

REGULAR SESSION
July 22, 2008

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on July 22, 2008. Chair James Ische convened the session at 9:18 a.m.

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

Members absent: None.

Under public participation, Bruce Schwichtenberg, stated he spoke with the Parks Director regarding the County's purchase of the Lakeside Ballroom and still had some questions. He stated he learned no business plan had been put together and questioned who was going to take on the liability incurred. Schwichtenberg added he still had some questions on how they arrived at the purchase price.

The following amendment was made to the agenda:

Add: 5.17 Carver County Project No. 0819-furnishing bituminous material.

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

Degler moved, Lynch seconded, to approve the minutes of the July 1, 2008, Regular Session Motion carried unanimously.

Community announcements were made by the Board.

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

Payment of emergency claims in the amount of \$31,489.69; \$1,300; \$2,511,061.08; \$554.65, \$300, \$110, \$159.75 and \$695.

Approved PWHQ data room HVAC and sign shop humidity control budget and contract with Corporate Mechanical to install data room and sign shop HVAC improvements.

Approved tobacco license #10-607, Snyders Drug Store.

Resolution #62-08 Charitable Gambling Application, West Metro Chapter Delta Waterfowl.

Resolution #63-08, Cooperative Agreement Between Carver County and the City of Watertown for Highway Corridor Study.

Resolution #64-08, Joint Powers Agreement between Carver County and City of Chaska for Pioneer Trail Overlay.

Resolution #65-08, CSAH 10 Right of Way (SP 10-610-30) Negotiated Settlement 21.

Approved out of state travel for Environmentalist III to attend the ESRI 2008 International User Conference.

Amendment #2 for the Public Health Preparedness, Pandemic Influenza and Cities Readiness Initiative grant awards from the Minnesota Department of Health as the Community Health Board.

Authorized the Metropolitan Environmental Partnership grant agreement with the Metropolitan Council in the amount of \$52,984.

Contract amendment with American Engineering Testing, Inc. in the amount of \$28,104.

Approved the following abatements/additions:

20.1250010 Michael Dvorak (2006, 2007, 2008)
85.0500132 Hubert Vassar

Resolution #66-08, Amendment No. 2 to Joint Powers Agreement No. 88704, between Carver County, Minnesota and State of Minnesota for Carver County Transportation Plan.

Service lease agreement with Procentive.com, Inc.

Awarded Carver County Project No. 0819, furnishing bituminous material to Flint Hill Resources in the amount of \$210,071.25.

Community Social Services' actions.

Approved payment of the following Commissioners' warrants:

INSERT

Motion carried unanimously.

James Keeler, County Attorney, appeared before the Board to renew his earlier request for an Assistant County Attorney 1 position. He noted the .80 FTE victim witness coordinator position that had been approved as part of the 2008 budget process had not been filled. Keeler stated since his appointment the County Attorney's office has reassessed their needs and have come to the conclusion the office would be best served by converting the witness coordinator position into an Assistant County Attorney position. He indicated there would be no fiscal impact for the year 2008 and they would continue the position as part of their staffing requests for 2009

Degler moved, Lynch seconded, to convert the Victim Witness Coordinator position to a full time Attorney 1 (Civil Division) position in the County Attorney's office. Motion carried unanimously.

David Frischmon, Finance, appeared before the Board to present the 2007 financial reports. He indicated he would be reviewing the 2007 Comprehensive Annual Financial Report and Tim

Sweeny, from the State Auditor's office, would review the State's unqualified audit opinion and management and compliance report.

Frischmon stated the goal of the report is to gain maximum understanding of the County's financial affairs. He stated the County was responsible for the accuracy, completeness and fairness and pointed out the Certificate of Excellence in Financial Reporting award the County has received over the last eleven years. Frischmon reviewed the highlights of the report, including fund balance, year end savings account and total expenses for the year. He pointed out the full report was available on the County's website.

Sweeney stated the State Auditor's office issued an unqualified opinion this year which meant the County's financial statement was clearly stated. He reviewed the recommendations related to the 2007 audit they included in their management letter. He acknowledged while the County did have internal controls, it was important to have the County also document them.

Steve Taylor, Administrative Services, pointed out the soil issues they ran into at the Chaska Service Center. He explained the soils were found unsuitable to support the addition. He stated they looked at a number of different options to mitigate the soil conditions and were recommending a traditional soil correction route. Taylor indicated they were looking at a maximum of \$39,100 to correct and the contractor was comfortable they could provide a pad ready site.

He noted the two general condition items that had come in lower than budgeted and he was recommending those savings be used, along with the project contingency, to fund the cost of the soil corrections.

Maluchnik moved, Degler seconded, to approve contract with Olson Construction for a not to exceed cost of \$39,100 pending contract review by the County Attorney/Risk Management and approved reallocating \$9,100 of the project contingency funds and \$30,000 in general conditions line item savings to fund the change order. Motion carried unanimously.

Lynch moved, Degler seconded, to adjourn the Regular Session at 10:02 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.)

283326



Office of Finance Director
Carver County Government Center
Administration Building
600 East Fourth Street
Chaska, MN 55318-1202
Phone: 952 361-1509
Fax: 952 361-1308

AUTHORIZATION

PAYMENT OF EMERGENCY CLAIM

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

VENDOR: Point Victoria Apartments
Michael Knott
736 Old Beach Lane, Waconia, MN 55387

ACCOUNT: 01-0120-000-1112-6033 (Homelessness Grant Veterans Service)

AMOUNT: \$670.00 41-1860040 # 19756

REASON: Emergency rental assistance for [redacted] to assist with rent in the amount of \$670.00 for the month of July, 2008. Veteran has not worked since November of 2006. He is seeking rental assistance for a rental unit to avoid becoming homeless. The veteran has applied for further assistance through the State Soldiers Assistance Program (SSAP).

