

County Board 2016 Budget Work Session
May 19, 2015
3:00 p.m.
County Board Room



Carver County Board of Commissioners
 May 19, 2015
 Regular Session
 County Board Room
 Carver County Government Center
 Human Services Building
 Chaska, Minnesota

PAGE

4:00 p.m.	1.	<ul style="list-style-type: none"> a) CONVENE b) Pledge of allegiance c) Public comments (limited to five minutes) <i>Anyone wishing to address the Board of Commissioners on an item not on the agenda may come forward at this time. Please limit your comments to five minutes.</i> 	
	2.	Agenda review and adoption	
	3.	Approve minutes of May 5, 2015, Regular Session	1-5
	4.	Community Announcements	
4:05 p.m.	5.	CONSENT AGENDA	
		<i>Communities: Create and maintain safe, healthy and livable communities</i>	
	5.1	Professional Services Agreement with Stonebrooke Engineering for Bridge Rehabilitation Projects	6
	5.2	Proposed Contract with the Adult Training and Habilitation Center - Douglas Kugler Eco-Site.....	7-8
	5.3	Recommendation of Two Managed Care Organizations for the Prepaid Medical Assistance Program	9
	5.4	Approve Wetland Credit Purchase for SP 010-610-046, CSAH 10 Construction	10-12
	5.5	Aeration Policy Eagle Lake	13
	5.6	Finalize Contract for CSAH 43 Bridge Construction over Carver Creek.....	14-15
		<i>Connections: Develop strong public partnerships and connect people to services and information</i>	
	5.7	Carver County Data Practices Policy.....	16-17
	5.8	HIPAA Notice of Privacy Practices	18-22
	5.9	Acceptance of Land Donation From the Met Council.....	23-29
	5.10	Charitable Gambling Application for Exempt Permit-St John the Baptist Catholic Parish	30
	5.11	Donation of Veterans Services Transportation Bus from Carver County Veterans Council.....	31

Growth: Manage the challenges and opportunities resulting from growth and development

- 5.12 Lola's Lake Waconia Half Marathon, 2-Person Half Marathon Relay, 10 Mile, and 5K event 32-35
- 5.13 Letter of Support for TIGER Funds for TH 169 and TH 41 Interchange Construction 36-38

Culture: Provide an organizational culture which fosters individual accountability to achieve goals

- 5.14 Reorganization in Public Works: Change Senior Civil Engineer to Civil Engineer 39
- 5.15 Approval to hire a SharePoint Administrator/Developer and transition period with the incumbent 40

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

- 5.16 Review Social Services/Commissioners Warrants NO ATT

- 4:05 p.m. **6. GROWTH: Manage the challenges and opportunities resulting from growth and development**
 - 6.1 Settlement Agreement: Kloos v. Carver County 41
 - 6.2 Declaratory Relief Action on CSAH 11 42-44
 - 6.3 **Closed Session** - Right of Way Acquisition for CSAH 11 Construction Project 45

5:15 p.m. **ADJOURN REGULAR SESSION**

5:15 p.m. **BOARD REPORTS**

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

David Hemze
County Administrator

UPCOMING MEETINGS

- | | |
|---------------|---|
| May 26, 2015 | 9:00 a.m. Strategic Planning Workshop, East Creek Transit Station, Chaska |
| June 2, 2015 | 9:00 a.m. Board Meeting |
| June 9, 2015 | No Board Meeting |
| June 15, 2015 | 5:00 p.m. County Board of Equalization Meeting |
| June 16, 2015 | 4:00 p.m. Board Meeting |
| June 23, 2015 | 9:00 a.m. Board Work Session |
| June 30, 2015 | No Board Meeting |

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on May 5, 2015. Chair Randy Maluchnik convened the session at 9:00 a.m.

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

Members absent: None.

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

Ische moved, Workman seconded, to approve the minutes of the April 21, 2015, Regular Session. Motion carried unanimously.

Community announcements were made by the Board.

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

Approved issuing a charitable gambling license for off-site gambling to the Waconia Lions Club for raffle to be held February 6, 2016.

Approved agreement with Minnehaha Creek Watershed District for 2015 AIS prevention services pending finalization of the contract review process.

Issued a tobacco license to eCig Store of Shakopee, LLC.

Contract with Siemens Industry, Inc., pending completion of the contract review process.

Professional services agreement for lifeguard services with Minnetonka Aquatics for 2015 and 2016 subject to the contract review process.

Professional services agreement with Town & Country Fence pending finalization of the contract review process.

Professional services agreement with Stonebrooke Engineering pending finalization of the contract review process.

Relocation agreement with Xcel Energy for transmission line relocation for the CSAH 10 reconstruction project, authorized the County Engineer or his designee to sign the Relocation Agreement and the Summary of Project Part and authorized payment in the amount of \$267,261, pending finalization of the contract review process.

Contract with McQuay International/Daikin Applied pending completion of the contract review process.

Authorized the issuance of a Certificate of Zoning Compliance (#A20150104) for the May 17, 2015, St. Peter Lutheran Church Miafest celebration.

Joint Powers Agreement with the City of Carver for an engineering study of the CSAH 11 and CSAH 40 intersection pending finalization of the contract review process.

Adopted the Findings of Face and issued Order #PZ20150010 for the issuance of Conditional Use Permit #PZ20150010, Jerome Braun, Hancock Township.

Approved the following abatements:

02.0131100	Hope Rides
85.0503420	Carver County
85.0751300	Watertown City
85.9510156	Nicholas Olson (2014, 2015)
09.9510018	Ronald Rademacher
75.3730120	Marc & Jill Dawson
25.4263308	Jingzi Xu
30.1780060	Kevin & Kristin Green
75.1220140	Stephen & Connie Tusha
65.3530010	James Wessbecker
75.1210110	Loran & Elizabeth Jacobs
25.0631320	Joseph & Hayley Grady
75.3480030	Paul & Sara Hinrichs
65.2410010	Sean Neslund
75.3820141	Ada Gillisse
25.5630420	Jazmine Sanchez
30.1020250	Phaychith Thongthi

Reviewed April 28, 2015, Community Social Services' actions/Commissioners' warrants in the amount of \$300,392.91 and reviewed May 5, 2015, Community Social Services' actions/Commissioners' warrants in the amount of \$211,053.50.

Motion carried unanimously.

Jackie Hamre, Employee Relations, requested the Board recognize recipients of the PEER Awards and noted they were 24 nominations this year. The Board congratulated Colleen Speer for receiving the Customer Service Award, Perry Clark for receiving the Innovation Award and the GIS/ Sheriff's Office Incident Mapping Dashboard team for receiving the Project Teamwork Award.

Jason Kamerud, Sheriff's Office, appeared before the Board for approval to convert a vacant criminalist FTE to an Emergency Management Specialist. He explained the vacancy allowed them an opportunity to re-evaluate the position and better utilize their resources. Kamerud pointed out the number of hours necessary to perform the emergency management programming work and recognized they had other resources to assist with the criminalist responsibilities.

Ische moved, Lynch seconded, to approve converting the criminalist FTE to an Emergency Management Specialist FTE. Motion carried unanimously.

Jackie Hamre, Employee Relations, requested the Board approve a memorandum of agreement for software engineer attraction and retention range. She explained the research done with comparable counties and proposed that the range be adjusted to match other County IT positions.

Ische moved, Degler second, to approve the Memorandum of Agreement with AFSCME Local Union No 2789, Council #65, General Bargaining Unit for a 2015 attraction and retention salary range for software engineer, setting the salary range at \$65,000-\$105,000 and revising the classification title from Software Solutions Engineer to Software Engineer. Motion carried unanimously.

Paul Moline, Public Health and Environment, requested the Board approve comments on the Metropolitan Council Draft amendment 2040 Housing Policy Plan. He pointed out the comments previously submitted and indicated, since that time, the Council has adopted the plan and was proposing amendments. He noted the changes made to the allocation scores on how affordable housing will be met and criteria each community will need to meet. He felt it was important to comment on those changes and summarized the impacts of these requirements. Moline stated the letter requests that the Council re-evaluate its strategies to support affordable housing development, re-evaluate using housing performance scores as a part of the regional solicitation scoring for transportation projects and that all communities have an legitimate opportunity to compete for the Met Council's housing development assistance.

John Sullivan, CDA, stated they are taking a collaborative approach and agreed with the draft letter. He pointed out their concerns with the housing policy plan and identified issues that are barriers to affordable housing. He suggested rather than looking at transit priority areas, they believe affordable housing should be targeted to where jobs are being created.

Degler moved, Workman seconded, to authorize Chair to sign Carver County comment letter and submit it to the Metropolitan Council. Motion carried unanimously.

Nate Kabat, Public Health & Environment, requested Board approve submitting comment letter on the Met Council's 2040 population forecasts. He indicated this was the third time numbers have been released and identified the reasons the updates were occurring. He pointed out how the forecasts are used and why they are important. He indicated the current population forecasts are still lower than what the County is suggesting and the County's persons per household were higher than the region.

Lynch moved, Degler seconded, to authorize Chair to sign the revised 2040 forecast comment letter and submit it to the Metropolitan Council. Motion carried unanimously.

