



Carver County Board of Commissioners
 November 4, 2014
 Regular Session
 County Board Room
 Carver County Government Center
 Human Services Building
 Chaska, Minnesota

PAGE

9:00 a.m.	1.	a) CONVENE b) Pledge of allegiance c) Public comments - <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 October 21, 2014 Regular Session	1-5
	4.	Community Announcements	
9:10 a.m.	5.	CONSENT AGENDA	
		<i>Connections: Develop strong public partnerships and connect people to services and information</i>	
		5.1 Joint Powers Agreement for Fleet Management Software	6
		5.2 Donations For America Recycles Day Promotion	7
		<i>Communities: Create and maintain safe, healthy and livable communities</i>	
		5.3 Right-of-way Acquisition for Project #SP 010-610-046, CSAH 10 From CSAH 30 to Highway 7	8-12
		5.4 Three-Year Elevator Maintenance Contract - MN Elevator Inc.	13
		5.5 Standalone Cooperative Trail Improvement Policy	14-27
		<i>Growth: Manage the challenges and opportunities resulting from growth and development</i>	
		5.6 Request for approval to contract with the University of South Dakota/Dr. Peter Kindle	28
		5.7 Carver County WMO - Request for approval to contract with G.F. Jedlicki, Inc for Stormwater Re-use Project in Waconia	29-30
		5.8 Kenneth & Wendy Theis - IUP (Contractor's Yard)	31-34
		5.9 San Francisco Township - 166th St. Bridge # L2817	35-38
		5.10 San Francisco Township - 166th St. Bridge # L2818	39-42
		5.11 Gary & Lynn Christensen - CUP (Equestrian Facility)	43-47
		<i>Culture: Provide organizational culture fostering accountability to achieve goals and sustain public trust/confidence in County government</i>	
		5.12 Approval of Memorandum of Agreement with Teamsters Local 320 - Detention Deputies, 911 Dispatchers and TAC Regarding Insurance	48
		5.13 Approval of Memorandum of Agreement with Teamsters Non-Licensed Management Personnel and PSAP Supervisors Regarding Insurance .	49
		5.14 2015 Non-Bargaining Employee Benefits	50-51
		5.15 2015 Retiree Health Insurance Contributions and Coverage	52

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

5.16 Abatements/Additions 53-54
5.17 Review Social Services/Commissioners Warrants NO ATT

9:10 a.m. 6. **COMMUNITIES: Create and maintain safe, healthy and livable communities**
6.1 Affirm November 4, 2014 as Carver County Employment and Training
Recognition Day 55-57

9:15 a.m. 7. **GROWTH: Manage the challenges and opportunities resulting from growth
and development**
7.1 **Closed Session** for Land Acquisition for Future CSAH 92..... 58

9:45 a.m. **ADJOURN CLOSED AND REGULAR SESSION**

WORK SESSION

9:45 a.m. A. **CONNECTIONS: Develop strong public partnerships and connect people to
services and information**
1. 2015 Legislative Priorities 59-69

10:15 a.m. B. **COMMUNITIES: Create and maintain safe, healthy and livable communities**
Chaska and Waconia Power Lines 70

10:35 a.m. **BOARD REPORTS**

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

David Hemze
County Administrator

UPCOMING MEETINGS

November 11, 2014	No Board Meeting
November 18, 2014	2:30 p.m. Committee of the Whole Meeting
November 18, 2014	4:00 p.m. Board Meeting
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

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on October 21, 2014. Chair Gayle Degler convened the session at 4:00 p.m.

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

Members absent: None

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

Ische moved, Maluchnik seconded, to approve the minutes of the October 7, 2014, Regular Session. Motion carried unanimously.

Community announcements were made by the Board.

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

Resolution #59-14, For Carver County to Join an Existing Five Member Cooperative Agreement for Emergency Services Procurements.

Authorized the Sheriff's Office acceptance of \$50 donation.

Approved application for renewal of the on-sale, off-sale and Sunday liquor license for Hollywood Sports, LLC dba Hollywood Sports Complex.

Authorized the purchase of a wood chipper from Tri-State Bobcat of Burnsville, Minnesota for \$39,492.50.

Approved the 2014 Federal Boating Safety Supplemental Equipment grant for \$28,000 to purchase a replacement boat.

Contract with Midwest Fence for \$64,300 for installation of security gates at Baylor Park.

Reduced the vacant .5 FTE clinical nurse specialist to .2 FTE, increased the .5 FTE psychologist to .8 FTE, with the effective date beginning of the pay period following Board approval.

Authorized Suzanne Hunt's attendance at the Internet Library 2104 conference in California.

Approved the Memoranda of Agreement with AFSCME Social Services and AFSCME General Bargaining Units, which will allow members to participate in the new insurance benefit package beginning in 2015.

Approved the Memorandum of Agreement with the AFSCME Assistant County Attorneys bargaining unit to participate in the new insurance benefit package.

Approved the Memorandum of Agreement with the Teamsters Detention Sergeants Bargaining Unit to participate in the new insurance benefit package.

Authorized administering a divided vote referendum for impacted members of the PERA Local Government Correctional Service Employees Retirement Plan and to direct Employee Relations to notify the Public Employees Retirement Association of this decision.

Approved the gas sales agreement with CenterPoint Energy Services and authorized staff to execute a price lock based upon the volumes and price parameters outlined within 30 days of Board's approval.

Reviewed October 14, 2014, Community Social Services' actions/Commissioners' warrants in the amount of \$213,865.45 and reviewed October 21, 2014, Community Social Services' actions/Commissioners' warrants in the amount of \$419,279.62.

Motion carried unanimously.

Rod Franks, Social Services, explained Governor Dayton recently proclaimed October 15th as County Financial Worker and Case Aide Day. He noted the financial worker/case aide's workload increased significantly since implementation of the Affordable Care Act and he wanted to recognize their efforts.

Darla Wulf, Social Services supervisor, thanked the Financial and Case Aid workers for the work they do for the people they serve.

Ische moved, Lynch seconded, to acknowledge and endorse the Governor's Proclamation which designated October 15th as County Financial Worker and Case Aide Day. Motion carried unanimously.

Lynch moved, Maluchnik seconded, to open the public hearing on Management of the Public Right of Way Ordinance 77-2014. Motion carried unanimously.

Darin Mielke, Public Works, recognized the original Ordinance adopted in 2013 and stated the revised Ordinance was based on AMC's and LMC's model ordinance. He stated the purpose was to provide a uniform set of standards, establish a process for permit review and reduce the potential liability to the County. Mielke indicated the administration part of the ordinance rests on the County Engineer. He highlighted the requirements and identified the proposed changes.

No public testimony was received.

Ische moved, Lynch seconded, to close public hearing. Motion carried unanimously.

Workman offered the following Resolution, seconded by Maluchnik:

Resolution #60-14
Appealing an Ordinance in its Entirety and
Adopting Management of the Public Right-of-Way Ordinance 77-2014

Summary: Ordinance 77-2014, Management of the Public Right of Way.

The following is a summary of the essential elements of Ordinance 77-2014, for the purpose of publication as required by M.S. section 375.51. A printed official copy of the ordinance is available for inspection by any person during regular business hours at the office of the Carver County Auditor.

Ordinance 77-2014, repeals the “Permit Management in County Highway Right of Ways” Ordinance and enacts a new Chapter of the Carver County Code of Ordinances, Chapter 93, for Management of the Public Right-of-Way. The ordinance provides for effective and efficient management of county highway right-of-ways by describing uniform procedures for issuance of permits and will enhance the safety of travelers on county highways. This ordinance update removes the notification requirements that do not match state statute and the industry practice, when utility companies need to relocate for a county highway project. This update also removes unenforceable provisions and redundant language that is addressed by state statutes. Finally, the existing ordinance was not assigned a Chapter number in the Carver County Code of Ordinances, which is addressed with the enactment of Chapter 93.

Lyndon Robjent, Public Works, requested the Board approve a contract for building demolition in Watertown for the CR 10 bridge replacement and roadway improvement project. He stated the bridge was structurally deficient, needed to be replaced and was an important arterial through the City. He reviewed the scope of the project and indicated two buildings would be affected by the project.

He indicated they started in April, 2012, to get the Corps of Engineers permit and the required 106 process. He stated it took two years to get the Corps permit, most of it doing with the historic process. Robjent explained bids were opened in May but only one bid was received. He noted the Board had rejected that bid and a new bid opening was scheduled for November.

Robjent reviewed the acquisition of the buildings and indicated they were included in the historical review. He stated they hired Gemini Research to perform the work and identified the areas looked at. He indicated the only potential property that had historical significance was the bridge itself. He stated the buildings did not meet the requirements to be eligible under the national registry for historic places based on modifications to the structures. Robjent added he contacted Gemini today and they confirmed they reviewed these buildings and they stood by their report.

He stated in July 2012, a Phase I and II architecture-history investigation occurred. Robjent

indicated they determined they had to build a new bridge, went through an alternative analysis and received authority from the Corps to replace the bridge structure.

He clarified nothing warranted specific regulatory protection and they received SHPO and Corps approval to move forward. He stated the buildings were not currently registered or eligible to be registered because of the many alterations done to the structures.

Robgent indicated it was now up to the City and County if they wanted to remove or keep the building. He stated it was his recommendation that the building be removed as they cannot build the project without the removal. He noted, in order to be eligible for grant funds, the buildings have to be eligible for historic registration. He clarified the County would have to pay for the relocation and preservation. Robgent stated the buildings were scheduled to be removed in mid-November.

Molly Parker Hoff, Watertown, inquired on the level of a Phase I assessment. Robgent indicated they looked at the age, integrity of the structure and it was determined there were too many modifications to the structures to make them eligible.

Ms. Hoff stated she had contacted the Minnesota Preservation Alliance Director and he suggested that a building could not be torn down with a blanket evaluation and there has to be a full evaluation before proceeding. She stated she was not suggesting they did not look over the project but was concerned on the ramifications if the buildings were torn down and 106 expectations had not been met.

Mark Metz, County Attorney, stated today's presentation sets out the options and the Board has the discretion to make that decision.

Dave Hemze, County Administrator, requested that Ms. Hoff share the email she received from the Preservation Alliance and he would review and follow up on that.

Metz suggested the Board could award the contract contingent upon further review.

Ische moved, Lynch seconded, to approve the contract with Wickenhauser Excavating upon review of the County Attorney's office. Motion carried unanimously.

Martin Walsh, Parks, requested the Board authorize submitting a letter to the Metropolitan Council on the 2040 Regional Parks Policy Plan. He highlighted the Regional Parks system and indicated funding systems remain unchanged.

He indicated the 2030 plan was focused on growth and the 2040 policy shifts focus from growth to sustainability and equity distribution of services and resources. He stated Carver County continues to be a growing County and there needs to be a balance between the need for development, redevelopment, equitable distribution, sustainability and expansion. Walsh stated the draft policy applied an undefined equity lens and they did not know how the equity lens would be applied.

He pointed out the need to understand barriers to equitable distribution before making capital investments. Walsh identified the services areas of the regional parks within the County. Walsh suggested there needs to be more collaboration between agencies that run the parks and the Met Council; that the visitor data needed to be updated; a consistent funding source needs to be provided to address equity and Council should assist agencies in marketing efforts.