Department Head Signature: Joel Priem

Chairman of County Board
James M. Ische

County Administrator
David Hemze

County Attorney
James W. Keeler, Jr.

Date: July 10, 2008

203881



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AUTHORIZATION
PAYMENT OF EMERGENCY CLAIM

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

VENDOR: Patrice Dillie

ACCOUNT: 11-423-710-3440-6040

AMOUNT: \$795⁰⁰

REASON: Security deposit for client with four children to secure housing for safety reasons.

Department Head Signature: *[Signature]*

Chairman of County Board

James Ische

County Administrator

[Signature]
David Hemze

County Attorney

[Signature]
James W. Keeler, Jr.

Date: 7/24/08

283882



Office of Finance Director
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AUTHORIZATION
PAYMENT OF EMERGENCY CLAIM

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

VENDOR: Principle Property Management, Inc.

ACCOUNT: 11-423-710-3440-6040

AMOUNT: \$1,185⁰⁰

REASON: To secure housing for a client with two small children that has been evicted from current housing.

Department Head Signature: Gary Bork

Chairman of County Board

James Ische

County Administrator
Ann Dineen

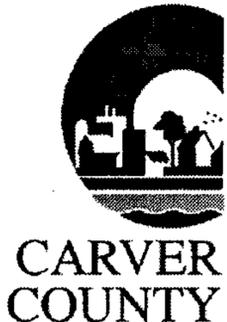
David Hemze

County Attorney

James W. Keeler, Jr.

Date: 7/24/87

283578



Office of Finance Director
Carver County Government Center
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600 East Fourth Street
Chaska, MN 55318-1202
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AUTHORIZATION

PAYMENT OF EMERGENCY CLAIM

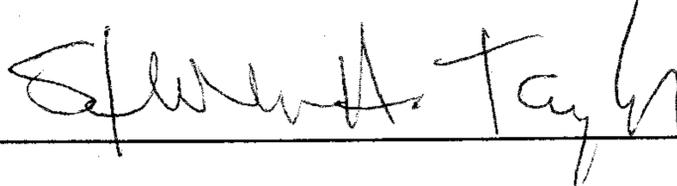
Motion passed by the Board of County Commissioners at their February 24, 1987 meeting has authorized the issuance of a check upon the consensus of the Chairman of the Board, County Administrator and the County Attorney (with a minimum of two).

VENDOR: City of Chanhassen

ACCOUNT: 30-965-363-0000-6640

AMOUNT: \$100.00

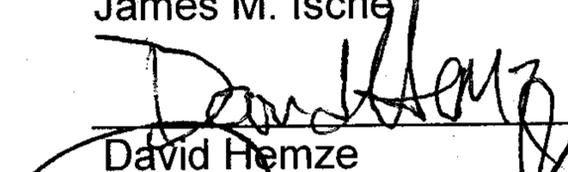
REASON: Application initiation fee-encroachment agreement-Chanhassen Service Center

Department Head Signature: 

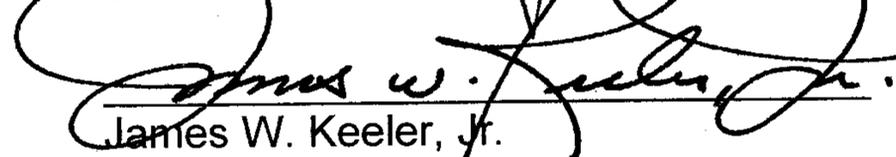
Chairman of County Board

James M. Ische

County Administrator


David Hemze

County Attorney


James W. Keeler, Jr.

Date: 7/8/08

283880



Office of Finance Director
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AUTHORIZATION

PAYMENT OF EMERGENCY CLAIM

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

VENDOR: Elk River Ford, Inc.

ACCOUNT: 01-110-000-0000-6640 (approved in the 2008 Facilities CIP)

AMOUNT: \$23,409.77

REASON: Purchase of F350 Pickup with Plow

Department Head Signature: Steven H. Taylor

Chairman of County Board

James Ische

County Administrator

Steven H. Taylor (20547)
Dave Hemze

County Attorney

James Keeler Jr
James Keeler Jr

Date: July 23, 2008



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Chaska, MN 55318-1202
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Fax: 952 361-1308

283879

AUTHORIZATION
PAYMENT OF EMERGENCY CLAIM

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

VENDOR: Chaska License Center
ACCOUNT: 01-110-000-0000-6640
AMOUNT: 1,561.64
REASON: Tax, Title, Plates, Registration
Department Head Signature: Steve H. Taylor

Chairman of County Board

James M. Ische
James M. Ische

County Administrator

David Hemze
David Hemze

County Attorney

James W. Keeler, Jr.
James W. Keeler, Jr.

Date: 7/23/2008



REQUEST FOR BOARD ACTION

AGENDA ITEM : Donations

Originating Division: Sheriff

Meeting Date: 8-5-08

Amount of Time Requested:

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM:

Food, beverages and utensils donated for search/rescue detail in Waconia 08-18833.

Donation of \$50.00 from Residential Mortgage Group (RMG).

ACTION REQUESTED:

Motion to approve \$50.00 donation and food, beverage, utensil donation.