Lyndon Robjent, Public Works, requested the Board the Board adopt a Resolution for CSAH 18 reconstruction. He explained they were continuing to negotiate right of way for the project and have reached a settlement.

Degler clarified he would be abstaining as the landowners were neighbors.

Ische offered the following Resolution, seconded by Lynch:

Resolution #23-15
Authorizing Payment of Settlement of Compensation to
Landowner for Right of Way and Easements Required for the CSAH 18
Road Reconstruction, Project #SP 010-618-13

On vote taken, Ische, Lynch, Maluchnik, Workman voted aye. Degler abstained. Motion carried.

Darin Mielke, Public Works, requested the Board award the bid for the CSAH 10 reconstruction project. He pointed out the project has been planned for many years and identified the project location and layout. He explained in 2011 the County applied for and received STP funds and reviewed the work to be done.

He stated they received two bids that were under the engineer's estimate. Mielke reviewed funding sources and project schedule. He noted right of way was still ongoing and they anticipated construction starting later this month.

Lynch offered the following Resolution, seconded by Ische:

Resolution #24-15
Awarding of the CSAH 10 Construction Project,
Carver County Contract 15-201

On voted taken, all voted aye.

Degler moved, Ische seconded, to go into closed session at 10:20 a.m. to discuss attorney-client privileged communications, pursuant to MN Statute Section 13D.05, Subd. 3(b), Kloos vs. Carver County. Motion carried unanimously. Workman clarified he would be not participating in the closed session and left the room at this time.

REGULAR SESSION
May 5, 2015

The Board adjourned the closed and Regular Session at 11:10 a.m.

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 with Stonebrooke Engineering for Bridge Rehabilitation Projects

Primary Originating Division/Dept: <input type="text" value="Public Works - Program Delivery"/>	Meeting Date: <input type="text" value="5/19/2015"/>
Contact: <input type="text" value="Darin Mielke"/> Title: <input type="text" value="Assistant Public Works Director"/>	Item Type: Consent <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 type="radio"/> Yes <input checked="" type="radio"/> No
Strategic Initiative: Communities: <input type="text" value="Create and maintain safe, healthy, and livable communities"/>	

BACKGROUND/JUSTIFICATION:

In order to extend the life and protect the investment that has been made in our existing bridges, Carver County desires to perform a mill and low slump concrete wearing course on Bridge Nos. 10507, 10515 and 70532. The consultant will develop plans to meet the the project scope. Internal staff are not qualified to perform the design in-house. The County has worked with the consultant in the past with success. Carver County and Scott County will jointly complete the work on Bridge No. 70532, as this bridge spans the Minnesota River on Carver CSAH 11, which will be covered in a joint powers agreement between the two agencies.

ACTION REQUESTED:

Approve contract with Stonebrooke Engineering in the amount of \$56,120.00.

FISCAL IMPACT: <input type="text" value="Included in current budget"/>	FUNDING
If "Other", specify: <input type="text" value=""/>	County Dollars = <input type="text" value="\$56,120.00"/>
FTE IMPACT: <input type="text" value="None"/>	Total <input type="text" value="\$56,120.00"/>
<input checked="" type="checkbox"/> Insert additional funding source	

Related Financial/FTE Comments:

0

Office use only:

RBA 2015- 3236

Close

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Proposed Contract with the Adult Training and Habilitation Center - Douglas Kugler Eco-Site

Primary Originating Division/Dept: Public Health & Environment - Environ. Svc. <input type="text"/>	Meeting Date: 5/19/2015 <input type="text"/>
Contact: Mike Lein <input type="text"/> Title: Env. Services Manager <input type="text"/>	Item Type: Consent <input type="text"/>
Amount of Time Requested: <input type="text"/> minutes	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Presenter: <input type="text"/> Title: Env. Services Manager <input type="text"/>	
Strategic Initiative: Communities: Create and maintain safe, healthy, and livable communities <input type="text"/>	

BACKGROUND/JUSTIFICATION:

The Environmental Services Manager presented a proposed new contract and increased payment to the Watertown Adult Habilitation & Training Center (ATHC) at the April 28, 2015 Board Work Session. The ATHC Douglas Kugler Eco-Site opened in 2010. The County signed a five-year contract with ATHC that is now in its final year (termination date is October 1, 2015).

The Eco-Site accepts a wide variety of material from residents. It also accepts loads of mixed recyclables from other County recycling facilities and some private solid waste/recycling haulers. The facility employs about 24 disabled adults and 7 other ATHC staffers. It is open 6 days per week, including Saturday mornings, and has extended hours on two weeknights.

The Eco-Site has been very popular with local residents and businesses. Growth in participation has been steady over the first four years. The ATHC served 3,744 customers in 2011. That number grew to almost 6,500 in 2014. Services have also expanded to include management of such difficult materials as mattresses.

This growth has also brought on growing pains in the form of operational issues and budgets. Consequently, the ATHC Board and Executive Director have asked to renegotiate the contract before the October 2015 termination date.

2014 legislation increased the amount of the yearly SCORE Grant (Select Committee on Recycling and the Environment). Carver County will receive an additional \$50,000 from the State in 2015 and 2016. Part of this increase will be used to fund the ATHC proposal and work with the ATHC to help meet State mandates.

The new three -year contract will replace the existing contract and provide increased payments for calendar years 2015, 2016, and 2017. The Environmental Services staff will continue to work with ATHC to improve the efficiency of the facility and increase other revenues. The proposed contract has been approved by the County Attorney's Office, Risk Management, and the Acting Public Health & Environment Director.

ACTION REQUESTED:

Motion to Approve Contract #15-026 with the Adult Training and Habilitation Center and authorize the Chair to sign it, pending completion of the contract review process.

FISCAL IMPACT:

If "Other", specify:

FTE IMPACT:

FUNDING

County Dollars =

Solid waste funds

Total

Insert additional funding source

Related Financial/FTE Comments:

The \$90,000 total contract reflects the total cost over three years - \$25,000 in 2015 (up from \$15,500 in 2014), \$30,000 in 2016, and \$35,000 in 2017. The graduated payments would limit the impact on the Environmental Services budget and allow for implementation of increased services. Increases in State solid waste funds would fund the contract increase. All funds for the contract would continue to come from solid waste funds.

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RBA 2015 - 3238

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Recommendation of Two Managed Care Organizations for the Prepaid Medical Assistance Program

Primary Originating Division/Dept: <input type="text" value="Community Social Services"/>	Meeting Date: <input type="text" value="5/19/2015"/>
Contact: <input type="text" value="Gary Bork"/> Title: <input type="text" value="Director"/>	Item Type: <input type="text" value="Consent"/>
Amount of Time Requested: <input type="text"/> minutes Presenter: <input type="text"/> Title: <input type="text"/>	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Strategic Initiative: <input type="text" value="Communities: Create and maintain safe, healthy, and livable communities"/>	

BACKGROUND/JUSTIFICATION:

The Department of Human Services (DHS) has published a Request for Proposals soliciting proposals for the Prepaid Medical Assistance Program. Carver County is part of Metropolitan Statistical Area and the State is requiring that at least two managed care organizations (MCOs) be selected to provide health care services in the county. Four MCO's submitted proposals. Gary Norman, Behavioral Health Manager reviewed the proposals and scored them according to the scoring system established by DHS. Community Social Services is recommending that Health Partners and Blue Plus be recommended to DHS to be the only two MCO's for Carver County. Furthermore, the Division is strongly recommending that there be no more than two MCOs for Carver County. For years Carver County had five MCOs which placed a significant administrative burden on the Division.

ACTION REQUESTED:

Motion to recommend Health Partners and Blue Plus to the Department of Human Services to be the MCOs for the Prepaid Medical Assistance Program in Carver County.

Motion to recommend to the Department of Human Services to limit the number of MCOs selected for Carver County at two.

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

Related Financial/FTE Comments:

Office use only:

RBA 2015 - 3240

Close

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Approve Wetland Credit Purchase for SP 010-610-046, CSAH 10 Construction

Primary Originating Division/Dept: <input type="text" value="Public Works - Engineering"/>	Meeting Date: <input type="text" value="5/19/2015"/>
Contact: <input type="text" value="Scott A. Smith"/> Title: <input type="text" value="Project Engineer"/>	Item Type: <input type="text" value="Consent"/>
Amount of Time Requested: <input type="text"/> minutes Presenter: <input type="text"/> Title: <input type="text"/>	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
Strategic Initiative: <input type="text" value="Communities: Create and maintain safe, healthy, and livable communities"/>	

BACKGROUND/JUSTIFICATION:

The purchase of Wetland Credits is necessary to fulfill our wetland mitigation requirements for the SP 010-610-046: CSAH 10 road construction project.

The proposed project has 0.516 acres of wetland fill impacts. Per the approved wetland replacement plan 0.385 acres of impacts are proposed for replacement through the Local Road Replacement Program. The remaining impacts (0.131 acres) are proposed for replacement via purchase of 0.262 acres of credit from Elroy Knauers wetland credit bank #1392.