Dave Hemze, County Administrator, recognized the suburban metro counties recent meetings related to the transportation policy plan and common themes are being picked up. He stressed the need to continue to pay attention to the policy plans.

Ische moved, Maluchnik seconded, to authorize submitting a letter to the Met Council on the draft 2040 Regional Parks Policy Plan and authorized the Chair to sign. Motion carried unanimously.

Maluchnik moved, Ische seconded, to go into closed session to discuss labor negotiation strategy. Motion carried unanimously.

The Board adjourned the closed session and reconvened the Regular Session at 5:50 p.m. Motion carried unanimously.

Workman clarified he would not be participating in the CSAH 11 construction project closed session that followed as a family member lived in the area and left the room.

The Board went into closed session pursuant to Minnesota Statutes Section 13D.05 to consider offers and counteroffers for the purchase of real property and discuss protected attorney-client privilege information regarding the potential for settlement on PID #30.0061400 and the upcoming mediation session on PID#s 30.0070200, 30.0070400 and 30.0070210.

The Board adjourned the closed and Regular Session at 6:35 p.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:

Joint Powers Agreement for Fleet Management Software

Primary Originating Division/Dept: <input type="text" value="Public Works"/>	Meeting Date: <input type="text" value="11/4/2014"/>
Contact: <input type="text" value="Mike Legg"/> Title: <input type="text" value="Operations Manager"/>	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:
 Connections: Develop strong public partnerships and connect people to services and information

BACKGROUND/JUSTIFICATION:

Carver County along with Scott County and the City of Burnsville, have a shared interest in seeking out opportunities for collaboration between agencies. Working together on the shared interest of providing better service and maintenance of the fleet vehicles serviced by each agency, we have jointly agreed to work together to developed the relationship and find software that would allow all three agencies to aid in obtaining the goal of better fleet maintenance for lower expenses.

In 2012 Scott County Fleet Management completed an overall study of the current fleet software. During the fleet management study it was determined that adding new fleet software would be the best move for the County. New software would greatly increase work productivity, streamline workflows, allow for better capital planning, and make the entire fleet better overall. After County Board approval of the Fleet Plan, staff began developing requirements for the shop/vehicle management system to improve operations in that arena. On February 13, 2013, the County Board approved an Agreement with AssetWorks for the purchase and installation of Fleet Management Software for an amount of \$167,000.

The purpose of this Joint Powers Agreement is to establish the responsibilities of the Parties as they relate to the software collaboration and to set out the process by which costs will be determined, assessed and paid by the Parties.

ACTION REQUESTED:

AUTHORIZING ENTERING INTO A JOINT POWERS AGREEMENT (JPA) WITH THE CITY OF BURNSVILLE AND THE SCOTT COUNTY TO SET OUT THE TERMS, CONDITIONS AND COST SHARING ASSOCIATED WITH THE TRANSIT FLEET MANAGEMENT SOFTWARE COLLABORATION.

FISCAL IMPACT: <input type="text" value="Included in current budget"/> If "Other", specify: <input type="text"/>	FUNDING County Dollars = <input type="text" value="\$41,000.00"/> <input type="text"/> Total <input type="text" value="\$41,000.00"/>
FTE IMPACT: <input type="text" value="None"/>	
QUOTES OR BIDS OBTAINED: <input type="text" value="No"/>	
Related Financial/FTE Comments: <input type="text"/>	

Office use only:
 RBA 2014- 2807

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Donations For America Recycles Day Promotion

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:

"America Recycles Day" is a nationally promoted event that was initiated by the National Recycling Coalition and now promoted by "Keep America Beautiful". "America Recycles Day" is Saturday, November 15, 2014. Environmental Services has used this day in past years as a means of promoting the service offered at the Environmental Center. Vendors that provide recycling and waste management services for the Environmental Center typically provide gifts cards and merchandise as prizes to assist in the promotion and encourage participation by residents and business.

The following prizes have been donated vendors:

- Veolia Environmental Services - \$50 Amex gift cards [3 for \$150 total]
- JR's Advanced Recyclers - \$50 Best Buy gift card
- Randy's Environmental Services - \$25 Applebee's gift card
- Dynamic Recycling - \$25 Culvers gift card
- Greenlights Recycling - LED flashlight and batteries
- The Mulch Store - 2 cubic yards of compost [2 for total of 4 cubic yards]
- Carver County - \$25 voucher for Environmental Recycling Fees

Environmental Services is also using this opportunity to promote the Environmental Center "Facebook" page and "RecycleCarver" website. Residents who like the "Facebook" page and ask a recycling question will be entered into the drawing for the prizes.

ACTION REQUESTED:

Approve donation of prizes for "America Recycles Day"

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT:

Total

QUOTES OR BIDS OBTAINED:

Related Financial/FTE Comments:

County recycling voucher will result in \$25 less in revenue which will be paid from the Professional Services budget.

Office use only:

RBA 2014- 2870

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Right-of-way Acquisition for Project #SP 010-610-046, CSAH 10 From CSAH 30 to Highway 7

Primary Originating Division/Dept:

Meeting
Date:

Contact: Title:

Item Type:
Consent

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

The 2015 construction program includes the reconstruction and partial realignment of CSAH 10 from CSAH 30 on the south to Highway 7 on the north. Additional right-of-way is needed to complete this project. Carver County Public Works has negotiated settlements with several property owners for the acquisition of permanent, drainage and temporary easements along the CSAH 10 corridor.

ACTION REQUESTED:

Adopt a resolution to authorize payment of compensation based on negotiated settlements for easements required for project SP 010-610-046.

FISCAL IMPACT:
If "Other", specify:

FUNDING	
County Dollars =	<input type="text"/>
CSAH Funds (Gas Tax e...	\$133,200.00
Total	\$133,200.00

FTE IMPACT:

QUOTES OR BIDS OBTAINED:

Related Financial/FTE Comments:

Office use only:

RBA 2014- 2839

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

Date: November 4, 2014 _____ Resolution No: _____

Motion By Commissioner: _____ Seconded by Commissioner: _____

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

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

WHEREAS, the County, acting by and through its Board of Commissioners, is authorized by law to acquire land and other interests in real estate which are needed for public use or purpose; and

WHEREAS, Carver County wishes to reconstruct the CSAH 10 from CSAH 30 on the south to Highway 7 on the north, Project #SP 010-610-046 (“Project”); and

WHEREAS, in order to complete the Project it is necessary for the County to purchase property interests from each of the properties described in Exhibit A attached hereto; and

WHEREAS, the County has retained independent real estate appraisers to provide the County with the appraisers’ estimates of the damages caused by the County’s acquisition of the property interests required for the Project; and

WHEREAS, upon completion of the appraisals, the County made offers of compensation to the land owners for the needed property interests consistent with the appraiser’s estimate of the damages being incurred by the various owners as a result of the County’s acquisitions; and

WHEREAS, settlements have been reached with numerous property owners impacted by the project.

NOW, THEREFORE, BE IT RESOLVED by the Carver County Board of Commissioners as follows:

1. The Board of Commissioners finds that it is necessary and for a public purpose for the County to acquire the property interests described in Exhibit A for the Project.

Exhibit A

**Property Interests Required for the Reconstruction of the CSAH 10 From CSAH 30 to
Highway 7
Project #SP 010-610-046**

(Acquisition)

P.I.D. No. 98.4800030

Martin J. Nelson, Sr, Trustee of the Martin J. Nelson, Sr. 2008 Revocable Trust Agreement

Taking of permanent roadway easement for right of way purposes over County State Aid Highway No. 10 (containing 3,028 Sq. Ft., more or less).

Taking of a temporary easement over County State Aid Highway No. 10 (containing 1,466 Sq. Ft., more or less).

Settlement Amount: \$24,600.00.

(Acquisition)

P.I.D. No. 90.102000

David P. Schuler & Linda L. Schuler, husband and wife

Taking of permanent roadway easement for right of way purposes over County State Aid Highway No. 10 (containing 5,913 Sq. Ft., more or less).

Taking of temporary easement over County State Aid Highway No. 10 (containing 3,543 Sq. Ft., more or less).

Settlement Amount: \$75,500.00.

(Acquisition)

P.I.D. No. 10.0341500

Timothy R. Johnson and June H. Johnson, husband and wife

Taking of permanent roadway easement for right of way purposes over County State Aid Highway No. 10 (containing 2,767 Sq. Ft. more or less).

Taking of temporary easements over County State Aid Highway No. 10 (containing 586 Sq. Ft. more less).

Settlement Amount: \$6,000.00.

(Acquisition)

P.I.D. No. 09.0100900

Gary P. Meuwissen and Janice A. Meuwissen, husband and wife

Taking of permanent roadway easement for right of way purposes over County State Aid Highway No. 10 (containing 3,728 Sq. Ft. more or less).

Taking of temporary easements over County State Aid Highway No. 10 (containing 1,867 Sq. Ft. more less).

Settlement Amount: \$27,100.00

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Three-Year Elevator Maintenance Contract - MN Elevator Inc.

Primary Originating Division/Dept: <input type="text" value="Administrative Services - Facilities"/>	Meeting Date: <input type="text" value="11/4/2014"/>
Contact: <input type="text" value="Kevin Maas"/> Title: <input type="text" value="Facilities Services Departmen..."/>	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:
 Communities: Create and maintain safe, healthy, and livable communities

BACKGROUND/JUSTIFICATION:

The County Facilities Department prepared a short request for proposals to State Contract holders and area providers. The last service contract was a five-year contract awarded to MN Elevator. The State of Minnesota grants a permit for each passenger elevator, and its Rules require monthly inspection of each County-owned passenger elevator. The State license division also has an annual fee for each State Permit associated with each elevator. The County has nine permitted elevators, seven of which are on the Courthouse property.

Three firms submitted proposals, including Schindler, Metro Elevator, and MN Elevator, Inc. Both Schindler and MN Elevator are State Contract approved Vendors. County staff opted to prepare our own RFP to receive favorable pricing. The staff is recommending the low monthly provider a contract for a three-year period. The annual base price for inspections by the lowest quote firm, MN Elevator, is \$12,672. The base contract for the three-year period is \$38,106. Adding \$11,984 for maintenance repairs over the three year-period, the total would be \$50,000.

ACTION REQUESTED:

Motion to contract with MN Elevator for a three year inspection and repair service contract.

FISCAL IMPACT: <input type="text" value="Included in current budget"/> If "Other", specify: <input type="text" value="Facilities Maintenance"/>	FUNDING County Dollars = <input type="text" value="\$50,000.00"/>
FTE IMPACT: <input type="text" value="None"/>	Total <input type="text" value="\$50,000.00"/>
QUOTES OR BIDS OBTAINED: <input type="text" value="Yes"/>	

Related Financial/FTE Comments:
 Quoted monthly inspections \$12,672 per year. Hourly rates for repairs and emergency services provided.

Office use only:

RBA 2014 - 2843

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Standalone Cooperative Trail Improvement Policy

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:

A Cost Participation Policy for Stand Alone Cooperative Trail Projects has been developed.

The proposed policy outlines how costs for trail construction projects and maintenance of trails are to be distributed between the County and cities for trail projects that occur as a separate project and not a part of a County roadway construction project.

