



Carver County Board of Commissioners
 November 1, 2016
 Regular Session
 County Board Room
 Carver County Government Center
 Human Services Building
 Chaska, Minnesota

- 9:00 a.m. 1. a) **CONVENE**
 b) **Pledge of allegiance**
 c) **Public comments (limited to five minutes)** *Anyone wishing to address the Board of Commissioners on an item not on the agenda may come forward at this time. Please limit your comments to five minutes.*
2. Agenda review and adoption
3. Approve minutes of October 18, 2016 Regular Session 1-3
4. Community Announcements
- 9:05 a.m. 5. **CONSENT AGENDA**
- Communities: Create and maintain safe, healthy and livable communities*
- 5.1 Professional Services Agreement for Master Planning Work for TH 5 Regional Trail 4
- Connections: Develop strong public partnerships and connect people to services and information*
- 5.2 Professional Services Agreement with Bolton & Menk for CSAH 10 Final Design 5
- 5.3 Contract for Upgrade of CarverLink Core Internet Routing Data Center Switches 6
- 5.4 Application for Pro-Rated 2016-2017 On-Sale Liquor License including Sunday for Vandy's Grille LLC dba Vandy's Grille..... 7
- Growth: Manage the challenges and opportunities resulting from growth and development*
- 5.5 Resolution Authorizing Eminent Domain for the CSAH 61 Reconstruction - Flood Mitigation Project 8-20
- 5.6 Jeffrey Meuwissen - Home Extended Business Accessory Use 21-25
- 5.7 Matt Margl - Contractor's Yard 26-29
- Culture: Provide an organizational culture which fosters individual accountability to achieve goals*
- 5.8 Contract with Avtex Solutions for New ITSM 30
- 5.9 2017 Retiree Health Insurance Contributions 31
- 5.10 Financial Services Accountant Position..... 32-33
- 5.11 Request for Approval of Memorandum of Agreement for Phased Retirement Option with SMACC 34

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

5.12 Review Social Services/Commissioners Warrants. NO ATT

- 9:05 a.m. 6. **CULTURE: Provide an organizational culture which fosters individual accountability to achieve goals**
6.1 Phased Retirement Option for Public Works for William Weckman in Public Works 35-37

9:25 a.m. **ADJOURN REGULAR SESSION**

- 9:25 a.m. **BOARD REPORTS**
1. Chair
2. Board Members
3. Administrator
4. Adjourn

David Hemze
County Administrator

UPCOMING MEETINGS

- | | |
|-------------------|--|
| November 1, 2016 | 1:30 p.m. Veterans Monument Groundbreaking Ceremony, Mayer |
| November 8, 2016 | No Board Meeting |
| November 10, 2016 | 5:00 p.m. Special Meeting DG Minnesota CSG 2, LLC (Nextera & TruNorth) – Community Solar Garden Request |
| November 15, 2016 | 4:00 p.m. Board Meeting |
| November 22, 2016 | 9:00 a.m. Special Meeting DG Minnesota CSG 2, LLC (Nextera & TruNorth) – Community Solar Garden Request/Work Session |
| November 29, 2016 | No Board Meeting |
| December 1, 2016 | 6:00 p.m. 2017 Budget Public Meeting |
| December 6, 2016 | AMC Conference-No Board Meeting |
| December 13, 2016 | 9:00 a.m. Board Meeting |
| December 20, 2016 | 4:00 p.m. Board Meeting |
| December 27, 2016 | No Board Work Session |

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on October 18, 2016. Chair James Ische convened the session at 4:00 p.m.

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

Members absent: None.

Under public comments, Karen Johnson Leuthner, 15735 38th Street, Mayer, explained she was disappointed that two weeks ago a CUP request was placed on the consent agenda without discussion or public comment. She commented on the Public Works site in Hollywood Township and the black dirt removed by the previous owner. She suggested a contractor's yard had been operated without a CUP and no one paid attention. Johnson Leuthner believed mistakes had been made and she would continue to keep handing over information to the County Attorney.

The following amendments were made to the agenda:

Add to consent:

5.17-Approval of Memorandum of Agreement with Teamsters Non-Licensed Management Personnel and PSAP Supervisors Regarding 2017 Insurance Contributions

5.18-Approval of Memorandum of Agreement with Law Enforcement Labor Services, Inc. Regarding 2017 Insurance Contributions

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

Maluchnik moved, Workman seconded, to approve the minutes of the October 4, 2016, Regular Session. Motion carried unanimously.

Community announcements were made by the Board.

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

Approved the five-year lease agreement between West Suburban Housing Partners and Carver County Health and Human Services.

Approved the reduction of contract retainage to 1.5% of the completed work for SAP 010-617-023 CSAH 17 & Pleasantview Road Intersection Improvement Project to Chard Tiling and Excavating.

Resolution #63-16 County Board Acknowledgement SAP 010-640-010 Final Payment.

Resolution #64-16 Rural Impact County Challenge.

Approved out of state travel for Public Health staff to attend 2016 Strategic National Stockpile Course in Anniston, AL, November 13-19, 2016.

Approved Statewide Health Improvement Program grant budget amendment from Minnesota Department of Health in the amount of \$266,488.00 for the grant year 2016-2017.

Approved the reduction of contract retainage to 0.5% of the completed work for CSAH 10 Reconstruction Project (SP 010-610-046) to Mathiowetz Construction Company.

Authorized Public Works Operations Department to purchase a Ford Fusion for the Health and Human Services Division from Waconia Ford for \$20,538.26.

Approved the application for renewal of the On & Off-Sale Liquor License including Sunday for Hollywood Roadhouse LLC dba Hollywood Roadhouse.

Approved reappointment of Angela Johnson as County Assessor for four years starting January 1, 2017.

Adopted Findings of Fact and issued Order # PZ20160031 for the issuance of the Conditional Use Permit, Carver County, Lake Waconia Regional Park, Waconia/Laketown Township.

Resolution #65-16, Approving the Designation of a Parcel as an Agricultural Preserve, Sherm Steffenson.

Approved 2017 benefits for non-bargaining employees as outlined including 2017 monthly cafeteria contribution amounts for full-time benefit eligible non-bargaining employees based on the employee's election of health insurance with \$690.00 for single, \$1,175.00 for employee + spouse, \$850.00 for employee + child(ren), \$1,450.00 for family, and \$150.00 for waiver; maintaining the \$250.00 per month toward the cost of single health insurance for employees budgeted at least half-time but less than 0.8 FTE; and providing HRA/VEBA contributions in the amounts of \$750/\$1,500 and contributions for those electing the HSA High Deductible Health Plan option in the amounts of \$1,100/\$2,000.

Approved the Memoranda of Agreement with the AFSCME Assistant County Attorneys, Public Works, General, and Health and Human Services bargaining units to continue 2016 cafeteria plan contribution structure as outlined in the insurance articles of the referenced collective bargaining agreements until successor agreements are ratified by the parties.

Approved the renewal contract and 2017 premium rates with Health Partners pending finalization of the contract review process.

Approved Memorandum of Agreement with Teamsters Sheriff's Office Non-Licensed Management Personnel and PSAP Supervisors for 2017 cafeteria contributions.

Approved Memorandum of Agreement with LELS Licensed Sergeants for 2017 cafeteria contributions.

Reviewed October 11, 2016, Community Social Services' actions/Commissioners' warrants in the amount of \$230,673.29 and reviewed October 18, 2016, Community Social Services' actions/Commissioners' warrants in the amount of \$543,192.07.

Motion carried unanimously.

Michael Legg, Public Works, requested the Board approve a contract with Park Construction for paving at the Hollywood Township Public Works Facility. He identified the area to be paved, noting the salt shed currently under construction and the area where the work would be done.

Karen Johnson Leuther noted an area of a map where black dirt was removed and inquired how they would make sure salt did not get into the water system. Legg explained how the salt would be contained. He added they do use best management practices when handling salt, monitor how it is handled and clean up any spills. Johnson Leuthner stated she wanted to make certain salt didn't get into their water system and that it would be monitored. She also commented on the past history and questioned the future uses for this area.

Lynch moved, Maluchnik seconded, to contract with Park Construction Company, the low responsible bidder pending completion of the contract review process. Motion carried unanimously.

Workman moved, Degler seconded, to adjourn the Regular Session at 4:25 p.m. Motion carried unanimously.

David Hemze
County Administrator

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

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Professional Services Agreement for Master Planning Work for TH 5 Regional Trail

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:
Consent

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

Carver County intends to construct a trail segment along TH 5 from Century Boulevard to Minnewashta Parkway in Chanhassen. This planned project is consistent with County and Regional Planning documents and has been awarded Federal funding for construction year 2018. Additionally, this trail segment represents a gap in the off road trail system along TH 5, will improve safety with a proposed underpass at TH 41, traverse through and connect with the Minnesota Landscape Arboretum. The project, when completed, effectively connects existing local trail systems of Chanhassen and Victoria as well as regional trails of Carver County and Three Rivers Park District.

