



Carver County Board of Commissioners  
November 18, 2014  
Regular Session  
County Board Room  
Carver County Government Center  
Human Services Building  
Chaska, Minnesota

PAGE

4:00 p.m.	1.	a) <b>CONVENE</b>	
		b) <b>Pledge of allegiance</b>	
		c) <b>Public comments (limited to five minutes)</b> <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 November 4, 2014, Regular Session .....	1-3
	4.	Community Announcements	
4:05 p.m.	5.	<b>CONSENT AGENDA</b>	
		<i>Connections: Develop strong public partnerships and connect people to services and information</i>	
	5.1	Request for approval to contract with Indigital, Inc.....	4
	5.2	Joint Powers Agreement Amendment with City of Watertown for building removal.....	5
		<i>Communities: Create and maintain safe, healthy and livable communities</i>	
	5.3	Carver County Public Works Mailbox Policy .....	6-12
	5.4	Carver County Public Works Drain Tile Policy .....	13-17
	5.5	Facilities June Flood Repairs with Budget Amendment.....	18-19
	5.6	Request for Letter and Resolution of Support for Planned Trail Project in Chanhassen .....	20-30
	5.7	Grant Agreement for a Park Programmer Position, and Road and Parking Lot Construction.....	31
		<i>Culture: Provide organizational culture fostering accountability to achieve goals and sustain public trust/confidence in County government</i>	
	5.8	Approval of Memorandum of Agreement with AFSCME Public Works Regarding Insurance .....	32
	5.9	Approval of Memorandum of Agreement with the Supervisors and Managers Association of Carver County Regarding Insurance.....	33
	5.10	Position Classification Changes - Public Works Program Delivery ...	34-35
	5.11	Updated County Record Retention Schedules .....	36
	5.12	Approval of Pay-for-Performance Settlement Agreement with AFSCME Assistant County Attorneys Bargaining Unit .....	37
	5.13	Approval of Pay-for-Performance Settlement Agreement with AFSCME Public Works Bargaining Unit.....	38
	5.14	Approval of Pay-for-Performance Memorandum of Agreement with AFSCME Social Services and General Bargaining Units .....	39

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

- 5.15 Prepayment Agreement with Xcel Energy for Power Pole Relocation Design along CSAH 10 ..... 40
- 5.16 Resolution of Support for Federal Funding for TH 101 from Flying Cloud Drive to Pioneer Trail TH 101 from Flying Cloud Drive (CSAH 61) to Pioneer Trail (CSAH 14)..... 41-42

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

- 5.17 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 Paul & Teresa Savaryn - CUP for a Farm Related Business/Large Scale Activity ..... 43-49
- 6.2 Mark Halla/Sure Mercies Ministries - IUP for a Church Facility..... 50-55

4:30 p.m. **7. CONNECTIONS: Develop strong public partnerships and connect people to services and information**

- 7.1 2015 Legislative Priorities ..... 56-66
- 7.2 **Closed Session** - Extension of Minnesota River Bluffs Regional Trail.. 67

6:00 p.m. **ADJOURN REGULAR SESSION**

6:00 p.m. **BOARD REPORTS**

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

David Hemze  
County Administrator

**UPCOMING MEETINGS**

- November 25, 2014 9:00 a.m. Board Work Session
- December 2, 2014 9:00 a.m. Board Meeting
- December 4, 2014 6:00 p.m. 2015 Proposed Budget Public Hearing
- December 9, 2014 AMC Conference, No Board Meeting
- December 16, 2014 2:30 p.m. Committee of the Whole Meeting
- December 16, 2014 4:00 p.m. Board Meeting
- December 23, 2014 No Board Work Session
- December 30, 2014 No Board Meeting

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on November 4, 2014. Chair Gayle Degler convened the session at 9:00 a.m.

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

Members absent: None

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

Ische moved, Workman seconded, to approve the minutes of the October 21, 2014, Regular Session. Motion carried unanimously.

Community announcements were made by the Board.

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

Authorized entering into a joint powers agreement with the City of Burnsville and Scott County to set out the terms, conditions and cost sharing associated with the transit fleet management software collaboration.

Authorized Public Health and Environmental's acceptance of donations for America Recycles Day.

Resolution #61-14, Authorizing Payment of Settlements of Compensation to Landowners for Easements Required for the CSAH 10 Road Reconstruction, Project #SP 010-610-046.

Contract with Minnesota Elevator for a three year inspection and repair service contract.

Approved the Standalone Cooperative Trail Improvement Policy.

Contract with the University of South Dakota/Dr. Peter Kindle pending finalization of the contract review process.

Approved and authorized the Chair to sign the contract with G.F. Jedlicki, Inc., for construction of Phase II stormwater re-use project in Waconia pending finalization of the contract review process.

Adopted Findings of Fact and issued Order #PZ20140027 for the issuance of an Interim Use Permit, Kenneth Theis, San Francisco Township.

Adopted Findings of Fact and issued Order PZ20140032 for the issuance of Conditional Use Permit, Carver County Public Works, San Francisco Township.

Adopted Findings of Fact and issued Order #PZ20140033 for the issuance of a Conditional Use Permit, Carver County Public Works, San Francisco Township.

Adopted Findings of Fact and issue Order #PZ20140031 for the issuance of Conditional Use Permit, Gary Christensen, Watertown Township.

Approved the Memorandum of Agreement with Teamsters Local 320 representing Detention Deputies, 911 Dispatchers and TAC Officer Bargaining Unit, which will allow members to participate in the new insurance benefit package beginning in 2015.

Approved the Memorandum of Agreement with the Teamsters Non-Licensed Management and PSAP Supervisors Bargaining Unit to participate in the new insurance benefit package.

Approved the 2015 benefits for non-bargaining employees as outlined with participation in the new benefits package and four-tier insurance plans.

Approved moving all retirees and continuation participants on the County's group insurance plans onto the new benefits package options applicable to this group including four-tier health and dental, and single (versus core/buy-up) dental plan insurance options and to continue the special retiree contributions toward health insurance at the cafeteria rates, not to exceed the premium for the coverage the retirees select in 2015.

Approved the following abatements:

30.9520553	Deborah Walsh
30.9520009	Lisa Lundberg
58.6530060	Jennifer Ramos
25.6150230	Tracy L. Jones (2013, 2014)
30.9510337	Eric Daniel Mahnke
30.0090900	Jonathan Mosier
11.0120620	Zachary G. Schrupp
65.3020010	Adam Jaehnke
25.2560430	Randall Moroney
25.5670160	Michael Woodley
85.0503810	Lori Knauf
75.3490110	Andrew Bleck

Reviewed October 28, 2014, Community Social Services' actions/Commissioners' warrants in the amount of \$195,534.06 and reviewed November 4, 2014, Community Social Services' actions/Commissioners' warrants in the amount of \$282,840.03.

Motion carried unanimously.

Rod Franks, Community Social Services, requested the Board proclaim November 4<sup>th</sup> as Employment and Recognition Day. He pointed out the work they do was much broader than employment services and their work was transformational for many of the lives of the people they touch. He noted their work also involves licensing and supporting child day care facilities and providing day care assistance to families.

Gwen Jensen, Supervisor, introduced Employment and Training employees. She identified the services they provide. She noted anyone was welcome to use their services and they have employers call them with job opportunities.

Chair Degler thanked the staff for the work they do and encouraged individuals seeking employment to use these services.

Ische moved, Maluchnik seconded, to affirm November 4, 2014, as Carver County Employment and Training Recognition Day. Motion carried unanimously.

Lynch moved, Workman seconded, to go into closed session at 9:18 a.m. according to Minnesota Statue 13D.05 in order to discuss confidential information regarding the potential purchase of land located south of Airport Road and within the CSAH 92 future alignment. Motion carried unanimously.

Chair Degler noted that after the closed session they would be holding a work session to discuss their 2015 legislative priorities and Chaska and Waconia power line projects.

The Board adjourned the closed session and Regular Session at 10:05 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:**

Request for approval to contract with Indigital, Inc.

Primary Originating Division/Dept:

**Meeting**

Date:

Contact:  Title:

**Item Type:**

Consent

Amount of Time Requested:  minutes

Presenter:  Title:

Attachments:  Yes  No

**Strategic Initiative:**

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

**BACKGROUND/JUSTIFICATION:**

Currently the county property records are contained in very old books and archives. These archives need to be preserved for the future. This contract is for digital scanning and conversion services. Care is taken to preserve the books and bindings for historical purposes. Upon completion of this project, public searching will be provided via the electronic methods. All records will be scanned and indexed into the Hyland Onbase system.

Two vendors were contacted to quote this project. The quote from Indigital was lower and the deliverables are better designed for our needs.

**ACTION REQUESTED:**

Motion to contract with vendor pending finalization of the contract review process.

**FISCAL IMPACT:**

If "Other", specify:

**FUNDING**

County Dollars =	<b>\$27,000.00</b>
<input type="text"/>	<input type="text"/>

**FTE IMPACT:**

<b>Total</b>	<b>\$27,000.00</b>
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**QUOTES OR BIDS OBTAINED:**

**Related Financial/FTE Comments:**

Funds drawn from existing Recorder account.

*Office use only:*

RBA 2014- 2878

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Joint Powers Agreement Amendment with City of Watertown for building removal**

Primary Originating Division/Dept:

Meeting

Date:

Contact:  Title:

Item Type:

Amount of Time Requested:  minutes

Attachments:  Yes  No

Presenter:  Title:

**Strategic Initiative:**

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

**BACKGROUND/JUSTIFICATION:**

The City of Watertown and the County have agreed to purchase the property at 104 Lewis Avenue North (commonly known as the Coffee Shop) as part of the CSAH 10 Bridge Replacement and Road Improvement Project and have agreed to remove the building. The city intends to redevelop the property utilizing tax increment financing. The TIF process requires a joint powers agreement with the County for building removal. The cost share for the removal is considered a right of way acquisition expense and is split 75% County, 25% City.

The County completed all necessary state and federal environmental and historical assessments required to proceed with the road and bridge project and building removal process. This historic evaluation process for the buildings has been challenged by a citizen and as a result the county has requested a determination by the regulatory agencies to confirm the process and findings are valid. Both the Corps of Engineers and the State Historic Preservation Office (SHPO) have confirmed that the historic evaluation process and findings conducted on the buildings are valid.

**ACTION REQUESTED:**

Approve an amendment to the joint powers agreement with City of Watertown for building removal pending finalization of the contract review process.

**FISCAL IMPACT:**   
If "Other", specify:

**FUNDING**  
County Dollars =

**FTE IMPACT:**

**Total**

**QUOTES OR BIDS OBTAINED:**

Related Financial/FTE Comments:

Office use only:

RBA 2014- 2845

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Carver County Public Works Mailbox Policy**

Primary Originating Division/Dept:

**Meeting**

Date:

Contact:  Title:

**Item Type:**

Consent

Amount of Time Requested:  minutes

Presenter:  Title:

Attachments:  Yes  No

**Strategic Initiative:**

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

**BACKGROUND/JUSTIFICATION:**

Carver County has adopted a resolution that established a mailbox policy (unknown date) and a program to eliminate hazardous mailboxes. Since that time, the actual practices of the Division have changed enough to warrant an update to the mailbox policy. The mailbox policy follows state statute and rules to the extent possible, except that the speed limit of 40 mph is reduced to 30 mph or greater for the requirement of safety mailbox supports. Staff presented the draft policy to the county board at a prior worksession.

**ACTION REQUESTED:**

Adopt and replace the existing Mailbox Installation/Support Policy and the Newspaper/Advertising Delivery Box Policy with the Carver County Public Works Mailbox Policy in its entirety.

**FISCAL IMPACT:**

If "Other", specify:

**FUNDING**

County Dollars =

**FTE IMPACT:**

**Total**

**QUOTES OR BIDS OBTAINED:**

Related Financial/FTE Comments:

*Office use only:*

RBA 2014- 2847





## **CARVER COUNTY DIVISION OF PUBLIC WORKS**

### **MAILBOX POLICY**

Adopted by the Carver County Board of Commissioners – November 18, 2014

#### **Policy Statement**

##### Purpose

It is the goal of Carver County Public Works to provide rights-of-way for the traveling public that are safe, efficient, and free of unnecessary hazards, while providing minimum inconvenience to property owners. The purpose of this policy is to provide standards and permissible locations for mailbox installations and supports on highways under the jurisdiction of Carver County Public Works.

##### Background

Minnesota law declares certain mailbox installations and supports to be a public nuisance, a road hazard, and a danger to the health and safety of the traveling public (Minnesota Statute 169.072) and authorizes the road authority to remove and replace such mailbox installations and supports that can cause serious injury if struck by an errant vehicle.

In addition, Minnesota Rules Chapter 8818 outlines the characteristics of an unacceptable mailbox installation and/or support. The following list illustrates examples of unacceptable mailbox installations and supports:

1. Installations with more than one vertical support.
2. A single support containing more than two mailboxes unless specifically approved by the road authority.
3. A support using unsafe materials stronger than a wooden 4 x 4-inch post or a 2-inch diameter metal pipe that weighs more than three (3) pounds per lineal foot.
4. A mailbox that is not U.S. Postal Service approved.
5. Adjacent mailbox installations whose respective supports are spaced closer than 30 inches measured from center of support to center of support.
6. Any neighborhood delivery or collection box units.
7. Supports or mailboxes that encroach upon a lane or shoulder of a roadway.

##### Policy

All mailbox installations are required to meet the requirement of Minnesota Statute 169.072. For the safety of the traveling public, the following mailbox policy applies on county highways with a posted speed limit of 30 miles per hour or greater.

#### **Policy Guidelines**

##### Location

Mailboxes shall be placed for maximum convenience to the patron, but shall be consistent with safety considerations for highway traffic, the carrier, and the patron and for highway maintenance operations. Mailbox locations shall be evaluated to minimize the walking distance within the roadway for the patron, for available stopping sight distance in advance of the mailbox and the potential restriction to corner sight distance at driveway entrances. The placing of mailboxes along high-speed highways should be avoided if other practical locations are available. No mailbox will be permitted where access is obtained from a freeway or where access is otherwise prohibited by law or regulation.

Mailboxes shall be located on the far right side of the highway in the direction of travel of the U.S. Postal Service carrier. All new and replacement mailbox supports shall meet the Carver County Public Works standard specifications for the “swing-away” mailbox support design and be attached as Exhibit B: “Mailbox Support Detail”.

Where a mailbox is located near an intersection or driveway, it shall be in accordance with local ordinances and/or policies. If a mailbox is installed near an existing guardrail, it shall be located behind the guardrail, where practical.

Exceptions to these mailbox location requirements must be approved by Carver County Public Works and the local Postmaster.

#### Structure

Mailboxes shall be made of light sheet metal construction conforming to the requirements of the U.S. Postal Service and shall be acceptable to Carver County Public Works. No more than two mailboxes may be mounted on a support structure unless approved crash tests have shown the support structure and mailbox arrangement to be safe for use along high-speed highways.

All new and replacement mailbox supports shall meet the Carver County Public Works standard specifications for the “swing-away” mailbox support design and be attached as Exhibit A: “Mailbox Support Detail” and Exhibit B: “(2540) Mailbox Support” specification regarding the “swing-away” mailbox design.

The post-to-box attachment details should be of sufficient strength to prevent the box from separating from the post top if the installation is struck by a vehicle. The exact support hardware dimensions and designs may vary, such as having a two-piece platform bracket or alternative slot and hole locations. The product must result in a satisfactory attachment of the mailbox to the post, and all components must fit together properly.

Exceptions to these mailbox structure designs must be approved by Carver County Public Works and the local Postmaster.

#### Installation of Mailbox at New Driveway Accesses

Carver County Public Works will require that all mailbox installations associated with the issuance of an access permit shall be constructed in accordance with the specifications of Carver County Public Works. The property owner shall pay for all costs associated with the mailbox installation and support.

Carver County Public Works will furnish and install an approved support for the fee currently in effect (see current fee schedule) and the property owner is responsible for the purchase and installation of the mailbox on the support. The property owner may elect to purchase and install the support, as long as it meets the required specifications.

#### Replacement of Unacceptable Mailbox Installations and Supports

In accordance with Minnesota Statute 169.072 and Minnesota Rules 8818, any mailbox installation or support that is deemed unlawful by Carver County Public Works, shall be replaced. Once a mailbox installation or support is determined to be unacceptable, the property owner will be notified in writing and they will be required to remove and replace it within 60 days after such notification. Any unacceptable mailbox installation and support remaining after 60 days from being notified will be removed and replaced by Carver County Public Works for the fee currently in effect (see current fee schedule) but not to exceed statutory limits.

The replacement mailbox installation and support shall meet the specifications of Carver County Public Works. The property owner shall pay for all costs associated with the mailbox installation and support. At the request of the property owner, Carver County Public Works will furnish and install an approved support for the fee currently in effect (see current fee schedule) and the property owner is responsible for the purchase and installation of the mailbox on the support if a new mailbox is needed. The property owner may elect to purchase and install the support, as long as it meets the required specifications.

#### Replacement of Unacceptable Mailbox Installations and Supports Under Carver County Highway Improvement Program

Carver County Public Works will furnish and install, at no expense to the property owner, mailbox supports within the construction limits of all Carver County highway construction, reconstruction and resurfacing projects. Carver County is able to provide this service only on construction, reconstruction and resurfacing projects since they are an eligible reimbursable project expense.

#### Replacement of Damaged Mailbox Supports by Carver County Public Works

Carver County Public Works will replace and/or repair all lawful mailbox installations and supports damaged by actual physical contact with County equipment during snowplowing operations or other maintenance activities provided the mailbox and support was properly located and installed according to Carver County Public Works and the U.S. Postal Service specifications. Mailboxes that are damaged by plowed snow will not be repaired or replaced by Carver County Public Works, but shall be the responsibility of the property owner.