The policy maps the trail and roadway corridors which may be considered for cost participation. Further a cost participation matrix is provided showing the level of cost participation by the County.

The trails policy was reviewed at the following meetings and dates:

- City Planners 10/25/13
- City Administrators and Managers 3/20/14
- Park Directors and Managers 4/17/14
- County Board Workshop 6/24/14
- County Board Committee of the Whole 10/21/14

Staff is recommending approval of the policy.

ACTION REQUESTED:

Motion approving the Standalone Cooperative Trail Improvement Policy.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT:

Total

QUOTES OR BIDS OBTAINED:

Related Financial/FTE Comments:

Office use only:

RBA 2014 - 2868

***DRAFT
CARVER COUNTY***

PUBLIC WORKS DIVISION

***POLICIES FOR COST PARTICIPATION
BETWEEN CARVER COUNTY
AND OTHER AGENCIES
FOR STANDALONE COOPERATIVE TRAIL
IMPROVEMENT PROJECTS***

Adopted DATE

Carver County Board of Commissioners

TABLE OF CONTENTS

	Page
I. PURPOSE.....	1
II. SCOPE.....	1
III. GENERAL POLICIES.....	1, 2
IV. GENERAL DEFINITIONS.....	2
V. TRAIL TYPE/DEFINITIONS	2, 3
VI. TRAILS COST PARTICIPATION.....	3, 4, 5
VII. TURNEDBACK.....	5, 6
VIII. TRAIL MAINTENANCE	6
IX. VARIANCES.....	6

APPENDIX

- A Cost Participation Summary Matrix Sheet for Standalone Trail Projects
- B Map of Carver County Standalone Trail Classification

I. PURPOSE

To establish policies for determining appropriate division of cost participation to be used by Carver County in funding standalone cooperative trail construction projects with the Minnesota Department of Transportation, municipalities, and other agencies.

II. SCOPE

To establish a cost sharing policy which is consistent with Regional and County trails plans.

III. GENERAL POLICIES

- A. Eligible projects are trail projects consistent with the County Comprehensive Trails Plan.
- B. Eligible project delivery costs include engineering, utility relocation, grading, drainage, base, surfacing, pedestrian ramps, wetland mitigation due to trail impacts and additional right-of-way needed for the trail. The County will only participate in trails constructed to meet Standard Specifications.
- C. A joint powers agreement may further define cost participation, construction and maintenance for circumstances concerning the development of trails that are not addressed by this policy.
- D. Federal funds may be used on any qualifying trails for which federal funds are received.
- E. Regional Park Funds and Parks and Trails Legacy Funds obtained through the State or Metropolitan Council may only be used on Regional Parks and Trails included in the Metropolitan Council's *Regional Parks and Opens Space Policy Plan*. Trail projects must be identified in an approved regional trail master plan to be eligible for regional and Parks and Trails Legacy Funding, or for consideration for reimbursement through a future CIP of the Metropolitan Council.
- F. Trail funding can come from several sources including federal, state, and regional and Parks and Trails Legacy Funding grant programs. In addition, local funding from the County and/or municipality can be used to supplement or match grant funded projects. Projects that are not grant funded require the County and/or municipality to finance the project.
- G. Carver County may provide existing road right-of-way for local trails and non-regional linking trails within County road right-of-way. Carver County does not participate in the acquisition of additional right-of-way, construction or maintenance of local trails. The County may support grant applications for these types of trails.
- H. Trails will be constructed to meet Standard Specifications

IV. GENERAL DEFINITIONS

County: Carver County.

Standard Specifications: Minnesota Department of Transportation Facility Design Manual, DNR Trails Manual, AASHTO Standards

Contract Items: All line item costs in a project bid proposal.

Construction Items: All line item costs in a project bid proposal except mobilization, traffic control, field office, and erosion control measures.

Serviceable Condition: The trail facility has a useful life estimated to be 4 or more years without reconstruction, overlay, and sealcoat.

Approved System: A trail system which has been adopted by a local unit, Carver County or the Metropolitan Council.

Routine Maintenance: Examples - snow removal, grass mowing, sweeping, litter removal, and tree trimming

Bituminous Surface Maintenance: Examples – sealcoat, crack seal and overlay

Reconstruction: Subgrade correction, removal or reclamation of bituminous surface and paving

V. TRAIL TYPE DEFINITIONS

Attached or On Road Bike Route/Trail: On-road facility separated from the driving lane by pavement markings. Emphasizes fitness or transportation uses. Primary users are Type A bicyclists and higher skilled Type B recreationists.

Detached Bike Route/Trail: Off-road facility, separated from the road surface by curb or boulevard. Emphasizes service for fitness and recreation. Primary users are lower skilled Type B and C bicyclists. Accommodating commuter transportation is secondary.

Local: Trails developed within a municipality's local road right-of-way or parks and open space areas, or permitted by the County in county right-of-way. Regional and state trails that are constructed and managed by the County, a city, or a township are not included.

Linking Trails: Paved trail most often located within road right-of-way or utility easements; emphasis is on safe travel for walking, jogging, bicycling, and inline skating to/from destinations throughout the County. Linking trails often provide nearby trail connections to a local park and trail system and can connect to destination areas in and outside of city limits. Often developed in partnership between the County and municipality, they are generally 10 foot wide bituminous surface and serve pedestrians and bicyclist equally well. Linking trails may be designated as a regional trail through the Metropolitan Council's Park and Open Space System Plan, but may be non-regional as well.

Destination Trails: Often located within a regional park, open space corridor, or rail to trail corridor. These trails have high aesthetic value for walking, jogging, bicycling, or inline skating; emphasize a natural, scenic setting, and create a sequence of events that appeals to the users' desire to recreate away from a built environment. To serve pedestrians and bicyclist equally well, trail width is generally 10' or greater, bituminous surface is preferred but a suitable natural surface may also be used, and generally has fewer intersections with roadways and accommodate longer trips. Destination trails are designated as regional or state trails.

VI. Trail Cost Participation

A) Local Trails

Inside City Limits Carver County may provide right-of-way for local trails to be built within existing County road right-of-way. Carver County does not participate in the acquisition of additional right-of-way, construction or maintenance of local trails. Local trails are typically funded with local dollars or grant funds received for local trails. The County may support grant applications for local trails.

Outside City Limits Carver County will fully fund all non-regional linking trails located outside of City limits.

B) Linking Regional Trails

Inside City Limits

I) Detached from road

For new trails, Table 1 outlines cost sharing for land acquisition and construction costs related to trails in this category. Cost sharing arrangements depend on whether land was acquired using official city ordinances and land use controls.

Table 1: Was land acquired by city ordinance or land use controls?

	<u>Cost Share</u>	
	<u>City</u>	<u>County</u>
<u>Yes</u>	<u>100%</u>	<u>0%</u>
<u>No</u>	<u>50%</u>	<u>50%</u>

Note: The County will contribute 50% of costs related to other needed structures like bridges, box culverts and retaining walls for all new trails.

For trail redevelopment projects, the County will contribute 50% of all related costs.

For all projects, Table 2 outlines how outside funding sources will be shared between the County and cities.

Table 2: Sharing Outside Funding Sources

	<u>City</u>	<u>County</u>
Parks & Trails Legacy Funds	<u>0%</u>	<u>100%</u>
Metropolitan Council CIP Funds	<u>0%</u>	<u>100%</u>
State Funds	<u>50%</u>	<u>50%</u>
Federal Funds	<u>50%</u>	<u>50%</u>

City will be responsible for 100% of the land acquisition which can be obtained through official city ordinances and land use controls. City and County will cost share 50/50 in land acquisition/ROW for land that cannot be obtained through ordinances and land use controls. Cities will be responsible for trail construction which can be obtained through city ordinances. County and city will share 50/50 the development costs of trail which cannot be obtained through city ordinances and land use controls. County and city will share 50/50 in the redevelopment costs for the trail. Other needed structures (bridges, box culverts and retaining walls) will be a 50/50 split between city and County.

Regional funding (Parks and Trails Legacy Funds and or Metropolitan Council CIP dollars) may be used for the County portion of a regional trail based on availability of funds and an approved trail master plan. State and federal funds may also be used for trail projects and the local share split 50/50 between city and County for joint projects.

II) Attached to County road

For new trails, Table 3 outlines cost sharing for land acquisition and construction costs related to trails in this category. Cost sharing arrangements depend on whether land was acquired using official city ordinances and land use controls.

Table 3: Was land acquired by city ordinance or land use controls?

	<u>Cost Share</u>	
	<u>City</u>	<u>County</u>
<u>Yes</u>	<u>100%</u>	<u>0%</u>
<u>No</u>	<u>50%</u>	<u>50%</u>

Note: The County will contribute 50% of costs related to other needed structures like bridges, box culverts and retaining walls for all new trails.

For trail redevelopment projects, the County will contribute 100% of all related costs.

For all projects, Table 4 outlines how outside funding sources will be shared between the County and cities.

Table 4: Sharing Outside Funding Sources

	<u>City</u>	<u>County</u>
Parks & Trails Legacy Funds	<u>0%</u>	<u>100%</u>
Metropolitan Council CIP Funds	<u>0%</u>	<u>100%</u>
State Funds	<u>50%</u>	<u>50%</u>
Federal Funds	<u>50%</u>	<u>50%</u>

City will be responsible for 100% of the land acquisition which can be obtained through official city ordinances and land use controls. City and County will cost share 50/50 in land acquisition/ROW for land that cannot be obtained through ordinances and land use controls. Cities will be responsible for trail construction which can be obtained through city ordinances. County and city will share 50/50 the development costs of trail which cannot be obtained through city ordinances and land use controls. County will contribute 100% in the redevelopment costs for the trail. Other needed structures (bridges, box culverts and retaining walls) will be a 50/50 split for construction and replacement between city and County. Regional funding may be used for the County portion of a regional trail based on availability of funds and an approved trail master plan.

State and federal funds may also be used for trail projects and the local share split 50/50 between city and County for joint projects.

Outside City Limits

III)

The County will contribute 100% of all land acquisition and trail development costs. State, federal, regional funds or other funding sources may be used.

D) Destination Trails

Carver County will contribute 100% of all land acquisition, trail development and trail redevelopment costs. State, federal, regional funds or other funding sources may be used.

VII. TURNEDBACK TRAILS WITHIN DESIGNATED REGIONAL CORRIDORS

Maintenance, repair, overlay, reconstruction, safety, and design standards must be adequately addressed by municipalities managing existing trails located in designated regional trail corridors, prior to the County entering into an agreement to accept the trail/trail segment into the County trail system. The County will participate in necessary improvements as outlined in Appendix A.

Turnedback trails should be in a serviceable condition so as to only require routine maintenance for a four (4) year period following turnback.

The municipality is responsible to ensure turnedback trails meet the following conditions:

1. Bituminous pavements shall be in generally good condition. Bituminous pavement that has not been overlaid within the previous ten years, or seal coated and crack sealed within the previous four years, must be overlaid, or seal coated and crack sealed, prior to the County accepting the trail.
2. Bridges and major drainage structures must be in a good state of repair prior to a trail being turned backed. Good state of repair includes such things as a smooth riding surface, bridges pass inspection, railings are sound, the structure is in good appearance, and any erosion issues corrected.