In preparation for the project, a regional trail master plan is proposed to be completed. The area of the master plan extends from the east county line at Hennepin County to Rolling Acres Road in Victoria. An approved regional trail master plan by the Metropolitan Council allows for the 2018 trail project to be eligible for regional funding. Regional funds are proposed to be used as a local match to federal funding as well as used for design, engineering and inspection services.

Deliverables of the master planning work include addressing requirements for Linking Regional Trails as defined in the 2040 Regional Parks Policy Plan. Consistent with the Policy Plan, significant work will be done to engage the public through a variety of events, meetings, survey and social media.

ACTION REQUESTED:

Approve a Professional Service Agreement with SRF Consulting Group, Inc. for \$47,156.00 pending finalization of the contract review process.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT:

Total

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2016 - 4342

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Professional Services Agreement with Bolton & Menk for CSAH 10 Final Design

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

Connections:

BACKGROUND/JUSTIFICATION:

The CSAH 10 corridor in the City of Waconia is a critical regional highway running through the City. The County and City comprehensive plans include the realignment of CSAH 10 west of the city. The realigned CSAH 10 as outlined in planning documents was aligned just west of the Waconai High School and Middle School campus. The school district (ISD 110) is planning an expansion of their campus and purchased land that crosses the planned highway alignment. The campus expansion also needs a new access to State Highway 5 to avoid additional congestion issues. A joint benefit exists if the Carver County highway is constructed earlier than may have been planned for access coordination, cost sharing potential, right-of-way preservation, and development coordination. Due to other projects, our staff are not able to complete this project in-house in the desired time frame. The County and the City of Waconia have worked with Bolton & Menk, Inc. in the past with success. This project has been added to the County's CIP and the City is fully supportive of the project as well.

On Oct. 4, 2016 the County Board approved amendment #1 to the existing Bolton & Menk contract for this project (Contract 15-539) pending finalization of the contract review process. Due to the large dollar amount of the amendment, the County Attorney review required completion of this work under a new contract. This contract replaces work that was previously proposed to be completed through Amendment No 1 to contract 15-539.

Agreement 15-539 - PSA with Bolton & Menk for CSAH 10 Realignment completed alignment and preliminary design work. This agreement is to perform final design of the future CSAH 10 alignment from TH 5 to existing CSAH 10.

ACTION REQUESTED:

Approve a professional services agreement with BOLTON AND MENK INC., in the amount of \$879,536.00 for detailed design of the CSAH 10 construction project in Waconia.

FISCAL IMPACT:

If "Other", specify:

FTE IMPACT:

FUNDING

County Dollars =	\$484,536.00
City of Waconia	\$395,000.00
Total	\$879,536.00

Insert additional funding source

Related Financial/FTE Comments:

The existing JPA with the City of Waconia provides for division of the engineering costs based on proportion of construction costs for each agency.

Office use only:

RBA 2016 - 4330

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Contract for Upgrade of CarverLink Core Internet Routing Data Center Switches

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:
Consent

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

As part of CarverLink's Internet Backbone project, this contract will provide for the network equipment, licensing, installation, and configuration services to upgrade CarverLink's two existing core Internet routing switches. CarverLink is the fiber optic cable network provided by the County in a ring throughout the County, and is linked to cities, schools, community health providers, and others to ensure that high-speed Internet access is available across the County. The Internet routing switches are needed to meet the increased bandwidth needs of all the schools and other public and community support entities within the County.

ACTION REQUESTED:

Motion to approve the professional services agreement with Matrix Communications pending completion of the contract review process.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT:

Total

Insert additional funding source

Related Financial/FTE Comments:

Cost estimated at \$109,758.48 with up to \$125,000 acceptable upon approval of the Assistant County Administrator or his designee. These funds will be drawn from CarverLink's Internet Backbone project.

Office use only:

RBA 2016 - 4335

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Application for Pro-Rated 2016-2017 On-Sale Liquor License including Sunday for Vandy's Grille LLC dba Vandy's Grille

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:
Consent

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

Corey Vanderhoff, President of Vandy's Grille LLC dba Vandy's Grille has applied for an On-Sale Liquor License including Sunday. The license will begin 12/1/16 and run through 10/31/17. They are located at 7795 Laketown Parkway, Waconia. There are no delinquent taxes owing on this property.

ACTION REQUESTED:

Motion to approve application of an On-Sale Liquor License including Sunday for Vandy's Grille LLC dba Vandy's Grille.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT:

Total \$0.00

Insert additional funding source

Related Financial/FTE Comments:

Pro-Rated Licence fee: On-Sale Liquor License including Sunday - \$2,017.00.

Office use only:

RBA 2016 - 4345

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Resolution Authorizing Eminent Domain for the CSAH 61 Reconstruction - Flood Mitigation Project

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

Carver County, in conjunction with Hennepin County, will be reconstructing County State Aid Highway ("CSAH") 61, between CSAH 101 and the Hennepin County Line. The project is planned to begin in the early spring of 2017.

Public Works has been negotiating with property owners in good faith, and will continue to do so, to acquire the right-of-way/easements needed for the project. However, in order to meet the schedule for construction bidding, it will be necessary to undertake eminent domain proceedings to acquire the necessary property interests from a second parcel for construction of the project.

A resolution, including the list of affected property owners, is attached.

ACTION REQUESTED:

Adopt a resolution authorizing and directing the County Attorney to take all steps necessary to acquire the easements necessary for the CSAH 61 Reconstruction - Flood Mitigation Project by filing an action in eminent domain, negotiation of early entry authorization and the use of the quick-take procedure.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT:

Total **\$0.00**

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2016 - 4338

**BOARD OF COMISSIONERS
CARVER COUNTY, MINNESOTA**

RESOLUTION NO. 16-____

**A Resolution Authorizing and Directing
Condemnation of Easements Required for the
CSAH 61 (between Trunk Highway 101 and Hennepin County Border) Reconstruction
Project**

WHEREAS, the Board of Commissioners of Carver County is the official governing body of Carver County (“County”); and

WHEREAS, the County, acting by and through its Board of Commissioners, is authorized by law, and pursuant to Minnesota Statutes, § 163.02, subd. 2; §117.012; and § 117.042, to acquire land and other interests in real estate which are needed for public use or purpose; and

WHEREAS, Carver County wishes to construct roadway and related improvements as part of the County State Aid Highway (“CSAH”) 61 (between CSAH 101 and the Hennepin County border) Reconstruction – Flood Mitigation Project (“Project”); and

WHEREAS, based upon appraisals prepared by independent real estate appraisers, and in accordance with authorization of the Board of Commissioners, agents of the County have previously made offers of compensation to owners of property affected by the Project for the easements required for the Project, but, despite good faith efforts, have been unable to reach agreements with the owner of one of properties, which is legally described in Exhibit A attached hereto; and

WHEREAS, the Board of Commissioners finds that it is reasonably necessary, proper, and convenient, and in the interest of the public health, convenience, and general welfare of the citizens

of the County that title to and possession of the easements hereinafter described be acquired through use of the power of eminent domain in furtherance of the Project; and

WHEREAS, the Board of Commissioners finds that the funding and construction schedule for the Project make it necessary to acquire title to and possession of the easements hereinafter described prior to the filing of the final report of the condemnation commissioners to be appointed by the district court.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF CARVER IN REGULAR MEETING ASSEMBLED, that it is the considered judgment of the Board of Commissioners that the easements described in Exhibit A, attached hereto and made a part hereof as though fully set forth at this point, be acquired for the stated public purposes, and that the interests be acquired, if necessary, through the exercise of the power of eminent domain.

BE IT FURTHER RESOLVED, that the County Attorney and legal counsel retained by the County are authorized and directed to take all steps necessary to acquire the easements described herein by filing an action in eminent domain, negotiation of early entry authorization, and the use of the quick-take procedure.

Adopted this 1st day of November, 2016 by the Carver County Board of Commissioners.

YES	ABSENT	NO
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

STATE OF MINNESOTA)
) ss.
COUNTY OF CARVER)

I, Dave Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 1st day of November, 2016, 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 November, 2016.

Dave Hemze County Administrator

Subscribed and sworn to before me
this _____ day of November, 2016.

Notary Public

My Commission Expires _____

Notary Stamp

Chair, Board of Commissioners

ATTEST:

Clerk, Board of Commissioners

easterly from the East line of said Roadway easement, as above described for the full length thereof, to the center line of the bed of the creek as it presently exists which creek lies to the East and runs parallel to said roadway easement according to the duly recorded plat thereof.

TRACT 2: A tract of land in the northeast Quarter of Section 36, Township 116 North, Range 23 West, Carver County, Minnesota, described as follows: Commencing at the southwest corner of the Northwest Quarter of said Section 36; and running thence North 79 degrees 36 minutes East, a distance of 3545.55 feet; thence North 10 degrees 01 minutes West, a distance of 340.6 feet; thence North 4 degrees 01 minutes East a distance of 135.0 feet; thence North 7 degrees 38 minutes West a distance of 150.0 feet to the actual point of beginning; thence North 00 degrees 42 minutes East a distance of 170.0 feet; thence North 79 degrees 10 minutes West, a distance of 180.55 feet; thence South 6 degrees 46 minutes West a distance of 146.5 feet; thence South 73 degrees 38 minutes East a distance of 200 feet to the actual point of beginning.

