL RELATED.

- (D) Farm related permanent homes (allowed in AG preserve). Additional permanent dwellings may be located on a parcel of at least 80 acres or 2 quarter-quarter sections without subdividing a lot provided: the parcel has one unused building eligibility available for each additional permanent farm related home. The home must be occupied by someone employed on the farm at least 20 hours per week. Any additional homes under this section shall be occupied by someone working at least 40 hours per week in the farming operation. The home must be located in such a manner that at such time as the home ceases to be occupied by someone employed on the farm, a lot meeting all county requirements containing the home can be subdivided from the parcel. At such time as a permanent farm related home ceases to be occupied as provided for by this section, the lot and home shall be subdivided within 180 days.
3. Mr. & Mrs. Pinto will be building a home on the 79 acre site. The applicants have two 1 per 40 building eligibilities available on the property. The second eligibility could possibly be utilized as living quarters for the site manager and or trainer.
 4. At this time, the applicants own six horses, but future plans include breeding and boarding/training of up to approximately twenty five (25) horses, however the applicants are planning on applying for a feedlot permit for up to 40 animals. They are planning on applying for the permit because they do not want to be put in a situation where they are unable to sell their horses and/or they go over the feedlot threshold, thereby causing them to be in violation of County Code. The Pintos will need to apply for the Feedlot permit prior to establishing animals on the property. The operation has been located in such a manner as to meet the required 1,000 foot feedlot setback from neighboring residences. The paddocks will be situated to the west of the operational area. The remaining property will be maintained in alfalfa and meadow hay.
 5. According to the site and operational plan (dated: 11/18/04), the facility will utilize several structures as part of the operation. Buildings utilized will include but not be limited to an approximate 72' x 210' indoor riding arena, 36' x 150' barn, 36' x 200' barn, and a hay barn as well as run-in or loafing sheds and machine storage sheds. The business related buildings, ie the barns and indoor riding arena would not be built before the home on the property is constructed.
 6. According to the operational plan, the development of the site will take a couple of years to become fully operational. After discussions with the applicants their plan indicates that the first year will be devoted to developing turf (currently plowed field) and fencing the property. During this same time, they will be developing a client base and designing the architecture and layout of the facility that will best represent their goals for the facility. In 2006, they plan on breaking ground on the house and barn facilities.
 7. The operation will consist primarily of a breeding operation for Lusitano horses, but the applicants have also indicated that they would be training and boarding a limited number of horses to help defray costs. Additionally, they plan on holding three to four educational riding clinics per year. Previously they had mentioned having six to eight clinics per year, this was listed to make sure that if the operation expands they would have the ability to run the clinics without violating their permit. Currently, the plan allows for the possibility of 8-10 riders and possibly 20 or fewer viewers during the clinics. The clinics are generally more private rather than public in nature. The parking for the event would be located within the grounds.
 8. The operation could employ up to five people; a full-time manger, trainer, two grooms and possibly a third part-time groom; however, the applicant indicated that it is more likely that they will have 1 full-time and 1 part-time employee. It is the applicants' intent to build a second home (a Farm Related Permanent home) on the property for the manager and/or trainer. The manager/trainer would be a full-time employee which would meet/surpass the requirements of a Farm Related Permanent Home.
 9. The horses would be turned out twice a day (probably early morning and evening) typical of an animal operation. The business hours are listed as 8 a.m. to 8 p.m., but actual business hours would be sporadic. The applicants indicated because of the value of this type of horse, they prefer a more private setting with relatively few customers. Access to the site will be by means of a driveway or possibly in the future a privately maintained public roadway. Access by the

public would again be sporadic in nature and would have minimal impact of the traffic volume for Neal Ave.

10. The Pinto's have also discussed the option of applying for a Conditional Use Permit under the High Amenity section of the County Code, which allows for additional building density (wooded lots). However, to accomplish this they would have to maintain fewer than 29 animal units as part of the operation.
11. The Watertown Town Board heard the Pinto's request at their December 6, 2004, Town Board meeting. They recommended approval of the applicant's request.