Miscellaneous Attachments to Mailbox Supports

If newspaper boxes are present, they shall be installed on the new support on the oncoming traffic side using a mounting plate as shown in Exhibit B.

Ownership of Mailbox Installations and Supports

Mailbox installations and supports are the property of the property owner. Carver County Public Works does not issue written permits for the placement of mailboxes within the road right-of-way, nor do easements provide for mailbox construction. All mailboxes placed within the road right-of-way are placed there at the property owner's risk. Replacement or installation of mailboxes and/or supports by Carver County Public Works does not imply a change of ownership. The mailbox installation and support are the property of the property owner and it is the responsibility of the property owner to maintain and conform to current mailbox standards.

Aggregation of Mailboxes

Carver County Public Works will make every effort to replace nonconforming multi-mailbox installations and supports with crash tested multi-mailbox designs, so as to perpetuate aggregation of mailboxes to the greatest extent possible.

Call Before You Dig (Gopher State One Call)

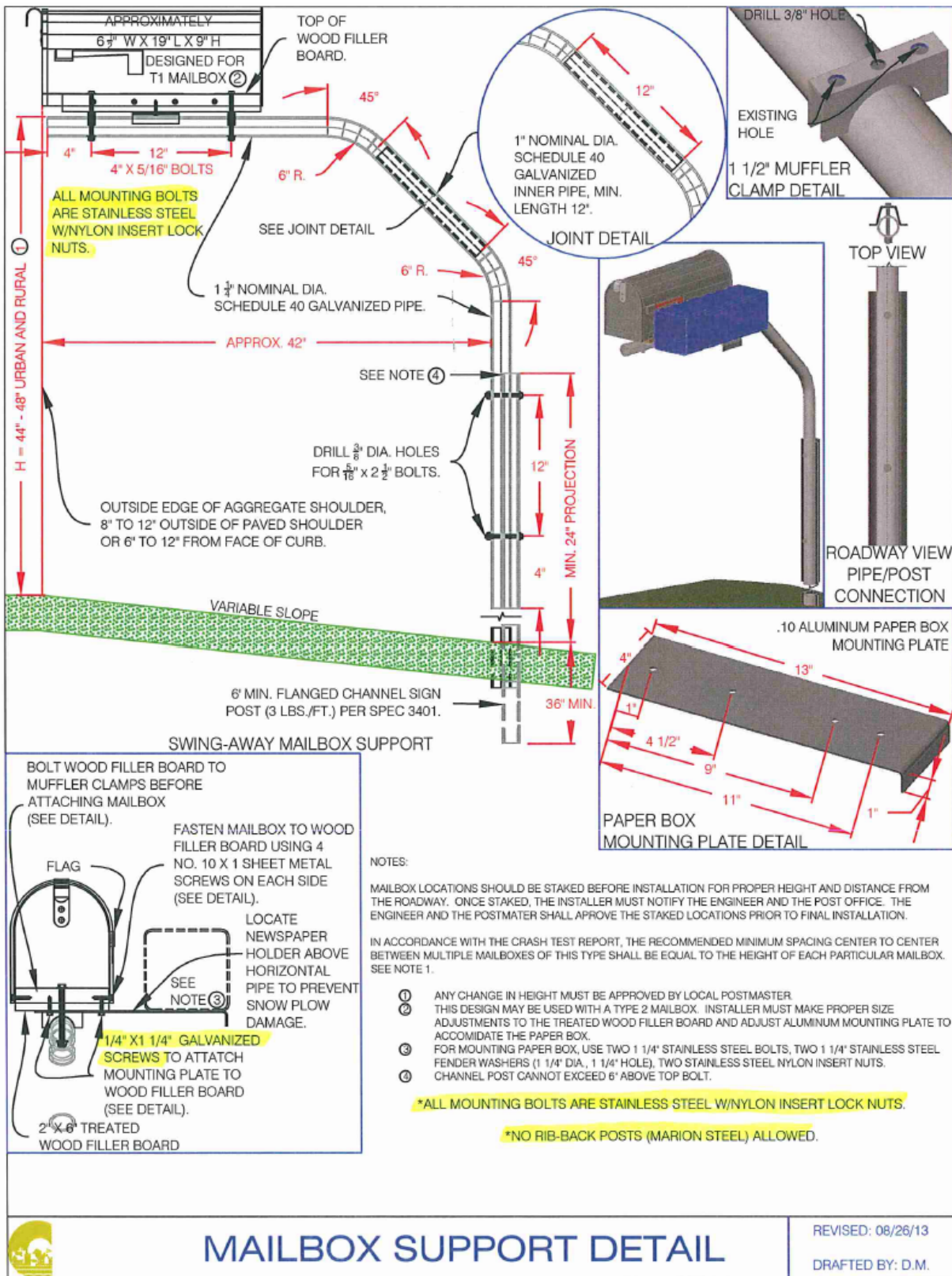
Contact Gopher State One Call for utility locates forty-eight (48) hours prior to the installation of a mailbox support post. Call 1-800-252-1166 or visit [www.gopherstateonecall.org](http://www.gopherstateonecall.org) for more information.

**Discretionary Decisions**

Public Works Division Director Discretion

Situations may occasionally arise which require flexibility and practicality when following this policy. The Public Works Division Director is authorized to make good management decisions relating to matters not specifically addressed by this policy. Management decisions that are made should follow the general intent of this policy.

Exhibit A



MAILBOX SUPPORT DETAIL

REVISED: 06/26/13

DRAFTED BY: D.M.

Exhibit B

**(2540) MAILBOX SUPPORT**

This work shall consist of furnishing all materials for and constructing mailbox supports in accordance with the plans and as specified herein:

S-1.1 Materials: Materials shall conform to Mn/DOT Sections 3362, 3391, 3392, and 3401. **All materials are to be galvanized. All fasteners are to be stainless steel.**

S-1.2 Construction: The in-place supports shall be removed with as little damage as possible and offered to the property owner. If the owner does not want it, the Contractor shall dispose of it off the right-of-way in accordance with Mn/DOT 2104.3C3.

The in-place mailbox sign, if present, shall be salvaged and installed on the new or reused mailbox.

If new mailboxes are used, it shall be like size and make to existing mailbox.

The mailbox supports and boxes shall be constructed and installed in accordance with the specification details. If newspaper boxes are present, they shall be installed on the new support on the oncoming traffic side.

At locations with multiple boxes, the spacing of the new supports shall allow for each box to swing and not hit adjacent box.

S-1.3 **All adjacent address signs (blue emergency address signs) shall be salvaged and replaced about 6 inches below and adjacent to new channel posts.** Salvage and relocation of address signs shall be incidental to 2540 Mailbox Support.

S-1.4 Measurement and Payment: Mailbox supports shall be measured and paid for at the contract bid price per unit each which shall be compensation in full for all materials and installation of the new mailbox supports and boxes including removal and disposal of the existing mailboxes and supports.

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Carver County Public Works Drain Tile Policy**

Primary Originating Division/Dept:

**Meeting**

Date:

Contact:  Title:

**Item Type:**

Consent

Amount of Time Requested:  minutes

Presenter:  Title:

Attachments:  Yes  No

**Strategic Initiative:**

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

**BACKGROUND/JUSTIFICATION:**

Carver County has adopted a resolution that established a tile policy (December 2, 1969). Since that time, the actual practices of the Division have changed enough to warrant an update to the drain tile policy and to include additional provisions. The drain tile policy follows state statute and rules to the extent possible, whether it is a public or private drain tile conveyance system. Staff presented the draft policy to the county board at a previous worksession.

**ACTION REQUESTED:**

Adopt and replace the existing Tile Crossings on Carver County Highways Policy with the Carver County Public Works Drain Tile Policy in its entirety.

**FISCAL IMPACT:**   
If "Other", specify:

<b>FUNDING</b>	
County Dollars =	<input type="text"/>
	<input type="text"/>
<b>Total</b>	<input type="text" value="\$0.00"/>

**FTE IMPACT:**

**QUOTES OR BIDS OBTAINED:**

Related Financial/FTE Comments:

*Office use only:*

RBA 2014- 2848



## **CARVER COUNTY DIVISION OF PUBLIC WORKS**

### **DRAIN TILE POLICY**

Adopted by the Carver County Board of Commissioners – November 18, 2014

#### **Policy Statement**

##### Purpose

It is the goal of Carver County Public Works to provide rights-of-way for the traveling public that are safe, efficient, and free of unnecessary hazards, while providing minimum inconvenience to property owners. The purpose of this policy is to provide a standard for the installation and maintenance responsibility of drain tile outlets, drain tile crossings and longitudinal drain tile runs on county highway rights-of-way under the jurisdiction of the Carver County Public Works.

##### Policy

All new natural surface drainage and artificial subsurface drainage that connects to or drains to a county highway rights-of-way will only be allowed upon a completed and approved grading and excavation permit or utility permit application, according to the provisions contained in Minnesota Statute §160.20 and this policy.

#### **Policy Guidelines**

##### Private Drain Tile Outlets

Carver County Public Works will not allow new drain tile outlets and their associated drainage discharges from private property to enter roadside ditches unless otherwise approved by the Public Works Division Director under extreme circumstances upon a completed and approved utility permit.

Drain tile outlets are not acceptable because of the following reasons:

- 500.1.1.1 They create a maintenance nuisance by saturating the entire county highway roadside ditch bottom, which makes it difficult for maintenance equipment to operate efficiently.
- 500.1.1.2 They create an additional unnecessary hazard within the county highway rights-of-way.
- 500.1.1.3 Their location is unknown to Carver County Public Works if the property owner does not acquire a permit or approval to install the tile outlet on county highway rights-of-way.

##### Private Drain Tile Crossings



Carver County Public Works will allow private drain tile crossings upon a completed and approved utility permit application. Carver County Public Works will only allow private drain tile crossing installations of gravel or paved county highways and their adjacent shoulders by the boring and jacking method unless otherwise approved by the Public Works Division Director under extreme circumstances upon a completed and approved utility permit application. All installations shall have an outer casing, and the casing shall be large enough to accommodate the drain tile and the filling of all voids. All voids between the casing and the drain tile shall be filled by a method approved by the Permits Manager and the Public Works Division Director.

Drain tile crossings shall have a riser with a slotted surface inlet, for soil conservation, on each side of the county highway as near to the right-of-way line as practical to serve as a marker of their location.

The boring and jacking method is necessary because of the following reasons:

- i. It eliminates the need to close the county highway.
- ii. It allows access for emergency services during installation of the drain tile.
- iii. It greatly reduces the potential delays to the traveling public.
- iv. It greatly reduces the potential for settlement of the roadway structure and the associated maintenance costs to correct the settlement of the roadway.

#### Public Drainage System Drain Tile Crossings

Carver County Public Works will allow public drainage system drain tile crossings that follow the Minnesota Public Drainage Law, Minnesota Statute Chapter 103D and 103E procedures. Carver County Public Works will only allow public drainage system drain tile crossing installations of gravel or paved county highways and their adjacent shoulders by the boring and jacking method unless otherwise approved by the Public Works Division Director in writing under extreme circumstances. All installations shall have an outer casing, and the casing shall be large enough to accommodate the drain tile and the filling of all voids. All voids between the casing and the drain tile shall be filled by a method approved by the Permits Manager and the Public Works Division Director.

The boring and jacking method is necessary because of the same reasons declared under the previous section, Private Drain Tile Crossings.

Drain tile crossings shall have a riser with a slotted surface inlet, for soil conservation, on each side of the county highway as near to the right-of-way line as practical to serve as a marker of their location.

#### Private Longitudinal Drain Tile Runs

Carver County Public Works will not allow new or reconstructed private longitudinal drain tile runs (e.g. parallel to a county highway in the roadside ditch) unless otherwise approved by the Public Works Division Director under extreme circumstances upon a completed and approved utility permit. Longitudinal drain tile runs are unknown to other private utility companies and are frequently damaged when located with the county highway rights-of-way.

In the case of existing private longitudinal drain tile runs, Carver County will contribute up to half of the cost to relocate a private drain tile outside of the county highway rights-of-way. This contribution may be in the form of cash payment or in-kind drainage system work and materials supplied. Private drain tile relocation work must be approved in writing by the Public Works Division Director prior to the work commencing. Any work done prior to said approval, will not be eligible for reimbursement.

Longitudinal drain tile installations outside of the county highway rights-of-way shall be located so that the trench excavation will not encroach within the county highway rights-of-way, including excavation spoil piles. The drain tile location must reasonably accommodate future maintenance of the drain tile so that it will not impact the roadside ditch surface drainage and other private utilities within the county highway rights-of-way. Any excavation within the county highway rights-of-way can only be done with a completed and approved excavation and grading permit.

#### Public Drainage System Longitudinal Drain Tile Runs

Carver County Public Works will not allow new or reconstructed public drainage system longitudinal drain tile runs (e.g. parallel to a county highway in the roadside ditch) unless otherwise approved by the Public Works Division Director in writing under extreme circumstances. Longitudinal drain tile runs are unknown to other private utility companies and are frequently damaged when located with the county highway rights-of-way.

Longitudinal drain tile installations outside of the county highway rights-of-way shall be located so that the trench excavation will not encroach within the county highway rights-of-way, including excavation spoil piles. The drain tile location must reasonably accommodate future maintenance of the drain tile so that it will not impact the roadside ditch surface drainage and other private utilities within the county highway rights-of-way. Any excavation within the county highway rights-of-way can only be done with a completed and approved excavation and grading permit.

#### Maintenance of Drain Tile

Carver County Public Works will perform maintenance on drain tile within county highway rights-of-way by following the standards listed in this section.

##### 500.1.1.4 Private Drain Tile Crossings

Private drain tile crossings are allowed within the county highway rights-of-way by utility permit. Private drain tile crossing maintenance and repairs are the responsibility of the private drain tile owner, unless a drain tile agreement is executed with Carver County when there is a benefit to the county highway as determined by the Public Works Division Director and County Board of Commissioners.

If the private drain tile owner fails to properly maintain the drain tile and it poses a threat to the health, safety and welfare of the public, the Public Works Division Director is authorized to correct the deficiency as deemed necessary and appropriate with maintenance crews or private contractors. The drain tile owner will be responsible for all costs incurred with the repair of the drain tile.

#### Public Drainage Ditch Drain Tile Crossings

Public drainage ditch drain tile crossings will be maintained and repaired according to the Minnesota Public Drainage Law, Minnesota Statute Chapter 103D and 103E procedures.

#### Private Longitudinal Drain Tile Runs

Private longitudinal drain tile runs maintenance and repairs are the responsibility of the private drain tile owner, unless a drain tile agreement is executed with Carver County when there is a benefit to the county highway as determined by the Public Works Division Director and County Board of Commissioners.

If the private drain tile owner fails to properly maintain the drain tile and it poses a threat to the health, safety and welfare of the public, the Public Works Division Director is authorized to correct the deficiency as deemed necessary and appropriate with maintenance crews or private contractors. The drain tile owner will be responsible for all costs incurred with the repair of the drain tile.

#### Public Drainage System Longitudinal Drain Tile Runs

Public drainage ditch longitudinal drain tile runs will be maintained and repaired according to the Minnesota Public Drainage Law, Minnesota Statute Chapter 103D and 103E procedures.

## **500.2 Discretionary Decisions**

### **500.2.1 Public Works Division Director Discretion**

Situations may occasionally arise which require flexibility and practicality when following this policy. The Public Works Division Director is authorized to make good management decisions relating to matters not specifically addressed by this policy. Management decisions that are made should follow the general intent of this policy.

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Facilities June Flood Repairs with Budget Amendment**

Primary Originating Division/Dept:

Meeting Date:

Contact:  Title:

Item Type:

Amount of Time Requested:  minutes

Attachments:  Yes  No

Presenter:  Title:

**Strategic Initiative:**

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

**BACKGROUND/JUSTIFICATION:**

In June 2014, an unusually heavy and quick downpour of rain flooded County facilities across the County over the course of one day.

Carver County Risk Management is facilitating the receipt of insurance claims in the amount of an estimated \$33,588.79 for damages associated with the June flood. As the Facilities Department provides receipts for the work, the insurance firms will reimburse the County.

The Carver County Facilities Services Department provided early damage estimates, contracted for immediate disaster recovery assistance (with ServiceMaster) and signed a construction management (CM) contract with Outland Builders to solicit and provide contractor quotes for repair. The insurance adjuster reviewed ServiceMaster's disaster recovery work and paid the firm \$6,413.99 out of the proceeds. ServiceMaster certified the damaged area as "dry" within the industry standard of 72 hours. County staff observed permanent damage to a number of facilities and is recommending repairs to problematic areas.

The staff seeks approval of a budget amendment to receive and pay for improvements exceeding \$25,000 in association with the insurance proceeds' receipt and expenditures estimated to reach \$33,588.99.

The staff recommends repair expenditures as follows:

Crime Lab Cabinets:	\$15,966
Dispatch:	\$ 6,262
Contingency:	\$ 2,975* (Sheriff's Office Lower Level, Law Enforcement Center)
Unsecured Tunnel:	\$ 5,153
ServiceMaster:	<u>\$ 6,414</u>
Total:	\$36,770

Projected Expenditures:	(\$36,770)
<u>Less Insurance Proceeds:</u>	<u>\$33,589</u>
Remainder from Facilities:	\$ 3,181

Proposed funding for the \$3,181 remainder would be a transfer from the 110-6640 Facilities Capital Emergency Expenditures line. Each separate improvement shall have separate administrative contracts that have been quoted through the Outland Builders CM contract. The Facilities Professional Services budget provides funds for the Outland Builders CM fees.