FUNDING

County Dollars = \$

Other Sources & Amounts = \$

= \$

TOTAL = \$

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Related Financial Comments:

01-201-201-0000-5756 Gifts Restricted

Reviewed by Division Director

Date: 7-16-08



08-18833

**CARVER COUNTY SHERIFF'S OFFICE
DONATION FORM**

606 E. 4th Street
Chaska, MN 55318
952-361-1212

I would like to donate the following item(s) to the Carver County Sheriff's Office. I am aware that all donated items become the property of the Sheriff's and will not be returned.

Please list donated item(s):

- 1) (3) LARGE BREAKFAST PIZZAS
- 2) (12) BREAKFAST SANDWICHES
- 3) (1) DOZEN ASST DONUTS + ROLLS
- 4) (2) POTS OF COFFEE
- 5) MISC - CUPS + NAPKINS

If you are interested in a specific use for this donation please let us know:

DONATED FOR SEARCH/RESCUE DETAIL WACONIA LAKE (6/14/08)

Signature: *Del Gallup* Date: 6-14-08

Your Name and Address:

DEL GALLUP
409 PAUL AVE SO.
COLOMNE MN 55322

Thank you for your donation to the Carver County Sheriff's Office.



**CARVER COUNTY SHERIFF'S OFFICE
DONATION FORM**

606 E. 4th Street
Chaska, MN 55318
952-361-1212

I would like to donate the following item(s) to the Carver County Sheriff's Office. I am aware that all donated items become the property of the Sheriff's and will not be returned.

Please list donated item(s):

- 1) \$ 50⁰⁰ Check
- 2) _____
- 3) _____
- 4) _____
- 5) _____

If you are interested in a specific use for this donation please let us know:

SHERIFF'S Discretion

Signature: By MAIL Date: _____

Your Address:

Residential Mortgage Group (RMG)
11100 Wayzata Blvd, Suite 570
Minnetonka MN 55305

Thank you for your donation to the Carver County Sheriff's Office.

THIS CHECK HAS AN ARTIFICIAL WATERMARK ON REVERSE SIDE - HOLD AT AN ANGLE TO VIEW

InterBank
fsb

13601 80th Circle North Suite 100
Maple Grove, Minnesota 55369

75-7149
910

044364

ACCOUNTS PAYABLE

DATE 06/19/08 AMOUNT
*****50.00

PAY **Fifty & 00/100 USD

TO THE ORDER OF CARVER COUNTY SHERIFF'S DEPARTMENT



⑈044364⑈ ⑆091071491⑆ 026200087807⑈

InterBank fsb

044364

06/19/08

CCSD
CARVER COUNTY SHERIFF'S DEPARTMENT

MAY 2008 06/18/08 RMG-REFER A FRIEND 50.00

50.00



REQUEST FOR BOARD ACTION

AGENDA ITEM : Appointment to Carver County Mental Health Council

Originating Division: Community Social Services

Meeting Date: August 5, 2008

Amount of Time Requested: NA

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM: *The Carver County Mental Health Council is requesting that the Board approve the appointment of Dr. Sam Deweese as an official member of the council. The by-laws of the council allow for up to 14 members. There are currently only 11 members on the council. While Dr. Deweese is unable to fill one of the mandatory positions, his medical expertise as a physician in the community would be valuable to the work of the council.*

The only unfilled mandatory member position is the minority member. This position became vacant upon the recent resignation of Carlos Gallego. The council continues to work to fill this position as well.

ACTION REQUESTED: Motion to appoint Dr. Sam Deweese to the Mental Health Council.

FUNDING

County Dollars = \$

Other Sources & Amounts = \$

= \$

TOTAL = \$

Related Financial Comments:

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Reviewed by Division Director

Date: 07/16/2008



REQUEST FOR BOARD ACTION

AGENDA ITEM: June Rosckes – Request For Rural Service District Business (Amendment)

Originating Division: Land & Water Services

Meeting Date: August 5, 2008

Amount of Time Requested: None

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM:

File #PZ20080024. The Planning Commission recommended approval of the Conditional Use Permit (CUP) for June Rosckes. Her request is to amend her current CUP #12307, in order to increase the number of days she operates her Heart & Home Boutique. Mrs. Rosckes is currently allowed to operate three (3) boutique craft sales per year. Each craft sale event runs for ten (10) consecutive days; one in the spring (April – May), one in the fall (Sept. – Oct.) and one for Christmas (Nov.). The new request is to increase the number of craft sale days from 30 to 44 per year (increase of 14 days). Mrs. Rosckes has indicated that each craft sale event would run Thursday – Sunday. The events would take place as follows: Spring - April through May (4 weekends), Fall – September (3 weekends) and Christmas – October through November (4 weekends) for a total of 44 days. Mrs. Rosckes has been operating Heart & Home Boutique in her existing barn in the Maple Rural Service District (RSD) since 2001. The operation consists of selling handcrafted items and some collectables. The artists/craftsmen drop off their items a few weeks prior to the seasonal event. Once the sale is completed, they pick up the remaining unsold items within 1 week. Mrs. Rosckes sells the items herself and with the help of 1 or 2 other people during the event. If approved this permit would terminate and supersede prior Conditional Use Permits on the subject property. The Waconia Town Board recommended approval of the request.

ACTION REQUESTED:

A motion to adopt the findings of fact and order #PZ20080024 for the issuance of a Conditional Use Permit.