THEREFORE, BE IT RESOLVED, THAT The Carver County Planning Commission hereby recommends the issuance of the Conditional Use Permit for an Equestrian Facility and a 2nd Farm Related Permanent Home 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 Planning & Zoning 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 Planning & Zoning as early on in the timeline of the proposed change as possible.
2. A maximum of nine (9) animal units (horses) shall be allowed on the site without a feedlot registration. If the applicant exceeds nine (9) animal units (horses), he/she will be required to comply with the Carver County Feedlot Ordinance and/or appropriate permit(s). A manure management plan must be submitted by the applicant and must be approved by the Environmental Services (E.S.) Department prior to the issuance of a building permit for any animal related structure permitted by this CUP.
3. A permanent single family dwelling unit on the parcel shall be occupied as a homestead by a principal of the activity. (Principal meaning an owner and/or an individual who has interest in the ownership of the property).
4. The equestrian facility shall be operated in accordance with the operational plans (dated: 11/18/04). These plans shall be attached to and become part of this permit. No public activities other than the boarding and training of horses on the site shall be permitted. A maximum of eight (8) events (riding clinics) per year, not to exceed 10 participants each, will be allowed on the site (public spectators welcome).
5. Adequate measures shall be taken to keep all horses within the boundaries of the parcel. Any horses that are ridden at the site shall not enter neighboring properties without the approval of the affected property owner. It is the owner's responsibility to notify his patrons of these requirements.
6. Access to the site shall be provided by means of the existing driveway or public road. All public parking shall be located on-site. The Permittee shall comply with any dust/traffic control and/or access requirements specified by Watertown Township (or responsible road authority).
7. The operation shall have no more than five (5) employees, excluding family members of the owners. Permittee shall submit a Certificate of Workers' Compensation Insurance or proper affidavit prior to issuance of any permits.
8. The permanent farm related home shall be subdivided in accordance with County requirements within 180 days of the home ceasing to be occupied by an employee of the operation.
9. 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 used as part of the business shall meet the applicable State Building Code requirements.