The staff is studying further mitigation measures to help prevent and diminish future flood damage. \* Since the establishment of this recommended budget, Public Works crews completed the lake trail repairs, previously estimated to total \$2,975. The staff recommends using those funds as contingency or for additional work to the lower level of the Sheriff's Office operations.

**ACTION REQUESTED:**

Move approval of the receipt of funds from both MCIT and the NFIP insurance policies in the amount of \$33,589.00. Authorize the repairs to facilities with the corresponding budget amendment.

**FISCAL IMPACT:**

If "Other", specify:

**FUNDING**

County Dollars =	<input type="text" value="\$3,181.00"/>
MCIT - NFIP	<input type="text" value="\$33,589.00"/>
<b>Total</b>	<input type="text" value="\$36,770.00"/>

**FTE IMPACT:**

**QUOTES OR BIDS OBTAINED:**

Related Financial/FTE Comments:

Office use only:

RBA 2014 - 2851

# Budget Amendment Request Form



**Agenda Item:**

June Rainstorm Facilities Repair Projects - Budget Amendments

Department:  
t:

Meeting Date: 11/18/2014

Requested By:

Kevin Maas

Fund:

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

Description of Accounts	Acct #	Amount
MCIT - NFIP	50-190-000-0000-	\$33,589.00
Facilities Capital	01-110-6310	\$3,181.00
<b>TOTAL</b>		\$36,770.00

Description of Accounts	Acct #	Amount
Insurance Budget	50-190-000-0000-68...	\$33,589.00
Facilities Capital	01-110.6640	\$3,181.00
<b>TOTAL</b>		\$36,770.00

**Reason for Request:**

Unbudgeted proceeds and expenditures caused by June flooding of County facilities.

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Request for Letter and Resolution of Support for Planned Trail Project in Chanhasen**

Primary Originating Division/Dept:

**Meeting**

Date:

Contact:  Title:

**Item Type:**

Consent

Amount of Time Requested:  minutes

Presenter:  Title:

Attachments:  Yes  No

**Strategic Initiative:**

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

**BACKGROUND/JUSTIFICATION:**

The City of Chanhasen is seeking letter and resolution of support for Federal Solicitation for Multiuse Trails and Bicycle Facilities. Chanhasen is proposing to construct a multi-use trail bridge on the MN River Bluffs LRT Regional Trail at Trunk Highway (TH) 101 as well as paving 0.6 miles of trail from TH 101 to Bluff Creek Drive (See Figure 1). The construction of the proposed trail bridge will address numerous safety hazards. First, both trail approaches descend steeply as they approach TH 101. This is especially true on the western approach where trail users must come to a complete stop after navigating a 22 percent change in grade.

The proposed paved segment will build on Carver County's planned investment in the trail (i.e. paving and nature overlook) that is fully funded and planned for construction in 2017. Both the newly paved segment and the trail bridge will greatly enhance the MN River Bluffs Regional Trail – one of the most popular trails in the entire region.

**ACTION REQUESTED:**

Authorize the County Engineer to provide a letter of support for the planned trail and bridge along the Minnesota River Bluffs Regional Trail and pass a resolution of support.

**FISCAL IMPACT:**   
If "Other", specify:

<b>FUNDING</b>	
County Dollars =	<b>\$0.00</b>
<input type="text"/>	<input type="text"/>
<b>Total</b>	<b>\$0.00</b>

**FTE IMPACT:**

**QUOTES OR BIDS OBTAINED:**

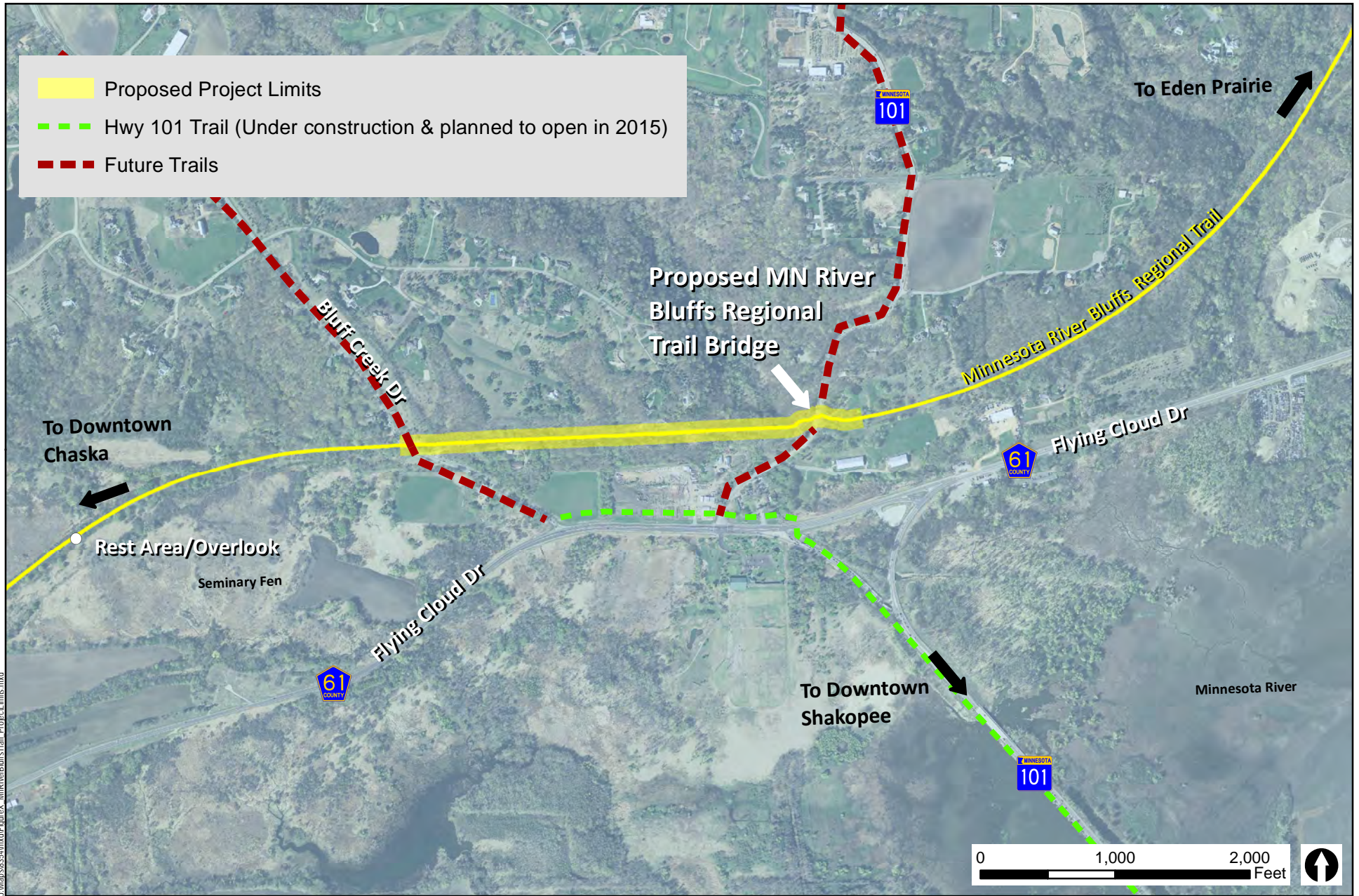
**Related Financial/FTE Comments:**

Chanhasen has stated that it is not looking for funding from Carver County if the application is successful.

*Office use only:*

RBA 2014 - 2901





## Project Limits

Minnesota River Bluffs Regional Trail - Trail Paving & Trail Bridge  
 Chanhassen Regional Solicitation Multi-Use Trail Application

Figure 1



## Western Trail Approach



Looking west up at the western trail approach. The design of this approach forces trail users to navigate a 22 percent change in grade and then come to a complete stop at the roadway.



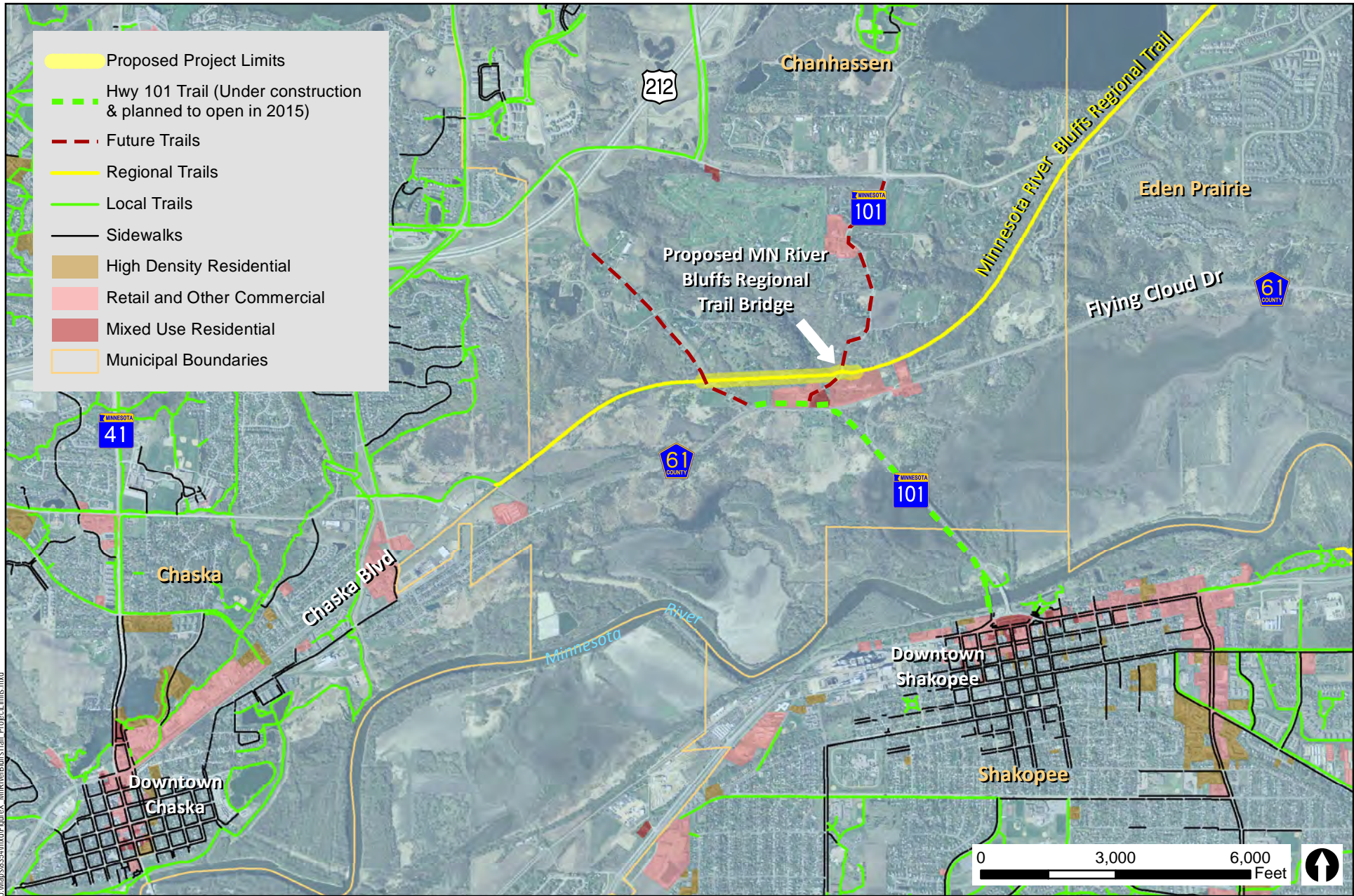
Looking east across Trunk Highway 101 from the western trail approach

## Eastern Trail Approach



Looking up at the eastern trail approach. While not as steep as the western trail approach, trail users still have to navigate a steep descent and then come to a complete stop at the roadway.





Existing and Planned Bicycle and Pedestrian Connections in the Project Area

Minnesota River Bluffs Regional Trail - Trail Paving & Trail Bridge  
 Chanhassen Regional Solicitation Multi-Use Trail Application

Figure 3



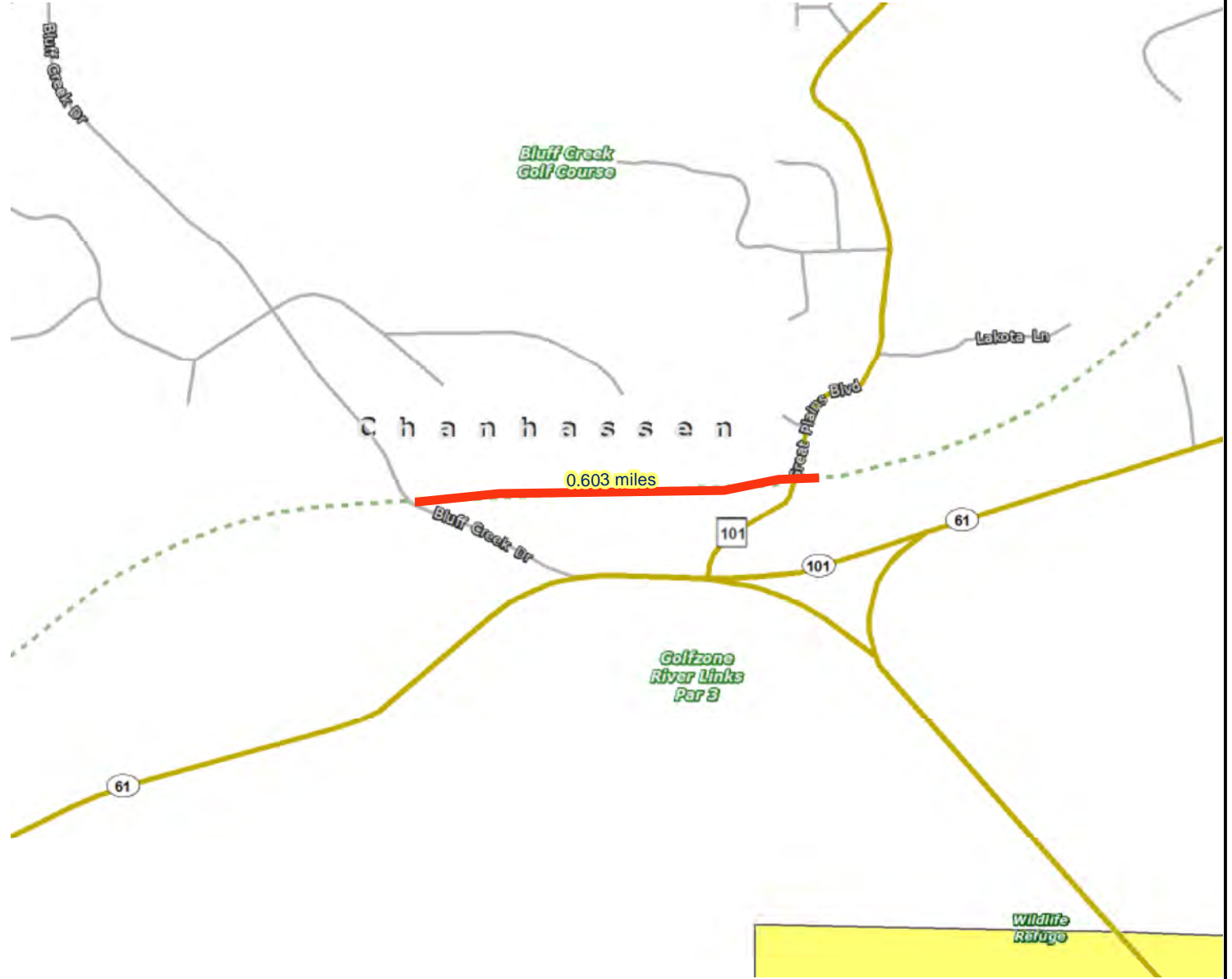


MN River Bluffs LRT Regional Trail  
 City of Chanhassen Regional Solicitation Multi-Use Trail Application

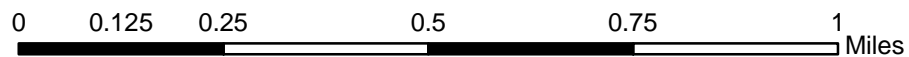
Typical Trail Cross-Section  
 Figure 4

Results

Project **NOT IN** any area of concentrated poverty.