On a case-by-case basis, Cities may issue funds to the County in lieu of any work the municipality would do to meet the conditions outlined in this section issued funds must reflect the estimated cost of the municipality's work. The turnback agreement between the City and the County will define appropriate use(s) of the funds issued by the City.

VIII. Trail Maintenance

A) Local Trails

Inside City limits Detached from the roadway:

Cities will provide routine maintenance. Cities are responsible for the preservation, repair, replacement and maintenance of the trail surface.

II) Attached to the County Roadway:

- B) The County will provide routine maintenance. The County is responsible for the preservation, repair, replacement and maintenance of the trail surface. Linking Regional Trails

Inside City Limits

- I) Detached from the roadway:

Cities will provide routine maintenance of snow removal, mowing, sweeping and clearing of trails.

County and City will split costs 50/50 for preservation, repair and replacement of bituminous surface.

- II) Attached to roadway:

The County will provide routine maintenance of snow removal, mowing, sweeping and clearing of trails.

County will preserve, repair and replace the trail.

Outside City Limits

- I) Detached from roadway:

County will provide routine maintenance of snow removal, mowing, sweeping and clearing of trails

- II) County will preserve, repair and replacement of bituminous surface

- C) Destination Trails

The County will provide routine maintenance of mowing, sweeping and clearing of trails or as provided by agreement. By agreement the County can permit cities to maintain a higher service level than can be provided by the County such as snow plowing or frequent mowing. The County is responsible for the upkeep, repair and replacement and maintenance of the trail surface.

IX. VARIANCES

Any variance from this policy must be approved by the Carver County Board of Commissioners.

APPENDIX A

**CARVER COUNTY TRAIL COST PARTICIPATION
MATRIX FOR STANDALONE TRAIL PROJECTS**

APPENDIX B

MAP

**CARVER COUNTY STANDALONE TRAIL
COST PARTICIPATION POLICY**

APPENDIX A

CARVER COUNTY TRAIL COST PARTICIPATION SUMMARY MATRIX FOR STANDALONE TRAIL PROJECTS

ITEM		LOCAL TRAILS			LINKING REGIONAL TRAILS				DESTINATION TRAILS	
		INSIDE CITY LIMITS		OUTSIDE CITY LIMITS AND AREAS OF ORDERLY ANNEXATION	INSIDE CITY LIMITS		OUTSIDE CITY LIMITS AND AREAS OF ORDERLY ANNEXATION	TURNEDBACK TRAILS	REGIONAL TRAILS	TURNEDBACK TRAILS
		DETACHED FROM COUNTY ROAD	ATTACHED TO COUNTY ROAD		DETACHED FROM COUNTY ROAD	ATTACHED TO COUNTY ROAD				
RIGHT OF WAY ALONG COUNTY ROADWAYS		0%	0% NOTE: County may provide right-of-way for local trails to be built within existing County road right-of-way	100%	50% for land that cannot be obtained through land use	50%	100%	NA	NA	NA
ADDITIONAL RIGHT OF WAY OUTSIDE OF COUNTY ROADS		0%	0%	100%	50% for land that cannot be obtained through land use	50%	100%	NA	100% for land that cannot be obtained through land use	NA
TRAIL CONSTRUCTION		0%	0%	100%	50%	50%	100%	50% Reconstruction	100%	100% Reconstruction
Construction: Other Structures	RETAINING WALLS	0%	0%	100%	50%	50%	100%	50 % Reconstruction	100%	100 % Reconstruction
	TRAIL LIGHTING	0%	0%	100%	0%	0%	100%	50% Reconstruction	100%	50% Reconstruction
	SITE AMENITIES	0%	0%	100%	50%	50%	100%	50% Reconstruction	100%	50% Reconstruction
AFTER CONSTRUCTION: BITUMINUS SURFACE MAINTENANCE, REPAIR, AND REPLACEMENT		0%	100%	100%	50%	100%	100%	100% After reconstruct/overlay 100% If up to standard	100% After crack seal and seal coat	100% after reconstruct/overlay
FUNDING SOURCES		Local, Federal, State, Other			Regional, CSAH, Platting, Trail Dedication	Federal, Regional, CSAH, Platting	Federal, Regional, CSAH, Platting, Trail Dedication	Federal, Regional, Local	Federal, Regional	Federal, Regional, local

Local Trail Corridors

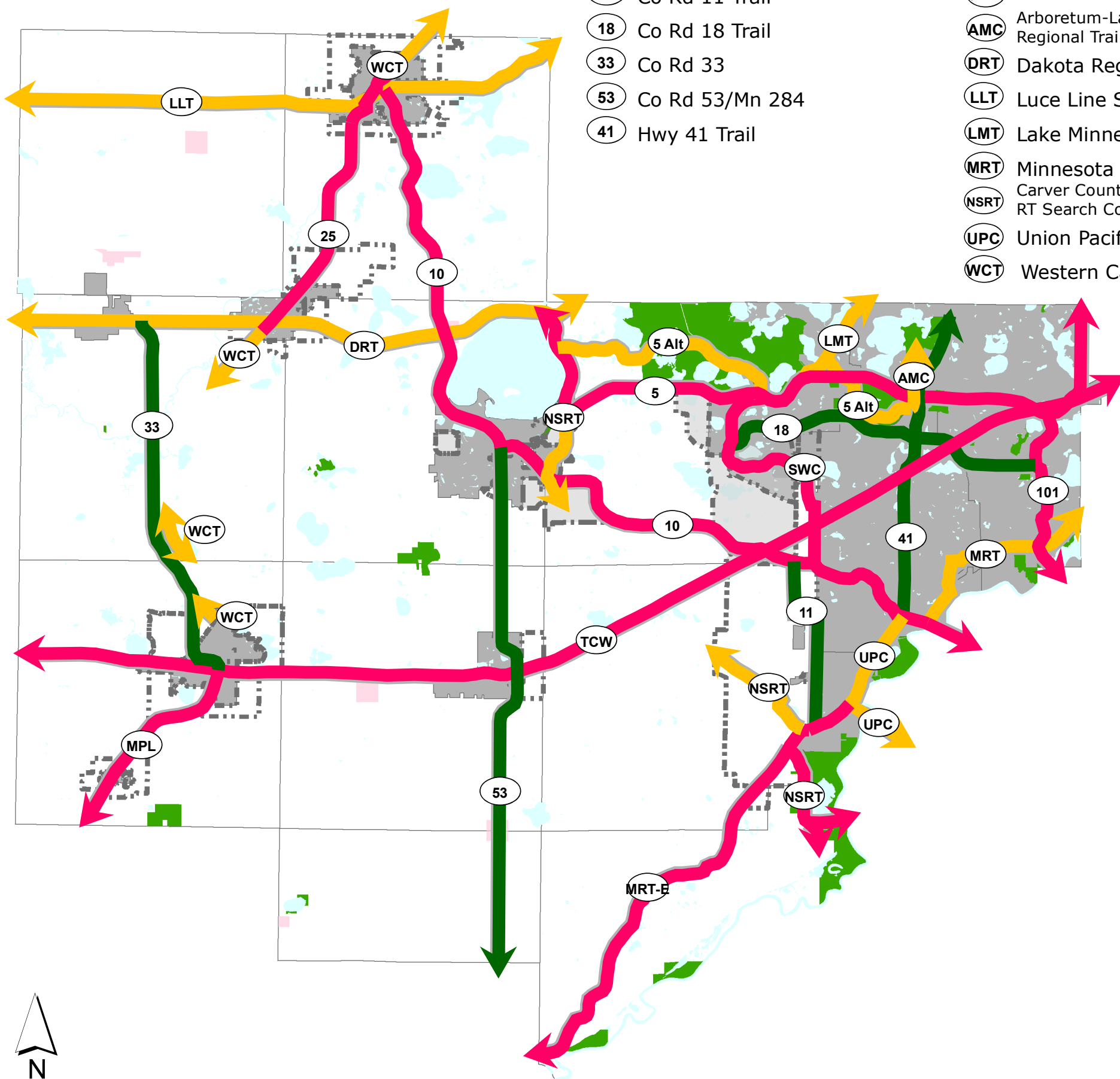
- ①① Co Rd 11 Trail
- ①⑧ Co Rd 18 Trail
- ③③ Co Rd 33
- ⑤③ Co Rd 53/Mn 284
- ④① Hwy 41 Trail

Destination Regional Trail Corridors

- ⑤ ALT Trunk Highway 5 Alternative Trail
- AMC Arboretum-Lake Minnewashta Regional Trail Connection
- DRT Dakota Regional Trail
- LLT Luce Line State Trail
- LMT Lake Minnetonka Regional Trail
- MRT Minnesota River Bluffs Regional Trail
- NSRT Carver County North-South RT Search Corridor
- UPC Union Pacific Railroad Corridor
- WCT Western Carver County Trail (Proposed)

Linking Regional Trail Corridors

- ⑤ Hwy 5 Trail
- ⑩ Co Rd 10 Trail
- ②⑤ Hwy 25 Trail (Proposed)
- ⑩① Hwy 101 Trail
- MPL MN Prairie Line
- MRT-E Minnesota River Bluffs LRT Extension
- NSRT Carver County North-South RT Search Corridor
- SWC Southwest Regional Trail Connection
- TCW Twin Cities & Western Corridor



CARVER COUNTY STANDALONE TRAIL COST PARTICIPATION POLICY

- █ Local Trails
- █ Linking Regional Trails
- █ Destination Regional Trails
- 2030 City Boundary
Based on planned city expansion as indicated in each city's comprehensive plan.
- City
Incorporated areas determine individual land use policy and activities.
- Transition Area
Based on policy areas as described in the County Land Use Plan.
- █ Existing Parks & Public Recreation Areas
Note: not all parks and public recreation areas are shown on this map.

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:

Request for approval to contract with the University of South Dakota/Dr. Peter Kindle

Primary Originating Division/Dept:

Meeting

Date:

Contact: Title:

Item Type:

Consent

Amount of Time Requested: minutes

Presenter: Title:

Attachments: Yes No

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

The Division received a grant from the Department of Justice to provide mental health services in our Carver County jail. A requirement of the grant is to provide a program evaluation of the project. We have a part time psychologist, part time nurse practitioner and jail coordinator working on this project. This contract will allow Dr. Peter Kindle, University of South Dakota faculty and researcher, to provide ongoing program monitoring (data collection and analysis), program suggestions and complete a final summary/evaluation at the end of the grant period. He will provide the final summary/evaluation to Gary Norman, Behavioral Health Manager.

ACTION REQUESTED:

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

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =	\$27,500.00
<input type="text"/>	<input type="text"/>

FTE IMPACT:

Total	\$27,500.00
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QUOTES OR BIDS OBTAINED:

Related Financial/FTE Comments:

- Forty-five percent (45%) (\$12,375) by the end of calendar year 2014
- Forty-five percent (45%) (\$12,375) by the end of calendar year 2015
- Ten percent (10%) (\$2,750) upon submission by University of final report.