FUNDING

County Dollars = \$-0-

Other Sources & Amounts = -0-

= \$

TOTAL = \$-0-

Related Financial Comments:

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Reviewed by Division Director

Date: 7-24-08

COUNTY OF CARVER
PLANNING COMMISSION RESOLUTION

FILE #: PZ20080024

RESOLUTION #: 08-12

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

FILE #: PZ20080024

APPLICANT: June Rosckes

OWNER: Ralph & June Rosckes

SITE ADDRESS: 6730 Co Rd 10N, Waconia

PERMIT TYPE: Rural Service District – Adaptive Re-use

PURSUANT TO: County Code, Chapter 152, Section(s) 152.097 B

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 09-003-0300

WHEREAS, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meeting of July 15, 2008; and,

WHEREAS, the Carver County Planning Commission finds as follows:

1. Mr. & Mrs. Rosckes own an approximate 16.5 acre property located in the East Half (E½) of the Southeast Quarter (SE¼) of Section 3, Waconia Township. The property is improved with an existing house and several outbuildings. The property also has a Conditional Use Permit recorded on the property (CUP #12307). The property is located in the Agricultural Zoning District, Maple Rural Service District and the CCWRMA - Carver Creek.
2. The applicant is requesting to amend her current CUP #12307, in order to increase the number of days she operates her Heart & Home Boutique. Currently, Mrs. Rosckes is allowed to operate three (3) boutique craft sales per year. Each craft sale event runs for ten (10) consecutive days: one in the spring (April – May), one in the fall (Sept. – Oct.) and one for Christmas (Nov.). The new request is to increase the number of craft sale days from 30 to approximately 44 per year. This permit shall terminate and supersede any/all prior Conditional Use Permits on the subject property.
3. Conditional Use Permits within the Rural Service District may be issued pursuant to Section 152.097 A & B of the Carver County Zoning Code.
4. Mrs. Rosckes has been operating Hearth & Home Boutique in her existing barn since 2001 (CUP #12307). The business is a seasonal venue, which has taken place three (3) times per year (spring, fall, Christmas). The operation consists of selling handcrafted items and some collectables on commission. The artists/craftsmen drop off their items a few weeks prior to the seasonal ten (10) day event. Once the sale is completed, the artists/craftsmen pick up the remaining un-sold items (within 1 week). Mrs. Rosckes sells the items herself and with the help of 1 or 2 other people during the event.
5. During the past few years, upon taking customer surveys, Mrs. Rosckes determined that she would need to be open more weekends and fewer week days in order to keep the business up and running. Weekdays do not draw enough people, and with the current CUP being limited to three (3) sales per year, the business is not profitable for all involved. Mrs. Rosckes explains that her customers enjoy the relaxation of shopping in the country atmosphere in the renovated barn for unique and original items at an affordable price. The uniqueness of her operation keeps bringing customers back for every sale.

6. Mrs. Rosckes has indicated that each craft sale event would run Thursday – Sunday. The events would take place as follows: Spring - April through May (4 weekends), Fall – September (3 weekends) and Christmas – October through November (4 weekends) for a total of 44 days. The number of days the operation would be open would be an increase 14 days from the current CUP. The hours of operation would be Thursday and Friday (9:00 a.m. to 6:00 p.m.), Saturday (9:00 a.m. to 5:00 p.m.) and Sunday (12:00 p.m. to 5:00 p.m.).
7. The signage plan submitted with the application addressed signage locations throughout the county. County staff discussed the Signage Ordinance with Mrs. Rosckes and explained that off-site signage is not allowed in the unincorporated areas of Carver County. Therefore, the only signage allowed will need to be placed on the Rosckes property and in accordance to the Sign Ordinance.
8. The applicant estimates that the number of vehicles in and out of the site would consist of 10 to 15 per/day (weekdays), and 10 to 35 per/day (weekends). The thirty-five customers would not be at the site all at one time. Carver County Public Works had no comments and/or concerns in regard to the application request. The Carver County Public Works Department did comment on the previously issued CUP for the property, and had no recommendation and/or requirement for traffic control measures. However, they did convey the County's concerns that the access to Co. Rd. 10 be clear of signs, obstacles, etc. so sight distance is not hindered at the intersection. Therefore, the same concerns have been addressed in the proposed conditions of this request.
9. The Carver County Building Official, MNSPECT (formerly called Waldron & Assoc.), has been out to the property and inspected the existing barn being utilized as part of the operation. According to the submitted inspection letter (dated: 3/11/08), Mrs. Rosckes has a few State Building Code upgrades to make to the structure. Mrs. Rosckes has had a licensed engineer assess the structures joists, beams and support columns. Since those prior inspections, Mrs. Rosckes has submitted the appropriate building permit applications to Carver County in order to make all required changes.
10. As part of the past Conditional Use Permit, the Carver County Sheriff's Department had no objections with the request; however, they did request that the permittee inform their office prior to any craft sale events taking place on the property.
11. Mrs. Rosckes has contacted the Environmental Services Department in regards to the septic on the property. A new system will be installed on the property for the home based on the property being located within a Total Maximum Daily Loads (TMDLs) Priority Sub-Watershed. Note: The Carver County Board of Commissioners approved a Direct Discharge Elimination Program to help replace failing systems that are considered to be imminent public health threats. Carver County is initiating the program to eliminate direct discharge systems by providing cost-share for the installation of new Subsurface Sewage Treatment Systems (SSTS) that prevent water quality degradation.
12. As part of the business activity, Mrs. Rosckes has a contract with Mini Biff's Portable restrooms located in Hutchinson, MN. She also has all waste management handled by Frank's Sanitation located in Norwood Young America, MN.
13. The Waconia Town Board reviewed and recommended approval of the request.