- Project
- Racially concentrated area of poverty
- Concentrated area of poverty
- Above reg'l avg conc of race/poverty



Created: 10/30/2014  
LandscapeRSA2



For complete disclaimer of accuracy, please visit  
<http://giswebsite.metc.state.mn.us/gissitenew/notice.aspx>

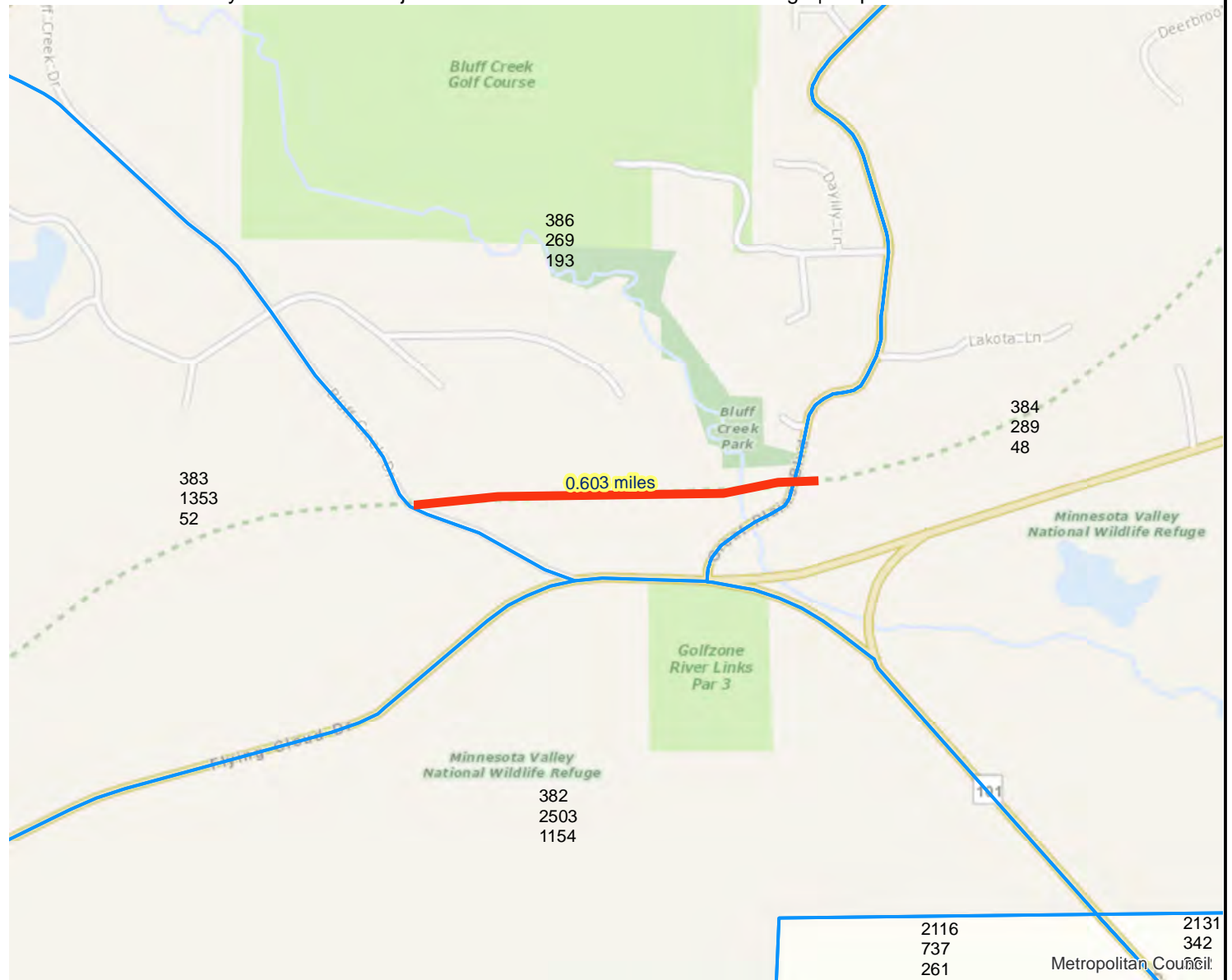


# Population Summary

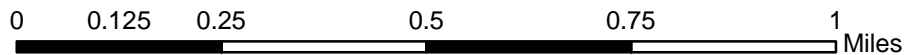
Multiuse Trails and Bicycle Facilities Project: MN River Bluffs Trail and Trail Bridge | Map ID: 1414694984863

## Results

Within ONE Mile of project:  
 Total Population: 9245  
 Total Employment: 2546



 Project  
 2010 TAZ



Created: 10/30/2014  
 LandscapeRSA4



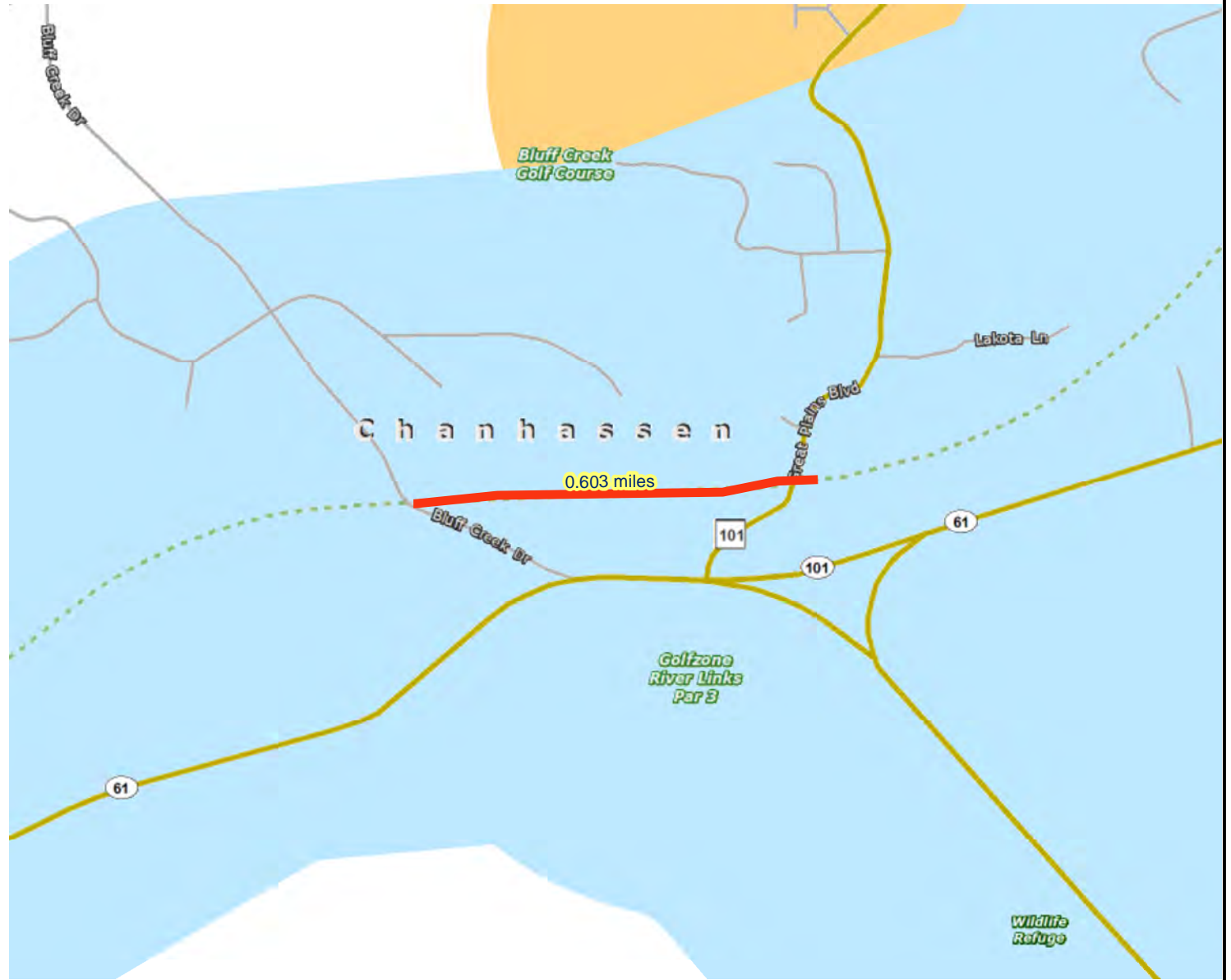
For complete disclaimer of accuracy, please visit  
<http://giswebsite.metc.state.mn.us/gissitenew/notice.aspx>



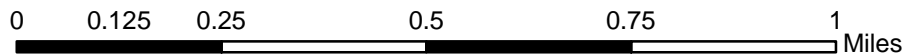
# RBTN Evaluation and Major Barriers

## Results

Project IN TIER 1 Bicycle Transport Corridor.



- Project
- Principal Arterials
- RBTN Tier 1
- Minor Arterials
- RBTN Tier 2



Results

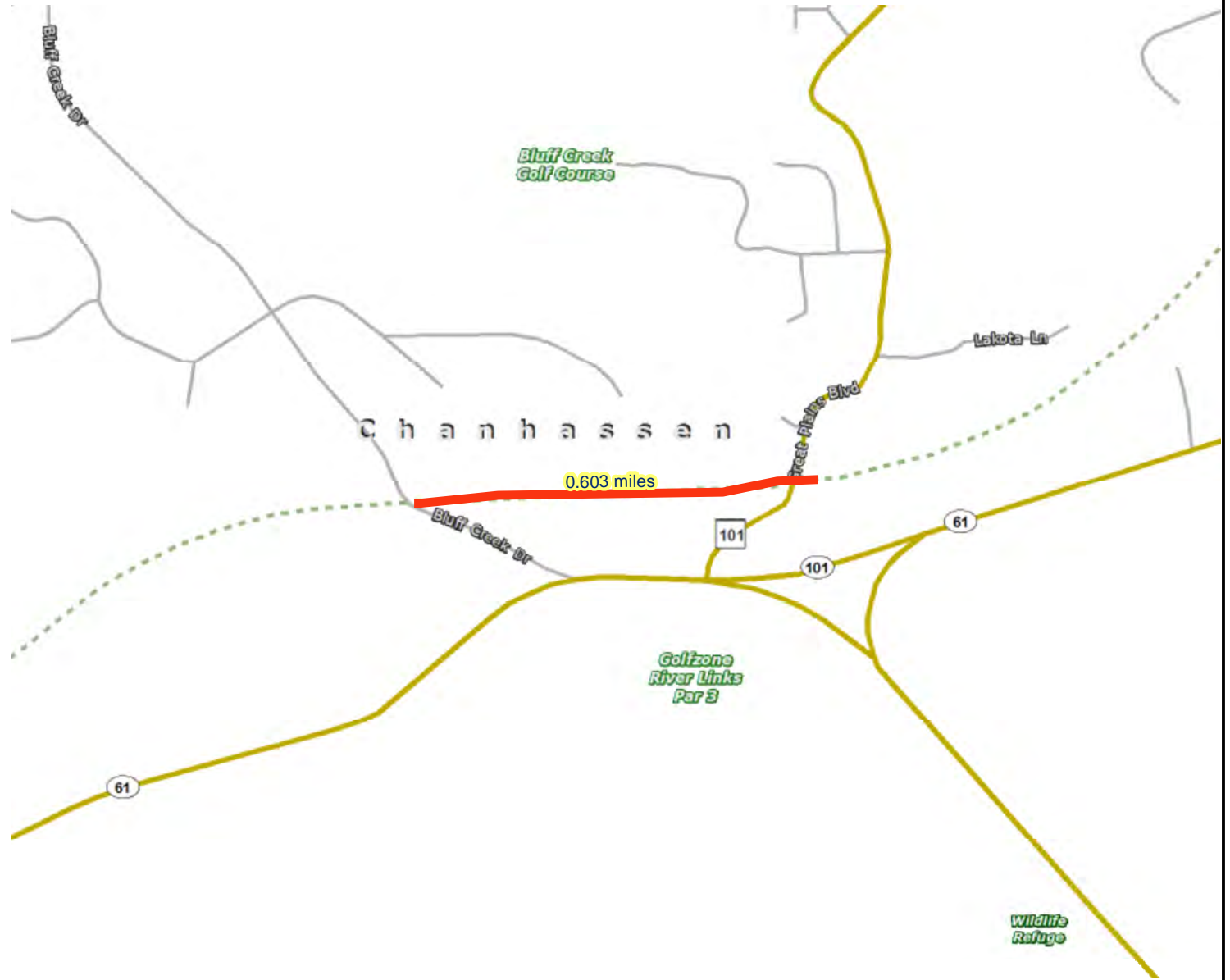
Transit with a Direct Connection to project:  
-- NONE --

Transit within QTR mile of project:  
-- NONE --

Transit within HALF mile of project:  
-- NONE --

Transit within ONE mile of project:  
687 690 691 694 695 697 698 699

*\*indicates Planned Alignments*



- Project
- Active Stop







# Carver County Public Works

11360 Highway 212  
Suite 1  
Cologne, MN 55322-8016  
Phone (952) 466-5200 Fax (952) 466-5223

Administration  
Operations  
Program Delivery  
Parks

October 29, 2014

Mr. Paul Oehme, P.E.  
Public Works Director/City Engineer  
P.O. Box 147  
7700 Market Blvd.  
Chanhassen, MN 55317

SUBJECT: Regional Solicitation Multiuse Trails and Bicycle Facilities for the Minnesota River Bluffs LRT  
Regional Trail Bridge

Dear Mr. Oehme:

Thank you for making contact regarding support of the City's application for multiuse trails and bicycle facilities. We understand that a successful application will provide a paved trail from Bluff Creek Drive to TH 101 on the MN River Bluffs LRT Regional Trail. Additionally, it is proposed that a pedestrian/ bicycle bridge would be constructed at TH 101.

On behalf of Carver County, this letter will serve as the County's support of the City of Chanhassen's application for the project. We appreciate the City's willingness to apply for this grant, and hope that you will be successful in this grant application process.

Sincerely,

Lyndon Robjent  
County Engineer



# BOARD OF COUNTY COMMISSIONERS CARVER COUNTY, MINNESOTA

Date: November 18, 2014

Resolution No.: \_\_\_\_\_

Motion by Commissioner: \_\_\_\_\_

Seconded by Commissioner: \_\_\_\_\_

## A Resolution of Support for Regional Solicitation Multiuse Trails and Bicycle Facilities for the Minnesota River Bluffs LRT Regional Trail Bridge

**WHEREAS**, Carver County has a Comprehensive Plan which includes the Parks, Open Space and Trails Plan; and

**WHEREAS**, the County's Parks Open Space and Trails Plan identifies the Minnesota River Bluffs Regional Trail; in the City of Chanhassen; and

**WHEREAS**, the Metropolitan Council's 2030 Regional Parks Policy Plan also identifies this same trail as the Minnesota River Bluffs LRT Regional Trail; and

**WHEREAS**, the City of Chanhassen is making application for a Multiuse Trail and Bicycle Facility on the Minnesota River Bluffs LRT Regional Trail; and

**NOW, THEREFORE BE IT RESOLVED** that the Carver County Board of Commissioners supports an application for a Multiuse Trail on the Minnesota River Bluffs LRT from Bluff Creek Drive to TH101, and including a pedestrian/bicycle bridge at TH101.

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

### STATE OF MINNESOTA COUNTY OF CARVER

I, Dave Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 18th day of November, 2014, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2014 \_\_\_\_\_

\_\_\_\_\_  
County Administrator



# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Grant Agreement for a Park Programmer Position, and Road and Parking Lot Construction**

Primary Originating Division/Dept:

Meeting

Date:

Contact:  Title:

Item Type:

Consent

Amount of Time Requested:  minutes

Attachments:  Yes  No

Presenter:  Title:

**Strategic Initiative:**

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

**BACKGROUND/JUSTIFICATION:**

Grant 2014-041 provides funding from the Legacy Amendment for Parks and Trails to help support a Park Programmer position, (Title of the Position is Recreation and Volunteer Specialist) and provides dollars for roads and parking lots construction at Lake Minnewashta Regional Park.

The County Board previously approved the position of Recreation and Volunteer Specialist as a part of the 2014 Budget. Additionally, the Board approved the construction project at Lake Minnewashta Regional Park on September 22, 2014.

**ACTION REQUESTED:**

Upon satisfactory review of the County Attorney's Office and Risk Management, approve Grant Agreement SG 2014-041 and authorize the Board Chair to sign.

**FISCAL IMPACT:**

If "Other", specify:

**FUNDING**

County Dollars =

**FTE IMPACT:**

**Total**

**QUOTES OR BIDS OBTAINED:**

Related Financial/FTE Comments:

*Office use only:*

RBA 2014 - 2876

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Approval of Memorandum of Agreement with AFSCME Public Works Regarding Insurance**

Primary Originating Division/Dept: <input type="text" value="Employee Relations"/>	Meeting Date: <input type="text" value="11/18/2014"/>
Contact: <input type="text" value="Kerie Anderka"/> Title: <input type="text" value="Employee Relations Director"/>	Item Type: Consent <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:

**BACKGROUND/JUSTIFICATION:**

Carver County and the American Federation of State and Municipal Employees (AFSCME), Local No. 2789, representing Public Works employees have not yet concluded negotiations for a 2015 collective bargaining agreement.

A new insurance benefits package was developed to enhance flexibility and better meet the needs of both current employees and applicants considering Carver County as a potential employer. The new package addresses increasing health insurance costs while promoting employee engagement in insurance/benefits decisions and wellness, along with offering increased flexibility and choice of benefit options. This new insurance package was developed with the investment and support of the Insurance Labor Management Committee and was presented to the Board in June.

The County and the Union met to discuss the proposed 2015 benefits package and members of the AFSCME Public Works Bargaining Unit have indicated their agreement with the new insurance benefit package.

The Memorandum of Agreement allows the employees in the Public Works Bargaining Unit to participate in the new insurance benefit package.

The action requested is to approve the Insurance Memorandum of Agreement with the AFSCME Public Works Bargaining Unit.

**ACTION REQUESTED:**

Motion to approve the Memorandum of Agreement with the AFSCME Public Works Bargaining Unit to participate in the new insurance benefit package.

<b>FISCAL IMPACT:</b> <input type="text" value="Included in current budget"/> If "Other", specify: <input type="text"/>	<b>FUNDING</b> County Dollars = <input type="text" value="\$13,104.00"/>
<b>FTE IMPACT:</b> <input type="text" value="None"/>	<b>Total</b> <input type="text" value="\$13,104.00"/>
<b>QUOTES OR BIDS OBTAINED:</b> <input type="text" value="N/A"/>	

Related Financial/FTE Comments:  
 County dollars listed reflect the additional cost for the enhanced benefits package, as compared to the traditional model with contributions based on settled 2015 contract patterns.