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RBA 2014 - 2821

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Carver County WMO - Request for approval to contract with G.F. Jedlicki, Inc for Stormwater Re-use Project in Waconia

Primary Originating Division/Dept: <input type="text" value="Public Health & Environment"/>	Meeting Date: <input type="text" value="11/4/2014"/>
Contact: <input type="text" value="Paul Moline"/> Title: <input type="text" value="PWM manager"/>	Item Type: <input type="text" value="Consent"/>
Amount of Time Requested: <input type="text" value=""/> minutes	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
Presenter: <input type="text" value=""/> Title: <input type="text" value=""/>	

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

BACKGROUND/JUSTIFICATION:

Phase II of this stormwater project was approved for WMO spending by the Board in 2013 continuing the installation of a water reuse system to capture untreated storm water and reduce pollutants entering Burandt Lake. This collaborative project with Carver County Water Management Organization (CCWMO), Carver County Soil and Water Conservation District (SWCD), City of Waconia and Independent School District 110 will retain and reuse an estimated 1.25 million gallons upon full build out. The captured storm water from eight acres of adjacent residential neighborhoods will be used on Waconia High School Football and adjacent ball fields at the Bayview School site, providing the added benefit of water conservation. Phase I was completed in the fall of 2013, and Phase II is projected to be completed by mid 2015.

Staff applied for and received a MN State Clean Water Legacy (CWL) Grant of \$200,000 to fund the project. Remaining funds have been budgeted by the CCWMO.

The CCWMO requested bids for construction of Phase II of the project. G.F. Jedlicki, Inc. submitted the low bid for installing the Water Reuse System with a bid of \$255,771.10. A total of five contractors bid the project. The low three were G.F. Jedlicki, Inc., Cobalt Contracting, and Widmer Construction. Attached is the engineer's Letter of Recommendation to select the low bid and contract with G.F. Jedlicki, Inc. Staff concurs with this recommendation.

ACTION REQUESTED:

Motion to approve and authorize 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.

<p>FISCAL IMPACT: <input type="text" value="Included in current budget"/></p> <p>If "Other", specify: <input type="text"/></p> <p>FTE IMPACT: <input type="text" value="None"/></p> <p>QUOTES OR BIDS OBTAINED: <input type="text" value="Yes"/></p>	<p>FUNDING</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>County Dollars =</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>CCWMO Levy</td> <td style="text-align: right;">\$55,771.10</td> </tr> <tr> <td>CWL Grant Fund (BWSR)</td> <td style="text-align: right;">\$200,000.00</td> </tr> <tr> <td></td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>Total</td> <td style="text-align: right;">\$255,771.10</td> </tr> </table>	County Dollars =	\$0.00	CCWMO Levy	\$55,771.10	CWL Grant Fund (BWSR)	\$200,000.00		\$0.00	Total	\$255,771.10
County Dollars =	\$0.00										
CCWMO Levy	\$55,771.10										
CWL Grant Fund (BWSR)	\$200,000.00										
	\$0.00										
Total	\$255,771.10										

Related Financial/FTE Comments:
\$200,000 allocated from CWL Grant; \$55,771.10 from CCWMO levy Funding. The City of Waconia and the Independent School District 110 are contributing funds to the project outside of this contract.

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RBA 2014- 2858

Project	Burandt Lake Water Reuse System – Phase II.	Date	October 26, 2014
To	Paul Moline	Contact Info	pmoline@co.carver.mn.us
Cc	Charlie Sawdey	Contact Info	csawdey@co.carver.mn.us
Cc	Brett Emmons	Contact Info	bemmons@eorinc.com
From	Derek R. Lash, PE, CPESC	Contact Info	dlash@eorinc.com
Regarding	Recommendation for Contractor Selection		

The purpose of this memorandum is to provide a recommendation for selecting a Contractor to construct the second phase of the Burandt Lake Water Reuse System in Waconia.

Bid Summary

A total of five bids were received and the low bidder is G.F. Jedlicki with a Bid of \$255,771.10. In comparison, the engineers estimate was \$339,983.30.

COMPANY	BID SECURITY INCLUDED	BID
Widmer Construction	Yes	\$344,104.25
Cobalt Contracting	Yes	\$338,604.00
G.F. Jedlicki	Yes	\$255,771.10
Valley Paving	Yes	\$452,893.06
Northdale Construction	Yes	\$541,577.23

Review of Apparent low bidder

Review of the submitted bid packages was performed by Carver County Water Management Organization. (WMO) and Emmons & Olivier Resources, Inc. (EOR). Following the review, it was deemed G.F. Jedlicki was the low responsive bidder.

Recommendation

The low responsive bidder, G.F. Jedlicki, Inc., is recommended for the Burandt Lake Water Reuse System.

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Kenneth & Wendy Theis - IUP (Contractor's Yard)

Primary Originating Division/Dept: <input type="text" value="Public Health & Environment - Land Mgmt."/>	Meeting Date: <input type="text" value="11/4/2014"/>
Contact: <input type="text" value="Amanda Schwabe"/> Title: <input type="text" value="Land Management Planner"/>	Item Type: Consent <input type="text"/>
Amount of Time Requested: <input type="text"/> minutes Presenter: <input type="text"/> Title: <input type="text"/>	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No

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

BACKGROUND/JUSTIFICATION:

File #PZ20140027. The Planning Commission recommended approval of an Interim Use Permit (IUP) for a Contractor's Yard in Section 16 of San Francisco Township on property owned and homesteaded by Kenneth and Wendy Theis. The Board of Adjustment approved Variance #PZ20140025 on October 1, 2014 allowing for placement of the business within 500' of the residence owned by Tony Theis. According to the applicants, the existing business (Ken Theis & Sons Excavating LLC) will be relocated from a 1.21 acre parcel to the east (owned by their son and part business owner, Tony Theis) to their 8.70 acre property with a proposed 60' x 140' accessory structure. The business began in the early 1990's as a home occupation on the smaller parcel. The Operational Plan lists 3 employees, all of which are members of the family and 3 business vehicles in addition to equipment and trailers. As proposed, the IUP would remain in effect so long as the business is owned and operated by a family member who resides at and homesteads the property. Once a Certificate of Occupancy is issued for the proposed building, the business activity at the Tony Theis property would cease (including the use of the existing second driveway for business purposes). Future business activity at the Tony Theis property would be required to operate within the standards of a home occupation. The San Francisco Town Board reviewed the request and recommended approval at their March 21, 2014 meeting with the condition that the existing gravel entrance through the property owned by Tony Theis be closed and screened.

ACTION REQUESTED:

A motion to adopt Findings of Fact and issue Order #PZ20140027 for the issuance of an Interim Use Permit.

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

Office use only:

RBA 2014- 2859

COUNTY OF CARVER
PLANNING COMMISSION RESOLUTION

FILE #: PZ20140027

RESOLUTION #: 14-13

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

FILE #: PZ20140027

APPLICANT/OWNER: Kenneth & Wendy Theis

SITE ADDRESS: 18126 Kelly Lake Road, Carver MN 55315

PERMIT TYPE: Contractor's Yard

PURSUANT TO: County Code, Chapter 152, Section 152.079 C10 & 152.082

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 08-016-1210

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. Mr. & Mrs. Theis own an 8.70 acre parcel located in the SW ¼ of SE ¼ of Section 16, San Francisco Township. The property is improved with a house (attached garage). The parcel is located in the Agricultural Zoning District and the CCWMO – Bevens Creek watershed.
2. The Board of Adjustment reviewed and approved request #PZ20140025 to allow the applicants to apply to the Planning Commission to relocate and operate their business (Ken Theis & Sons Excavating, LLC) within the required 500-foot setback of an existing residence as an Interim Use Permit (IUP) at their October 1, 2014 meeting.
3. The applicants requested an IUP to relocate their existing business from an approximate 1.21 acre parcel located to the east of PID #080161210 (owned by their son/employee Tony Theis) to PID #080161300 (owned and homesteaded by Kenneth & Wendy Theis) with a new, proposed 60' x 140' accessory structure pursuant to Sections 152.079 C10 and 152.082 of the Carver County Zoning Code.
4. According to the applicants, the business would operate from the property which is owned and homesteaded by Kenneth & Wendy Theis in a new, proposed 60' x 140' accessory structure. The structure would be utilized for the storage of trucks and equipment. The business office and restroom would be located inside their existing home. Outside storage of equipment and materials including, but not limited to: sand, rocks, black dirt, trailers, and vehicle attachments is also proposed. The proposal meets the standards of the Zoning Code.
5. The submitted Operational Plan lists three (3) employees, all of which are members of the family. The employees report to the site each morning to pick up a vehicle and obtain work orders. At times, the employees report directly to the job site.
6. The applicants have three (3) business vehicles including one (1) semi and two (2) dump trucks in addition to other equipment and trailers. The applicants anticipate three (3) business trips in and out of the property each day. A majority of the business vehicles would be stored in the proposed structure when they are not at a job site.
7. Upon completion of the proposed building, the applicants propose to plant evergreen trees along the northerly property line of the Tony Theis property to satisfy the comments from San Francisco Township. The applicants are also proposing to construct a berm approximately four (4) feet tall to define the easterly edge of the contractor's yard operational area.

8. At this time, the applicants are not planning on having any signage for the business; however, based on the signage regulations pursuant to Chapter 154 of the County Code, they would be allowed an area not to exceed 32 square feet of surface area. The size of the two-sided sign shall be calculated based on the surface area of only one of the sides, provided the sign surfaces are completely flush.
9. Once a Certificate of Occupancy is issued for the proposed building, the business activity at PID #080161300 would cease (including the use of the existing second driveway for business purposes). Future business activity at PID #080161300 would be required to operate within the standards of a home occupation.
10. The San Francisco Town Board reviewed and recommended approval of the request at their March 21, 2014, Town Board meeting with the condition that the existing gravel entrance through the property owned by Tony Theis be closed and screened.