Together with an easement over the following described strip of land for roadway purposes: Commencing at the southwest corner of the Northwest Quarter of said Section 36 and running thence North 79 degrees 36 minutes East, a distance of 3554.55 feet to the actual point of beginning of the center line of said strip of land and having a width of 9 feet on either side; thence North 10 degrees 01 minutes West, a distance of 340.6 feet; thence North 4 degrees 01 minutes East a distance of 135.0 feet; thence North 7 degrees 38 minutes West a distance of 150.0 feet; thence North 00 degrees 42 minutes East a distance of 170.0 feet and there terminating.

Together with an easement to use for any lawful purpose, the above strip of land lying between the East line of said above described roadway easement and the center line of the creek lying easterly thereof.

TRACT 3: A tract of land in the Northeast Quarter of Section 36, Township 116 North, Range 23 West, Carver County, Minnesota, described as follows: Commencing at the southwest corner of the Northwest Quarter of said Section 36, and running thence North 79 degrees 36 minutes East a distance of 3545.55 feet; thence North 10 degrees 01 minutes West a distance of 340.6 feet; thence North 4 degrees 01 minutes East a distance of 135.0 feet to the actual point of beginning; thence North 7 degrees 38 minutes West a distance of 150.00 feet; thence North 73 degrees 38 minutes West a distance of 200.0 feet; thence South 7 degrees 38 minutes East a distance of 150.0 feet; thence South 73 degrees 38 minutes East a distance of 200.00 feet to the actual point of beginning.

Together with an easement over the following described strip of land for road purposes. Commencing at the southwest corner of the Northwest Quarter of said Section 36; and running thence North 79 degrees 36 minutes East a distance of 3554.55 feet to the actual point of beginning of the center line of said strip of land and having a width of 9 feet on either side; thence North 10 degrees 01 minutes West a distance of 340.6 feet; thence North 4 degrees 01 minutes East a distance of 135.0 feet; thence North 7 degrees 38 minutes West a distance of 150.0 feet and there terminating.

TRACT 4: Parcel A: All that part of Government Lot 2 and 3, Section 36, Township 116, Range 23, described as follows: Starting at a point in the centerline of the pavement on Trunk Highway No. 169 which point is North 73 degrees 20 minutes East 2718.0 feet from the west quarter corner of said Section 36; and running northwesterly at right angles to said Trunk Highway No. 169, 50 feet to the southwest corner of the land to be herein conveyed; thence northeasterly parallel to Trunk Highway No. 169, 200.0 feet;

thence 90 degrees to the left, 50.0 feet; thence 90 degrees to the left, 200.00 feet; thence 90 degrees to the left again 50.0 feet to the place of beginning, and

TRACT 4: Parcel B: All that part of Government Lot 3, Section 36, Township 116, Range 23, described as follows: Starting at a point in the centerline of the pavement on Trunk Highway No. 169 which point is North 73 degrees 20 minutes East 2418.0 feet from the west quarter corner of said Section 36; and running thence northwesterly at right angles to the pavement, 195.2 feet to the southwest corner of the land to be herein conveyed; thence northeasterly parallel to said Trunk Highway No. 169, 300.0 feet; thence 90 degrees to the left, 111.9 feet; thence 90 degrees to the left, 300.00 feet; and thence 90 degrees to the left again 111.9 feet to the point of beginning, and

TRACT 4: Parcel C: All that part of Government Lot 3, Section 36, Township 116, Range 23, described as follows: Starting at a point in the centerline of the pavement on Trunk Highway No. 169, which point is North 73 degrees 20 minutes East, 2418.0 feet from the west quarter corner of said Section 36 and running thence northwesterly at right angles to said Trunk Highway No. 169, 50 feet to the southeast corner of the land to be herein described; thence continue northwesterly at right angles to said Trunk Highway No. 169, 257.1 feet; thence southwesterly at right angles 12 feet; thence southeasterly at right angles 257.1 feet to the north right of way line of said Trunk Highway No. 169, and thence at right angles to the left 12 feet to place of beginning, and

TRACT 4: Parcel D: All that part of Government Lot 3, Section 36, Township 116, Range 23, described as follows:

Starting at a point which is North 73 degrees 0 minutes East, 2418.0 feet from the west quarter corner of said Section 36, which point is 50 feet northwesterly from the centerline of the concrete pavement on Trunk Highway No. 169 as now built and running; thence northwesterly at right angles to the pavement 145.2 feet; thence northeasterly parallel to the pavement 300 feet; thence southeasterly at right angles to the pavement 145.2 feet which point is 50 feet from the centerline of said pavement and thence southwesterly parallel to the pavement 300 feet to the place of beginning, and

TRACT 4: Parcel E: All that part of Government Lot 3, Section 36, Township 116, Range 23, described as follows: Starting at a point which is 73 degrees 0 minutes East, 2388.0 feet from the west quarter corner of said Section 36, which point is 50 feet northwesterly from the centerline of the concrete pavement on Trunk Highway 169 as it now exists; thence northwesterly at right angles to the pavement 250 feet; thence southwesterly parallel to the pavement 52 feet; thence southeasterly at right angles to the pavement, 250 feet to a point 50 feet from the centerline of said pavement; thence northeasterly parallel to the pavement a distance of 52 feet to the place of beginning.

TRACT 5: A tract of land in Government Lot 3 of Section 36, Township 116 North, Range 23 West, Carver County, Minnesota described as follows: Commencing at the southwest corner of said Northwest Quarter and running thence North 75 degrees 53 minutes East along the centerline of the pavement of Trunk Highway No. 169 a distance of 1925.6 feet; thence North 13 degrees 22 minutes West a distance of 349.9 feet; thence North 81 degrees 08 minutes East a distance of 270 feet to the point of beginning; thence continuing North 81 degrees 08 minutes East a distance of 90 feet; thence North 14 degrees 52 minutes West a distance of 300.45 feet to the southerly right of way line of the Chicago and Northwestern Railroad; thence westerly a distance

of 90 feet more or less along said right of way line to its intersection with a line bearing North 14 degrees 52 minutes West from the point of beginning; thence South 14 degrees 52 minutes East a distance of 294 feet to the point of beginning. AND a strip of land 50 feet in width located in Government Lot 3 of Section 36, Township 116 North, Range 23 West, Carver County, Minnesota, described as follows: Commencing at the southwest corner of said Northwest Quarter and running thence North 75 degrees 53 minutes East along the centerline of the pavement of Trunk Highway No. 169 a distance of 1925.6 feet; thence North 13 degrees 22 minutes West a distance of 349.9 feet; thence North 81 degrees 08 minutes East a distance of 360 feet to the point of beginning; thence continuing North 81 degrees 08 minutes East a distance of 50 feet; thence North 14 degrees 52 minutes West a distance of 300 feet or more to the southerly right of way line of the Chicago and Northwestern Railroad; thence westerly a distance of 50 feet more or less along said right of way line to its intersection with a line bearing North 14 degrees 52 minutes West from the point of beginning; thence South 14 degrees 52 minutes East a distance of 300.45 feet to the point of beginning, all according to the United States Government Survey thereof and situate in Carver County, Minnesota.

Together with an easement for driveway purposes over and across that part of Government Lot 3, Section 36, Township 116, Range 23, Carver County, Minnesota, described as follows:

Commencing at a point in the centerline of the pavement on Trunk Highway No. 169 which point is North 73 degrees 20 minutes East, 2388.00 feet from the West Quarter corner of said Section 36; thence northwesterly at right angles to said pavement, a distance of 50.00 feet to the point of beginning of the easement to be described; thence continue northwesterly along the last described line, a distance of 250.00 feet; thence southwesterly at right angles, a distance of 100.00 feet; thence northwesterly at right angles, a distance of 18.00 feet; thence northeasterly at right angles a distance of 118.00 feet; thence southeasterly at right angles a distance of 268.00 feet; thence southwesterly at right angles, a distance of 18.00 feet to the point of beginning, according to the United States Government Survey thereof and situate in Carver County, Minnesota.

TRACT 6: A tract of land in the South Half of the Northwest Quarter of Section 36, Township 116, Range 23 West, described as follows: Commencing at the southwest corner of the said Northwest Quarter and running thence North 75 degrees 53 minutes East along the center line of the pavement of Trunk Highway No. 169, a distance of 1925.6 feet; thence North 13 degrees 22 minutes West, a distance of 349.9 feet to a point; thence North 81 degrees 08 minutes East, a distance of 135 feet to the point of beginning of the tract to be herein conveyed; thence North 14 degrees 52 minutes West, a distance of 200 feet; thence North 81 degrees 10 minutes East, a distance of 135 feet to a point; thence running southerly a distance of 200 feet to a point that is 135 feet east of the point of beginning on a line running North 81 degrees 08 minutes East from point of beginning; thence turning and running South 81 degrees 08 minutes West, 135 feet to the point of beginning. Together with an easement for roadway purposes over and across the field road extending along the southerly boundary of the above described tract and the road extending northerly from Highway 169, on the west side of the Imperial Refineries Property; said easement being granted to second party, his heirs and assigns, forever.