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Approval of Memorandum of Agreement with the Supervisors and Managers Association of Carver County Regarding Insurance**

Primary Originating Division/Dept: <input type="text" value="Employee Relations"/>	Meeting Date: <input type="text" value="11/18/2014"/>
Contact: <input type="text" value="Kerie Anderka"/> Title: <input type="text" value="Employee Relations 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="Culture: Provide organizational culture fostering accountability to achieve goals &amp; sustain public trust/confidence in County government"/>	

**BACKGROUND/JUSTIFICATION:**

Carver County and the Supervisors and Managers Association of Carver County have not yet concluded negotiations for a 2015 collective bargaining agreement.

A new insurance benefits package was developed to enhance flexibility and better meet the needs of both current employees and applicants considering Carver County as a potential employer. The new package addresses increasing health insurance costs while promoting employee engagement in insurance/benefits decisions and wellness, along with offering increased flexibility and choice of benefit options. This new insurance package was developed with the investment and support of the Insurance Labor Management Committee and was presented to the Board in June.

The County and the Association met to discuss the proposed 2015 benefits package and members of the Supervisors and Managers Association have indicated their agreement with the new insurance benefit package.

The Memorandum of Agreement allows the employees in the Supervisors and Managers Association of Carver County to participate in the new insurance benefit package.

**ACTION REQUESTED:**

Motion to approve the Memorandum of Agreement with the Supervisors and Managers Association of Carver County to participate in the new insurance benefit package.

<b>FISCAL IMPACT:</b> <input type="text" value="Included in current budget"/> If "Other", specify: <input type="text"/>	<b>FUNDING</b> County Dollars = <input type="text" value="\$19,655.00"/>
<b>FTE IMPACT:</b> <input type="text" value="None"/>	Total <input type="text" value="\$19,655.00"/>
<b>QUOTES OR BIDS OBTAINED:</b> <input type="text" value="N/A"/>	

**Related Financial/FTE Comments:**

County dollars listed reflect the additional cost for the enhanced benefits package, as compared to the traditional model with contributions based on settled 2015 contract patterns.

*Office use only:*

RBA 2014- 2874

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Position Classification Changes - Public Works Program Delivery**

Primary Originating Division/Dept: <input type="text" value="Public Works - Program Delivery"/>	Meeting Date: <input type="text" value="11/18/2014"/>
Contact: <input type="text" value="Darin Mielke"/> Title: <input type="text" value="Deputy County Engineer"/>	Item Type: <input type="text" value="Consent"/>
Amount of Time Requested: <input type="text"/> minutes	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Presenter: <input type="text"/> Title: <input type="text" value="Deputy County Engineer"/>	

Strategic Initiative:

**BACKGROUND/JUSTIFICATION:**

Presently in the Public Works Program Delivery Department positions include, among others, a Civil Engineer (grade 13) and four Senior Engineering Technician (grade 12) positions. The Civil Engineer position is presently vacant as well as one Senior Engineering Technician position.

There is a need for increased engineering expertise within the Department in order to meet the increased need of engineering expertise and reduce the reliance of obtaining consulting engineering services. In addition, civil technicians have been difficult to attract and find, which is not limited to Carver County.

With the vacancy in the Civil Engineer position and one Senior Engineering Technician position, we would recommend using this as an opportunity to change a Civil Engineer (grade 13) a Senior Civil Engineer (grade 14) position and change one of the Senior Engineering Technician positions (Grade 12) to a Civil Engineer position (Grade 13) resulting in no additional FTE's.

**ACTION REQUESTED:**

Change the Civil Engineer position (Grade 13) in the Public Works Program Delivery Department to a Senior Civil Engineer position (Grade 14).

Change one Senior Engineering Technician position (Grade 12) in the Public Works Program Delivery Department to a Civil Engineer position (Grade 13).

<b>FISCAL IMPACT:</b> <input type="text" value="Budget amendment request form"/>	<b>FUNDING</b>
If "Other", specify: <input type="text"/>	County Dollars = <input type="text" value="\$0.00"/>
<b>FTE IMPACT:</b> <input type="text" value="Other staffing change (grade, classification, hours, etc.)"/>	CSAH (Gas tax etc) <input type="text" value="\$11,000.00"/>
<b>QUOTES OR BIDS OBTAINED:</b> <input type="text" value="N/A"/>	<b>Total</b> <input type="text" value="\$11,000.00"/>

Related Financial/FTE Comments:  
 The proposed budget increase will not require any new levy funds. The increase will be covered by County State Aid Highway Construction funds.

*Office use only:*  
 RBA 2014- 2891

# Budget Amendment Request Form



**Agenda Item:**

Position Classification Changes - Public Works Program Delivery

Department:  
t:

Meeting Date: 11/18/2014

Requested By:

FRANCIS KERBER

Fund:

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

Description of Accounts	Acct #	Amount
SALARIES & WAGES-PERM	03-303-000-0000-61...	\$11,000.00
<b>TOTAL</b>		\$11,000.00

Description of Accounts	Acct #	Amount
STATE AID	32-307-299-8888-52...	\$11,000.00
<b>TOTAL</b>		\$11,000.00

**Reason for Request:**

Request for State Aid to cover engineering payroll.

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Updated County Record Retention Schedules**

Primary Originating Division/Dept: Administrative Services - IT

Meeting

Date: 11/18/2014

Contact: Michelle Miller Title: Client Services Supervisor

Item Type:

Consent

Amount of Time Requested: minutes

Presenter: Title:

Attachments:  Yes  No

**Strategic Initiative:**

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

**BACKGROUND/JUSTIFICATION:**

Carver County has retention schedules in each department for County records. The retention schedules determine when County records legally can be destroyed. The County staff has updated the schedules to reflect current State recommendations for retention duration. The Minnesota Historical Society has approved the schedules.

**ACTION REQUESTED:**

Motion to approve the updated County Retention Schedules. The staff will provide paper copies, which are numerous and extensive, to the Board Chair for his review and signature. Electronic copies are available for review upon request.

**FISCAL IMPACT:** None  
If "Other", specify:

FUNDING	
County Dollars =	
<b>Total</b>	<b>\$0.00</b>

**FTE IMPACT:** None

**QUOTES OR BIDS OBTAINED:** N/A

Related Financial/FTE Comments:

Office use only:

RBA 2014 - 2892

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Approval of Pay-for-Performance Settlement Agreement with AFSCME Assistant County Attorneys Bargaining Unit**

Primary Originating Division/Dept: <input type="text" value="Employee Relations"/>	Meeting Date: <input type="text" value="11/18/2014"/>
Contact: <input type="text" value="Kerie Anderka"/> Title: <input type="text" value="Employee Relations Division ..."/>	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: <input type="text"/>	

Strategic Initiative:

**BACKGROUND/JUSTIFICATION:**

Carver County and the American Federation of State, County and Municipal Employees (AFSCME) Local Union No. 2789, representing Assistant County Attorneys have not yet concluded negotiations for a 2015 collective bargaining agreement.

For employees who were hired in 2013 the County administered the March 2014 pay-for-performance increases in accordance with its administrative guidelines. The Collective Bargaining Agreement does not include a provision requiring or authorizing the County to provide performance based wage increases in March for the portion of the 2013 calendar year that a recently hired employee was not employed by the County.

The County and the Union have completed the grievance mediation process to resolve this matter. An agreement was reached providing that the County will administer the March 2014 pay-for-performance increases for each member of the Bargaining Unit who was hired in 2013 by applying the performance based salary increase for entire 2013 calendar year.

The action requested is approval of the Settlement Agreement on pay-for-performance prorating and the administrative guidelines with the AFSCME Assistant County Attorneys Bargaining Unit.

**ACTION REQUESTED:**

Motion to approve the Settlement Agreement on pay-for-performance prorating and the administrative guidelines with the AFSCME Assistant County Attorneys Bargaining Unit.

<b>FISCAL IMPACT:</b> <input type="text" value="Included in current budget"/>	<b>FUNDING</b>
If "Other", specify: <input type="text"/>	County Dollars = <input type="text" value="\$2,650.00"/>
<b>FTE IMPACT:</b> <input type="text" value="None"/>	<input type="text"/>
<b>QUOTES OR BIDS OBTAINED:</b> <input type="text" value="N/A"/>	<b>Total</b> <input type="text" value="\$2,650.00"/>

Related Financial/FTE Comments:

*Office use only:*  
RBA 2014- 2898

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Approval of Pay-for-Performance Settlement Agreement with AFSCME Public Works Bargaining Unit**

Primary Originating Division/Dept: <input type="text" value="Employee Relations"/>	Meeting Date: <input type="text" value="11/18/2014"/>
Contact: <input type="text" value="Kerie Anderka"/> Title: <input type="text" value="Employee Relations Division ..."/>	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: <input type="text"/>	

Strategic Initiative:

**BACKGROUND/JUSTIFICATION:**

Carver County and the American Federation of State, County and Municipal Employees (AFSCME) Local Union No. 2789, representing Public Works Bargaining Unit employees have not yet concluded negotiations for a 2015 collective bargaining agreement.

For employees who in 2013 were newly hired or serving on a new hire probationary period with eligibility for an end-of-probation increase, the County administered the March 2014 pay-for-performance increases in accordance with its administrative guidelines; providing employees pay-for-performance increases only for the period of time they were employed by the County, and so that there would be no compounding of pay-for-performance increases.

The County and the Union have completed the grievance mediation process to resolve these matters. An agreement was reached providing that the County will administer the March 2014 pay-for-performance increases for each member of the Bargaining Unit who was either newly hired or serving on a new hire probationary period in 2013 by applying the March performance based salary increase for the entire 2013 calendar year.

The action requested is approval of the Settlement Agreement on pay-for-performance prorating and the administrative guidelines with the AFSCME Public Works Bargaining Unit.

**ACTION REQUESTED:**

Motion to approve the Settlement Agreement on pay-for-performance prorating and the administrative guidelines with the AFSCME Public Works Bargaining Unit.

<b>FISCAL IMPACT:</b> <input type="text" value="Included in current budget"/>	<b>FUNDING</b>
<i>If "Other", specify:</i> <input type="text"/>	County Dollars = <input type="text" value="\$1,120.00"/>
<b>FTE IMPACT:</b> <input type="text" value="None"/>	<input type="text"/>
<b>QUOTES OR BIDS OBTAINED:</b> <input type="text" value="N/A"/>	<b>Total</b> <input type="text" value="\$1,120.00"/>

Related Financial/FTE Comments:  
 Cost breakdown by bargaining unit is approximate.



# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Approval of Pay-for-Performance Memorandum of Agreement with AFSCME Social Services and General Bargaining Units.**

Primary Originating Division/Dept: <input type="text" value="Employee Relations"/>	Meeting Date: <input type="text" value="11/18/2014"/>
Contact: <input type="text" value="Kerie Anderka"/> Title: <input type="text" value="Employee Relations Division ..."/>	Item Type: Consent <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:**  
 Culture: Provide organizational culture fostering accountability to achieve goals & sustain public trust/confidence in County government

**BACKGROUND/JUSTIFICATION:**

Carver County and the American Federation of State, County and Municipal Employees (AFSCME) Local Union No. 2789, representing Social Services and General Bargaining Unit employees are parties to Labor Agreements in effect January 1, 2013 through December 31, 2015.

For employees who were serving a new hire probationary period or promotional trial period during calendar year 2013 with eligibility for an end-of-probation or end-of-trial period increase, the County administered the March 2014 pay-for-performance increases in accordance with its administrative guidelines and provided pay-for-performance increases only for the period of time employees were employed by the County and so that there would be no compounding of pay-for performance increases.

The County and the Union have completed the grievance mediation process to resolve these matters. An agreement was reached providing that the County will administer the March 2014 pay-for-performance increases for each member of the Bargaining Unit who completed a new hire probationary period or promotional trial period in 2013 by applying the performance based salary increases for the entire 2013 calendar year.

The County and the Union agreed that the County's administrative guidelines will govern the manner in which performance based salary increases will be administered for employees hired after October 15, 2014.

The action requested is approval of the Memorandum of Agreement on pay-for-performance prorating and the administrative guidelines with AFSCME Social Services and General Bargaining Units.

**ACTION REQUESTED:**

Motion to approve the Memorandum of Agreement on pay-for-performance prorating and the administrative guidelines with AFSCME Social Services and General Bargaining Units.

<b>FISCAL IMPACT:</b> <input type="text" value="Included in current budget"/> If "Other", specify: <input type="text"/>	<b>FUNDING</b> County Dollars = <input type="text" value="\$13,270.00"/> <input type="text"/> <b>Total</b> <input type="text" value="\$13,270.00"/>
<b>FTE IMPACT:</b> <input type="text" value="None"/>	
<b>QUOTES OR BIDS OBTAINED:</b> <input type="text" value="N/A"/>	

**Related Financial/FTE Comments:**

Cost breakdown by bargaining unit is approximate and reflects additional cost for March 2014 payments.

*Office use only:*

RBA 2014 - 2900

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Prepayment Agreement with Xcel Energy for Power Pole Relocation Design along CSAH 10.**

Primary Originating Division/Dept: <input type="text" value="Public Works - Program Delivery"/>	Meeting Date: <input type="text" value="11/18/2014"/>
Contact: <input type="text" value="Scott Smith"/> Title: <input type="text" value="Design Engineer"/>	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: <input type="text"/>	

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

**BACKGROUND/JUSTIFICATION:**

As part of the Carver County 0723 Federal Aid project SP 010-610-046 for the reconstruction of CSAH 10 from CSAH 30 to TH 7, XCEL Energy power poles and electric lines need to be relocated out of the clear zone and recovery area in various areas along the proposed corridor.

The XCEL Electric power poles and electric lines that need to be moved are in easements belonging to XCEL Energy, so Carver County is obligated to pay for the relocation design and construction costs associated with the relocation.

XCEL Energy requires prepayment of the expected costs to do a relocation design and construction cost estimate. This prepayment amount was determined from a preliminary layout and construction cost estimate that they had previously done. The determined prepayment amount is \$73,000.00.

XCEL Energy is also requiring the attached Scoping document to be signed by Carver County and sent back to them with the \$73,000.00 payment before they will move forward and do a electric power relocation design and construction cost estimate.

**ACTION REQUESTED:**

Approve a scoping agreement with Xcel Energy for Transmission Line Relocation for the CSAH 10 Reconstruction Project and authorize the County Engineer or his designee to sign the agreement.

<p><b>FISCAL IMPACT:</b> <input type="text" value="Included in current budget"/></p> <p>If "Other", specify: <input type="text"/></p> <p><b>FTE IMPACT:</b> <input type="text" value="None"/></p> <p><b>QUOTES OR BIDS OBTAINED:</b> <input type="text" value="No"/></p>	<p><b>FUNDING</b></p> <table style="width: 100%;"> <tr> <td><b>County Dollars =</b></td> <td><input type="text"/></td> </tr> <tr> <td>CSAH (Gas Tax etc)</td> <td style="text-align: right;">\$73,000.00</td> </tr> <tr> <td><b>Total</b></td> <td style="text-align: right;"><b>\$73,000.00</b></td> </tr> </table>	<b>County Dollars =</b>	<input type="text"/>	CSAH (Gas Tax etc)	\$73,000.00	<b>Total</b>	<b>\$73,000.00</b>
<b>County Dollars =</b>	<input type="text"/>						
CSAH (Gas Tax etc)	\$73,000.00						
<b>Total</b>	<b>\$73,000.00</b>						

Related Financial/FTE Comments:

*Office use only:*

RBA 2014 - 2893

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Resolution of Support for Federal Funding for TH 101 from Flying Cloud Drive to Pioneer Trail  
TH 101 from Flying Cloud Drive (CSAH 61) to Pioneer Trail (CSAH 14)**

Primary Originating Division/Dept: <input type="text" value="Public Works - Program Delivery"/>	Meeting Date: <input type="text" value="11/18/2014"/>
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" value=""/> minutes Presenter: <input type="text" value=""/> Title: <input type="text" value=""/>	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:**

The Transportation Advisory Board (TAB) and Metropolitan Council will award approximately \$150 million for the Federal Transportation Funding for metro-area projects. Applicants will apply for funds from one of three modal categories—Roadways, Transit, and Bike & Pedestrian. The selected projects and programs will be programmed for construction or implementation in 2017, 2018, and 2019 as part of the region's Transportation Improvement Program (TIP) for 2016-2019.

The City of Chanhassen intends to submit an application for federal funding to rebuild TH 101 between Flying Cloud Drive and Pioneer Trail. The County is a partner in this project along with MnDOT and is currently working with the City to determine a preliminary design of the corridor.

This is an "emerging" project that is not part of the current funded Capital Improvement Plan. If the project receives federal funds, the City will be the lead agency in project delivery and the City, County and MnDOT will be financial partners in the local match. The majority of the County share will be eligible for County Turnback Funding.

**ACTION REQUESTED:**

Adopt a resolution of support for federal funding for TH 101 from Flying Cloud Drive (CSAH 61) to Pioneer Trail (CSAH 14).