Through the wetland mitigation process Elroy Knauer was identified as a person with wetland credits available in the right area and in the right amount for Carver County to meet their obligation.

The 0.262 acres of wetland bank credit purchase from Elroy Knauer will be in the amount of \$10,613.83. (See attached document for calculation)

In addition to the wetland bank credit purchase amount, a Transaction Fee is paid to the Minnesota Board of Water and Soil Resources (Mn BWSR) and is based on either the amount calculated by using a standard fee for Carver County of \$2628 per acre or by using Minnesota sales tax value of 6.5%. The amount of \$688.54 using the standard fee for Carver County will be used for payment as it is the lesser of the two calculations. (See attached document for calculation)

The Total cost for Carver County to purchase the required wetland bank credits is \$11,302.37.

ACTION REQUESTED:

Approve payment for the purchase of wetland credits from Elroy Knauer in the amount of \$10,613.83. Approve payment of the wetland purchase fee to Mn BWSR in the amount of \$688.54. Authorize the County Engineer or his designee to sign the "Transaction Form for Withdrawal of Wetland Credits from Minnesota Wetland Bank".

FISCAL IMPACT: <input type="text" value="Included in current budget"/> If "Other", specify: <input type="text"/>	FUNDING County Dollars = <input type="text"/> County State Aid (Gas Tax) <input type="text" value="\$11,302.37"/> Total <input type="text" value="\$11,302.37"/>
FTE IMPACT: <input type="text" value="None"/>	<input checked="" type="checkbox"/> Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2015 - 3245



If the layout of this form looks incorrect, click on [View, Edit Document](#), then save to your computer.

1. Credit User

To be completed by the person or entity proposing to use the wetland credits.

Name: Scott A. Smith, P.E.

Organization (if applicable): Carver County Public Works Department

Street Address: 11360 Highway 212, Suite 1

City, State, Zip: Cologne, MN 55322-8016

Phone: 952-466-5217 **E-Mail Address*:** ssmith@co.carver.mn.us

This space is for BWSR use only.

Debit Date:

2. Wetland Impact Information

To be completed for the project with wetland impacts that this withdrawal is intended to replace.

Project Name: CSAH 10 Reconstruction Project

Wetland Impact Size (acres): 0.131

County of Impact: Carver

Replacement Ratio: 2:1

Impact Major Watershed #: 33

Total Replacement Required (acres): 0.262

Impact Bank Service Area: 9

U.S. Army Corps Permit # (if applicable): 2014-03830-MMJ

****Sec. 10 Twp. 116 Rge. 25**

LGU File # (if applicable):

**Projects with multiple impact locations should use the most central location in relation to the project as a whole.

Comments:

By signature below, the proposed user of credits attests that he/she owns or has purchased the credits identified in this application and has received approval from the applicable regulatory authority(ies).

Credit User Signature: _____ **Date:** _____

3. Regulatory Approval/Authorization

By signature below, the identified agency and authorized representative hereby certify that they have: a) verified that the subject wetland credits are deposited in the account of the owner/seller, b) approved a wetland replacement plan or similar agreement under their jurisdiction, and c) approve the proposed use of the wetland bank credits described herein.

WCA LGU/Agency:

E-mail address*:

LGU Representative:

Signature: _____

Date: _____

(for NRCS, USACE, etc. if applicable)

Agency Name/Location:

E-mail address*:

Representative:

Signature: _____

Date: _____

*Confirmation will be e-mailed to user, seller, and regulatory representative when the transaction is complete. If you would like others notified, enter e-mail addresses here.



4. Withdrawal Information

To be completed by seller of credits (account holder).

Bank Service Area: 9

Account Number: 1392

County: Carver

Credit Subgroup Letter	Federally Authorized Credits (Y or N)	Plant Community Type	Cost per Credit (acre)	Number of Credits to be Withdrawn (acre) (acre=ft ² /43560)	Cost of Purchased Credits (cost per credit x number of credits)
A	N	Wet Meadow	\$40510.80	0.0020	\$81.02
B	N	Shallow Marsh	\$40510.80	0.2600	\$10532.81
C	N			0.0000	\$0.00
D	N			0.0000	\$0.00
TOTAL				0.2620	\$10613.83

If TOTAL does not calculate, right click, Update Field

Table www.bwsr.state.mn.us/wetlands/wetlandbanking/fee_and_sales_data/Wetland_Bank_Fee_Schedule.pdf		Enter County Fee from Table (county of seller's bank)	6.5% of sale price
		2,628	
Transaction Fee (choose either amount)		Above TOTAL x County Fee \$ 688.54	\$ 689.90

Attach check payable to Minnesota Board of Water and Soil Resources.

By signature below I seller and holder of the aforementioned account in the State of Minnesota Wetland Mitigation Bank certify that:

- 1) The credits described in this application have been sold to the credit user or will be used for my own project;
- 2) I have received payment in full from the buyer (if applicable);
- 3) The credits described in this application have not been sold or used in any way to mitigate wetland losses other than for the project and location identified in the wetland impact information block on the previous page;
- 4) The credits described in this application should be withdrawn from my account; and
- 5) I will not have a negative balance of credits after the subject credits are debited from my account

Seller Name (print): Elroy Knauer

Seller Signature: _____

Date: _____

Seller e-mail*:

1. The account holder of the credits is responsible for submittal of this form, containing signatures, to the BWSR Wetland Bank Administrator so the affected account can be properly debited.
2. No impacts to any wetland or other water resource may commence until the credits have been debited and a copy of this form, with stamped debit date, has been received by the regulatory authority(ies), the account holder, and the credit user.
3. This form is not an application form. It is a transaction form to be used in association with an approved project that impacts wetlands and requires wetland replacement.

When this form is completed and all required signatures are obtained, send with the fee check(s) to:

Wetland Bank Administration
Minnesota Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul, MN 55155

Disclaimer: any transaction in the wetland banking system is public information.

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Aeration Policy Eagle Lake

Primary Originating Division/Dept: <input type="text" value="Public Works - Parks"/>	Meeting Date: <input type="text" value="5/19/2015"/>
Contact: <input type="text" value="Marty Walsh"/> Title: <input type="text" value="Parks Director"/>	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 type="radio"/> Yes <input checked="" type="radio"/> No
Strategic Initiative: <input type="text" value="Communities: Create and maintain safe, healthy, and livable communities"/>	

BACKGROUND/JUSTIFICATION:

The County Park Commission is recommending an aeration policy for Eagle Lake. The policy establishes a procedure for operating aeration equipment in a safe and responsive manner. It is also a tool to communicate with the Public through various media. The Policy follows applicable laws and permitting for the safe operation of aerators.

ACTION REQUESTED:

Approve the Aeration Policy for Eagle Lake.

FISCAL IMPACT: <input type="text" value="Included in current budget"/>	FUNDING
If "Other", specify: <input type="text"/>	County Dollars = <input type="text" value="\$1,000.00"/>
FTE IMPACT: <input type="text" value="None"/>	Total <input type="text" value="\$1,000.00"/>
<input checked="" type="checkbox"/> Insert additional funding source	

Related Financial/FTE Comments:

The approximate annual electrical cost to run the aerators at Eagle Lake/Baylor Regional Park is \$1,000.

Office use only:

RBA 2015- 3246

Close

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Finalize Contract for CSAH 43 Bridge Construction over Carver Creek

Primary Originating Division/Dept: <input type="text" value="Public Works - Program Delivery"/>	Meeting Date: <input type="text" value="5/19/2015"/>
Contact: <input type="text" value="Scott A. Smith"/> Title: <input type="text" value="Project Engineer"/>	Item Type: Consent <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: Communities: <input type="text" value="Create and maintain safe, healthy, and livable communities"/>	

BACKGROUND/JUSTIFICATION:

SAP 010-643-012 included the reconstruction of the CSAH 43 Bridge #10501 over Carver Creek located approximately 2.4 miles south of TH 212 and 2.0 miles west of the City of Carver.

The engineers estimate was \$856,265.00. Alternative #1 had one bidder in the amount of \$1,271,900.55. Alternative #2 had two bidders, of which the low bidder was Minger Construction, Inc. in the amount of \$783,722.95.

Alternate Bid #2 was chosen and the project was awarded to Minger Construction, Inc.

Minger Construction, Inc. has requested all retainage be released and the contract between them and Carver County be closed. Staff has reviewed the work done for this project and sees it as complete and is recommending finalizing it.

Final payment for this contract consists of payment for Work Order 1 and releasing the 5% retainage. The total final payment is in the amount of \$44,445.28. Board Action is needed to release all retainage and finalize the contract.