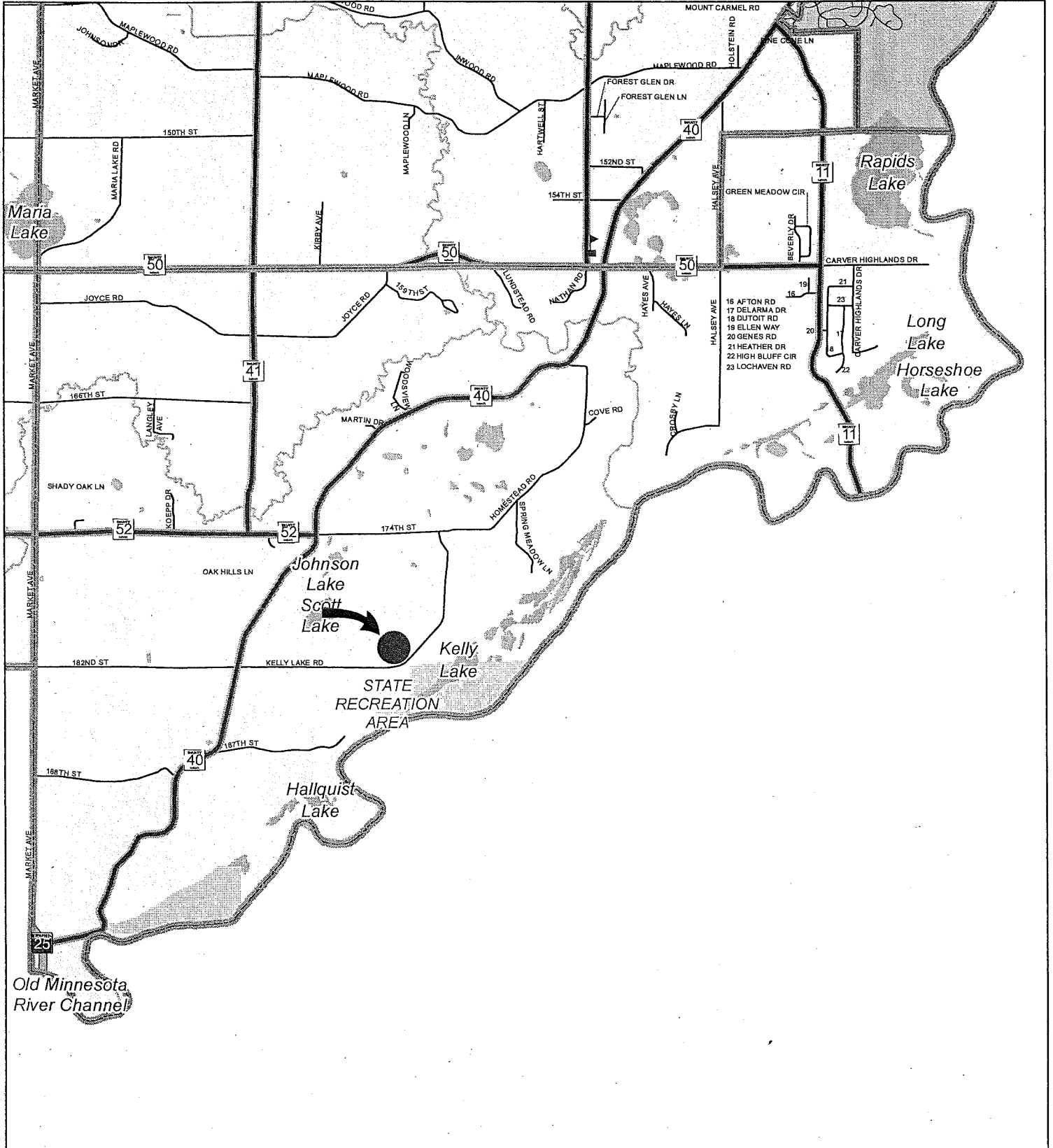
THEREFORE, BE IT RESOLVED, THAT The Carver County Planning Commission hereby recommends the issuance of Interim Use Permit #PZ20140027 for a Contractors Yard on the land described in Exhibit "A" of the permit application. The Planning Commission further recommends that the following conditions be attached to the permit:

1. The permit is subject to administrative review. The IUP shall remain in effect so long as the business (Ken Theis & Sons Excavating, LLC) is owned and operated by a family member who resides at and homesteads the property. The accessory structure shall be constructed and maintained in a fashion that it could easily convert to personal storage at such time the property transfers to a third party and/or the business operation ceases.
2. The operation shall be in accordance with the submitted operational plan (dated: 8/27/14) & site/landscaping plans. These plans shall be attached to and become part of this permit. Existing evergreen screening shall remain substantially in place. Proposed screening (evergreen trees and berm) shall be completed within sixty (60) days of the issuance of a Certificate of Occupancy for the proposed structure.
3. Permittee shall obtain the appropriate building permit(s) prior to the construction of the approximate 60' x 140' structure. All structures used in conjunction with the contractor's yard operation shall meet the requirements of the Minnesota State Building Code. Any future remodeling and/or additions proposed for the subject building will need to be discussed with the Carver County Building Official to determine whether or not a new permit may be needed.
4. Permittee shall contact the Environmental Services Department to obtain a Non-generator's Certificate or a Hazardous Waste Generator's License.
5. Permittee shall comply with road access requirements/improvements as determined by the road authority (i.e. dust control, maintenance, or similar issues).
6. Permittee shall submit a Certificate of Workers' Compensation Insurance and/or proper affidavit to the Land Management Department.

ADOPTED by the Carver County Planning Commission this 21st day of October, 2014.

John P. Fahey
 Planning Commission Chair

SAN FRANCISCO 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:

San Francisco Township -166th St. Bridge # L2817

Primary Originating Division/Dept: Public Health & Environment - Land Mgmt.

Meeting

Date: 11/4/2014

Contact: Steve Just

Title: Dept. Manager

Item Type:

Consent

Amount of Time Requested: minutes

Presenter:

Title:

Attachments: Yes No

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

File PZ20140032. The Planning Commission is recommending approval of a Conditional Use Permit for work within the floodplain of Silver Creek. Carver County Public Works is assisting San Francisco Township with flood damage repair and the replacement of the 166th St. bridge, located 0.9 miles to the west of CSAH 41 (L2817). The Mn/DNR and Carver County WMO have reviewed and approved the project plans. The San Francisco Town Board is also recommending approval.

ACTION REQUESTED:

A motion to adopt Findings of Fact and issue Order #PZ20140032 for the issuance of a Conditional Use Permit.

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 - 2862

COUNTY OF CARVER
PLANNING COMMISSION RESOLUTION

FILE #: PZ20140032

RESOLUTION #: 14-11

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

FILE #: PZ20140032

OWNER: San Francisco Township

APPLICANT: Carver County Public Works (consulting engineer is Ron Benson/Stantec)

SITE ADDRESS: Proposed 166th St. Bridge Replacement (0.9 miles west of CSAH 41)

PERMIT TYPE: Conditional Use, Floodplain District (Roads & Bridges)

PURSUANT TO: County Code, Chapter 152, Section(s) 152.147 C (4)(6)

LEGAL DESCRIPTION: See attached Exhibit A

PARCEL #: 166th St. Road Right-of-Way (PID 08.0061700 is an adjacent parcel)

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. Carver County Public Works is assisting San Francisco Township with flood damage repair and the replacement of the 166th St. bridge, located 0.9 miles to the west of CSAH 41. The site is located on the section line between the S½ of Section 6 and N½ of Section 7 of San Francisco Township. It is in the Ag Zoning District, Shoreland Overlay District (Silver Creek), Floodplain Overlay District and the Carver County WMO.
2. Public Works' consulting engineer, Ron Benson/Stantec, is proposing to replace the existing single span timber bridge with dual concrete box culverts. The project will require work within Permanent and Temporary Easements adjacent to the road right-of way, and the placement of fill material in the floodplain (floodway) of Silver Creek.
3. The applicant is requesting a Conditional Use Permit (CUP) to pursuant to Section 152.147 of the Carver County Zoning Code.
4. Pursuant to the Carver County Zoning Code, Essential Services - Section 152.051 D, public roads, street, and highways are permitted uses. The majority of the 166th Street bridge project meets the permitted use Essential Services criteria; however, the floodplain regulations necessitate the approval of a conditional use.
5. The proposed project meets the standards of the Zoning Code, for a CUP in the floodplain. The site is located in Zone A, which means the floodway and flood fringe of the floodplain have not been delineated. It has been determined that the placement of fill for the bridge/road will not cause an unauthorized increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected. The Hydraulic Engineer's recommendation (Ron Benson, Stantec, Inc.) indicates a 0.19 foot flood stage decrease. Based on the applicable floodplain standards, up to a 0.50 foot stage increase would be allowable (i.e. it is already factored into the regulatory flood stage analysis).

6. The Carver County Planning and Water Management Department (CCWMO) and Carver Soil & Water Conservation District (SWCD) have reviewed the details of the project with respect to compliance with the County Water Rules and Best Management Practices (BMP's). SWCD will likely be facilitating a pre-construction meeting and providing monitoring of the construction activities at the site. The CCWMO has submitted their review letter (comments), dated October 10, 2014.
7. The Mn/DNR has reviewed/approved the required Public Waters Work Permit and has issued permit Authorization Number 2015-0572 for the project.
8. The San Francisco Town Board has reviewed and recommended approval of the request at their October 20, 2014 Town Board meeting.

THEREFORE, BE IT RESOLVED, THAT The Carver County Planning Commission hereby recommends approval of the work within the floodplain, for the 166th St. bridge replacement project, located 0.9 miles to the west of CSAH 41, with the following conditions attached:

1. The permit is subject to administrative review. The final construction plans and site plans shall be considered part of this permit. The bridge replacement activities must be conducted in conformance with the approved plans.
2. Permittee shall comply with the Carver County WMO review letter (comments), which shall be attached to and considered part of this permit.

ADOPTED by the Carver County Planning Commission this 21st day of October, 2014.

John Fahey,
Planning Commission Chair

Carver County Board of Commissioners Request for Board Action



Agenda Item:

San Francisco Township - 166th St. Bridge # L2818

Primary Originating Division/Dept:

Meeting
Date:

Contact: Title:

Item Type:
Consent

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

File PZ20140033. The Planning Commission is recommending approval of a Conditional Use Permit for work within the floodplain of Silver Creek. Carver County Public Works is assisting San Francisco Township with flood damage repair and the replacement of the 166th St. bridge, located 1.5 miles to the west of CSAH 41 (L2818). The Mn/DNR and Carver County WMO have reviewed and approved the project plans. The San Francisco Town Board is also recommending approval.

ACTION REQUESTED:

A motion to adopt Findings of Fact and issue Order #PZ20140033 for the issuance of a Conditional Use Permit.

FISCAL IMPACT:
If "Other", specify:

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

FTE IMPACT:

QUOTES OR BIDS OBTAINED:

Related Financial/FTE Comments:

Office use only:

RBA 2014 - 2863

COUNTY OF CARVER
PLANNING COMMISSION RESOLUTION

FILE #: PZ20140033

RESOLUTION #: 14-12

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

FILE #: PZ20140033

OWNER: San Francisco Township

APPLICANT: Carver County Public Works (consulting engineer is Ron Benson/Stantec)

SITE ADDRESS: Proposed 166th St. Bridge Replacement (1.5 miles west of CSAH 41)

PERMIT TYPE: Conditional Use, Floodplain District (Roads & Bridges)

PURSUANT TO: County Code, Chapter 152, Section(s) 152.147 C (4)(6)

LEGAL DESCRIPTION: See attached Exhibit A

PARCEL #: 166th St. Road Right-of-Way (PID 08.0061900 is an adjacent parcel)

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. Carver County Public Works is assisting San Francisco Township with flood damage repair and the replacement of the 166th St. bridge, located 1.5 miles to the west of CSAH 41. The site is located on the section line between the S½ of Section 6 and N½ of Section 7 of San Francisco Township. It is in the Ag Zoning District, Shoreland Overlay District (Silver Creek), Floodplain Overlay District and the Carver County WMO.
2. Public Works' consulting engineer, Ron Benson/Stantec, is proposing to replace the existing single span timber bridge with dual concrete box culverts. The project will require work within Permanent and Temporary Easements adjacent to the road right-of way, and the placement of fill material in the floodplain (floodway) of Silver Creek.
3. The applicant is requesting a Conditional Use Permit (CUP) to pursuant to Section 152.147 of the Carver County Zoning Code.
4. Pursuant to the Carver County Zoning Code, Essential Services - Section 152.051 D, public roads, street, and highways are permitted uses. The majority of the 166th Street bridge project meets the permitted use Essential Services criteria; however, the floodplain regulations necessitate the approval of a conditional use.
5. The proposed project meets the standards of the Zoning Code, for a CUP in the floodplain. The site is located in Zone A, which means the floodway and flood fringe of the floodplain have not been delineated. It has been determined that the placement of fill for the bridge/road will not cause an unauthorized increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected. The Hydraulic Engineer's recommendation (Ron Benson, Stantec, Inc.) indicates a 1.20 foot flood stage decrease. Based on the applicable floodplain standards, up to a 0.50 foot stage increase is allowable (i.e. it is already factored into the regulatory flood stage analysis).