TRACT 7: A tract of land in the South Half of the Northwest Quarter of Section 36, Township 116 North, Range 23 West, Carver County, Minnesota, described as follows:

Commencing at the southwest corner of said Northwest Quarter and running thence North 75 degrees 53 minutes East along the center line of the pavement of Trunk Highway No. 169 a distance of 1925.6 feet; thence North 13 degrees 22 minutes West a distance of 349.9 feet to the actual point of beginning of the tract to be herein described and conveyed; thence continuing North 13 degrees 22 minutes West a distance of 200 feet; thence North 81 degrees 10 minutes East, a distance 129.2 feet; thence South 14 degrees 52 minutes East a distance of 200 feet; thence South 81 degrees 08 minutes West a distance of 135 feet to the actual point of beginning.

which lies northerly of the northerly right-of-way line of State Highway No. 169 and State Highway No. 212 (now known as County State Aid Highway 61) and southerly of the following described line:

Commencing at the northeast corner of Government Lot 3 in Section 36, Township 116, Range 23, Carver County, Minnesota; thence southerly along the east line of said Government Lot 3 for 451.57 feet to the point of beginning of the line being described; thence southwesterly, deflecting right 74 degrees 45 minutes 31 seconds for 350.00 feet and said line there terminating.

Also a permanent easement for drainage and utility purposes over all that part of the above described tract which lies northerly of the north line of the above described highway easement and southerly of the following described line:

Commencing at the northeast corner of Government Lot 3 in Section 36, Township 116, Range 23, Carver County, Minnesota; thence southerly along the east line of said Government Lot 3 for 443.32 feet to the point of beginning of the line being described; thence southwesterly, deflecting right 76 degrees 06 minutes 16 seconds for 309.73 feet; thence southwesterly, deflecting left 1 degree 23 minutes 24 seconds for 40.00 feet and said line there terminating.

Also a permanent easement for subsurface purposes over all that part of the above described tract which lies northerly of the northerly right-of-way line of State Highway No. 169 and State Highway No. 212 (now known as County State Aid Highway 61) and southerly and easterly of the following described line: Commencing at the southeast corner of the Northwest Quarter of the Northeast Quarter of Section 36, Township 116, Range 23, Carver County, Minnesota; thence northerly along the east line of said Northwest Quarter of the Northeast Quarter for 16.62 feet to the point of beginning of the line being described; thence southwesterly, deflecting left 105 degrees 51 minutes 17 seconds for 317.44 feet; thence southeasterly, deflecting left 89 degrees 56 minutes 00 seconds for 28.38 feet to the northerly right-of-way line of State Highway No. 169 and State Highway No. 212 (now known as County State Aid Highway 61) and said line there terminating.

Said subsurface easement lies between the elevation of 688 feet and 748 feet (NAVD 88)

Also a temporary easement for construction purposes over all that part of the above described tract which lies northerly of the northerly right-of-way line of State Highway No. 169 and State Highway No. 212 (now known as County State Aid Highway 61) and southerly of the following described line:

Commencing at the most easterly corner of Lot 1, Block 1, SORENSEN ADDITION; thence northwesterly along the northeast line of said Lot 1 for 18.29 feet to the point of beginning of the line being described; thence easterly, deflecting right 112 degrees 41 minutes 55 seconds for 27.45 feet; thence northeasterly, deflecting left 90 degrees 22 minutes 52 seconds for 11.88 feet; thence northeasterly, deflecting right 66 degrees 54 minutes 56 seconds for 390.00 feet and said line there terminating.

Also a temporary easement for construction purposes over all that part of the above described tract which lies southerly of the following described line:

Commencing at the northeast corner of Government Lot 3 in Section 36, Township 116, Range 23, Carver County, Minnesota; thence southerly along the east line of said Government Lot 3 for 406.32 feet to the point of beginning of the line being described; thence southwesterly, deflecting right 74 degrees 45 minutes 31 seconds for 360.00 feet and said line there terminating.

Also a temporary easement for construction purposes over all that part of the above described tract which lies northerly of the northerly right-of-way line of State Highway No. 169 and State Highway No. 212 (now known as County State Aid Highway 61) and southerly of the following described line:

Commencing at the northeast corner of Government Lot 3 in Section 36, Township 116, Range 23, Carver County, Minnesota; thence southerly along the east line of said Government Lot 3 for 373.99 feet; thence southwesterly, deflecting right 49 degrees 27 minutes 37 seconds for 40.00 feet to the point of beginning of the line being described; thence northeasterly, deflecting right 180 degrees 00 minutes 00 seconds for 320.72 feet; thence northeasterly, deflecting right 25 degrees 11 minutes 59 seconds for 122.15 feet; thence southeasterly, deflecting right 30 degrees 44 minutes 54 seconds for 330.07 feet to the northerly right-of-way line of State Highway No. 169 and State Highway No. 212 (now known as County State Aid Highway 61) and said line there terminating.

Said temporary easement(s) to begin on October 01, 2016 and expire on December 31, 2019.

Parcel 105

A permanent easement for highway purposes over all that part of the following described tract:

All that part of Government Lot 1, Section 36, Township 116, Range 23, Carver County, Minnesota, which lies northerly of Trunk Highway No. 212.

which lies northerly of the north line of Trunk Highway No. 212 (now known as County State Aid Highway 61) and southerly of the following described line:

Commencing at the northeast corner of Government Lot 2 of said Section 36; thence southerly along the west line of Government Lot 1 of said Section 36 on an assumed bearing of South 2 degrees 14 minutes 38 seconds East for 45.73 feet to the point of beginning of the line being described; thence North 71 degrees 58 minutes 06 seconds East for 631.08 feet to a point on a tangential curve, concave to the northwest having a radius of 5671.00 feet and a central angle of 1 degree 34 minutes 24 seconds; thence northeasterly along the arc of said curve a distance of 155.71 feet; thence North 19 degrees 36 minutes 18 seconds West not tangent to said curve for 4.00 feet to a point on a non-tangential curve, concave to the northwest having a radius of 5667.00 feet and

a central angle of 3 degrees 32 minutes 19 seconds; thence northeasterly along the arc of said curve a distance of 350.00 feet and said line there terminating, said arc subtended by a chord bearing North 68 degrees 37 minutes 32 seconds East.

Also a permanent easement for wall and utility purposes over all that part of the above described tract described as follows:

Commencing at the northeast corner of Government Lot 2 of said Section 36; thence southerly along the west line of Government Lot 1 of said Section 36 on an assumed bearing of South 2 degrees 14 minutes 38 seconds East for 45.73 feet to the point of beginning of the line being described; thence North 71 degrees 58 minutes 06 seconds East for 631.08 feet to a point on a tangential curve, concave to the northwest having a radius of 5671.00 feet and a central angle of 1 degree 34 minutes 24 seconds; thence northeasterly along the arc of said curve a distance of 155.71 feet; thence North 19 degrees 36 minutes 18 seconds West not tangent to said curve for 7.85 feet to a point hereinafter known as "Point A"; thence South 71 degrees 58 minutes 09 seconds West for 783.73 feet to the west line of said Government Lot 1; thence southerly along said west line for 10.39 feet to the point of beginning.

Also a permanent easement for drainage and utility purposes over all that part of the above described tract described as follows:

Beginning at the above described "Point A"; thence North 65 degrees 44 minutes 18 seconds East for 185.14 feet; thence North 21 degrees 28 minutes 34 seconds West for 6.42 feet; thence North 66 degrees 23 minutes 09 seconds East for 240.98 feet to a point hereinafter known as "Point B"; thence South 23 degrees 37 minutes 00 seconds East for 19.93 feet to the north line of Trunk Highway No. 212 (now known as County State Aid Highway 61); thence southwesterly and southerly along the north line of said Trunk Highway No. 212 to the intersection with the northerly line of the above described highway easement; thence southwesterly along the northerly line of the above described highway easement for 332.02 feet to the intersection with a line bearing South 19 degrees 36 minutes 18 seconds East from said "Point A"; thence North 19 degrees 36 minutes 18 seconds West for 3.85 feet to the point of beginning.

Also a permanent easement for wall and utility purposes over all that part of the above described tract which lies southerly and easterly of the following described line:

Commencing at the northeast corner of Government Lot 1, Section 36, Township 116, Range 23, Carver County, Minnesota; thence southerly along the east line of said Government Lot 1 for 863.91 feet to the point of beginning of the line being described; thence southwesterly, deflecting right 71 degrees 08 minutes 04 seconds for 60.40 feet; thence southwesterly, deflecting left 3 degrees 48 minutes 51 seconds for 159.08 feet to the intersection with a line bearing South 23 degrees 37 minutes 00 seconds East from the above described "Point B"; thence South 23 degrees 37 minutes 00 seconds East for 5.66 feet to the north line of Trunk Highway No. 212 (now known as County State Aid Highway 61) and said line there terminating.