ACTION REQUESTED:

Adopt a resolution to accept SAP 010-643-012 as complete and authorize final payment of \$44,445.28 to Minger Construction, Inc. for the CSAH 43 Bridge #10501 Project

FISCAL IMPACT: <input type="text" value="Included in current budget"/>	FUNDING
If "Other", specify: <input type="text" value=""/>	County Dollars = <input type="text" value=""/>
FTE IMPACT: <input type="text" value="None"/>	CSAH (gas tax) <input type="text" value="\$44,445.28"/>
	Total <input type="text" value="\$44,445.28"/>
	<input checked="" type="checkbox"/> Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2015 - 3228

Close

CARVER COUNTY
11360 HIGHWAY 212
COLOGNE, MN 55322
Project No. SAP 010-643-012 [108591]
Final Pay Request No. 4

**Carver County Highway Department
Certificate of Final Acceptance
County Board Acknowledgment**

Contract Number: 64312
Contractor: N/A - Minger Construction Inc.
Date Certified: 4/23/2015
Payment Number: 4

Whereas; Contract No. 64312 has in all things been completed, and the County Board being fully advised in the premises, now then be it resolved; that we do hereby accept said completed project for and in behalf of the Carver County Highway Department and authorize final payment as specified herein.

Carver County Highway Department
State of

I, _____, County _____ within and for said county do hereby certify that the foregoing resolution is a true and correct copy of the resolution on file in my office.

Dated this _____ day of _____, 20__

At _____,

Signed By _____
County _____

(SEAL)

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Carver County Data Practices Policy

Primary Originating Division/Dept: <input type="text" value="Attorney"/>	Meeting Date: <input type="text" value="5/19/2015"/>
Contact: <input type="text" value="Thomas Haines"/> Title: <input type="text" value="Assistant County Attorney"/>	Item Type: Consent <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="Connections: Develop strong public partnerships and connect people to services and information"/>	

BACKGROUND/JUSTIFICATION:

The Minnesota Government Data Practices Act ("MGDPA"), located at Minnesota Statutes Chapter 13, requires the responsible authority in every government entity to establish a policy to ensure the security of not public data collected, created, received, maintained or disseminated by Carver County. The Chief Deputy County Attorney is the Data Practices Responsible Authority and Compliance Official for all data issues not assigned by statute to someone else. The County Attorney's Office is recommending the attached Data Security Policy, that meets the statutory requirements of Chapter 13, be adopted by the Board.

The MGDPA requires the responsible authority to prepare a written data access policy for members of the public and a written policy of the rights of data subjects and make copies of the policies easily available to the public. The Carver County Guide for Requesting Information about You, and the Carver County Guide for Members of the Public Requesting Information, currently available were approved by the Board in 2011. With the exception of department specific contact information, changes to the guides require board approval.

The County Attorney's Office is recommending the following language be removed from the data request forms attached to each guide: "Note: Inspection is Free, but Carver County charges for copies." That information is provided in the body of the guides and is not required by statute to be on the forms.

Lastly, the County Attorney's Office is recommending that the following locations be removed from the Data Practices page of the Administrative Policy Manual as places where the guides can be found: "every Elected Office and County Division, the County Law Library and every Carver County Library Branch." Copies of the guides can be found on the County website, which meets the statutory requirements for the guides being available to the public.

ACTION REQUESTED:

Motion to approve and incorporate the data security policy language into the Carver County Data Practices Policy, and update the Data Request Form and Data Practices Policy.

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

Related Financial/FTE Comments:

None

Office use only:

RBA 2015- 3199

Close

Carver County
Data Security Policy

Purpose

This policy is for the purpose of ensuring the security of not public data collected, created, received, maintained or disseminated by Carver County.

Policy

Data collected, created, maintained or disseminated by Carver County classified as confidential, private, nonpublic, or protected nonpublic are only accessible to employees and other persons with access to Carver County data whose work assignment reasonably requires access to the data.

Violations of this policy may result in disciplinary and/or legal action leading up to and including termination of employment. Employees may also be held personally liable for damages caused by any willful or intentional violations of this policy.

Authority

Minnesota Government Data Practices Act, MINN. STAT. § 13.05, subd. 5

Carver County Board of Commissioners Request for Board Action



Agenda Item:

HIPAA Notice of Privacy Practices

Primary Originating Division/Dept: <input type="text" value="Attorney"/>	Meeting Date: <input type="text" value="5/19/2015"/>
Contact: <input type="text" value="Thomas Haines"/> Title: <input type="text" value="Assistant County Attorney"/>	Item Type: Consent <input type="text" value="Consent"/>
Amount of Time Requested: <input type="text"/> minutes Presenter: <input type="text"/> Title: <input type="text"/>	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
Strategic Initiative: Connections: <input type="text" value="Develop strong public partnerships and connect people to services and information"/>	

BACKGROUND/JUSTIFICATION:

All Carver County entities that are covered under the federal Health Insurance Portability and Accountability Act (HIPAA) are required to provide a Notice of Privacy Practices to their clients and post the notice in a place where clients can see. The notice describes how medical information about the client may be used and disclosed and how the client can get access to this information. This notice is used by First Street Center, some departments in Community Social Services and Public Health.

The notice that is currently being used was approved in 2003 and is outdated. The County Attorney's Office is recommending that the 2003 notice be replaced with the attached updated version.

ACTION REQUESTED:

Motion to approve the updated HIPAA Notice of Privacy Practices.

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

Related Financial/FTE Comments:

Office use only:

RBA 2015- 3200

Close

Carver County Notice of Privacy Practices

Effective _____, 2015

THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY

YOUR PRIVACY RIGHTS

You have privacy rights under the Minnesota Government Data Practices Act, Minnesota Statutes, section 13, the federal Health Insurance Portability and Accountability Act (HIPAA), 45 CFR 160 and 164, and other state and federal laws, rules and regulations. These laws require us to maintain the privacy of protected health information, to provide you with a notice of our legal duties and privacy practices with respect to protected health information, and to notify you of a breach of unsecured protected health information. Protected health information is individually identifiable health information that may include demographics such as age, address, e-mail address, and that relates to your past, present, or future physical health, mental health, or condition and related health or human service care.

CARVER COUNTY STATEMENT

Carver County provides a number of health and human services programs for residents of Carver County. This Notice of Privacy Practices describes how we may use or disclose your protected health information, with whom that information may be shared, and the safeguards we have in place to protect the information. This notice also describes your rights to access and amend your protected health information. We must follow the terms we have agreed to in this notice. If we make changes to the notice we will notify you in writing of the changes. If the terms of this notice are changed, those changes will apply to all present and future information that we collect about you. A copy of the new notice will be posted at each service provider's site as required by law.

HOW WE MAY USE OR DISCLOSE YOUR PROTECTED HEALTH INFORMATION

Carver County may use and disclose the following information about you without a written authorization or consent signed by you. These examples are not exhaustive.

Treatment/Services

We may use and disclose your protected health information to provide, coordinate, or manage care and related services provided by Carver County. This includes the coordination or management of your care with a third party. We may disclose your protected health information from time-to-time to another county employee who, at the request of your physician, social worker, nurse, therapist, probation officer, or financial worker, becomes involved in your care by providing assistance with your diagnosis or treatment. In emergencies, we will use and disclose your protected health information to provide the treatment you require.

Payment

Your protected health information will be used, as needed, to obtain payment for services. This may include certain activities Carver County might undertake before it approves or pays for the services recommended for you, such as determining eligibility or coverage for benefits, and undertaking utilization review activities.

Health Care Operations

We may use or disclose, as needed, your protected health information to support the daily activities related to health and human services care. These activities include, but are not limited to, eligibility determination, quality assessment activities, investigations, oversight or staff performance reviews, training of students, licensing, conducting or arranging for other care related activities.

Required By Law/Law Enforcement

We may use or disclose your protected health information if law or regulation requires the use or disclosure during any judicial or administrative proceeding, in response to a court order, and in certain conditions in response to a subpoena, discovery request, or other lawful process.

We may disclose your protected health information for law enforcement purposes including information requests for identification and location, circumstances pertaining to victims of a crime, deaths suspected from criminal conduct, crimes occurring at a Carver County site, and medical emergencies believed to result from criminal conduct.

Public Health

We may disclose your protected health information to a public health authority permitted by law to collect or receive the information. The disclosure may be necessary to prevent or control disease, injury, or disability, report births and deaths, report child abuse or neglect, notify a person who may have been exposed to a disease or may be at risk for contracting or spreading a disease or condition, or notify the appropriate government authority if we believe a patient has been the victim of abuse, neglect, or domestic violence.

Uses and Disclosures That Require Your Written Authorization

For other situations, Carver County will ask for your written authorization before using or disclosing protected health information. These situations include disclosure of psychotherapy notes; disclosure for marketing purposes; any situation that constitutes sale of medical information. You have a right to restrict certain disclosures of information to a health plan where you pay out of pocket in full for the health care services.

Your written authorization will be required for some HIV/AIDS, mental health, alcohol, and drug treatment.

If you are under 18, parents may see information about you and allow others to see this information unless you have asked that this information not be shared with your parents. You must make this request in writing and say what information you want withheld and why. If the agency agrees that sharing the information is not in your best interest, the information will not be shared with your parents. If the agency does not agree, the information will be shared with your parents if they ask for it. When parental consent for medical treatment is not required, information will not be shown to parents unless the health care provider believes failing to share the information would jeopardize your health.

YOUR RIGHTS REGARDING YOUR PRIVATE INFORMATION

You may exercise the following rights by submitting a written request to your service provider. Carver County might deny your request; however, you may seek a review of the denial.