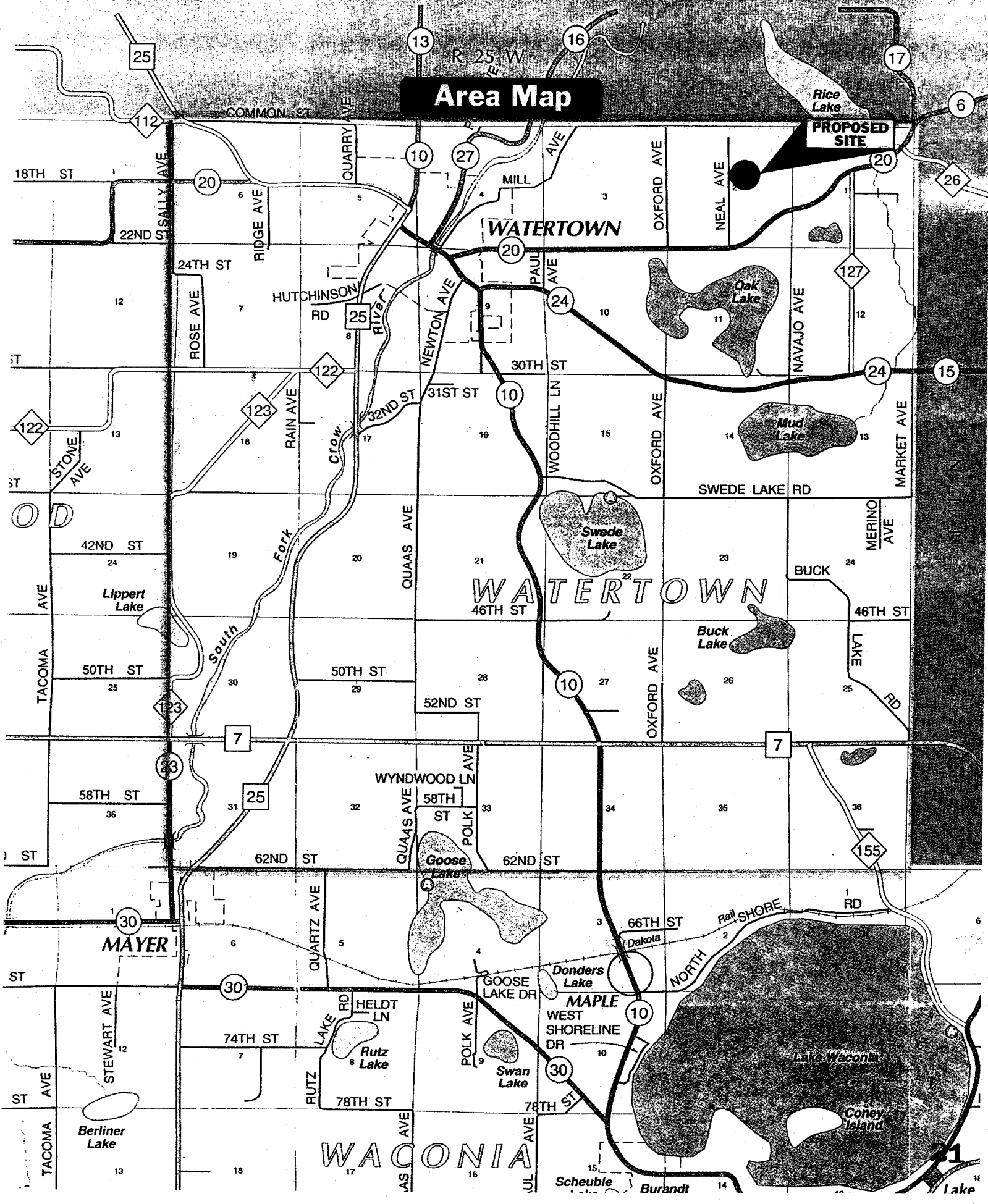
10. Outside storage is prohibited except for business related vehicles which shall be stored inside the accessory structure or behind appropriate screening located to the east of the accessory structure. Screening shall be provided pursuant to the Carver County Zoning Code, Section 152.040 – Operational Standards.
11. A grading plan and erosion/sediment control plan shall be prepared, submitted prior to any construction and implemented in accordance with the Carver County Water Management Plan. The Permittee is responsible for contacting the MPCA for a determination on the need for a NPDES Permit.

ADOPTED by the Carver County Planning Commission this 18th day of January, 2005.

Randy Maluchnik
Planning Commission Chair

Wright County

Area Map



CARVER COUNTY REQUEST FOR BOARD ACTION

AGENDA ITEM

Item Name: Association of Minnesota Counties District X Appointment

Originating Department: Administration

Agenda Date: 2/7/05

Amount of Time Requested: 5 minutes

Supp. Doc. Attached (y/n) N

Previous County Board Action, If Any (include other parties which were advised, if any):

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

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

At the Organizational Session the Board appointed Commissioner Delaney, with Commissioner Workman as the alternate, as the County's District X appointment to the Association of Minnesota Counties. Commissioner Delaney has now been selected to serve on the Minnesota Counties Insurance Trust Board and can no longer serve as the County's District X appointment. Chair Ische has indicated he would be willing to take on this committee assignment.

Board Action/Motion Requested:

Motion appointing James Ische to represent the County's District X appointment to the Association of Minnesota Counties.

FINANCIAL IMPLICATIONS

Funding:

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

Budget Information (Appropriate Items):

Budgeted:
 Not Budgeted:
 Amendment Required:
 (requires controller signature)

Related Financial Comments:

REVIEWS AND APPROVALS AS REQUIRED (Signatures)

/s/ David Hemze 2/1/05

DEPARTMENT HEAD APPROVAL _____ **Date** _____

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