Also a permanent easement for subsurface purposes over all that part of the above described tract described as follows:

Beginning at the above described "Point A"; thence South 71 degrees 58 minutes 09 seconds West for 783.73 feet to the west line of said Government Lot 1; thence northerly along said west line for 51.96 feet; thence North 71 degrees 58 minutes 09 seconds East for 768.22 feet to the intersection with a line bearing North 19 degrees 36 minutes 18 seconds West from said "Point A"; thence South 19 degrees 36 minutes 18 seconds East for 50.02 feet to the point of beginning.

Said subsurface easement lies between the elevation of 688 feet and 748 feet (NAVD 88)

Also a permanent easement for subsurface purposes over all that part of the above described tract described as follows:

Commencing at the northeast corner of Government Lot 1, Section 36, Township 116, Range 23, Carver County, Minnesota; thence southerly along the east line of said Government Lot 1 for 863.91 feet to the point of beginning of the easement being described; thence southwesterly, deflecting right 71 degrees 08 minutes 04 seconds for 60.40 feet; thence southwesterly, deflecting left 3 degrees 48 minutes 51 seconds for 159.08 feet to the intersection with a line bearing South 23 degrees 37 minutes 00 seconds East from the above described "Point B"; thence North 23 degrees 37 minutes 00 seconds West for 50.00 feet; thence northeasterly, deflecting right 89 degrees 17 minutes 05 seconds for 241.30 feet to the east line of said Government Lot 1; thence southerly along said east line to the point of beginning.

said subsurface easement lies between the elevation of 686 feet and 743 feet (NAVD 88)

Also a temporary easement for construction purposes over all that part of the above described tract described as follows:

Commencing at the above described "Point A"; thence South 71 degrees 58 minutes 09 seconds West for 681.56 feet to the point of beginning of the easement being described; thence North 18 degrees 01 minutes 51 seconds West for 11.16 feet; thence South 71 degrees 58 minutes 09 seconds West for 60.47 feet; thence South 18 degrees 01 minutes 51 seconds East for 11.16 feet to the intersection with a line bearing South 71 degrees 58 minutes 09 seconds West from the point of beginning; thence northeasterly for 60.47 feet to the point of beginning.

Also a temporary easement for construction purposes over all that part of the above described tract described as follows:

Beginning at the above described "Point A"; thence South 71 degrees 58 minutes 09 seconds West for 253.26 feet; thence North 18 degrees 01 minutes 51 seconds West for 43.76 feet; thence North 71 degrees 58 minutes 09 seconds East for 133.51 feet; thence South 18 degrees 01 minutes 51 seconds East for 25.73 feet; thence North 71 degrees 58 minutes 09 seconds East for 119.26 feet to the intersection with a line bearing North 19 degrees 36 minutes 18 seconds West from said "Point A"; thence South 19 degrees 36 minutes 18 seconds East for 18.03 feet to the point of beginning.

Also a temporary easement for construction purposes over all that part of the above described tract described which lies southerly of the following described line:

Commencing at the above described "Point A"; thence North 19 degrees 36 minutes 18 seconds West for 26.09 feet to the point of beginning of the line being described; thence North 69 degrees 27 minutes 39 seconds East for 183.81 feet; thence North 21 degrees 28 minutes 24 seconds West for 16.06 feet; thence North 66 degrees 23 minutes 09 seconds East for 240.38 feet to the intersection with a line bearing North 23 degrees 37 minutes 00 seconds West from said "Point B"; thence South 23 degrees 37 minutes 00 seconds East for 23.71 feet to said "Point B" and said line there terminating.

Said temporary easement(s) to begin on October 01, 2016 and expire on December 31, 2019.

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Jeffrey Meuwissen - Home Extended Business Accessory Use

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:
Consent

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

File #PZ20160049. The Planning Commission recommended approval of a Conditional Use Permit (CUP) for a Home Extended Business Accessory Use, in Section 35 of Laketown Township, on property owned by Jeffrey Meuwissen. Mr. Meuwissen has owned and operated his business, Right Way Plumbing, since 2011. The request would allow for the operation of the business in a new 50' x 80' (4,000 sq. ft.) building, with an 8' x 20' (160 sq. ft.) overhang in front of the office area. There would be a total of 3 employees (Mr. Meuwissen and 2 family members). According to the applicant, all business activities would occur in the proposed structure, and there would be no outside storage or retail sales associated with the operation. Public Works has reviewed and approved the access off of County Road 10. The Laketown Town Board has also reviewed the request and recommended approval.

ACTION REQUESTED:

A motion to adopt the Findings of Fact and Issue Order #PZ20160049 for the issuance of the Conditional Use Permit.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT:

Total **\$0.00**

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2016 - 4339

COUNTY OF CARVER
PLANNING COMMISSION RESOLUTION

FILE #: PZ20160049

RESOLUTION #: 16-15

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

FILE #: PZ20160049

APPLICANT/OWNER: Jeffrey Meuwissen

SITE ADDRESS: 5780 Co Rd 10, Chaska, MN 55318

PERMIT TYPE: Home Extended Business Accessory Use

PURSUANT TO: County Code, Chapter 152, Section 152.079(C)(9)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 07-035-0400

WHEREAS, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meeting of October 18, 2016; and,

WHEREAS, the Carver County Planning Commission finds as follows:

1. Jeff Meuwissen owns a 5 acre parcel located in the Northeast Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 35, in Laketown Township. The property is improved with a home, detached garage, and an old agricultural building. The parcel is located in the Transition Overlay District for the City of Victoria and the CCWMO – West Chaska Creek watershed.
2. Mr. Meuwissen is requesting a Conditional Use Permit (CUP) for a Home Extended Business Accessory Use pursuant to Section 152.079 (C)(9) of the Carver County Zoning Code. The business, Right Way Plumbing, is currently being operated out of the residence as a home occupation.
3. On October 5, 2016, the Board of Adjustment approved a variance (Order #PZ20160048) which allowed the applicant to apply for a CUP for a business to be located approximately 400 feet from a neighboring residence to the west. The County Code requires a 500-foot setback from existing residences for this type of land use.
4. With the variance approval, the operation appears to meet the minimum requirements for a Home Extended Business Accessory Use. Mr. Meuwissen has owned and operated Right Way Plumbing LLC since 2011. The Meuwissen's have been operating the business from the site as a home occupation since they purchased and homesteaded it in 2012. Since 2012, business (the plumbing trade) has been very successful and outgrown the home office and storage areas in the existing home and detached garage.
5. According to the operational plan submitted by the applicant, all of the business activity would occur in the proposed 50' x 80' detached accessory structure with a small 8' x 20' porch (overhang in front of office area). The proposed structure would include an office, restroom, mechanical room, storage room w/mezzanine for inventory/supplies, as well as an area for two (2) commercial vehicles. The structure also provides space for personal storage. There is no outside storage proposed with this request.
6. The applicant's letter (dated: September 8, 2016) states that currently the business operates from 7:00 am to 6:00 pm, Monday – Friday, and on occasion, hours may fluctuate, depending on business needs. Saturday hours can range from 7:00 am to 12 pm. There are a total of three (3) employees, which consist of Mr. Meuwissen and two (2) family members. The home extended business accessory use does allow for up to four (4) employees in addition to the owner/operator and family of the owner/operator residing in the home. At such time the business ceases at the property, the accessory structure would convert easily to personal storage.

7. The operational letter further indicates that there are a total of two (2) company vehicles, which would be accessing business materials from the property daily, between the noted hours of operation. Company vehicles include two (2) cargo vans and one (1) pick-up (which is also Mr. Meuwissen's personal vehicle). There will be two (2) outdoor parking spaces available for employees, which will also need to maintain the 400-foot setback (Variance #PZ20160048) from the neighboring residence to the west. The business currently generates approximately six (6) to ten (10) daily trips. There is no retail sales associated with this business.
8. Carver County Environmental Services has reviewed the operational plan and is requiring the applicant complete and submit a Non-Generator's Acknowledgment. The County has records for the existing septic system for the house; however, septic plans are required to be submitted, reviewed and approved by the Environmental Services for the proposed restroom in the new accessory structure.
9. Carver County Public Works reviewed the applicant's request as it relates to access along Co Rd 10, and has expressed no safety concerns at this time. Pursuant to a submitted memo (dated: October 11, 2016) the Carver County Transportation Manager, Dan McCormick, has indicated that the proposed use and access appear to be reasonable and acceptable.
10. The neighborhood is comprised of residences and agricultural land. The request would not cause a substantial change in the character of the neighborhood nor would it result in a detriment to neighboring properties.
11. The Laketown Town Board has reviewed and recommended approval of the Conditional Use Permit request for the Home Extended Business Accessory Use.