Right To Inspect And Copy

You may inspect and obtain a copy of your protected health information that is contained in a designated record set for as long as we maintain the protected health information. A designated record set contains health care, mental health, social services or payment records and any other records that Carver County uses for making decisions about you. This right does not include inspection and copying information compiled in reasonable anticipation of, or use in, a civil, criminal, or administrative action or proceeding, and protected information that is subject to law that prohibits access to protected information.

Right To Request Restrictions

You may ask us not to use or disclose any part of your protected health information. You must make a written request informing your service provider what protected health information you want restricted, whether you want to restrict our use, disclosure, or both, to whom you want the restriction to apply, and an expiration date. Your service provider is not required to agree to the restriction if the provider determines it is not in the best interest of either party. If the restriction is mutually agreed upon we will not use or disclose your protected health information in violation of that restriction unless it is needed to provide emergency treatment. You may revoke a previously agreed upon restriction, at any time, in writing.

Right To Request Amendment

If you believe that information we have about you is incorrect or incomplete, you may request an amendment to your information as long as we maintain this information. While we will accept requests for amendment, we are not required to agree to the amendment. You have additional rights to appeal if Carver County does not agree to your amendment.

Right To An Accounting Of Disclosures

You may request that we provide you with an accounting of the disclosures we have made of your protected health information. This right applies to disclosures made for purposes other than services, treatment, payment or operations as described in this Notice of Privacy Practices. The disclosure must have been made after April 14, 2003, and no more than 6 years prior to the date of request. This right excludes disclosures made to you or others you authorized to receive information regarding your care.

Right To Obtain A Copy Of This Notice

You may obtain a paper copy of this notice from your service provider.

Right To Request Alternate Communications

You may request that we communicate with you using alternative means, such as electronic communication, or at an alternative location. We will not ask you the reason for your request. We will accommodate reasonable requests, when possible.

COMPLAINTS

If you believe that your privacy rights have been violated, you may file a complaint. Please send your complaint in writing, to the Carver County Privacy Officer or the U.S. Department of Health and Human Services at the address below. We cannot deny you service or treat you badly because you filed a complaint against us.

Contact Information

Privacy Official
Carver County Attorney
604 East Fourth Street
Chaska, Minnesota 55318-2012
Phone: 952-361-1400
Fax: 952-361-1413
Email: CCPrivacyOfficer@co.carver.mn.us

To file a complaint with the federal government, you may send your complaint to either of the following addresses:

Office for Civil Rights
U.S. Department of Health and Human Services
233 N. Michigan Ave., Suite 240
Chicago, IL 60601
Phone (800) 368-1019
Fax (312) 886-1807

U.S. Department of Health and Human Services, Office of Civil Rights
Medical Privacy, Complaint Division
200 Independence Avenue, S.W.
Room 509F HHH Bldg.
Washington, D.C. 20201

Approved by the Carver County Attorney's Office
June 2014

NPP/Version1/2015

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Acceptance of Land Donation From the Met Council

Primary Originating Division/Dept: <input type="text" value="Public Works"/>	Meeting Date: <input type="text" value="5/19/2015"/>
Contact: <input type="text" value="Patrick Lambert"/> Title: <input type="text" value="Right-of-Way Agent"/>	Item Type: <input type="text" value="Consent"/>
Amount of Time Requested: <input type="text"/> minutes Presenter: <input type="text"/> Title: <input type="text"/>	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
Strategic Initiative: Connections: <input type="text" value="Develop strong public partnerships and connect people to services and information"/>	

BACKGROUND/JUSTIFICATION:

The Metropolitan Council owns a parcel of land, PID #65.0071700, along Rolling Acres Road that they no longer need. The parcel is approximately 2210 SF in area. They have requested Carver County accept the donation of the land at no cost.

ACTION REQUESTED:

Approve the acceptance of PID #65.0071700 as a land donation from the Metropolitan Council.

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

Related Financial/FTE Comments:

Office use only:

RBA 2015 - 3239

Close

May 4, 2015

Mr. Patrick Lambert
Carver County
Carver County Administration Building
600 East Fourth Street
Chaska, MN 55318

Via e-mail to plambert@co.carver.mn.us

Re: Quit Claim Deed – Parcel 2

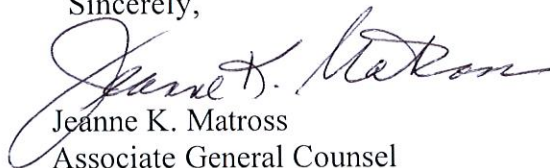
Dear Mr. Lambert:

Attached for your review is the title report, draft quit claim deed, and map of the Metropolitan Council property that is proposed to be conveyed to Carver County.

Please review and send any comments to me.

If the quit claim deed is in acceptable form I will arrange for signature by Metropolitan Council and send the deed to you for recording.

Sincerely,


Jeanne K. Matross
Associate General Counsel

Enc.

QUIT CLAIM DEED

Form No. 30-M

Minnesota Uniform
Conveyancing Blanks (1/15/97)

Corporation, Partnership or Limited
Liability Company to Corporation or Partnership

(Top 3 inches Reserved for Recording Data)

DEED TAX DUE \$ _____

Date: _____

FOR VALUABLE CONSIDERATION, Metropolitan Council, a public corporation and political subdivision of the State of Minnesota, successor --in-interest to the Metropolitan Waste Control Commission, Grantor, hereby conveys and quitclaims to Carver County, a county under the laws of the State of Minnesota, Grantee, real property in Carver County, Minnesota, described:

in Exhibit A attached hereto and made a part hereof ("Property"),

together with all hereditaments and appurtenances. Grantee accepts the property described in Exhibit A in an "As Is", "Where Is" and with All Faults Condition. No representation, warranty or covenant has been made by Grantor regarding the Property.

Check box if applicable:

The Seller certifies that the seller does not know of any wells on the described property.

Affix Deed Tax Stamp Here

METROPOLITAN COUNCIL, a public corporation and political
subdivision of the State of Minnesota

By _____

Its PATRICK P. BORN
REGIONAL ADMINISTRATOR

By _____

Its _____

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

The foregoing was acknowledged before me this ___ day of _____, 2015, by Patrick P. Born, the Regional Administrator of the Metropolitan Council, a public corporation and political subdivision of the State of Minnesota, on behalf of the Metropolitan Council.

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

SIGNATURE OF NOTARY OR OTHER OFFICIAL

Check here if part or all of the land is Registered (Torrens)

THIS INSTRUMENT WAS DRAFTED BY: (Name and Address)

Jeanne K. Matross
Associate General Counsel
License 68615
METROPOLITAN COUNCIL
390 North Robert Street
St. Paul, MN 55101

Tax Statement for real property described in this instrument
should be sent to (Include name and address of Grantee):

Carver County
Carver County Administration Building
600 East Fourth Street
Chaska, MN 55318

EXHIBIT A

That part of US Government Lot 1, Section 7, Township 116, Range 23, Carver County, Minnesota, described as follows:

PART 1:

Commencing at the Northwest corner of said Section 7; thence South, assumed bearing, along the west line of said Section 7 a distance of 1390.50 feet to the point of beginning of the land to be described; thence South 34 degrees 56 minutes East 150.16 feet to the westerly right of way line of Carver County Road Number 13; thence north-westerly along said right of way line 131.84 feet to its intersection with a line that bears East from the point of beginning; thence West 39.04 feet to the point of beginning.

Containing 2210 square feet more or less.

METROPOLITAN COUNCIL

P.I.N. 65-0071700

PARCEL NO. L-22

COUNTY OF CARVER

PROJECT NO. 802812

REVISED TITLE OPINION

I hereby certify to the Metropolitan Council that I have examined the title to the real estate herein described as shown by the records in the office of the County Recorder, Registrar of Titles, County Auditor and County Treasurer, and as shown by said records the title to the following described tract:

All that part of US Government Lot One of Section Seven of Township 116 North of Range 23 West of the 5th Principal Meridian, in Chanhassen Township, Carver County Minnesota, described as follows, to-wit:

PART 1:

Commencing at the Northwest corner of said Section Seven; thence Southerly along the West line of said Section Seven a distance of 1,745.15 feet; thence deflect to the left 90 degrees a distance of 30.25 feet to the actual point of beginning of the tract to be described; thence deflect to the left 50 degrees 48 minutes a distance of 23.00 feet; thence deflect to the right 90 degrees a distance of 30.00 feet; thence deflect to the right 90 degrees a distance of 23.00 feet; thence deflect to the right 90 degrees a distance of 30.00 feet to the point of beginning.