<b>FISCAL IMPACT:</b> <input type="text" value="None"/> If "Other", specify: <input type="text"/>	<b>FUNDING</b> County Dollars = <input type="text"/> <input type="text"/> <b>Total</b> <input type="text" value="\$0.00"/>
<b>FTE IMPACT:</b> <input type="text" value="None"/>	
<b>QUOTES OR BIDS OBTAINED:</b> <input type="text" value="N/A"/>	
Related Financial/FTE Comments: <input style="width: 100%; height: 20px;" type="text"/>	

*Office use only:*

RBA 2014 - 2902



# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Paul & Teresa Savaryn - CUP for a Farm Related Business/Large Scale Activity**

Primary Originating Division/Dept: <input type="text" value="Public Health &amp; Environment - Land Mgmt."/>	Meeting Date: <input type="text" value="11/18/2014"/>
Contact: <input type="text" value="Jason Mielke"/> Title: <input type="text" value="Senior Planner"/>	Item Type: <input type="text" value="Regular Session"/>
Amount of Time Requested: <input type="text" value="15"/> minutes	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
Presenter: <input type="text" value="Steve Just"/> Title: <input type="text" value="Land Mgmt Manager"/>	

Strategic Initiative:

**BACKGROUND/JUSTIFICATION:**

File #20140023. The Planning Commission recommended approval of a new Conditional Use Permit for Paul & Teresa Savaryn's property located in Section 1 of Waconia Township. In 2010, Mr. & Mrs. Savaryn were approved to operate a Farm Related Business/Large Scale Activity "Sovereign Estate Wine" (CUP #PZ20100020). The applicants indicate that the operation has grown and that their business model is similar to other wineries, in that, there are farm related and agritourism (i.e. large scale) activities occurring on-site. They are requesting an expansion of the permitted months and hours of operation (open to the public for wine tasting and other business related events). The proposed months of operation would be year-round, January through December. The proposed hours of operation would be as follows: Monday - Thursday (10:00 a.m. to 8:00 p.m.); Friday and Saturday (10:00 a.m. to 10:00 p.m.); and Sunday (12:00 p.m. to 8:00 p.m.). The hours of operation encompass the hours they would be open to the public, as well as, hours they would be open for any private (business) and/or commercial events. Amplified music would not be allowed after 8:00 p.m., except as authorized for special events. The applicants are requesting approval to have an annual 4th of July Holiday Event and Fall Grape Stomp Festival weekend. These festivals/events will be held every year and would typically exceed the normal business hours of operation. They are being included as a part of the CUP, eliminating the need for applications every year for the special event permits. The two (2) special events will be closed by 11:00 p.m. each day. Up to three (3) additional special events may be requested per calendar year, which would require separate County Board approval. The property has adequate parking to accommodate 300 customers. The Waconia Town Board has approved the access onto North Shore Road, and has also recommended approval of the applicant's request.

**ACTION REQUESTED:**

A motion to adopt the Findings of Fact and to issue Order #20140023 for the issuance of the Conditional Use Permit.

<b>FISCAL IMPACT:</b> <input type="text" value="None"/> If "Other", specify: <input type="text"/>	<b>FUNDING</b> County Dollars = <input type="text"/> <input type="text"/> <b>Total</b> <input type="text" value="\$0.00"/>
<b>FTE IMPACT:</b> <input type="text" value="None"/>	
<b>QUOTES OR BIDS OBTAINED:</b> <input type="text" value="N/A"/>	
Related Financial/FTE Comments: <input type="text"/>	

*Office use only:*

RBA 2014 - 2884

**COUNTY OF CARVER**  
**PLANNING COMMISSION RESOLUTION**

**FILE #: PZ20140023**

**RESOLUTION #: 14-15**

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

**FILE #:** PZ20140023

**APPLICANT/OWNER:** Paul Savaryn/Paul & Teresa Savaryn

**SITE ADDRESS:** 9950 North Shore Road, Waconia

**PERMIT TYPE:** Farm Related Business/Large Scale Activity

**PURSUANT TO:** County Code, Sections 152.079 C2 & 152.080 C6

**LEGAL DESCRIPTION:** See attached Exhibit "A"

**PARCEL #:** 09-001-0500

**WHEREAS**, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meetings of August 19, 2014, and October 21, 2014; and,

**WHEREAS**, the Carver County Planning Commission finds as follows:

1. Paul & Teresa Savaryn own approximately 50 acres located in the North Half (N½) of Section 1, Waconia Township. The property is improved with a house (with attached garage), an agricultural type structure and an existing personal storage accessory structure which is utilized not only for personal storage, but also as part of their Sovereign Estate Wine (SEW) Business. The site is located in the Agriculture Zoning District, Shoreland Overlay District of Lake Waconia, and the CCWRMA – Carver Creek Watershed.
2. In 2010, Mr. & Mrs. Savaryn were approved to operate a CUP (PZ20100020) farm related business/large scale activity “Sovereign Estate Wine” (SEW). The vineyard/winery started as an operation of growing grapes and winery operations (production and sales). It also consisted of an operational area encompassing approximately four (4) acres. At that time, it was anticipated that the vineyard of grapes, which were planted, would be provide for wine production in the fall of 2010 and selling wine in spring 2011. Since then the operation has grown; therefore, modifications to the current business plan are being requested.
3. The applicant, Paul Savaryn, is requesting a new Conditional Use Permit (CUP) to expand on the current months and hours of operation (open to the public for wine tasting and other events). The existing CUP (PZ20100020) would be terminated upon the approval of the new CUP (PZ20140023).
4. The request is for a CUP to operate a Farm Related Business/Large Scale Activity pursuant to Section 152.079 and 152.080 of the Carver County Zoning Code.
5. The current existing operation allows for the growing of grapes, processing of grapes and sale of wine which is all considered a farm related business and agritourism. The original CUP request (PZ20100020) addressed the need for future expansion which included a kitchen and framed pavilion for events related to the winery. The operation was designed to accommodate up to 300 customers at any one time. Portions of the business are seasonal in nature; therefore, hours vary depending on the stage of production. The wine shop was set up to be open to the public for business May through December; and the hours of operation were to take place Monday through Thursday (10:00 a.m. to 5:00 p.m.), Friday and Saturday (10:00 a.m. to 6:00 p.m.), and Sunday (12:00 p.m. to 5:00 p.m.). Events and private parties would be conducted during normal business hours and vary as per request (i.e. weddings, corporate events and family reunions). Other special events require County Board approval.



6. The applicant is requesting to change the current months of operation from what was originally permitted as part of CUP PZ20100020. The proposed months of operation (open to the public) would be year-round, January through December. The retail business hours “open to the public” will vary depending on the season, and the wine processing would be conducted year-round (not open to the public). This request shall be considered a commercial business activity.
7. The applicant is requesting to change the current hours of operation from what was originally permitted as part of CUP PZ20100020. The proposed (business) hours of operation are as follows:
  - Monday through Thursday - 10:00 a.m. to 8:00 p.m.
  - Friday and Saturday – 10:00 a.m. to 10:00 p.m.
  - Sunday – 12:00 p.m. to 8:00 p.m.

Wine processing is considered to be an agricultural use and would be conducted year round and not open to the public.

The increased hours would cover the possible use of the facility for wine related dining and commercial events. These hours of operation encompass the hours they are open to the public, as well as, the hours they are open for any private and/or commercial events. An event taking place outside of the normal business hours of operation could be allowed only with the County Board of Commissioners approval pursuant to Section 152.074 of the Carver County Zoning Code. These types of special events are typically 1 or 2 days in length. Weddings, family reunions, corporate events and/or any other type of event will need to take place within normal business hours of operation; however, the applicant has the right to hold private noncommercial events at the property outside of the normal business hours. Private noncommercial events, which are not business related, are allowed on any property located in the ag zoning district.

Mr. and Mrs. Savaryn are also requesting approval to have an annual 4<sup>th</sup> of July Holiday Event and Fall Grape Stomp Festival weekend. These festivals/events would be held every year, and would typically exceed the normal business hours of operation (the two special events will be closed by 11:00 p.m. each day); however, the events would take place annually; therefore, the applicant has requested to include them as part of their operation, instead of using it as an occasional special event requiring County Board approval on a yearly basis. Mr. Savaryn stated that as part of approved business hours of operation, outdoor live music events will take place; however, amplified music will cease at 8:00 p.m. except for the two (2) annual special events requested.

In addition to the two (2) annual special events to be included as part of their CUP request, Mr. and Mrs. Savaryn are also requesting approval to allow up to three (3) additional special event requests (per calendar year), with the County Board’s approval. These special event requests shall be subject to review by the Waconia Town Board (Road Authority) and the Carver County Land Management Department. Any special event request proposed would require an Administrative Permit Application to be submitted, pursuant to Sections 152.074 and 152.080 of the Carver County Zoning Code, for review at least 30-days prior to the special event taking place.

8. Certain components to the SEW operation (i.e. the Bistro, future wine production building, future pavilion and future expansion within the existing personal storage structure) are contemplated as part of CUP (PZ20100020). Any future structures and/or change in use of the facility will need to be reviewed by the Carver County Land Management Department for a determination as to whether an application for an amendment or similar consideration is necessary.
9. The applicant has indicated that SEW has received Federal approval and permits as well as licensure from the State of Minnesota under the Farm Winery Law. The applicant has maintained the required permits and licensure for the permitted retail, food production and growing operations.
10. Currently, the only full-time employees of SEW are family members. The operation involves approximately twenty (20) part-time employees at any given time; however, the number of part-time employees can fluctuate depending on the season and/or event. The Zoning Code requires the applicant to submit a copy of workers compensation insurance annually.

11. The applicant has indicated that the estimated number of vehicle trips generated per/day should remain consistent with the prior approved CUP #20100020. The estimates are approximately 40-60 vehicles (Monday through Thursday) and approximately 100 vehicle trips per/day (Friday through Sunday). The number of vehicle trips generated by the wine operation will continue to be approximately 2,400 vehicle trips per month, which is an average of 80 vehicles per day. The vehicle trips may increase based on the extended open hours; however, the evening events will decrease. Therefore, the average vehicle trip numbers should remain consistent with the current operation. **NOTE:** 1 trip in and 1 trip out would be considered 2 trips. Concerns from area residents with regard to increased traffic and safety of children have been documented as part of the public hearing process. Area residents have indicated that North Shore Road and Co Rd 155 have seen an increase over the years; however, no traffic study has been conducted to show that the increase in traffic is related to SEW.
12. The site has parking areas consisting of gravel surfaces which can support approximately 180 parking spaces and additional grass surface areas to support any overflow parking needs. SEW has handicap drop-off and paved access spaces near the winery/retail building. According to the Carver County Zoning Code, a sales facility is required to have at least one (1) parking space for each 400 sq. ft. of sales floor space. The existing parking spaces exceed the minimum number required as it pertains to the amount of existing sales floor space. Additional parking spaces may be required if additional structures are constructed or modified to be utilized as sales floor space. The Carver County Zoning Code also indicates that a dance hall, private club and similar recreational use requires ten (10) parking spaces plus one (1) additional parking space for each 200 square feet of floor area devoted to the principle use. The site can be modified accordingly to accommodate additional parking, as needed.
13. During the first public hearing, which took place August 19, 2014, Mrs. Savaryn indicated that they do perimeter checks of the property for safety and security purposes, and also hire security and contact the Carver County Sheriff's Dept for special events, such as the grape stomp. She also indicated that according to the Carver County Sheriff's Department records, no safety issues, driving violations, DUI's, public disturbances, disorderly conduct, etc., have occurred as a result of any activity at the winery.
14. Subsurface Sewage Treatment System (SSTS) compliance is required for the home as per Carver County Zoning Code Section 152.122. Also, pumping records for all holding tanks shall be submitted to the Carver County Environmental Services Department prior to CUP issuance. Prior to the issuance of a Certificate of Occupancy for any future construction activities relating to the SEW operation, County staff will require the review of any and all SSTS to verify that any wastewater that has contact with humans or chemicals associated with the retail sales facility and/or wine production operation is being treated according to SSTS regulations.
15. The applicant has existing signage for Sovereign Estate Vineyard pursuant to the Carver County Sign Code which allows a single sign surface area maximum of 32 sq. ft. per property. All signage shall be placed in accordance with Chapter 154 –Sign Regulations and/or the local road authority. Directional signage placed in any road right-of-way shall be reviewed and approved by the appropriate road authority. Off premise/private property signage is considered unauthorized signage and is not allowed. Unauthorized signage would require the submittal and approval of a variance request in order to allow this type of proposed use.
16. A condition of this permit shall indicate that prior to construction of any additional road accesses; the access shall be approved by the Road Authority and supported by a traffic study, report or similar documentation as per County Zoning Code Section 152.036.
17. The Waconia Town Board has reviewed and recommended approval of CUP (PZ20140023) on North Shore Road during their September 22, 2014, Town Board meeting.

**THEREFORE, BE IT RESOLVED,** THAT The Carver County Planning Commission hereby recommends the issuance of Conditional Use Permit #PZ20140023 for a Farm Related Business/Large Scale Activity on the land described in Exhibit "A" of the permit application. This permit shall terminate and supersede the prior CUP #PZ20100020 on the subject property. The Planning Commission further recommends that the following conditions be attached to the permit:

1. The permit is subject to compliance review. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners and/or operators are encouraged to contact Land Management as early on in the timeline of the proposed change as possible.
2. The Sovereign Estate Wine (SEW) shall operate in accordance with the submitted operational plans (dated: 9/17/14 & 10/3/14) and site plan (2014 aerial). These plans shall be attached to and be considered part of this permit. Any future buildings will require discussion with Land Management for a determination as to whether an application for amendment or similar consideration is necessary.
3. The SEW operation shall be permitted to be open year round (January – December), and shall be allowed to be open Monday – Thursday (10:00 a.m. to 8:00 p.m.), Friday and Saturday (10:00 a.m. to 10:00 p.m.) and Sunday (12:00 p.m. to 8:00 p.m.). Wine processing is considered to be an agricultural use and would be conducted year round and not open to the public.
4. Two (2) annual special events shall be allowed, which will exceed the normal hours of operation (the two special events will be closed by 11:00 p.m. each day): The 4<sup>th</sup> of July Holiday Event (not to exceed 2 days in length) and the Fall Grape Stomp Festival (not to exceed three (3) days in length). A maximum of three (3) additional special events (per calendar year) shall be allowed, with the County Board of Commissioners approval, pursuant to Section 152.074 and of the County Zoning Code. All special event requests shall be subject to review by the Waconia Town Board (Road Authority) and the Carver County Land Management Department. Special event requests require an Administrative Permit Application to be submitted, pursuant to Sections 152.074 and 152.080 of the Carver County Zoning Code, for review at least 30-days prior to the special event taking place.
5. Outdoor live music events shall be allowed within the approved business hours of operation. Unless it is a reviewed and approved special event, amplified music shall cease at 8:00 p.m.
6. All new and existing structures shall be constructed and/or maintained in accordance with State Building Code if they are for personal storage and/or public use. The applicant shall apply for and obtain all necessary building permits from Carver County prior to the modification of any existing structure and/or new construction. Food production activities may only occur if appropriate building permits have been obtained and a Certificate of Occupancy has been issued for those specific business activities. Future structures and/or change in use of the facility will need to be reviewed by the Carver County Land Management Department for a determination as to whether an application for an amendment or similar consideration is necessary.
7. 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.
8. The Permittee shall submit a copy of Worker's Compensation insurance for all employees annually, if applicable.
9. The Permittee is responsible to the Minnesota Department of Agriculture, and to any other County, State or Federal agencies, for maintaining the required permits and licensure for the retail, liquor, food production and growing operations. The Permittee shall submit copies of all required permits and licenses to Carver County Land Management annually.
10. Subsurface Sewage Treatment System (SSTS) compliance is required for the home as per Carver County Zoning Code Section 152.122. Also, pumping records for all holding tanks shall be submitted to the Carver County Environmental Services Department prior to CUP issuance.

11. The Permittee shall maintain a conforming Subsurface Sewage Treatment System (SSTS) to accommodate any wastewater that has contact with humans or chemicals associated with the retail sales facility and wine production operation and maintain a monitoring contract with a licensed service provider to keep a valid Operating Permit for the SSTS that serves the facility.
12. The Permittee shall comply at all times with the County standards as detailed in Chapter 152 – Zoning Code and Chapter 154 – Sign Regulations. The Permittee shall not exceed the allowed square footage of signage per property. Any proposed signage within public road right-of-way shall be approved by the local road authority. Off premise signage (on private property) is prohibited, unless a variance is granted for the placement of the signage.
13. Outside storage of business equipment and supplies is prohibited unless the storage area is adequately screened from the view of neighboring residences and public roads.
14. Pursuant to Section 152.079 of the Carver County Code the residence shall be occupied as a homestead by a principal of the activity.
15. Permittee shall comply with road access requirements/improvements as determined by the road authority (i.e. dust control, maintenance, or similar issues).
16. Any additional driveway access to the property shall be approved by the Road Authority and supported by a traffic study, report or similar documentation as per County Zoning Code Section 152.036.