THEREFORE, BE IT RESOLVED, THAT The Carver County Planning Commission hereby recommends the issuance of Conditional Use Permit #PZ20160049 for a Home Extended Business Accessory Use on the land described in Exhibit "A" of the permit application. The Planning Commission further recommends that the following conditions be attached to the permit:

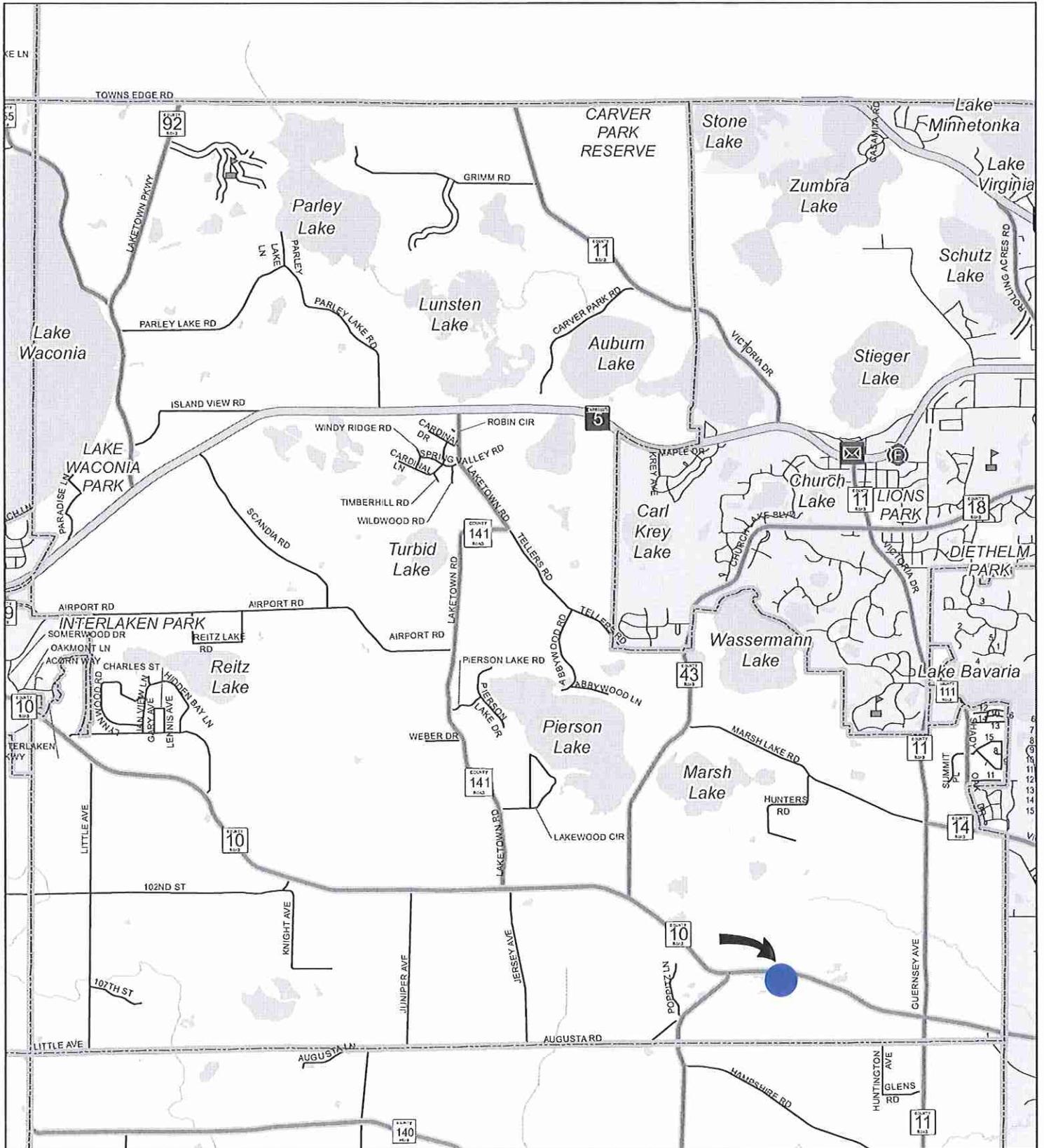
1. The permit is subject to administrative review. The Permittee shall maintain homestead status on the property. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners and/or operators are encouraged to contact Land Management as early on in the timeline of the proposed change as possible.
2. Appropriate building and septic permits shall be obtained for the accessory structure. The operation shall be in accordance with the submitted operational & site plans (dated: September 8, 2016) and Variance #PZ20160048. These plans shall be attached to and become part of this permit.
3. A maximum of four (4) business vehicles and four (4) employees who do not reside in the residence shall be permitted.
4. Permittee shall complete and submit a Non-Generator's Acknowledgment or Hazardous Waste Generator's License to the Environmental Services Department within 30 days of the issuance of this conditional use permit.
5. Permittee shall comply with the road access requirements, if any, as determined by the County Highway Department or the appropriate road authority if that changes in the future.
6. Permittee shall submit a Certificate of Workers' Compensation Insurance and/or proper affidavit to the Land Management Department.
7. All signage shall meet the requirements of Chapter 154: Sign Regulations.

8. The operation shall be in compliance with all local, state and federal regulations.

ADOPTED by the Carver County Planning Commission this 18th day of October, 2016.

John P. Fahey
Planning Commission Chair

LAKETOWN TOWNSHIP



This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible for any inaccuracies contained herein.



Carver County Board of Commissioners Request for Board Action



Agenda Item:

Matt Margl - Contractor's Yard
Matt Margl - Contractor's Yard

Primary Originating Division/Dept: <input type="text" value="Public Services - Land Mgmt."/>	Meeting Date: <input type="text" value="11/1/2016"/>
Contact: <input type="text" value="Steve Just"/> Title: <input type="text" value="Land Mgmt. Dep. Manager"/>	Item Type: <input type="text" value="Consent"/>
Amount of Time Requested: <input type="text" value=""/> minutes Presenter: <input type="text" value=""/> Title: <input type="text" value=""/>	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
Strategic Initiative: <input type="text" value="Growth: Manage the challenges and opportunities resulting from growth and development"/>	

BACKGROUND/JUSTIFICATION:

File PZ20160053. The Planning Commission recommended approval of Matt Margl's Conditional Use Permit (CUP) for a Contractor's Yard (Nice Yard), on a 12.98 acre parcel located in Section 22 of Dahlgren Township (current owner: Lars Akerberg). The business provides lawn care, landscaping, and snow removal services. Initially, there would be 3-4 employees reporting to the site (daily), with the potential for growth in the future. The business uses one single-axle dump truck and three pick-up trucks. There would be approximately 20 – 40 vehicle trips each day. A gravel parking area would be installed to accommodate approximately 20 vehicles, as well as a 4 x 8-foot sign on the north side of the driveway. Landscape screening would be installed along the west and south sides of the property and/or operational area. The County's Public Works Division has reviewed and approved the access off of County Road 43. Future plans include the construction of a 60 x 100-foot shop and an increase to 8-10 employees. The Dahlgren Town Board has also recommended approval.

ACTION REQUESTED:

A motion to adopt the Findings of Fact and issue Order #PZ20160053 for issuance of a Conditional Use Permit.

FISCAL IMPACT: <input type="text" value="None"/>	FUNDING
If "Other", specify: <input type="text" value=""/>	County Dollars = <input type="text" value=""/>
FTE IMPACT: <input type="text" value="None"/>	Total <input type="text" value=""/> \$0.00
<input checked="" type="checkbox"/> Insert additional funding source	
Related Financial/FTE Comments: <input type="text" value=""/>	

Office use only:

RBA 2016 - 4340

COUNTY OF CARVER
PLANNING COMMISSION RESOLUTION

FILE #: PZ20160053

RESOLUTION #: 16-16

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

FILE #: PZ20160053

APPLICANT/OWNER: Matt Margl/Lars Akerberg

SITE ADDRESS: 13450 Co Rd 43 Cologne, MN

PERMIT TYPE: Contractor's Yard

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

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 04-015-1320

WHEREAS, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meeting of October 18, 2016; and,

WHEREAS, the Carver County Planning Commission finds as follows:

1. Matt Margl has a purchase agreement for an approximate 12.98 acre parcel in the Northeast Quarter (NE ¼) of the Northeast Quarter (NE¼) in Section 22, Dahlgren Township. The parcel is improved with a home and multiple out buildings in the Agricultural Zoning District and the CCWMO (Carver Creek watershed).
2. The applicant is requesting a Conditional Use Permit (CUP) to operate a Contractor's Yard pursuant to Section 152.079 C10 of the Carver County Zoning Code.
3. Mr. Margl is requesting to operate his landscaping, lawn care and snow removal company from the proposed site. Hours of operation in the summer months would be between 6am and 6pm while winter hours are dependent upon the weather and would generally be 24 hours, 7 days a week during weather events. The business is proposed to take place in an existing 40 x 85 foot building. The applicant has stated that the existing building will be heated and if permitted, a bathroom may be installed with a holding tank. The applicant meets the minimum standards for a Contractors Yard CUP.
4. Indoor and outdoor storage has been proposed, and the applicant has stated that outdoor storage will be located behind buildings and in screened areas to avoid visibility from the road and neighboring properties. Outdoor storage of materials includes boulders, mulch, soil and hard scape materials. Materials such as brush or demolition debris may be brought to the site occasionally for proper disposal (or for reuse/chipping), but that would be an incidental part of the operation. The operational area would need to be at least 500 feet from neighboring residences (specifically, the residence to the east). Additional vegetative screening would be planted along the westerly and southerly portions of the property.
5. The business currently utilizes 4 vehicles; one (1) single axle dump truck, and three (3) pickup trucks. There would also be 8 other vehicles stored on the property which are the applicant's personal vehicles. The applicant has indicated he is planning to install a gravel parking area to the south and west of the existing buildings on the property to accommodate around 20+ vehicles. All business and personal related vehicles would typically be stored indoors. An estimated, 20-40 vehicle trips would be taken in and out of the site each day, with 4-5 employees reporting to the site daily as proposed. Future growth of the business may include up to 8-10 additional employees. As a Contractor's Yard, the Zoning Code limits operations to less than 10 business vehicles.
6. Future operational plans include construction of a 60 x 100 foot building depending on growth of the business. The proposed building would be constructed to the west of the existing building as noted on the operational plan.
7. The applicant is proposing a 4 x 8 foot sign located to the north of the driveway. The sign would be permitted pursuant to

Chapter 154 of the County Code, not to exceed 32 square feet of surface area. The size of a two-sided sign shall be calculated based on the surface area of only one of the sides, provided the sign surfaces are completely flush.

8. Carver County Public Works has reviewed the request and approved the access (October 11, 2016 memo) with the requirement that the applicant widen and grade-out the existing driveway access. The applicant would need to secure an access and grading permit through Carver County Public Works as well as coordinate improvement plans with the Public Works Department prior to commencing work.
9. Three (3) letters have been submitted from neighboring properties, and the Planning Commission has carefully considered that information.
10. The Dahlgren Town Board reviewed the request at their October 17, 2016 Town Board Meeting and Mark Willems clarified, at the Planning Commission meeting, that the Town Board recommends approval.

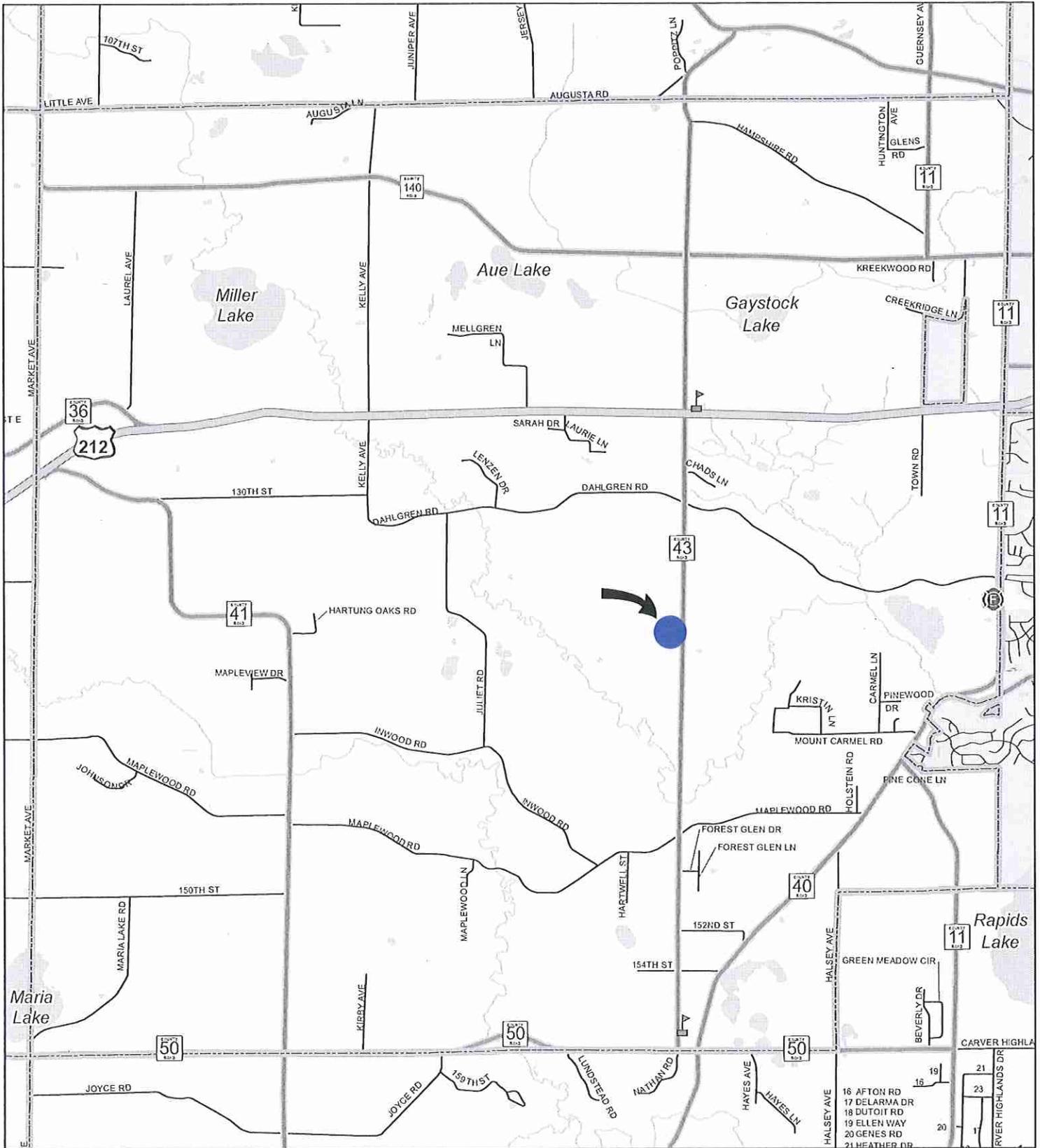
THEREFORE, BE IT RESOLVED, THAT The Carver County Planning Commission hereby recommends the issuance of Conditional Use Permit #PZ20160053, for a Contractors Yard on the land described in Exhibit "A" of the permit application. The Planning Commission further recommends that the following conditions be attached to the permit:

1. The permit is subject to administrative review. The Permittee shall maintain homestead status on the property. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners and/or operators are encouraged to contact Land Management as early on in the timeline of the proposed change as possible.
2. The operation (lawn care, landscaping, and snow removal) shall be substantially in accordance with the submitted operational & site plans (dated: 9/23/2016). These plans shall be requirements of this permit.
3. Any future remodeling or improvements to the existing structure, utilized for business storage only, shall be prohibited until such time the structure is reviewed by the Carver County Building Official, and appropriate permits are approved.
4. Construction of a future new structure, to be utilized as part of the business, shall be permitted upon review and issuance of appropriate building permit(s) prior to construction of the approximate 60 x 100 foot structure.
5. Permittee shall comply with the road access improvements and permitting requirements as determined by the road authority, including the required driveway improvements as noted in the Carver County Public Works Department memo dated October 11, 2016.
6. A maximum of nine (9) business vehicles (including, but not limited to: trucks, dump trucks, etc.) may be stored and/or permitted on the site. All outside storage shall be screened from neighboring properties and the public road and all business related trucks, equipment and supplies shall be stored within existing structures or the approved operational area. Screening shall be installed on the south side of the operational area and on the west side of the property.
7. Permittee shall obtain and maintain a Non-generator's Certificate or contact the Environmental Services (E.S.) Department to obtain a Hazardous Waste Generator's License, if required.
8. Permittee shall submit a Certificate of Workers' Compensation Insurance and/or proper affidavit to the Land Management Department.

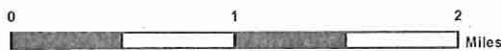
ADOPTED by the Carver County Planning Commission this 18th day of October, 2016.

John P. Fahey
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.



Carver County Board of Commissioners Request for Board Action



Agenda Item:

Contract with Avtex Solutions for New ITSM

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:
Consent

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

Culture: Provide organizational culture fostering accountability to achieve goals & sustain public trust/confidence in County government

BACKGROUND/JUSTIFICATION:

The Information Technology Department wants to contract with Avtex Solutions to implement a new IT Service Management (ITSM) system. The system will be designed to deliver, manage, and improve how IT and Facilities provide services to all of the County's divisions. It will manage the workflow and interaction among employees and the IT and Facilities staffs for incidents and "tickets". The solution will provide IT and Facilities with metrics, dashboards, and reports on tickets to help improve customer service. The new system will replace the current HelpStar application.

ACTION REQUESTED:

Motion to approve the contract with Avtex Solutions for IT Service Management system pending completion of the contract review process.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT:

Total

Insert additional funding source

Related Financial/FTE Comments:

The estimated cost is \$46,615 for implementation costs, not to exceed \$50,000.