THEREFORE, BE IT RESOLVED, THAT The Carver County Planning Commission hereby recommends the issuance of Conditional Use Permit #PZ20080024 for a Rural Service District – Adaptive Re-use on the land described in Exhibit "A" of the permit application. This permit shall terminate and supersede any/all prior Conditional Use Permits on the subject property. The Planning Commission further recommends that the following conditions be attached to the permit:

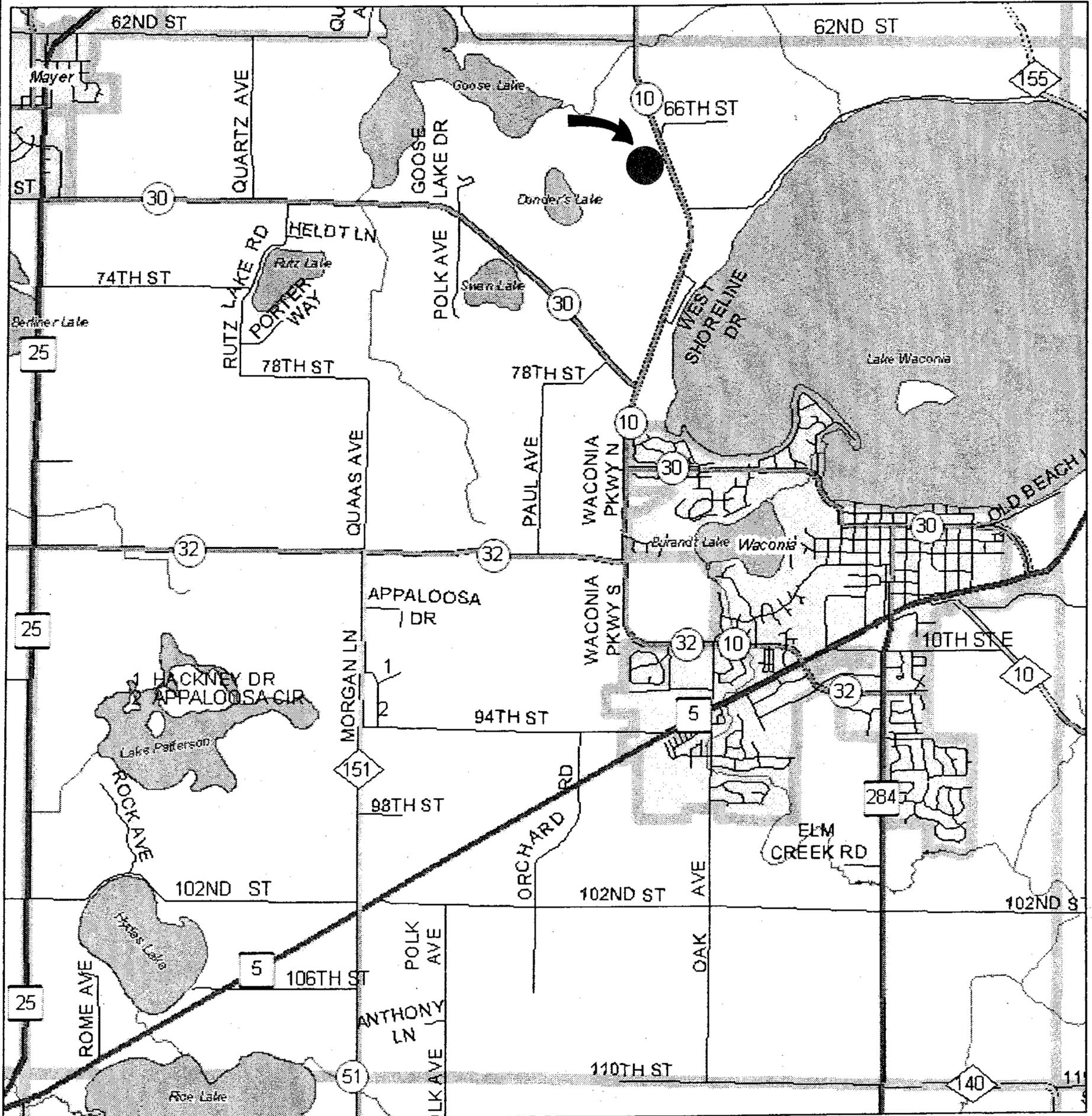
1. The permit is subject to administrative review. The Conditional Use Permit is personal to June Rosckes, cannot be transferred to another person or entity and will terminate automatically without further action of Carver County at such time as June Rosckes no longer resides at 6730 Co Rd 10N, Waconia Township, or holds fee title to the real property, or operates the business described in the operational plan. Any change in operations by the permittee 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.
2. This permit allows June Rosckes permission to conduct boutique craft sales 44 days per year. Each craft sale event would run Thursday – Sunday. The events would take as follows: Spring - April through May (4 weekends), Fall – September (3 weekends) and Christmas – October through November (4 weekends). The hours of operation would be Thursday and Friday (9:00 a.m. to 6:00 p.m.), Saturday (9:00 a.m. to 5:00 p.m.) and Sunday (12:00 p.m. to 5:00 p.m.).
3. Operations shall be conducted in accordance with the submitted operational letter and site plan. The operational letter and site plan shall be attached to and become part of the permit.
4. The existing structure(s), not utilized for the business, shall be used only by the occupant(s) of the residence for agriculture, personal storage, hobbies, recreation, entertainment, family uses, private maintenance and repair activities, and for the keeping of animals and appurtenant equipment and supplies, and as otherwise regulated by this Ordinance. No products or services shall be offered for sale or pay or similar remuneration except as permitted for a home occupation or as otherwise regulated by this Code.
5. All necessary and required building permits must be applied for and issued prior to operating from within the structure. All structures utilized as part of the RSD facility shall meet the applicable State Building Code requirements. Additional expansion of the RSD facility and functions shall not be allowed without an amendment to this permit.
6. Permittee shall comply at all times with the County standards as detailed in Chapter 152 – Zoning Code and Chapter 154 – Sign Regulations. These regulations include, but are not limited to, standards for parking and signage. Parking capacity must meet requirements of the Zoning Code as each building permit is requested.
7. The permittee (June Rosckes) shall sign an affidavit stating that she has no employees, or submit a copy of Worker's Compensation insurance at the time that an employee is hired.
8. No parking will be permitted along Co Rd 10, in the Maple Creamery parking lot and/or on land east of Co Rd 10. The permittee shall use signage to designate appropriate parking areas on the property. The number of participants shall be limited to the number of parking spaces available on the permittee's property.
9. The permittee must comply with the Carver County Public Works Department's access requirements and/or improvements, if any. The access to Co. Rd. 10 shall remain clear of signs, obstacles, etc. so sight distance is not hindered at the intersection.
10. All craft sale events shall take place within the upper two (2) levels of the 32 x 36 barn. The lower level of the barn is to be utilized only for storage of extra inventory. No outside storage of any materials connected with the business is permitted.
11. Bathroom satellite facilities must be provided for the events. A bathroom maintenance agreement must be submitted to the Carver County Land Management Division prior to operating. Garbage containers must be made available on the site. A licensed hauler must remove solid waste on a regular basis.
12. The permittee shall notify the Carver County Sherriff's Department prior to any sale events taking place on the property.