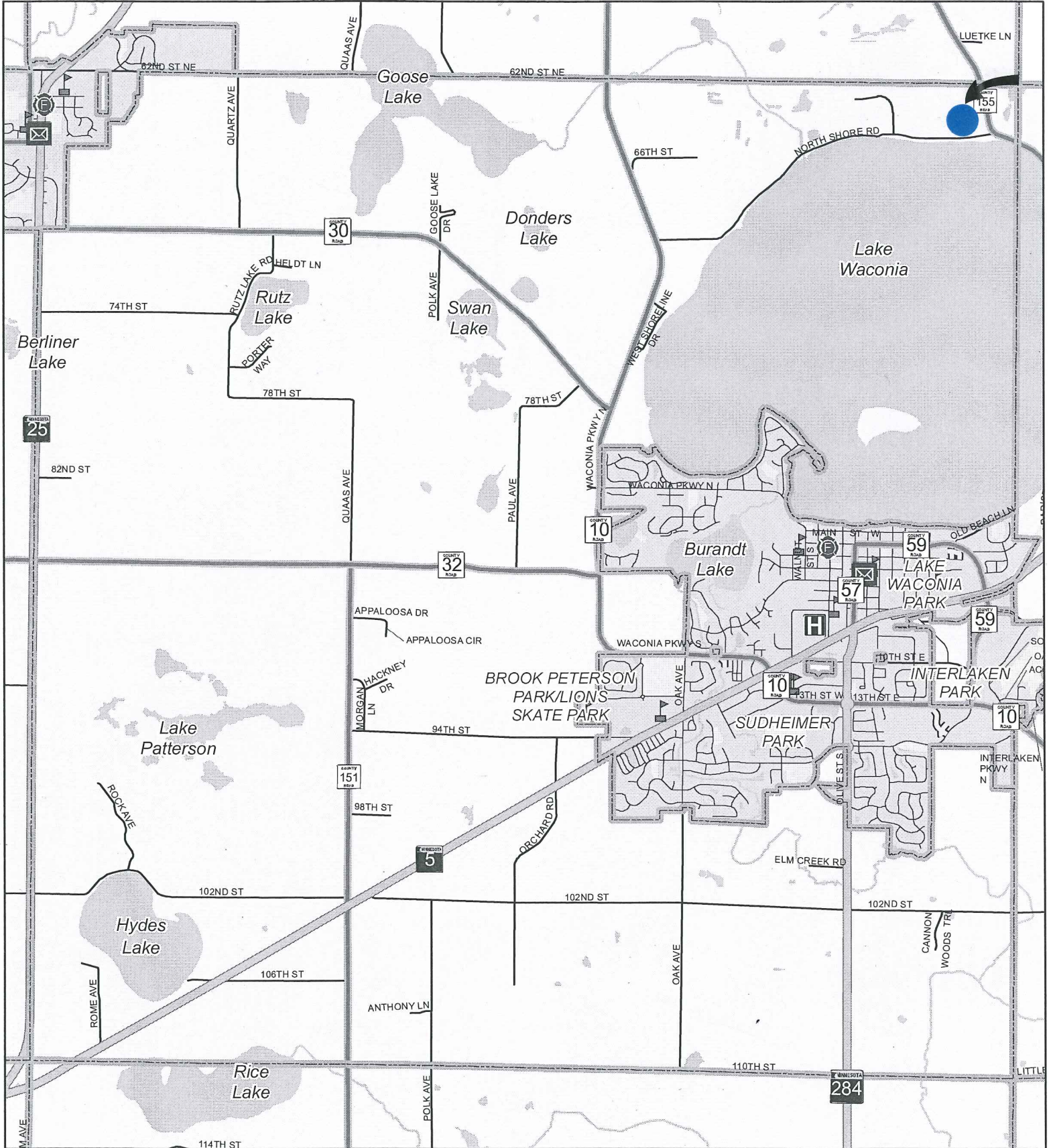
**ADOPTED** by the Carver County Planning Commission this 21<sup>st</sup> day of October, 2014.

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John P. Fahey  
Planning Commission Chair



# WACONIA TOWNSHIP



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



# Carver County Board of Commissioners

## Request for Board Action



**Agenda Item:**

**Mark Halla/Sure Mercies Ministries - IUP for a Church Facility**

Primary Originating Division/Dept:

Meeting  
Date:

Contact:  Title:

Item Type:

Amount of Time Requested:  minutes

Presenter:  Title:

Attachments:  Yes  No

Strategic Initiative:

**BACKGROUND/JUSTIFICATION:**

File #PZ20140029. The Planning Commission recommended approval of the Interim Use Permit (IUP) for Mark Halla/Sure Mercies Ministries. The church group has a lease agreement for an approximate 5.88 acre operational area within Mr. Halla's 26.64 acre parcel, located in Section 14 of Dahlgren Township. The request is to allow the church group to operate out of existing buildings and utilize the existing parking area from where the business "The Mustard Seed" was previously located. The applicants are not proposing any additions and/or improvements to existing structures. At such time that any new buildings/additions are proposed to be constructed, a Conditional Use Permit (CUP) application for a church would need to be submitted and approved. The IUP for the church would then be terminated, as would the inactive CUP for the Farm Related Business. As proposed, The Mustard Seed operation would need to remain closed on the site; however, should the church use fail to obtain or maintain the land use as an IUP, Mr. Halla would likely return to utilizing the Farm Related Business CUP #PZ20050023. Sure Mercies Ministries will conduct prayer gatherings, restoration ministries, educational and teaching seminars and eventually worship services from the site. They anticipate having an average of 20-30 people utilizing the site to start. They also have a food ministry and help provide food to the needy as well as supply food for the local food shelf. Currently, the church has two (2) staff. Business hours are 7 days a week with general office hours of 8:00 a.m. to 6:00 p.m. At times, the church may be required to be open longer than the noted hours (i.e. activities such as bible studies, church meetings, trainings, events, etc.); however, the facility will be closed at 10:00 p.m. every day. MnDOT has no concerns with Hwy 212 access for the proposed operation. The area of the property not leased by the applicants will remain in the ownership of Mark and Kay Halla. Mr. and Mrs. Halla will continue to reside on the home on the property as well. The Dahlgren Town Board recommended denial of the request based on concerns about an IUP and CUP being on the same parcel; however, Township Chair Willems commented at the public hearing that the request could move forward and not return to the Town Board.

**ACTION REQUESTED:**

A motion to adopt the Findings of Fact and to issue Order #PZ20140029 for the issuance of an Interim Use Permit and the suspension of CUP #PZ20050023.

**FISCAL IMPACT:**   
If "Other", specify:

**FUNDING**  
County Dollars =   
  
**Total**

**FTE IMPACT:**

**QUOTES OR BIDS OBTAINED:**

Related Financial/FTE Comments:

Office use only:



**COUNTY OF CARVER**  
***PLANNING COMMISSION RESOLUTION***

**FILE #: PZ20140029**

**RESOLUTION #: 14-16**

**WHEREAS**, the following application for an Interim Use Permit has been submitted and accepted:

**APPLICANT:** Mark Halla/Troy & Jenny Hallstrom (Sure Mercies Ministries)

**OWNER:** Mark & Kay Halla

**SITE ADDRESS:** 6053 Highway 212, Chaska MN 55318 (Formerly DBA - The Mustard Seed)

**PERMIT TYPE:** Church – Large Scale Activity

**PURSUANT TO:** County Code, Chapter 152, Sections 152.080 C2, 152.081 & 152.082 A & B

**LEGAL DESCRIPTION:** See attached Exhibit "A"

**PARCEL #:** 04-014-1200

**WHEREAS**, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meeting of October 21, 2014; and,

**WHEREAS**, the Carver County Planning Commission finds as follows:

1. The applicants, Mark Halla and Sure Mercies Ministries, are proposing to lease approximately 5.88 acres of a parcel owned by Mark & Kay Halla. The area and building(s) proposed to be leased were part of the former Mustard Seed Landscaping and Garden Center. The property is located in the North Half (N½) of Section 14, Dahlgren Township. The site is located in the Transition Area Overlay Zone of the City of Carver, and the CCWRMA – Carver Creek.
2. The applicants are requesting approval of an Interim Use Permit (IUP) in order to operate a Church - Large Scale Activity on the subject property. If approved, Mr. Halla's existing Conditional Use Permit (CUP #PZ20050023) for a Farm Related Business (The Mustard Seed, Inc.) would be suspended until such time as the proposed IUP is terminated and/or an approval of a future CUP for a church.
3. The request is for an IUP to operate a Church - Large Scale Activity pursuant to Section 152.080 C2, 152.081 & 152.082 A & B of the Carver County Zoning Code.
4. Sure Mercies Ministries has a tentative lease agreement in place with Mark and Kay Halla to lease approximately 5.88 acres of their 26.64 acre property. The proposed leased area includes three (3) existing buildings and the parking area from where the business "The Mustard Seed" was previously located. The church is currently utilizing a temporary location in Chaska for their fellowship activities.
5. The applicants' operational plan references that no additions or improvements are anticipated. At such time that any new buildings/additions are proposed to be constructed, a CUP application for a church would need to be submitted and approved by the County Board of Commissioners. The proposed IUP for the church would then be terminated, as would the inactive CUP (CUP #PZ20050023). As proposed, The Mustard Seed operation would need to remain closed on the site; however, should the church use fail to obtain or maintain the land use as an IUP, Mr. Halla would likely return to utilizing the underlying Farm Related Business CUP. At the point that Mr. Halla begins to utilize the suspended CUP, the IUP shall be considered null and void.

6. Sure Mercies Ministries works with local churches and holds no meetings at their current location; however, as they grow they will host prayer gatherings, restoration ministries, educational and teaching seminars, and eventually worship services from the Halla property. They also have a food ministry and help provide food to the needy as well as supply food for the local food shelf. Sure Mercies Ministries has a vision to grow food on-site in order to provide more resources to the hungry. The existing greenhouse on the property would be utilized to start and grow produce, which would be a permitted agricultural use in the Transition Area Overlay District.
7. The proposed use of the existing facility would be to provide space for their non-denominational Outreach Ministry, and to hold seminars and prayer gatherings for an average of 20-30 people. They currently do not hold worship services of their own, but they anticipate approximately 20-30 people would attend once they do start worship activities. Even though Sure Mercies Ministries is a small fellowship, their hope is to grow and to make this site their permanent home.
8. The church facility will be open 7 days a week with general office hours from 8 a.m. to 6 p.m. According to the applicant, there may be times that require the church to be open longer than the noted hours (i.e. activities such as Bible studies, church meetings, trainings, events, etc.); however, the facility will be closed at 10:00 p.m. with occasional activities extending later. Any Special Event(s) pursuant to Section 152.074 of the Carver County Zoning Code will require approval from the County Board of Commissioners.
9. According to the applicant, the current local staff consists of 2 pastors, Troy and Jenny Hallstrom, who live in Chaska. As the church grows, they intend to add employees. The daily trips generated to and from the site will be less on weekdays and more on weekends. The applicants state they currently have 5 trips per week (as noted in the operational plan), which are viewed as 10 trips (ADT) per week. The applicants state that the proposed vehicle trips would be less than the past Farm Related Business trips based on a less-intense use of the property. Access to the site will be from Highway 212. MnDOT has no concerns with the proposed operation; however, at such time as the operation expands and a CUP application is submitted, MnDOT would be able to provide additional feedback based on the proposed use.
10. The County parking standards require one parking space per three seats based upon the design capacity of the main assembly/worship hall. The applicant has indicated that the existing building could hold approximately 170 seats; therefore, 56 parking spaces are required. The area and capacity of the on-site parking as shown on the site plan accommodates approximately 150 vehicles, including a proposed new section of paved parking on the west side of the church.
11. The existing detached structure to the south may be utilized for storage and as part of the ministry operations in the future. The building was previously approved as an "Ag" building; therefore, the necessary building permits for the change in use would be required prior to utilization by the church/public. The existing retail structure will also require a change of use from "M" to "A" Occupancy according to the County Building Official.
12. No screening is warranted due to the church facility utilizing the existing structures on the property. No additions and/or new structures are being proposed as part of this IUP request. At such time as a CUP would be requested, future screening may be reviewed as part of that submitted application.
13. The applicant has indicated that the church will utilize and modify the existing illuminated monument sign. A cross may be mounted on the building; however, all signage will need to comply with the Carver County Sign Regulations.
14. There are two (2) existing SSTS (septic) systems located on the property. One (1) system serves the existing residence and one (1) system serves the restrooms in the existing commercial building(s). The applicant believes that the existing restroom facilities are adequate and will meet the applicable codes. As the facility grows, additional restroom facilities will be proposed. In order to adequately review and approve the existing SSTS, the Environmental Services (E.S.) Department is requiring a Certificate of Compliance and Monitoring Agreement for the existing SSTS for the change in use. The work must be completed prior to commencing any operations of the ministry from the site.

15. The area of the property not leased by the applicant will remain in the ownership of Mark and Kay Halla. Mr. and Mrs. Halla will continue to reside in the home located at 6055 Hwy 212. The existing home utilizes the only building eligibility on the property. The land surrounding the church would not be eligible for a Minor Subdivision. Agriculture and residential accessory uses would be the only permitted uses.
16. Cindy Nash, City Planner for the City of Carver received the public hearing for the proposed request. She commented that the City of Carver would object to a subdivision of the property.
17. The Dahlgren Town Board reviewed and recommended denial of the IUP request during their October 13, 2014, Town Board Meeting. The Town Board did not feel comfortable with the idea of allowing an IUP and underlying CUP on the same parcel; however, Township Chair Willems commented at the public hearing that the request could move forward and not return to the Town Board.

**THEREFORE, BE IT RESOLVED,** THAT The Carver County Planning Commission hereby recommends the issuance of Interim Use Permit #PZ20140029 for a Large Scale Activity - Church on the land described in Exhibit "A" of the permit application. This permit shall suspend CUP #PZ20050023 (FRB) for as long as the IUP is active - No retail sales or other functions of the FRB permit shall be allowed. The Planning Commission further recommends that the following conditions be attached to the permit:

1. The permit is subject to administrative review. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners and/or operators are encouraged to contact Land Management as early on in the timeline of the proposed change as possible. Any new and/or modifications (expansion) to existing buildings shall require the Permittee to submit an application for a new (Church) CUP request. At that time, IUP #PZ20140029 (Church) and prior CUP #PZ20050023 (FRB) shall be terminated.
2. The operation shall be in accordance with the submitted operational plan (letter dated: 9/25/14) and site concept plan. These plans shall be attached to and become part of this permit.
3. The church facility will be open 7 days a week with general office hours from 8 a.m. to 6 p.m. Worship services, weddings, meetings, and activities would also occur during the week and on weekends outside of general office hours. The church facility shall close at 10:00 p.m.; however occasional activities may extend later. Any Special Event(s) pursuant to Section 152.074 of the Carver County Zoning Code will require approval from the County Board of Commissioners.
4. The Permittee must comply with the MnDOT access requirements and/or improvements at Hwy 212, if applicable.
5. 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 shall meet requirements of the Zoning Code at all times.
6. All necessary and required building permits shall be applied for and issued prior to construction. All structures utilized as part of the church facility shall meet the applicable State Building Code requirements.
7. A Certificate of Compliance and Monitoring Agreement for the existing SSTS shall be required for the change in use. The work must be completed prior to commencing any operations of the ministry from the site and in accordance with Chapter 52 of the County Code.

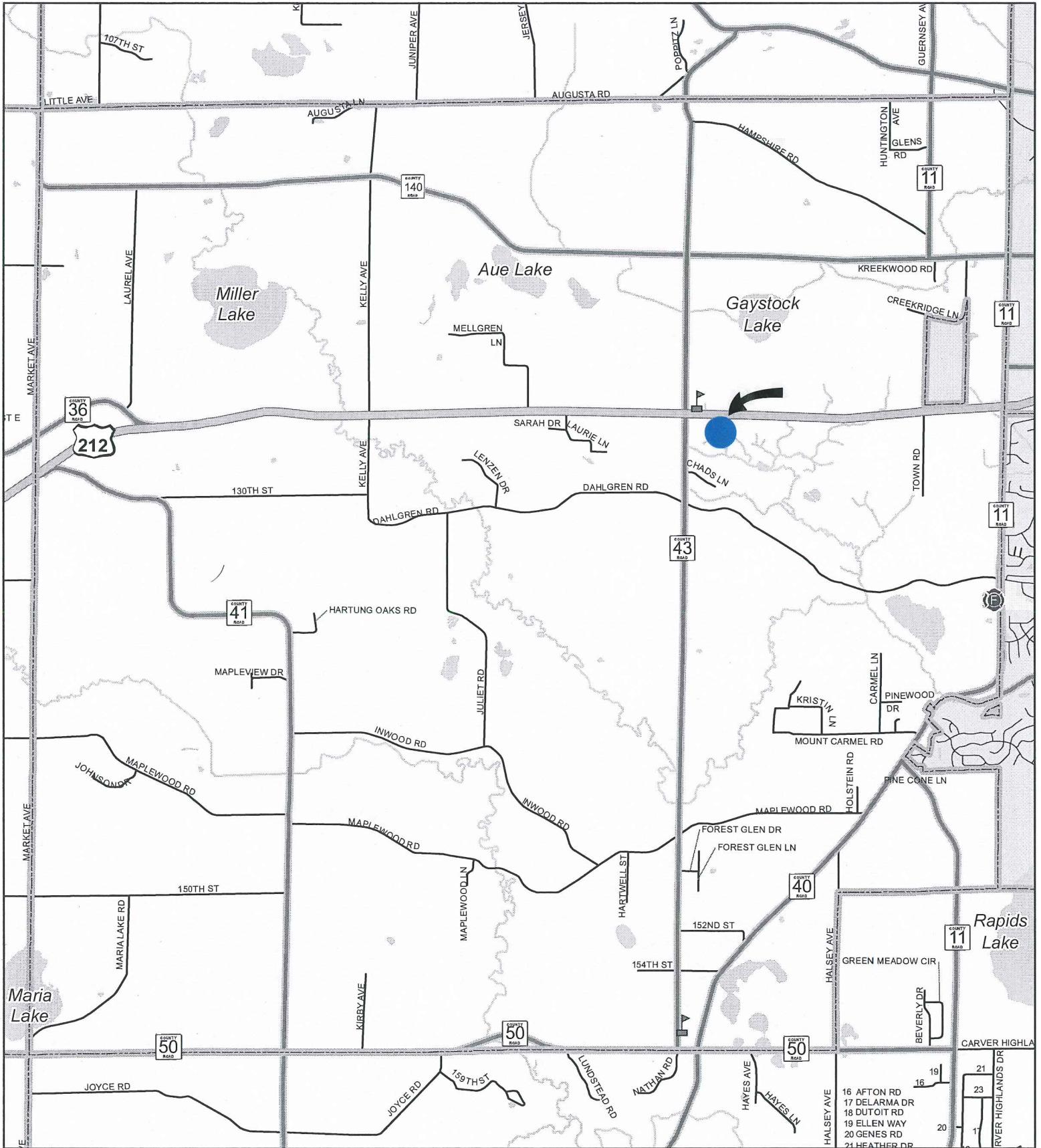
8. Parking of vehicles must be confined to the church property. No parking will be allowed within the Hwy 212 road right-of-way.
9. Permittee shall submit a copy of the Certificate of Workers' Compensation Insurance or sign an appropriate affidavit regarding employee status and submit it to the Land Management Department.