AND

PART 2:

- To be conveyed to Carver City. 56 minutes

Commencing at the Northwest corner of said Section Seven; thence south along the west line of Section Seven 1,390.50 feet to the point of beginning; thence South 34 degrees East 150.16 feet to the westerly right-of-way line of Carver County Road 13; thence Northwesterly along said right-of-way line 131.84 feet to its intersection with a line that bears East from the point of beginning; thence West 39.04 feet to the point of beginning.

generally side

is at the date of this certificate in the following named persons:

<u>Name</u>	<u>Nature of Interest</u>	<u>Date of Document & Date Recorded</u>	<u>Book & Page and/or Doc. No.</u>	<u>Name of Spouse If single, so state</u>
<u>PART 1:</u> The Metropolitan Sewer Board, a duly constituted agency of the Metropolitan Council	fee	d: 10/4/1972 r: 7/20/1973	19319	N/A
<u>PART 2:</u> Metropolitan Waste Control Commission	fee	d: 11/5/1979 r: 10/20/1980	48843 ✓	N/A

During the past five years the title to said tract was in the following persons, if different from above:

<u>Name</u>	<u>Nature of Interest</u>	<u>Date of Document & Date Recorded</u>	<u>Book & Page and/or Doc. No.</u>	<u>Name of Spouse If single, so state</u>
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SUBJECT ONLY TO THE FOLLOWING: (Here enumerate encumbrances and liens of every nature, giving names and addresses of parties, date of instrument, date of recording, document number, and other pertinent information; also enumerate other defects, if any, in the title; any judgments docketed in the office of the Court Administrator that would be a lien against this property should be shown here. Show docket number, date of entry and amount of judgment, names of judgment debtor and creditor and attorney for the creditor.)

NOTE-The easements described below are in favor of the Metropolitan Council, and so are being provided for reference purposes only.


An Easement, dated October 4, 1972 and recorded July 20, 1973 as document 19320 was granted to the Metropolitan Sewer Board, as a duly constituted agency of the Metropolitan Council. Said document in fact contains five easements for sanitary sewer, road and utility, and parking purposes. A Release and Termination of Easements, dated December 9, 2014 and recorded December 22, 2014 as document 603666 releases three of these five easements. See attached documents.

An Easement, dated September 19, 2008 and recorded October 15, 2008 as document 490513, was granted to the Metropolitan Council for sanitary sewer purposes. See attached document.

I further certify that all taxes and assessments against said tracts are paid, except:

PIN 65-0071700 is Tax Exempt.

P.I.N. 65-0071700

Last Tract Entry or Certificate Memorial	SIGNATURE	
Document No. 603666	Attorney or Abstractor	DATE
This search is effective through 12/25/2014	By: 	April 22, 2015

EXCEPTIONS

The following exceptions exist with respect to this Title Opinion:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof.
2. Rights or claims of parties in possession, not shown by the public records.
3. Easements, or claims of easements, not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.
5. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by and not shown by the public records.

L-22 EXCESS PROPERTY



Carver County Board of Commissioners Request for Board Action



Agenda Item:

Charitable Gambling Application for Exempt Permit-St John the Baptist Catholic Parish

Primary Originating Division/Dept: <input type="text" value="Property Records & Taxpayer Services"/>	Meeting Date: <input type="text" value="5/19/2015"/>
Contact: <input type="text" value="Sarah Rivers"/> Title: <input type="text" value="Taxpayer Service Specialist"/>	Item Type: <input type="text" value="Consent"/>
Amount of Time Requested: <input type="text"/> minutes Presenter: <input type="text"/> Title: <input type="text"/>	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Strategic Initiative: <input type="text" value="Connections: Develop strong public partnerships and connect people to services and information"/>	

BACKGROUND/JUSTIFICATION:

A Charitable Gambling application for Exempt Permit was received from St John the Baptist Catholic Parish. They plan to hold a raffle on June 8, 2015 at the Island View Golf Club located at 7795 Laketown Pkwy, Waconia, MN 55387.

ACTION REQUESTED:

Approval to issue a Charitable Gambling License to St John the Baptist Catholic Parish for a raffle to be held on June 8, 2015.

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

Related Financial/FTE Comments:

Office use only:

RBA 2015- 3242

Close

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Donation of Veterans Services Transportation Bus from Carver County Veterans Council

Primary Originating Division/Dept: Administrative Services - Veterans	Meeting Date: 5/19/2015
Contact: Dan Tengwall Title: Veterans' Service Officer	Item Type: Consent
Amount of Time Requested: minutes Presenter: Title:	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Strategic Initiative: Connections: Develop strong public partnerships and connect people to services and information	

BACKGROUND/JUSTIFICATION:

Through their Veterans Transportation Program, Carver County Veterans Services offers rides to veterans (and caregivers) from their homes in Carver County to both the VA Medical Center in Minneapolis and the VA Community Based Outreach Clinic in Shakopee. The rides are free of charge to the veteran and occur Monday through Friday for appointments beginning at 8:00AM to 2:30 PM. In order to carry out this important service, the Carver County Veterans' Service Office maintains a fleet of two vehicles (currently a 2009 Chevrolet C33 bus and a Dodge Sprinter).

The current 2009 Chevrolet bus has over 180,000 miles and is due for replacement. The Carver County Veterans Council identified this issue and collected donations from local citizens and organizations, including a generous donation by the Chanhassen American Legion in 2014.

In April 2015, after several months of researching and shopping for the ideal vehicle, the Carver County Veterans Council purchased a 2015 Ford Diamond (15 passenger bus, with handicap accessible lift/door) for the amount of \$61,609.75 from Telin Auto Group based in Lakeville, MN. The Veterans Council now wishes to donate the vehicle to Carver County in order for Carver County Veteran Services to continue to offer rides to area VA Facilities for our County's veterans, at no cost to the veteran.

Similar to the last veterans' bus donation, the County will sell the current bus back to the Carver County Veterans Council for \$1. The Veterans Council originally donated this bus to the County.

Once this vehicle is prepared for service, the County Board will be invited to inspect the vehicle with the Veterans Council.

ACTION REQUESTED:

Motion to accept the donation of a 2015 Ford Diamond bus from the Carver County Veterans Council and sell the 2009 Chevrolet C33 bus to the Veterans Council for \$1.

FISCAL IMPACT: None	FUNDING						
If "Other", specify:	<table style="width: 100%;"> <tr> <td>County Dollars =</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>0.00</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>Total</td> <td style="text-align: right;">\$0.00</td> </tr> </table>	County Dollars =	\$0.00	0.00	\$0.00	Total	\$0.00
County Dollars =	\$0.00						
0.00	\$0.00						
Total	\$0.00						
FTE IMPACT: None	<input checked="" type="checkbox"/> Insert additional funding source						

Related Financial/FTE Comments:

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Lola's Lake Waconia Half Marathon, 2-Person Half Marathon Relay, 10 Mile, and 5K event

Primary Originating Division/Dept: <input type="text" value="Public Health & Environment - Land Mgmt."/>	Meeting Date: <input type="text" value="5/19/2015"/>
Contact: <input type="text" value="Amanda Schwabe"/> Title: <input type="text" value="Land Management Planner"/>	Item Type: Consent <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 #A20150097. Podium Sports Marketing (Marilyn Franzen, Adam Kocinski & Mike Cofrin), in partnership with the City of Waconia, is requesting approval of a Special Event Permit for the 4th annual one-day Half Marathon, 2-person Half Marathon Relay, 10 Mile, and 5K event on June 6, 2015 from 6:30 am - 1:00 pm. The vast majority of the event will occur within the City of Waconia (under the city's planning and zoning authority). The half marathon courses begin in the City of Waconia and circle to the east on County Roads/Trails and local roads, including North Shore Road in Waconia and Laketown Townships around Lake Waconia. The 10-Mile course follows a pattern similar to that of the half-marathon. The 5K course is entirely within the city limits of the City of Waconia. County review is required for the proposed water/aid stations and volunteer parking located outside of the right-of-way along North Shore Road. Other water/aid stations along the course, outside of the City of Waconia, will be located within the trail system. Public Works reviewed the request and did not have any objections.

ACTION REQUESTED:

A motion authorizing the issuance of a Certificate of Zoning Compliance (#A20150097) for the Lola's Lake Waconia Half Marathon, 2-person Half Marathon Relay, 10 Mile, and 5K event.

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

Related Financial/FTE Comments:

Office use only:

RBA 2015 - 3210

Close

Lola's Lake Waconia Half Marathon

Starts in Waconia, Minnesota

12.91 miles

Elevation: 1,063ft Max 945ft Min +223ft Ascent -203ft Descent < 3% Max Climb



Description
Getting close to finish

COUNTY OF CARVER
CERTIFICATE OF ZONING COMPLIANCE

FILE/CERTIFICATE # A20150097

DATE ISSUED: May 19, 2015

TYPE OF CERTIFICATE: ONE TIME SPECIAL EVENT- LOLA'S LAKE WACONIA HALF MARATHON, 2-PERSON HALF MARATHON RELAY, 10 MILE, & 5K

This permit certificate is issued for the 4th Annual Lola's Lake Waconia Half Marathon, 2- person Half Marathon Relay, 10 Mile, and 5K to be held on June 6, 2015, in Waconia and Laketown Townships and the City of Waconia as described on the approved site and event plan, pursuant to Chapter 152, Section 152.074 B6 of the Carver County Code. **This certificate is issued to:**

**Podium Sports Marketing
Marilyn Franzen/Adam Kocinski/Mike Cofrin
1835 5th Ave
Anoka, MN 55303**

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

Purpose of Certificate: To certify that the permittee and/or organization to which this certificate is issued is permitted and authorized to hold the Lola's Lake Waconia Half Marathon, 2-person Half Marathon Relay, 10 Mile, and 5K on June 6, 2015. The event shall take place in the Waconia Township, Laketown Township and the City of Waconia in accordance with the conditions listed on this permit and in accordance with Chapter 152, Section 152.074 B6 of the Carver County Code.