Office use only:

RBA 2016 - 4325

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Financial Services Accountant Position

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:
Consent

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

As discussed at the 10/25 Board workshop, the County Administrator's Recommended 2017 Budget includes creating a 1.0 FTE Accountant position (anticipated grade of 13/14 depending on qualifications) that is primarily funded by eliminating a 1.0 FTE Accounting Technician position (grade 9). The 1.0 FTE Accounting Technician position is currently unfilled. Financial Services is requesting Board approval to try to hire for the new Accountant position in December 2016. This will maximize the training period before the Assistant Financial Services Director goes on leave, which is expected in March 2017 thru May 2017. This difference in cost for 2016 is requested to be covered by county-wide vacancy savings.

ACTION REQUESTED:

Approve 2016 county-wide vacancy savings to fund hiring an Accountant position in December 2016, in lieu of waiting until January of 2017.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =	<input type="text" value=""/>
Vacancy Savings	\$6,045.00
Total	\$6,045.00

FTE IMPACT:

Insert additional funding source

Related Financial/FTE Comments:

The minimal incremental cost for hiring the Accountant in December 2016 would be covered by county-wide vacancy savings.

Office use only:

RBA 2016 - 4346

Budget Amendment Request Form



To be filled out AFTER RBA submittal

Agenda Item: Financial Services Accountant Position

Department:

Meeting Date:

Fund:

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

Requested By:

DEBIT		
Description of Accounts	Acct #	Amount
Salaries	01-045.6111	\$5,219.00
Medicare	01.045.6155	\$76.00
LTD	01-045.6175	\$10.00
FICA	01-045.6172	\$324.00
PERA	01-045.6162	\$392.00
Compensated Abs	01-045.6151	\$14.00
Worker's comp	01-045.6173	\$10.00
TOTAL		\$6,045.00

CREDIT		
Description of Accounts	Acct #	Amount
Vacancy Savings (salary contingency)	01-820.6828	\$6,045.00
TOTAL		\$6,045.00

Reason for Request:

Request to early hire the 1.0 FTE Accountant position that is currently part of the 2017 Administrator's Recommended Budget. Above reflects the budgeted cost based on 12/1 hire.

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Request for Approval of Memorandum of Agreement for Phased Retirement Option with SMACC

Primary Originating Division/Dept: <u>Employee Relations</u>	Meeting Date: <u>11/1/2016</u>
Contact: <u>Kerie Anderka</u> Title: <u>Employee Relations Division ...</u>	Item Type: <u>Consent</u>
Amount of Time Requested: <input type="text"/> minutes	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Presenter: <input type="text"/> Title: <input type="text"/>	

Strategic Initiative:

Culture: Provide organizational culture fostering accountability to achieve goals & sustain public trust/confidence in County government

BACKGROUND/JUSTIFICATION:

The County and the Supervisors and Managers Association of Carver County (SMACC) are parties to a collective bargaining agreement (CBA) in effect from January 1, 2015 through December 31, 2016; and the parties desire to provide an opportunity to utilize the Phased Retirement Option (PRO) Program established through the Minnesota Public Employees Retirement Association (PERA) and County Policy, and beginning prior to the conclusion of the CBA. In order to establish terms specific to a PRO arrangement for a member of SMACC who has recently expressed interest in pursuing this option, Employee Relations recommends adoption of a Memorandum of Agreement (MOA) with SMACC to address this situation.

Terms outlined in the SMACC PRO MOA include the following:

- The rate of pay for the employee in the Phased Retirement Option shall be established by the County Board.
- The employee shall receive severance compensation as outlined in the collective bargaining agreement at the time of transition to the Phased Retirement Option.
- Upon conclusion of the regular status position, the employee shall be eligible for retiree health insurance pursuant to the County Personnel Policy, including while serving in the Phased Retirement Option assignment.
- The only terms and conditions of employment applicable to the employee serving in this Phased Retirement Option arrangement are set forth in the Memorandum of Agreement.

ACTION REQUESTED:

Motion to approve the Memorandum of Agreement for Phased Retirement Option with SMACC.

FISCAL IMPACT: None

If "Other", specify:

FUNDING

County Dollars =

Total **\$0.00**

FTE IMPACT: None

Related Financial/FTE Comments:

The Division requesting to proceed with a Phased Retirement Option for one of their employees will review costs and FTE impacts associated with their specific proposal. At that time, the Board will be presented with a recommendation for the rate of pay and other details relevant to the proposed arrangement. Approval of the MOA with SMACC allows the Division's proposal to move forward.

Office use only:

RBA 2016 - 4349

Carver County Board of Commissioners

Request for Board Action



Agenda Item:

Phased Retirement Option for William Weckman in Public Works

Primary Originating Division/Dept: <u>Public Works</u>	Meeting Date: <u>11/1/2016</u>
Contact: <u>Lyndon Robjent</u> Title: <u>Public Works Division Director</u>	Item Type: <u>Regular Session</u>
Amount of Time Requested: <u>10</u> minutes	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Presenter: <u>Lyndon Robjent</u> Title: <u>Public Works Division Director</u>	

Strategic Initiative:

Culture: Provide organizational culture fostering accountability to achieve goals & sustain public trust/confidence in County government

BACKGROUND/JUSTIFICATION:

The Minnesota Public Employees Retirement Association (PERA) and County Policy have established the ability for the County to participate in a Phased Retirement Option (PRO) Program. In addition, the County has recently established a Memorandum of Agreement (MOA) with SMACC in support of this option.

The Public Works Division has identified specific project work and transition needs which could be met through a Phased Retirement Option with one of its current employees, William Weckman; and Mr. Weckman has also expressed interest in a PRO arrangement. Mr. Weckman's knowledge and experience will be of great value to the County through a PRO arrangement.

- Under the proposed arrangement, Mr. Weckman will convert from Regular Status to Phased Retirement Option Status anticipated to be effective approximately late November 2016.
- Mr. Weckman will transition to the role of Project Engineer and his current regular status position of Program Delivery Manager would be backfilled. The PRO position will be a non-exempt hourly role. Mr Weckman's responsibilities will include professional level work and supervisory responsibility including:
 - Development of the Public Works Asset Management Plan. This includes assisting in writing the strategic plan for asset management as well as implementation of the system.
 - Right of Way Acquisition. This includes assisting the Right of Way Agent in any phase of the acquisition process and completing key projects that have not been completed including CSAH 11 and CSAH 18 (Lyman Blvd).
 - Assistance in completing maintenance agreements and other policy level documents for the division.
 - Knowledge transfer to division staff including the new Program Delivery Manager.
 - Other special projects as needed.
- Mr Weckman's experience and knowledge of the county highway system provides significant value to completing these tasks in lieu of hiring outside consultants that have less knowledge of the system and likely cost more. Consultants may be required to assist in these endeavors but at a reduced level.
- In accordance with the PRO MOA with SMACC, the rate of pay for Mr. Weckman in the Phased Retirement Option shall be established by the County Board. Employee Relations and the Public Works Director recommend that Mr. Weckman's rate be set at \$52.00 per hour while working in the PRO.
- Mr. Weckman will receive severance compensation as outlined in the SMACC collective bargaining agreement at the time of transition to the Phased Retirement Option.
- Mr. Weckman will be eligible for retiree health insurance pursuant to County Personnel Policy, including during the timeframe serving in the Phased Retirement Option.
- Pursuant to the required reduction of hours for a PRO, the anticipated regular schedule for Mr. Weckman under the PRO will be reduced from 80 hours per pay period to 56 hours per pay period, and will not exceed a maximum of 900 hours in the year.
- The PRO arrangement will not exceed one year. Any request for a renewed agreement will be in accordance with County Policy, PERA terms relating to the Phased Retirement Option, and other applicable rules.

ACTION REQUESTED:

Motion to approve the Phased Retirement Option (PRO) for William Weckman in the Public Works Division.

FISCAL IMPACT: Budget amendment request form

If "Other", specify:

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

FUNDING

County Dollars =	\$0.00
PW Prof. Services	\$50,805.00
Total	\$50,805.00

Related Financial/FTE Comments:

The funding shown is for a whole year of the PRO. Public Works budgets for professional services every year and there is funding available in the budget to pay for this PRO. See Budget Amendment for further details.

Office use only:

RBA 2016 - 4350

Budget Amendment Request Form



To be filled out AFTER RBA submittal

Agenda Item: Phased Retirement Option for William Weckman in Public Works

Department:

Meeting Date:

Fund:

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

Requested By:

DEBIT		
Description of Accounts	Acct #	Amount
Salaries	03-303.6111	\$46,801.00
Medicare	03-303.6155	\$675.00
FICA	03-303.6172	\$2,898.00
Worker's comp	03-303.6173	\$431.00
TOTAL		\$50,805.00

CREDIT		
Description of Accounts	Acct #	Amount
professional services	03-303.6260	\$50,805.00
TOTAL		\$50,805.00

Reason for Request:

The funding shown is for a whole year of the PRO. Public Works budgets for professional services every year and there is funding available in the budget to pay for this PRO.