**ADOPTED** by the Carver County Planning Commission this 21<sup>st</sup> day of October, 2014.

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John P. Fahey  
Planning Commission Chair

# DAHLGREN TOWNSHIP



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



# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**2015 Legislative Priorities**

Primary Originating Division/Dept: Administration (County)

Meeting

Date: 11/18/2014

Contact: David Hemze Title: County Administrator

Item Type:

Regular Session

Amount of Time Requested: 60 minutes

Presenter: David Hemze Title: County Administrator

Attachments:  Yes  No

**Strategic Initiative:**

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

**BACKGROUND/JUSTIFICATION:**

At the November 4 County Board Work Session, staff presented a list of 2015 legislative priorities. County Commissioners provided input on the below and attached priorities.

1. Township Fine Revenue
2. Transportation Revenue
3. Eminent Domain Statute
4. Representation on the Transportation Advisory Board (TAB) and Approval Authority for the Transportation Policy Plan (TPP)
5. Operations and Maintenance Funding for Regional Parks
6. Parks and Trails Legacy Funding

Staff made changes to the Transportation Revenue and Representation on the TAB & Approval Authority for the (TPP) priorities in the attached document. The old language has a strikethrough and the new language has a double underline.

The Carver County Legislative Committee will be working directly with the County Administrator to guide the County's legislative efforts during the 2015 session. In addition, Carver County has contracted with Scott County for legislative services.

On December 16 at 7:30am, Carver County will host a breakfast at the Chanhassen American Legion to discuss the County's priorities with local legislators.

**ACTION REQUESTED:**

Motion to adopt Carver County's 2015 legislative priorities.

**FISCAL IMPACT:** None

If "Other", specify:

**FUNDING**

County Dollars =

**FTE IMPACT:** None

**Total** \$0.00

**QUOTES OR BIDS OBTAINED:** N/A

Related Financial/FTE Comments:

Office use only:

RBA 2014 - 2857



CARVER  
COUNTY

**2015**

# **Legislative Platform**

*Item numbering is not a priority listing*

## **Top priorities:**

### **A. Governance and Finances**

1. Township Fine Revenue

### **B. Roads, Bridges and Transportation**

2. Transportation Revenue
3. Eminent Domain Statute
4. Representation on the Transportation Advisory Board and Approval Authority for the Transportation Policy Plan

### **C. Parks, Natural Resources and Environment**

5. Operations and Maintenance Funding for Regional Parks
6. Parks and Trails Legacy Funding





## Issue #1: Township Fine Revenue

### Background

Watertown and Laketown Townships have historically contracted with the Carver County Sheriff’s Office for patrol services above mandated base level services. For more than two decades, Watertown and Laketown Townships have received fine revenues from the State Court Administrator to help subsidize these contracts.

Camden Township elected to enter into a contract with the Sheriff for additional patrol services. However, when the Carver County Court Administrator attempted to obtain an “ORI” number from the State Court Administrator, the Carver County Court Administrator was told that townships are not eligible for ORI designation, and therefore, townships are not entitled to any fine revenues.<sup>1</sup>

The State Court Administrator has now removed Watertown and Laketown Townships as entities entitled to receive fine revenue. In turn, Carver County Sheriff Jim Olson is concerned that Watertown and Laketown Townships may not be able to fund their contracts for added patrol services which will have a detrimental impact on public safety.

Unlike incorporated cities, the Carver County Attorney’s Office is legally required to prosecute all statutory violations on behalf of the townships. Minn. Stat. § 484.87, Subd 3. Nevertheless, it is clear that **all** Minnesota townships are still entitled to all fine revenues under Minn. Stat. § 484.90, Subd. 6 (a) (emphasis added):

- (a) In **all cases** prosecuted in district court by an attorney for a municipality **or other subdivision of government within the county for violations of state statute, or of an ordinance**

The terms “towns” and “townships” are used interchangeably throughout Minnesota statutes. In the context of governmental units, “incorporated” means a city and “unincorporated” means a town. See, Minn. Stat. § 414.02. “When a county, town, or city is mentioned, without any particular description, it imports the particular county, town, or city appropriate to the matter.” Minn. Stat. § 645.44, subd. 3.

The County Attorney’s office recently met with attorneys representing the State Court Administrator’s Office and they are unwilling to yield.

### Requested Position

Carver County encourages the Legislature to clarify the law and effectuate the plain meaning of Minn. Stat. § 484.90, Subd. 6 (a) to allow the townships to receive fine revenue, the following amended language should be added to Minn. Stat. § 484.90, Subd. 6 (b): **The county attorney prosecutes statutory or ordinance violations on behalf of county towns or townships.**

<sup>1</sup> The timing of these matters coincides with the state-wide implantation of E-Charging criminal complaints.



## Issue #2: Transportation Revenue

### Background

Building and maintaining a safe, efficient and effective transportation system is one of the most basic and vital services provided by all levels of government. Counties are a critical element of the state's transportation system. Over 45,000 miles of Minnesota's 143,000 miles of roads and highways are under county jurisdiction.

Counties and other local units of government oversee 14,700 bridges - 75% of all bridges in the state. The 2008 Legislature enacted a comprehensive transportation funding bill that provided new, dedicated revenues for bridges, roads and transit - at both the state and local levels of government. However as MnDOT's projections make clear, much of that new funding will be exhausted by 2016 and what remains will only be available for maintenance of existing roads. That means new transportation projects in both the metropolitan area and greater Minnesota will continue to be delayed.

Minnesota's transportation system is a critical element of the state's economic vitality. It gets people to and from work and school and gets goods and services to markets. With today's just-in-time inventory management and Minnesota's expanding role in the global economy, speedy delivery is critical to the state's competitiveness. Unfortunately, much of the state's transportation infrastructure is not up to the task. The time that Twin Cities' commuters and shippers spend trapped in traffic is growing at a faster rate than that in other metropolitan areas. And the financial resources available to expand the capacity of the state transportation system will literally nose-dive in 2016.

There are four major transportation priorities in Carver County that require an increase in transportation funding. Three out of the four priorities involve the state Trunk Highway system which is clearly underinvested in Carver County.

1. Address County Turnback Account shortfall.

5% of the Minnesota Highway Users Tax Distribution Fund (HUTDF) or approximately \$90 million annually is allocated to the Town Bridge, Town Road and Flexible Highway Account. The Flexible Highway Account is allocated 53.5% or approximately \$48 million annually which is used for the restoration of former Trunk Highways turned back to Counties or Cities. The problem is there is not enough funding in the County Turnback Account (part of Flexible Highway Account) to restore these highways which typically become the most travelled county highways and have the most safety and congestion issues. This is a significant problem in Carver County where there are many projects waiting for funding including portions of TH101 (now CSAH 101) and TH212 (now CSAH 61).

The County is the lead agency for the 101 Bridge and 61 "Y" reconstruction project, also known as the Southwest Reconnection Project and is responsible to finance \$18 Million of the State

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share of the project as the County Turnback Account does not have available funding. The next segment of highway 61 east of the “Y” is funded; however, there remains \$70 million in unfunded Turnback projects on 101 and 61.

2. Improve deficient MnDOT A-Minor Arterials (TH 212, TH 5, TH 41)

These highways are the most significant trunk highways in Carver County. They carry the most vehicular and freight traffic, yet all are deficient in geometry which has caused significant congestion and safety issues. None of them, however, have been identified for expansion in the 2040 Transportation Policy Plan (TPP) or the State Highway Investment Plan (MnSHIP).

3. Provide funding for flood mitigation highway projects.

Damage to state and local roadways and bridges from flooding is occurring more and more frequently. Carver County, Scott County, MnDOT and other partners have studied options to reduce the impact of flooding in the Minnesota River Valley on the transportation system including highways 101 and 41. The 101 bridge is under construction but TH 41 remains a significant flood risk every year. The benefit to cost ratio for construction of a new TH 41 river bridge is over 3.0. The estimated cost for the flood protection bridge is \$20 million.

4. Increase funding to the Local Bridge Bonding Program

Carver County estimates \$1 million in annual bridge replacement needs. The local bridge bonding program augments the budgets of counties and cities statewide by supplying between 50% and 100% of bridge replacement construction costs for deficient structures. The program is first come first serve which rewards project readiness; however large earmark projects have recently dominated the program which jeopardizes the funding for smaller ready to go projects. If large earmark projects are funded the program needs to be grow to support all local bridges.

Carver County will assist with these priorities and is already investing significant local funding in the state transportation system but this is not sustainable without the resulting degradation of the local county transportation network and considerable burden on the local tax base.

**Requested Position**

Carver County urges the legislature to pass a comprehensive transportation funding bill that includes the following provisions:

1. Provide trunk highway bonding for highways planned to be turnbacked to counties like TH 101 and increase funding to the county turnback account for roadways already turnbacked to the county like CSAH 61.
2. Provide trunk highway bonding for the Corridors of Commerce program to fund projects like TH 212 between Chaska and Norwood Young America.
3. Provide general obligation bonds for the local bridge replacement program at a level to fund all project ready local bridges.
4. Provide bonding for flood mitigation projects on state and local roadways including TH 41.
5. Enact a gross receipts tax at fuel distributors to augment the current gas tax.
6. Distribute all the proceeds from ~~Continue the Current 50/50 Distribution of the Leased Motor Vehicle Sales Tax~~ 50-50 between Greater MN Transit and the 5 Metropolitan Suburban Counties.

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7. Retain the 1/2¢ Local Option Sales Tax for All Transportation Purposes for the Currently Authorized 82 Counties and Expand It to the Five Remaining Counties.
8. Oppose any increase in sales tax for transit only.



## Issue #3: Eminent Domain Statute

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### **Background**

Carver County requests revisions to Chapter 117, Eminent Domain, to mitigate the unintended consequences of the legislation which provides procedures, definition, remedies and limitations for condemning authorities when exercising the power of eminent domain for public use or public purpose.

The 2006 revisions to the eminent domain law has resulted in a significant cost increase related to attorney fees and interest payments incurred by agencies implementing public transportation improvements which has put an unreasonable and unintended burden on transportation funding. Wholesale rewrites or challenges will likely be unsuccessful given the political sensitivity with the law. However, discussion and controversy remains in several areas including: attorney's fees, owner appraisals, land commissioner qualifications, response to offers, and timing and schedules. The modest changes proposed below would give condemning authorities a chance to respond to new information that may come to light in the owner's appraisal, possibly totally avoiding the need acquire the property through the exercise of eminent domain authority.

### **Requested Position**

Carver County recommends adding a definition to Section 117.025 to define the Last Written Offer (referred to in 117.031 Attorneys Fees) as the last offer for compensation made in writing by the Condemning Authority to the Owner a maximum of 20 days following the receipt of the Owner's appraisal. Carver County recommends revising Section 117.195 to determine the annual interest on award based on the secondary market yield of one year United States Treasury bills rounded to the nearest one percent.



## Issue #4: Representation on the Transportation Advisory Board and Approval Authority for the Transportation Policy Plan

### Background

The Metropolitan Council is required to adopt a Transportation Policy Plan (TPP) that guides the development of transportation infrastructure and services and their provision within the seven county metropolitan area. The nontransit element of the plan is required to be developed in consultation with the 1) transportation advisory board, 2) the Metropolitan Airports Commission and 3) cities having an airport located within or adjacent to its corporate boundaries. The Council as the Twin Cities metropolitan planning organization (MPO) distributes federal funds under its Transportation Improvement Program (TIP) for locally-initiated highway, road, transit and other transportation improvements. The award of funds is supposed to be consistent with the priorities identified in the TPP. MNDOT also looks to the TPP to guide the state's transportation investments or projects within the Twin City metropolitan area.

Given the preeminent role the TPP plays in governing the distribution of federal transportation funds and the state's transportation investments within the metropolitan area, it is critical that the concerns and interests of all localities as represented by their elected representatives be taken into account. The current composition of the Transportation Advisory Board (TAB) does not do that nor does its composition meet the requirements of federal law.

A composition that meets this objective would be:

- (1) the commissioner of transportation or the commissioner's designee;
- (2) the commissioner of the Pollution Control Agency or the commissioner's designee;
- (3) one member of the Metropolitan Airports Commission appointed by the commission;
- (4) one person appointed by the council to represent non-motorized transportation;
- (5) one person appointed by the commissioner of transportation to represent the freight transportation industry;
- (6) one member of the Metropolitan Transit Agency;
- (7) one member of the Suburban Opt Outs appointed by the Suburban Transit Providers Organization
- ~~(6) two persons appointed by the council to represent public transit;~~
- ~~(7) nine ten~~ nine ~~ten~~ elected officials of cities within the metropolitan area, including ~~one~~ two representatives of from each first-class cities, appointed by the Association of Metropolitan Municipalities;
- ~~(8) one~~ one member of the county board of each county in the seven-county metropolitan area, appointed by the respective county boards.

Since the role of the TAB is to advise the Metropolitan Council - not rubber stamp the recommendations of the council's staff, the TAB must have sufficient independence to exercise that role. That independence should include the ability to elect its own chair from among its ranks of appointees, employ an independent TAB coordinator, and to approve the TPP and the TIP. Absent the later, the appointed Metropolitan Council would be free to ignore the TAB's and localities wishes as represented by elected officials on the board.

**Requested Position**

Carver County requests that the legislature change the composition of the Metropolitan Council's Transportation Advisory Board (TAB) to meet federal requirements that the membership consist of (A) local elected officials, (B) officials of the public agencies that administer or operate major modes of transportation and (C) appropriate State officials. Carver County further urges that the TAB elect its own chair, be able to employ an independent coordinator and that the TAB must approve the Transportation Policy Plan (TPP) that the council is required to adopt under section 473.146 and the Transportation Improvement Program (TIP) that the Council is required to adopt under federal law.





## Issue # 5: Operations and Maintenance Funding for Regional Parks

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### **Background**

Carver County receives a portion of its operations and maintenance (O&M) funding for the regional parks it administers. O&M funding comes from the State General Fund and Metropolitan Council. Annually Carver County receives approximately 11 percent or roughly \$128,000 for O&M funds. Benefits of this funding include:

- Reduces County property tax to maintain its regional parks
- Continues a satisfactory levels of park services
- Helps off-set cost of users outside of Carver County

### **Requested Position**

Support Legislation to continue operations and maintenance funding for 2015-2016 at the same level as compared to the 2013-2014 funding cycle.



## Issue #6: Parks and Trails Legacy Funding

### Background

In April of 2012, the Minnesota Department of Natural Resources contracted with the Environmental Initiative to manage and facilitate a nine-member working group to develop consensus recommendations and accompanying rationale to serve as a model for parks and trails funding allocations for the FY 2014-2015 biennium and beyond. The Parks and Trails Legacy Funding Committee has reached consensus on an interim agreement for parks and trails legacy funding allocations to the majority state and regional providers.

The proposed funding breakdown for Parks and Trail legacy funding is for FY 2014-2019. The breakdown is as follows:

- 0.25% off the top for coordination among partners for marketing and promotional efforts for all parks and trails of state or regional significance.
- 0.25% off the top to fund resources to establish criteria to allocate Legacy funding

The remainder to be split:

- 40% Minnesota Department of Natural Resources
- 40% Metropolitan Regional Parks and Trails
- 20% Greater Minnesota Regional Parks

### Requested Position

Carver County requests that funding from 2016 legacy funding shall be no less than 40% to Metro Regional Parks and Trails after the 0.5% allocation for coordinated marketing and establishment of criteria to allocate Legacy Funding. It is preferred that the allocation of Parks and Trails Legacy Funding for Metro Regional Parks and Trails be equal to the amount of sales tax proceeds generated in the Metropolitan area.

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Extension of Minnesota River Bluffs Regional Trail**

Primary Originating Division/Dept:

**Meeting**

Date:

Contact:  Title:

**Item Type:**

Amount of Time Requested:  minutes

Attachments:  Yes  No

Presenter:  Title:

**Strategic Initiative:**

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

**BACKGROUND/JUSTIFICATION:**

Preliminary plans for the construction of the Extension of the Minnesota River Bluffs Regional Trail have been prepared. These plans indicate the need to obtain property rights over a portion of property within the former Union Pacific Railroad corridor. The identified parcel legally described as, the north half of Lot 8, Block 141, Village of Carver, according to the recorded plat thereof, Carver County, Minnesota, is needed for the construction of the trail. Staff proposed to inform the County Board of actions needed to acquire property for the construction of the trail.

**ACTION REQUESTED:**

Motion to enter into closed session according to Minnesota Statutes Section 13D.05 in order to discuss confidential land acquisition data.

**FISCAL IMPACT:**

If "Other", specify:

**FUNDING**

County Dollars =

**FTE IMPACT:**

**Total**

**QUOTES OR BIDS OBTAINED:**

Related Financial/FTE Comments:

*Office use only:*

RBA 2014 - 2904