6. The Carver County Planning and Water Management Department (CCWMO) and Carver Soil & Water Conservation District (SWCD) have reviewed the details of the project with respect to compliance with the County Water Rules and Best Management Practices (BMP's). SWCD will likely be facilitating a pre-construction meeting and providing monitoring of the construction activities at the site. The CCWMO has submitted their review letter (comments), dated October 10, 2014.
7. The Mn/DNR has reviewed/approved the required Public Waters Work Permit and has issued permit Authorization Number 2015-0572 for the project.
8. The San Francisco Town Board will be reviewing the final details of the request during their October 20, 2014 Town Board meeting.

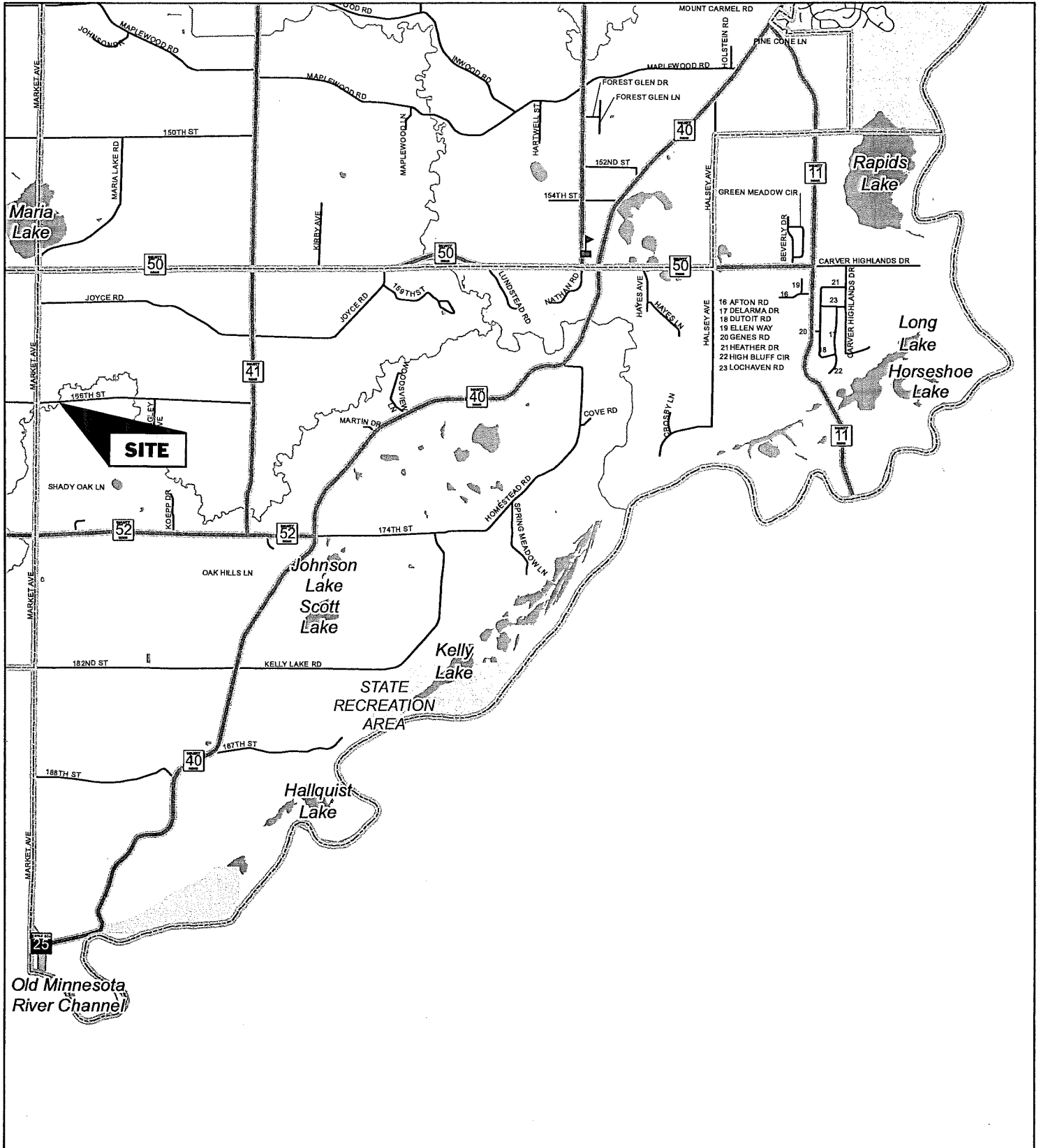
THEREFORE, BE IT RESOLVED, THAT The Carver County Planning Commission hereby recommends approval of the work within the floodplain, for the 166th St. bridge replacement project, located 1.5 miles to the west of CSAH 41, with the following conditions attached:

1. The permit is subject to administrative review. The final construction plans and site plans shall be considered part of this permit. The bridge replacement activities must be conducted in conformance with the approved plans.
2. Permittee shall comply with the Carver County WMO review letter (comments), which shall be attached to and considered part of this permit.

ADOPTED by the Carver County Planning Commission this 21st day of October, 2014.

John Fahey,
Planning Commission Chair

SAN FRANCISCO 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:

Gary & Lynn Christensen - CUP (Equestrian Facility)

Primary Originating Division/Dept: <input type="text" value="Public Health & Environment - Land Mgmt."/>	Meeting Date: <input type="text" value="11/4/2014"/>
Contact: <input type="text" value="Amanda Schwabe"/> Title: <input type="text" value="Land Management Planner"/>	Item Type: <input type="text" value="Consent"/>
Amount of Time Requested: <input type="text" value=""/> minutes	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
Presenter: <input type="text" value=""/> Title: <input type="text" value=""/>	

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

BACKGROUND/JUSTIFICATION:

File # PZ20140031. The Planning Commission recommended approval of a new Conditional Use Permit (CUP) for an Equestrian Facility in Section 14 of Watertown Township on property owned and homesteaded by Gary and Lynn Christensen dba Red Door Ranch, LLC. CUP #PZ20110011 was issued on July 19, 2011, allowing for their equestrian facility with boarding and training of up to 14 horses, including 4 of their own personal horses. The original request also included the now existing 70' x 200' indoor arena. The applicants are now requesting a new CUP to allow boarding and training of up to 18 horses including the 4 horses that they own and an additional horse run-in. There are 4 employees associated with the operation, 2 of which do not reside at the residence. The Environmental Services Department has reviewed and approved the request with appropriate pasture and manure management practices. The Watertown Town Board has reviewed the request and recommended approval.

ACTION REQUESTED:

A motion to adopt Findings of Fact and issue Order #PZ20140031 for the issuance of a Conditional Use Permit.

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

Office use only:

RBA 2014- 2864

COUNTY OF CARVER
PLANNING COMMISSION RESOLUTION

FILE #: PZ20140031

RESOLUTION #: 14-14

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

FILE #: PZ20140031

APPLICANT/OWNER: Gary & Lynn Christensen dba Red Door Ranch, LLC

SITE ADDRESS: 11185 County Road 24, Watertown MN 55388

PERMIT TYPE: Equestrian Facility

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

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 10-014-0900

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. Gary & Lynn Christensen own 16.6 acres located in the NW ¼ of the NW ¼ of Section 14 of Watertown Township. The property is improved with an existing home, an accessory structure (former farmstead), a barn with an attached indoor riding arena, three (3) small horse run-in's, and grazing pasture. The site is located within the Agriculture Zoning District, Shoreland District (Oak Lake), and the CCWRMA – Crow River watershed.
2. The applicants requested a new Conditional Use Permit (CUP) for an equestrian facility which will be utilized as a personal & commercial boarding facility pursuant to Section 152.079 C5 of the Carver County Code, which reads as follows:
3. CUP #PZ20110011 was issued on July 19, 2011 which allowed an equestrian facility with boarding and training for up to fourteen (14) horses, including four (4) of their own personal horses. The original request also included the now existing, 70' x 200' indoor riding arena. According to the submitted operational plan (dated: 9/24/14) the applicants are requesting to be allowed to board and train up to eighteen (18) horses including the four (4) horses they own. A fourth horse run-in is proposed in the future to house the additional animals in inclement weather. The proposal appears to meet the standards of the Zoning Code.
4. The operational and site plans identify the existing structures on the property as the residence, the former farmstead that is now used as an accessory structure and the existing barn/indoor arena which is used for horse stalls, hay storage, and tack storage. The barn/arena is insulated, heated, and includes one (1) handicapped accessible restroom and seven (7) stalls (one (1) stall is a "sick stall" and one (1) stall is a "wash stall"), tack room, and feed room.
5. According to the applicants, no event or shows are proposed associated with this equestrian facility. Any additional buildings associated with the equestrian facility will require discussion with Land Management to determine whether a new CUP will be required.

6. The operation plan states that the hours of operation where clients may access the site would be 9:00 a.m. – 9:00 p.m. daily. The applicants anticipate each client accessing the property an average of two (2) times per week. Parking is available off the existing driveway. According to the applicants, approximately eight (8) vehicle trips are anticipated in and out of the site each day.
7. A majority of the property is in the Shoreland District of Oak Lake (Natural Environment Lake). Equestrian facilities are allowed within the shoreland district provided provisions of Chapter 54 – Feedlot Management regulations are met. In general, a feedlot would not be allowed with ten (10) or more animal units, but with pasturing and proper management the operation would be in compliance. The site must comply with the requirements in the letter from Lori Brinkman, Assistant Feedlot Administrator dated 10/8/14.
8. There are four (4) employees at the equestrian facility, two (2) of whom do not reside at the residence and are not family. The applicants are required to submit proof of Workers Compensation. Should the facility cease to have non-family members working at the facility, the applicants will be required to submit an affidavit stating that they do not have any employees.
9. Boarders riding on private property would be prohibited unless written agreements are provided to Land Management.
10. The applicants are not proposing any signage for the facility this time. All future signage must meet the requirements of Chapter 154: Sign Regulations.
11. Carver County Environmental Services Department has record of a Certificate of Compliance for the septic system serving the residence. However, the Certificate of Compliance for the existing septic system serving the accessory structure (former farmstead) and restroom in the barn/arena expired on July 21, 2014 therefore a compliance inspection is required.
12. The Watertown Town Board reviewed the request at their October 6, 2014 meeting and recommended approval.