13. The permittee shall submit the appropriate documentation and design information for the new SSTS to the Carver County Environmental Services Department prior to the issuance of CUP #PZ20080024.

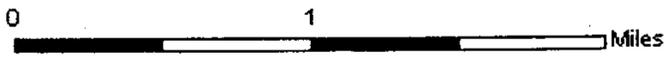
ADOPTED by the Carver County Planning Commission this 15th day of July, 2008.

Robert Lamkin
Planning Commission Vice - Chair

Waconia Township



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



Map Created by Carver County GIS
Apr 21, 2005



REQUEST FOR BOARD ACTION

AGENDA ITEM: Terry Kaiser - Request for an Equestrian Facility.

Originating Division: Land & Water Services

Meeting Date: August 5, 2008

Amount of Time Requested: None

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM:

File #PZ20080022. The Planning Commission recommended approval of the Conditional Use Permit for Terry Kaiser. Her request is to operate a commercial stable on their family owned 59.5 acre parcel located in Section 1, Benton Township. The operation will consist of boarding up to 29 horses in two (2) paddocks and utilizing the existing barn for grooming, tack room, feed room, four (4) box stalls and storage. Future plans are to construct an indoor riding arena, additional paddocks and pastures; however, any future plans to expand the facility will require the permittee to apply and receive a new Conditional Use permit. The existing building site is located within 1000' of an existing home; therefore, a feedlot of 30 animal units or more is prohibited. Any expansion of the operation would need to be located to the west of the current building site or more than 1000' of an existing residence. The facility will employ one (1) employee other than family members. There are no set hours of operation; however, customer access is expected to be sporadic. All structures utilized as part of the operation will meet State Building Code requirements. The Benton Town Board had no objections to the request.

ACTION REQUESTED:

A motion to adopt the findings of fact and order #PZ20080022 for the issuance of a Conditional Use Permit.

FUNDING

County Dollars = \$-0-

Other Sources & Amounts = -0-

= \$

TOTAL = \$-0-

Related Financial Comments:

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Reviewed by Division Director

Date: 7-24-08

COUNTY OF CARVER
PLANNING COMMISSION RESOLUTION

FILE #: PZ20080022

RESOLUTION #: 08-13

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

FILE #: PZ20080022

APPLICANT: Terry Kaiser

OWNER: Tom & Terry Kaiser

SITE ADDRESS: 9775 Co Rd 140, Cologne

PERMIT TYPE: Equestrian Facility

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

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 01-001-0800

WHEREAS, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meeting of July 15, 2008; and,

WHEREAS, the Carver County Planning Commission finds as follows:

1. Tom & Terry Kaiser own 59.5 acres located in the North Half (N½) of the Northeast Quarter (NE¼) of Section 1, Benton Township. The property is improved with an existing home, barn and several outbuildings. The site is located within the Agricultural Zoning District, and the CCRMA – Carver Creek.
2. The applicant is requesting a Conditional Use Permit (CUP) for an equestrian facility which will be utilized as a commercial boarding facility pursuant to Section 152.079 C5 of the Carver County Code.
3. According to the applicant's operational letter (dated: 6/12/08), states the operation would consist of 10 – 29 animal units (one horse = 1 A.U.) on the entire 59.5 acre property. The operation is located on two (2) separate parcels which are owned by the Kaiser family. Both these parcels, 01-001-0800 (39.5 acres) & 01-001-0820 (20 acres), are included in the CUP operational & site plans. Future plans would include the construction of an indoor riding arena and additional paddocks and pastures. However, at this time the applicant is only seeking approval to utilize the existing barn for the operation. Any future plans to expand the facility, will require the applicant to apply for and receive a new Conditional Use Permit.
4. The development of the site will be done in several phases, with the first phase consisting of repairing the existing barn in order to utilize it as part of the public boarding facility. It will include 2 paddocks located around the north and east sides of the 33' x 70' barn. The barn will be utilized for grooming, tack room, feed room, four (4) box stalls and storage. Other structures which may be utilized as part of the operation on the property include: two 20' x 20' sheds (ag & personal storage) and a 40' x 60' shed (hay storage). There will be pasture areas, an outdoor riding arena and trails located throughout the property.
5. There will be one (1) employee reporting to the site and four (4) family members working at the facility. Currently, Mrs. Kaiser plans on having two (2) business related vehicles and a skid loader. Other equipment may be utilized as part of the operation in the future.