THE FOLLOWING CONDITIONS ARE ATTACHED AND MUST BE COMPLIED WITH:

1. The Permit is valid for Saturday, June 6, 2015, only.
2. The event must be conducted in accordance with the Operational Plan & Site Maps attached hereto.
3. There shall be at least two (2) extra bathroom satellites during the event.
4. The sponsors are responsible to clean up all excess trash and litter at break stations during and after the event.
5. The permit shall conform to Carver County Public Works requirements. The Public Works Department shall be notified about the proposed use of the county roads and signage for the street closing. PLEASE NOTE: this permit does not allow for painting directional arrows or other defacing of the County roadways.
6. The permit shall conform to Carver County Sheriff Department requirements. The permittee shall contract County Sheriff's Deputies for the event and include 2-4 volunteers for each intersection along the course.
7. The permit shall conform to Carver County Parks Department requirements.
8. The permit shall conform to Waconia Township requirements for any activities within North Shore Road right-of-way (if any).

9. All event parking shall occur within the City of Waconia. Parking at/near water/aid stations shall be limited to volunteers and emergency services and shall require proof of permission from property owners, prior to the event, if on private property.
10. Emergency vehicle access must be provided within the staging areas of the event and throughout the race route.
11. The permittee shall inform Waconia and Laketown Township as well as surrounding residents of the date of the event, any hours that the road may be closed and alternate routes that may be used during the event. Notification shall be provided prior to the event.
12. The permittee shall provide a Certificate of Insurance listing Carver County as additional insured.

Amanda Schwabe
Land Management Planner

THIS CERTIFICATE IS ISSUED FOR JUNE 6, 2015 AND IS NOT EFFECTIVE UNTIL SIGNED:

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

Signature of Certificate Holder

Date

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Letter of Support for TIGER Funds for TH 169 and TH 41 Interchange Construction

Primary Originating Division/Dept: <input type="text" value="Public Works"/>	Meeting Date: <input type="text" value="5/19/2015"/>
Contact: <input type="text" value="Lyndon Robjent"/> Title: <input type="text" value="Public Works Director"/>	Item Type: <input type="text" value="Consent"/>
Amount of Time Requested: <input type="text"/> minutes Presenter: <input type="text"/> Title: <input type="text"/>	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:

Scott County is planning on submitting a grant application for federal TIGER funds to construct a grade separated interchange at TH 41 and TH 169 as well as other supporting road improvements in the vicinity. Scott County is requesting a letter of support from Carver County for the application.

The project constructs an interchange at the existing at-grade intersection at US Highway 169/MN Highway 41/CSAH 78, constructs an overpass at US Highway 169 and CSAH 14, and provides supporting roadway network. The project will also construct a trail connecting concentrated residential areas near US Highway 169 and MN TH 41/CSAH 78 to the City of Shakopee trail system at CSAH 69.

TH 41 and TH 169 are key highway corridors serving Carver County and the interchange and other proposed roadway improvements will benefit mobility and safety of the travelling public.

A letter of support for the project is attached.

ACTION REQUESTED:

Authorize the Chair of the County Board to sign a letter of support for federal TIGER funds for the TH 169 and TH 41 Interchange project in Scott County.

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

Related Financial/FTE Comments:

Office use only:

RBA 2015 - 3250

Close



Office of County Commissioners
Carver County Government Center
Human Services Building
602 East Fourth Street
Chaska, MN 55318-1202
Phone: 952 361-1510
Fax: 952 361-1581

May 19, 2015

Mr. Anthony Foxx
Secretary of Transportation
U.S. Department of Transportation
1200 New Jersey Avenue SE
Washington, DC 20590

Re: Support for the US 169 Freight Mobility Project

Dear Mr. Foxx:

Carver County is pleased to support the TIGER Discretionary Grant application for the US 169 Freight Mobility Project in Scott County, Minnesota. The project constructs an interchange at the existing at-grade intersection at US Highway 169/MN Highway 41/CSAH 78, constructs an overpass at US Highway 169 and CSAH 14, and provides supporting roadway network. The project will also construct a trail connecting concentrated residential areas near US Highway 169 and MN TH 41/CSAH 78 to the City of Shakopee trail system at CSAH 69.

US Highway 169 is a vital state corridor facilitating important grain and agricultural commodity movements between southern Minnesota, the Ports of Savage and the Twin Cities. These improvements will facilitate safer and more efficient movement of these goods through this congested segment of US Highway 169 benefiting the state and regional transportation system in Minnesota. It will also ensure that this heavy industrial area, which is home to several key aggregate mining facilities, recycling and disposal operations, construction materials manufacturing businesses serving the entire Twin Cities market, will have improved access to the US 169 corridor.

MN Highway 41 is also a very important regional corridor and one of a few river crossing connections over the Minnesota River in the southwest twin cities metro area. The US 160/MN 41 intersection is the only principal to principal system connection remaining in the Twin Cities metro area that is not grade separated. The project provides an important regional connection to County Highway 42 via County Highway 78 from this area; connecting the area to I-35W, MN Highway 77, MN Highway 52 and MN Highway 61.

Minnesota Department of Transportation (MnDOT) has completed an Interregional Corridor Management Plan that recommends transitioning the section of US Highway 169 from Interstate 494 to the City of Belle Plaine to freeway status. This intersection area is a significant impediment to the flow of interstate and international commerce from southern Minnesota to the Ports of Savage and the Twin Cities Metropolitan area.

The project will address the current safety and mobility issues along the corridor, remove a freight bottle neck, close direct accesses and provide a supportive roadway network in the area. Please strongly consider this application for TIGER grant funds of this key infrastructure project within the Twin Cities Metropolitan Area. This project will improve the daily lives of the many travelers in and through the area, greatly benefiting the surrounding region.

Sincerely,

Randy Maluchnik, Chair
Carver County Board of Commissioners

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Reorganization in Public Works: Change Senior Civil Engineer to Civil Engineer

Primary Originating Division/Dept: <input type="text" value="Public Works - Program Delivery"/>	Meeting Date: <input type="text" value="5/19/2015"/>
Contact: <input type="text" value="Darin Mielke"/> Title: <input type="text" value="Deputy County Engineer"/>	Item Type: Consent <input type="text" value=""/>
Amount of Time Requested: <input type="text" value=""/> minutes Presenter: <input type="text" value=""/> Title: <input type="text" value="Deputy County Engineer"/>	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Strategic Initiative: <input type="text" value="Culture: Provide organizational culture fostering accountability to achieve goals & sustain public trust/confidence in County government"/>	

BACKGROUND/JUSTIFICATION:

On November 18, 2014 the County Board approved a change of a Civil Engineer (grade 13) position to a Senior Civil Engineer (grade 14) position and change of one of the Senior Engineering Technician positions (Grade 12) to a Civil Engineer position (Grade 13) resulting in no additional FTE's in Public Works - Program Delivery.

Public Works has had difficulty in obtaining qualified applicants to fill the Senior Civil Engineer position. Staff recommend changing the Senior Civil Engineer position (Grade 14) to a Civil Engineer position (Grade 13).

ACTION REQUESTED:

Approve the change of 1 FTE Senior Civil Engineer (Grade 14) to a Civil Engineer (Grade 13).

FISCAL IMPACT: <input type="text" value="None"/> <i>If "Other", specify:</i> <input type="text"/>	FUNDING <table style="width: 100%;"> <tr> <td>County Dollars =</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>CSAH (Gas tax etc)</td> <td><input type="text"/></td> </tr> <tr> <td>Total</td> <td style="text-align: right;">\$0.00</td> </tr> </table> <input type="checkbox"/> Insert additional funding source	County Dollars =	\$0.00	CSAH (Gas tax etc)	<input type="text"/>	Total	\$0.00
County Dollars =	\$0.00						
CSAH (Gas tax etc)	<input type="text"/>						
Total	\$0.00						
FTE IMPACT: <input type="text" value="None"/>							

Related Financial/FTE Comments:

Office use only:

RBA 2015 - 3232

Close

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Approval to hire a SharePoint Administrator/Developer and transition period with the incumbent

Primary Originating Division/Dept: Administrative Services - IT	Meeting Date: 5/19/2015
Contact: Melissa Reeder Title: IT Director	Item Type: Consent
Amount of Time Requested: minutes Presenter: Title:	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Strategic Initiative: Culture: Provide organizational culture fostering accountability to achieve goals & sustain public trust/confidence in County government	

BACKGROUND/JUSTIFICATION:

Carver County's employee intranet is built on the Microsoft SharePoint technology. This includes a number of forms and sites including contract management, request for board action, and open enrollment form. The incumbent SharePoint Administrator/Developer has submitted her notice of resignation and provided the IT Department with generous lead time. The current incumbent has custom designed and coded a number of SharePoint sites and forms for Carver County. The IT Director is proposing that a new SharePoint/Developer be hired while the current incumbent is still here until September 15, 2015. The approximate three month overlap would allow for the proper transfer of knowledge and training on these custom sites and the SharePoint platform at Carver County. This is a critical position upon which the County relies for consistent availability of the Sharepoint site. Accordingly, the staff strongly recommends approving an overlap period.