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6. There are no set hours of operation; therefore, boarders may come and go as they please. From Mrs. Kaiser's past experience with horses and other boarding facilities, she has found that most people only come once a week, maybe twice a week. Surprisingly, there are even people that come even less frequently than that. She explains in her operational plan that she can only provide an educated guess on the number of trips generated in and out of the site with a maximum of 29 A.U. Mrs. Kaiser believes the potential number of trips generated by clients to and from the site per day would equate to 18. However, including her family trips to and from the house may equate to 12 additional trips and deliveries, hay removal and other services may equate to 1 trip per day. Therefore, the maximum total trips per day generated to and from the site for an operation of this scope would equate to approximately 31. (Keep in mind that this number may be on the high side.)
7. The proposed operational area for the proposed facility is located within a 1000' from an existing home; therefore, Mrs. Kaiser will not be allowed to operate a feedlot from this location. However, she will be allowed to have up to 29 A.U. pursuant to the Carver County Feedlot Ordinance. Even though Mrs. Kaiser is not technically considered a Feedlot by definition, she is still required to register the facility. The necessary paperwork has been submitted to the Carver County Feedlot Officer (Lori Brinkman). The future expansion area of the facility (area west of house) is located outside the 1000' setback. Therefore, the permittee would be allowed to operate a feedlot on that portion of the property. At that time, the permittee shall submit the necessary feedlot permit application for review and approval.
8. The Carver County Building Official, MNSPECT (formerly called Waldron & Assoc.), has been out to the property and inspected the existing barn being utilized as part of the operation. According to Dean Mau, Commercial Inspector, the barn is in good shape; however, minor fixes are needed to be completed prior to utilizing the barn as part of the operation.
9. Carver County Public Works provided no comments and/or concerns in regard to the Co Rd 140 access. The applicant would be required to comply with any necessary access requirements for the change in use.
10. Mrs. Kaiser has contacted the Environmental Services Department in regards to the septic on the property. A new system will be installed on the property for the home. She will be utilizing a licensed portable biff contractor to provide restroom facilities for the boarding operation.
11. There is a single-family home on the parcel which will be occupied as a homestead by a principal of the activity; prior to the issuance of the Conditional Use Permit.
12. The Benton Town Board has reviewed the request at their June 12, 2008, Town Board meeting and recommended approval.

THEREFORE, BE IT RESOLVED, THAT The Carver County Planning Commission hereby recommends the issuance of Conditional Use Permit #PZ20080022 for an Equestrian Facility on the land described in Exhibit "A" of the permit application. The Planning Commission further recommends that the following conditions be attached to the permit:

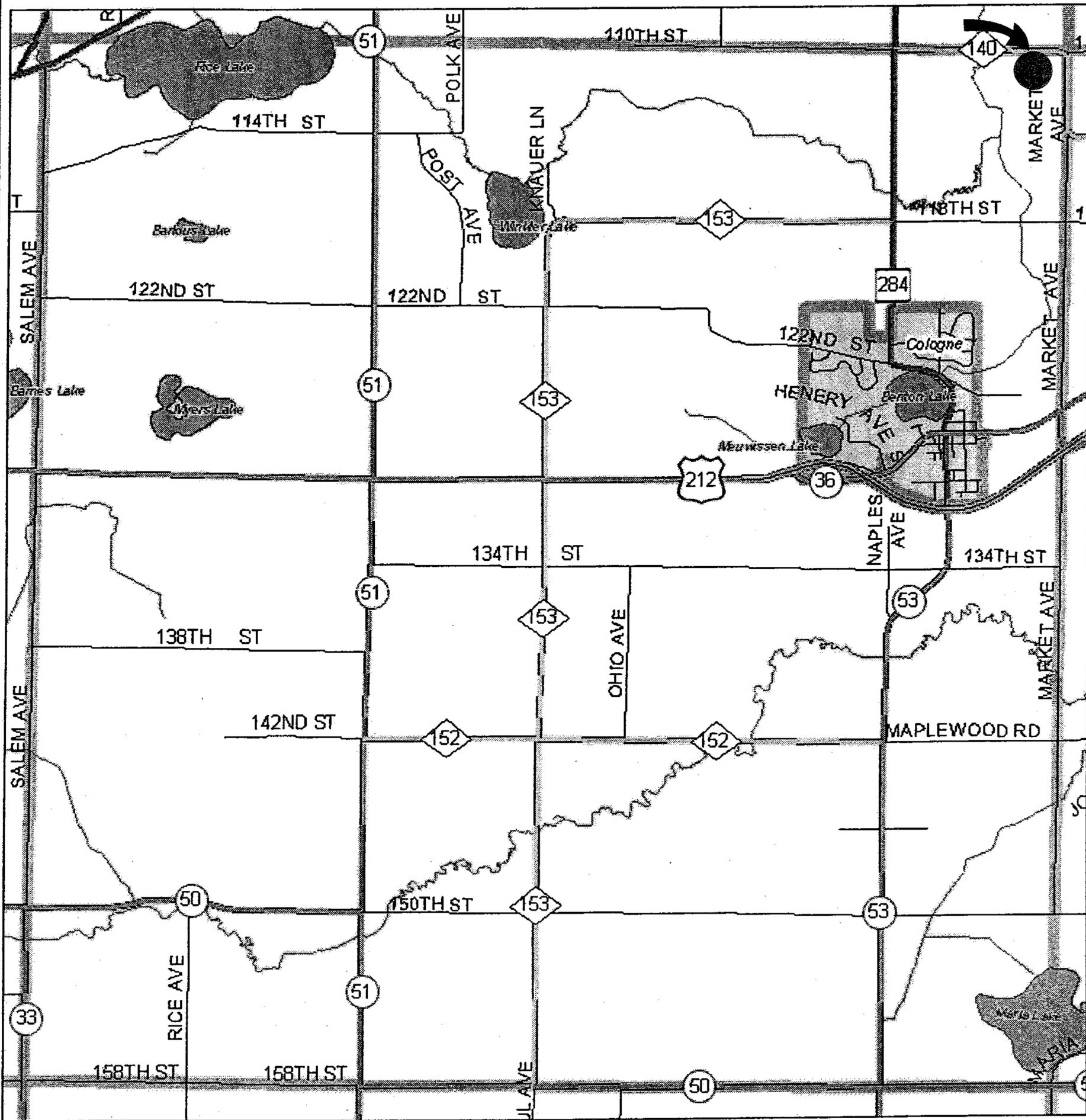
1. The permit is subject to administrative review. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment (new CUP) or similar consideration is necessary. Proposed owners and/or operators are encouraged to contact Land Management as early on in the timeline of the proposed change as possible.
2. The Equestrian Facility shall operate in accordance with the operation and site plans (dated: 6/12/08). These plans shall be attached to and become part of this permit. This Equestrian Facility request only allows for up to 29 A.U. (public and/or private) and the use of the existing barn as part of the activity described as part of the "phase 1". Future plans would include the construction of an indoor riding arena and additional paddocks and pastures to the west of the existing home location. Any future plans to enlarge the facility, will require the applicant to apply and receive a new Conditional Use Permit.

3. Any Special Events "public activities" taking place on the property must be reviewed and approved by the Land Management Administrator prior to commencing the activities.
4. The Permittee shall comply with all necessary Carver County Feedlot Ordinance requirements and/or appropriate permit(s). Animals and manure shall be managed in accordance with the applicants submitted manure management plan.
5. There is a single-family home on the parcel which will be occupied as a homestead by a principal of the activity; prior to the issuance of the Conditional Use Permit.
6. The Permittee must comply with the Carver County Public Works Department's access requirements and/or improvements, if any.
7. The applicant must submit a copy of the Worker's Compensation Insurance or property affidavit before commencing operations.
8. Permittee shall comply at all times with the County standards as detailed in Chapter 152 – Zoning Code and Chapter 154 – Sign Regulations. These regulations include, but are not limited to, standards for parking and signage. Parking capacity must meet requirements of the Zoning Code as each building permit is requested.
9. All necessary and required building permits must be applied for and issued prior to operating from within the barn structure. All structures utilized as part of the operation in which public has access shall meet the applicable State Building Code requirements. Additional expansion of the operation and functions shall not be allowed without an amendment to this permit (new CUP application).

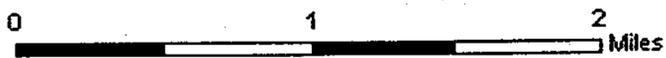
ADOPTED by the Carver County Planning Commission this 15th day of July, 2008.

Robert Lamkin
Planning Commission Vice - Chair

Benton Township



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



Map Created by Carver County GIS
Apr 21, 2005



REQUEST FOR BOARD ACTION

AGENDA ITEM: Southwest Metro Amateur Radio Transmitting Society (S.M.A.R.T.S.)

Originating Division: Sheriff

Meeting Date: August 12, 2008

Amount of Time Requested: XX minutes

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM: The Sheriff's Office has 3 used radio cabinets and misc. radio equipment that is not compatible with our current 800 MHz radio system. We would like to donate this equipment to the S.M.A.R.T.S. Radio Club. They will be responsible for any costs associated to repair and maintain this equipment. This equipment was purchased by our office in the 1990's.

ACTION REQUESTED: Approve a motion to donate 3 radio cabinets and misc. equipment to the S.M.A.R.T.S. Radio Club.

FUNDING

County Dollars = \$

Other Sources & Amounts = \$

= \$

TOTAL = \$

Related Financial Comments: none

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Reviewed by Division Director

Date: 07-28-08



REQUEST FOR BOARD ACTION

AGENDA ITEM : Acceptance of Valleyfair, Renaissance Festival & Nickelodeon Universe Donations

Originating Division: Employee Relations

Meeting Date: 8/5/08

Amount of Time Requested: minutes

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM:

Valleyfair has given the Employee Club (2) free tickets in appreciation for selling employee discounted tickets. These tickets are valued at \$24.50 each.

MN Renaissance Festival has given the Employee Club (2) free tickets in appreciation for selling employee discounted tickets. These tickets are valued at \$14.75 each.

Nickelodeon Universe at The Park at Mall of America has given the Employee Club (2) free All-Day Wristbands in appreciation for selling employee discounted wristbands. These wristbands are valued at \$26.27 each.

ACTION REQUESTED:

Request approval for donation of the above-listed tickets/wristbands to be given away at next Employee Club event.

FUNDING

County Dollars = \$

Other Sources & Amounts = \$

TOTAL = \$

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Related Financial Comments:

Reviewed by Division Director
Doris M. Krogman, Employee Relations

Date: 7/22/08