ACTION REQUESTED:

Motion to approve the hiring of a SharePoint Administrator/Developer and a transition period between the new hire and the incumbent until September 15, 2015.

FISCAL IMPACT: Other If "Other", specify: Vacancy Savings	FUNDING County Dollars = \$16,400.00
FTE IMPACT: None	Total \$16,400.00 <input checked="" type="checkbox"/> Insert additional funding source

Related Financial/FTE Comments:

IT has had vacancy savings in a number of positions in 2015 including the Software Engineer. The posposal is to use a portion of these IT vacancy savings to fund this transistion period.

Office use only:

RBA 2015 - 3248

Close

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Settlement Agreement: Kloos v. Carver County

Primary Originating Division/Dept: Attorney <input type="text"/>	Meeting Date: 5/19/2015 <input type="text"/>
Contact: Mark Metz <input type="text"/> Title: County Attorney <input type="text"/>	Item Type: Regular Session <input type="text"/>
Amount of Time Requested: <input type="text"/> minutes Presenter: <input type="text"/> Title: <input type="text"/>	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Strategic Initiative: Growth: Manage the challenges and opportunities resulting from growth and development <input type="text"/>	

BACKGROUND/JUSTIFICATION:

In July 2014, the lawsuit, *Daniel D. Kloos and Linda M. Kloos v. County of Carver*, was filed. Petitioners allege that, following a county road project, their property sustained flooding in areas that had not previously flooded. Petitioners brought an inverse condemnation action, seeking an order from the court requiring the County to initiate condemnation proceedings with regard to the property that was allegedly taken or damaged as a result of the flooding. In the alternative, the Peititioners are seeking damages for claims of Trespass, Nuisance, and Negligence.

Ken Bayliss was appointed by the Minnesota Counties Intergovernmental Trust (MCIT) to defend Carver County.

A settlement of the lawsuit has been reached by the parties, whereby the plaintiffs have agreed to dismiss their claims, without prejudice, with the option to reassert their claims anytime prior to June 30, 2018. In exchange, the County has agreed that it will not assert that the statute of limitations or statute of repose has run.

This action is to be dismissed without an award of costs, disbursements, or attorney fees to any party.

ACTION REQUESTED:

Approve and execute the Settlement Agreement.

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

Related Financial/FTE Comments:

Aside from the County's deductible to MCIT for defense costs (\$2500), the settlement is dismissed without any award of costs, disbursements or attorney fees to be paid by the County.

Office use only:

RBA 2015 - 3254

Close

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Declaratory Relief Action on CSAH 11

Primary Originating Division/Dept: <input type="text" value="Attorney"/>	Meeting Date: <input type="text" value="5/19/2015"/>
Contact: <input type="text" value="Mark Metz"/> Title: <input type="text" value="County Attorney"/>	Item Type: Regular Session <input type="text" value="Regular Session"/>
Amount of Time Requested: <input type="text" value="15"/> minutes Presenter: <input type="text" value="Larry Martin"/> Title: <input type="text" value="Legal Counsel"/>	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
Strategic Initiative: Growth: Manage the challenges and opportunities resulting from growth and development	

BACKGROUND/JUSTIFICATION:

On December 24, 2015, in response to the District Court’s direction, in the jury trials of Court File Numbers 10-CV-13- 1330; 1332; 1333, (various Kloos Files) L. D. Martin Law Office filed a Declaratory Relief Action on behalf of the County of Carver seeking a declaration from the district court determining the road areas statutorily dedicated within the CSAH 11, CSAH 147; CSAH 140; and Gurnsey Avenue Corridors so that the condemnation damages may be accurately measured based upon right of way actually taken from properties along said corridors for the CSAH 11 reconstruction and new alignment. The Declaratory Relief Action is one of two alternatives presented by the court to resolve the matter. The other alternative was to accept a stipulation that the existing bituminous would constitute the prescriptive easement area. The County in open court took the position that either of the court’s alternatives would be acceptable. The property owners selected the Declaratory Relief Action alternative by refusing the stipulation presented by the court that the bituminous area of the roadway was the limit to the prescriptive easement area. At the December 16, 2014, January 20, 2015; and April 7, 2015 County Board Meetings, closed sessions were held to advise the Board of the status of both cases and to request policy direction related to the treatment of the objectives of the Declaratory Relief Actions. Said direction was provided; however, to date, staff has not requested a Board Resolution authorizing the Declaratory Relief Action.

ACTION REQUESTED:

Pass Resolution Number 15-__ ratifying the filing of the Declaratory Relief Action (Court File Number 10-CV-14-1374) and further authorizing and directing the County Attorney’s Office and its designated contract attorneys to prosecute said action to completion.

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

Related Financial/FTE Comments:

Office use only:

RBA 2015 - 3253

Close

BOARD OF COMMISSIONERS
CARVER COUNTY, MINNESOTA

RESOLUTION NO. 15 -___

A Resolution Authorizing and Directing the Prosecution
and Completion of the Declaratory Relief Action in County of
Carver v. Kloos Family Limited Partnership, et al, Court File Number 10-CV-14-1374

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

WHEREAS, on December 24, 2015, in response to the District Court’s direction, in the
jury trials of Court File Numbers 10-CV-13-1330; 1332; 1333, (various Kloos Files), L.D.
Martin Law Office filed a Declaratory Relief Action on behalf of the County seeking a
declaration from the District Court determining the road areas statutorily dedicated within the
CSAH 11, CSAH 147, CSAH 140, and Gurnsey Avenue Corridors;

WHEREAS, the Declaratory Relief Action is one of two alternatives presented by the
Court to resolve the matter;

WHEREAS, the property owners selected the Declaratory Relief Action; and

WHEREAS, at the December 16, 2014, January 20, 2015, and April 7, 2015, County
Board meetings, closed sessions were held to advise the Board of the status of both cases and to
request policy direction related to the treatment of the objectives of the Declaratory Relief
Action.

NOW, THEREFORE, BE IT IS RESOLVED BY THE BOARD OF COMMISSIONERS
OF THE COUNTY OF CARVER IN REGULAR MEETING ASSEMBLED, that the actions
taken to file the Declaratory Relief Action (County of Carver v. Kloos Family Limited
Partnership, et al, Court File Number 10-CV-14-1374) on behalf of the County to determine the

nature and extent of the pre-existing right of way corridor for CSAH 11, CSAH 140, CSAH 147, and Gurnsey Avenue, north of CSAH 61 and south of CSAH 10, are approved and ratified; and,

BE IT FURTHER RESOLVED, that the County Attorney's office and its designated contract attorneys are hereby authorized and directed to prosecute and complete said action through to completion in the best interests of the County.

Adopted this ____ day of _____, 2015, 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 the County Commissioners, Carver County, Minnesota, at its session held on the ____ day of _____, 2015, now on file in the Administration office, have found the same to be a true and correct copy thereof.

Dated this ____ day of _____, 2015.

Dave Hemze County Administrator

Subscribed and sworn to before me
this ____ day of _____, 2015.

Notary Public
My Commission Expires _____

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Right of Way Acquisition for CSAH 11 Construction Project

Primary Originating Division/Dept: Attorney <input type="text"/>	Meeting Date: 5/19/2015 <input type="text"/>
Contact: Bill Weckman <input type="text"/> Title: Program Delivery Manager <input type="text"/>	Item Type: Closed Session <input type="text"/>
Amount of Time Requested: 30 <input type="text"/> minutes Presenter: Bill Weckman/Larry Martin <input type="text"/> Title: Program Delivery Manager/Legal <input type="text"/>	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Strategic Initiative: Growth: Manage the challenges and opportunities resulting from growth and development <input type="text"/>	

BACKGROUND/JUSTIFICATION:

In 2012-2013, the County realigned and reconstructed CSAH 11 from CSAH 61 to Engler Boulevard (CSAH 10). As a consequence of the realignment and reconstruction, the County obtained right-of-way from numerous property owners along the CSAH 11 corridor. In order to complete the road construction in a timely manner, condemnation proceedings against several property owners was initiated by the County. Hearings were held before a condemnation commission and damages were awarded.

The County appealed and cross appeals were filed on several affected parcels. PIDs 30.0070210, 30.0070200, and 30.0070400 went to jury trial. Post-trial actions have been filed. A jury trial was also held in PID 07.0360320 and post-trial issues are pending. The following parcels have not been resolved and are either pending mediation and/or jury trial: PIDs 30.0061400; 04-0010600; 04.0011100; 04.0010710; 04.0120700; 04.0011200; 04.0011100.

ACTION REQUESTED:

Motion to enter into closed session pursuant to Minn. Stat. Section 13D.05, subd. 3(b) to discuss pending litigation, including litigation strategy and settlement authority.

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

Related Financial/FTE Comments:

Office use only:

RBA 2015 - 3255

Close