THEREFORE, BE IT RESOLVED, THAT The Carver County Planning Commission hereby recommends the issuance of Conditional Use Permit #PZ20140031 for an Equestrian Facility on the land described in Exhibit “A” of the permit application. The Planning Commission further recommends that the following conditions be attached to the permit:

1. The permit is subject to administrative review. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners/operators are encouraged to contact Land Management as early on in the timeline of the proposed change as possible.
2. The equestrian facility shall operate in accordance with the operation and site plans (dated 9/24/14). These plans shall be attached to and become part of this permit. Commercial boarding of a maximum of eighteen (18) horses, including the four (4) horses owned by the applicants, may be conducted in accordance with Chapter 54 – Feedlot Management requirements and the letter from Lori Brinkman, Assistant Feedlot Officer, dated 10/8/14. With proper pasturing and management a feedlot permit would not be required.
3. All permits required by the Building Official shall be obtained prior to construction of the proposed run-in. All structures utilized as part of the operation in which public (volunteers/boarders) have access shall meet the applicable State Building Code requirements. Any future buildings will require discussion with Land Management for a determination as to whether an application for amendment or similar consideration is necessary.
4. The Permittee shall comply at all times with the County standards as detailed in Chapter 152 – Zoning Code and Chapter 154 – Sign Regulations.
5. The Permittee shall comply at all times with the County standards as detailed in Chapter 52 – Sewage Treatment

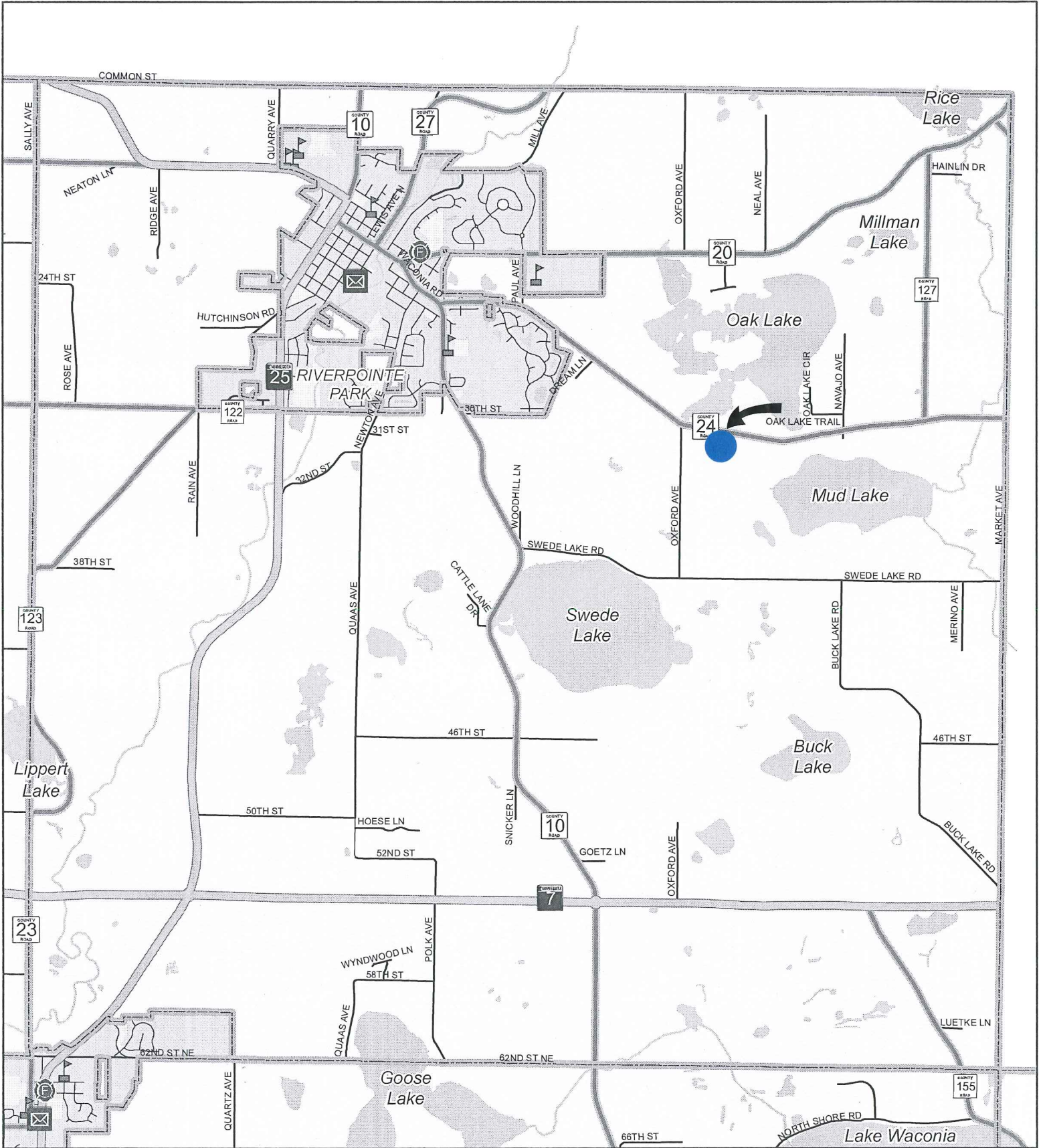
Systems and obtain all permits required by Environmental Services. A Certificate of Compliance for the existing accessory structure (barn/arena) shall be submitted.

6. Riding on neighboring private property would be prohibited unless written agreements are provided to Land Management.
7. The Permittee shall maintain homestead status on the property.
8. The Permittee shall submit proof of Workers Compensation or an affidavit (concerning compensation) stating that they do not have any employees.

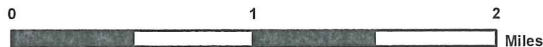
ADOPTED by the Carver County Planning Commission this 21st day of October, 2014.

John P. Fahey
Planning Commission Chair

WATERTOWN 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:

Approval of Memorandum of Agreement with Teamsters Local 320 - Detention Deputies, 911 Dispatchers and TAC Regarding Insurance

Primary Originating Division/Dept: <input type="text" value="Employee Relations"/>	Meeting Date: <input type="text" value="11/4/2014"/>
Contact: <input type="text" value="Kerie Anderka"/> Title: <input type="text" value="ER 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:
 Culture: Provide organizational culture fostering accountability to achieve goals & sustain public trust/confidence in County government

BACKGROUND/JUSTIFICATION:

The County and the Minnesota Teamsters Public and Law Enforcement Employees' Union, Local 320 representing Detention Deputies, 911 Dispatchers and TAC Officer are parties to a labor agreement effective January 1, 2014 through December 31, 2015.

A new insurance benefits package was developed to enhance flexibility and better meet the needs of 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 this bargaining unit has indicated their agreement with the proposed package. The Memorandum of Agreement allow the employees in the bargaining unit to participate in the new insurance benefit package beginning in 2015.

The action requested of the Board is approval of the Insurance Memorandum of Agreement with Teamsters Local 320 representing Detention Deputies, 911 Dispatcher and TAC Officer Bargaining Unit.

ACTION REQUESTED:

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

FISCAL IMPACT: <input type="text" value="Included in current budget"/> If "Other", specify: <input type="text"/>	FUNDING County Dollars = <input type="text" value="\$14,742.00"/>
FTE IMPACT: <input type="text" value="None"/>	Total <input type="text" value="\$14,742.00"/>
QUOTES OR BIDS OBTAINED: <input type="text" value="N/A"/>	
Related Financial/FTE Comments: <input type="text"/>	

Office use only:

RBA 2014- 2854

Carver County Board of Commissioners Request for Board Action



Agenda Item:

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

Primary Originating Division/Dept: <input type="text" value="Employee Relations"/>	Meeting Date: <input type="text" value="11/4/2014"/>
Contact: <input type="text" value="Kerie Anderka"/> Title: <input type="text" value="ER 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:
 Culture: Provide organizational culture fostering accountability to achieve goals & sustain public trust/confidence in County government

BACKGROUND/JUSTIFICATION:

Carver County and the Minnesota Teamsters Public and Law Enforcement Employees' Union, Local No. 320, representing Sheriff's Office Non-Licensed Management Personnel and PSAP Supervisors 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 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 Teamsters Non-Licensed Management and PSAP Supervisors Bargaining Unit have indicated their agreement with the new insurance benefit package.

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

ACTION REQUESTED:

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

FISCAL IMPACT: <input type="text" value="Included in current budget"/> If "Other", specify: <input type="text"/>	FUNDING County Dollars = <input type="text" value="\$1,638.00"/> Total <input type="text" value="\$1,638.00"/>
FTE IMPACT: <input type="text" value="None"/>	
QUOTES OR BIDS OBTAINED: <input type="text" value="N/A"/>	

Related Financial/FTE Comments:

Office use only:

RBA 2014- 2855

Carver County Board of Commissioners Request for Board Action



Agenda Item:

2015 Non-Bargaining Employee Benefits

Primary Originating Division/Dept: <input type="text" value="Employee Relations"/>	Meeting Date: <input type="text" value="11/4/2014"/>
Contact: <input type="text" value="Kerie Anderka"/> Title: <input type="text" value="Employee Relations Division ..."/>	Item Type: <input type="text" value="Consent"/>
Amount of Time Requested: <input type="text" value=""/> minutes	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Presenter: <input type="text" value=""/> Title: <input type="text" value=""/>	

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

The County Board of Commissioners has the authority to establish and revise benefits for non-bargaining employees.

Core benefits for full-time benefit eligible non-bargaining employees currently include life insurance, long-term and short-term disability insurance, and preventive dental insurance. A monthly cafeteria contribution is provided based on the employee's election of health insurance. In addition, County contribution amounts to the Health Reimbursement Arrangement (HRA) or Health Savings Account (HSA) are provided when applicable based on health plan election. Elective benefits include additional short-term disability coverage, expanded dental coverage, supplemental life insurance, medical and dependent care flexible spending accounts, vision insurance and additional contributions to the HSA.

Through significant study and analysis, as well as cooperative efforts with employee groups, a new insurance benefits package was developed to enhance flexibility and better meet the needs of current employees as well as 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 which includes both represented and non-bargaining employees, and was presented to the Board in June. At this time, eight of eleven bargaining units have indicated they wish to participate in the new benefits package. It is recommended that the Board provide the same opportunity for non-bargaining employees to move forward with the new benefits package and employer contributions consistent with those provided for bargaining units that negotiated to accept the new benefits package.

This would include adoption of a four-tier health insurance plan with a cafeteria contribution provided to full-time benefit eligible non-bargaining employees based on the employee's election of health insurance, with 2015 monthly County contribution for single at \$670.00; employee + spouse at \$1,075.00; employee + child(ren) at \$775.00; family at \$1,350.00, and \$150.00 for waiver. Non-bargaining employees budgeted at least half-time, but less than 0.8 FTE are provided \$250.00 per month toward the cost of single health insurance.

Employees participating in the new benefits package will move from a core and buy-up dental plan to a single dental plan covering preventive, basic and major services; with four-tier enrollment options (employee, employee + spouse, employee + child(ren) and family tiers). In keeping with negotiated agreements, it is recommended that the Board continue to cover the full single premium cost for employee dental insurance on the new plan.

For full-time benefit eligible non-bargaining employees selecting the High Deductible Health Plan with HRA, in 2015 the County will provide a quarterly contribution to the Health Reimbursement Arrangement through a VEBA trust. For eligible employees participating in the plan over the course of the year, an amount of \$750.00 will be provided for those with single insurance, and for those with family insurance a contribution of \$1,500.00 will be provided.

For full-time benefit eligible non-bargaining employees selecting the High Deductible Health Plan with Health Savings Account, in 2015 the County will provide a twice monthly HSA contribution. For eligible employees participating in the plan over the course of a year, the County will provide a contribution of \$1,100.00 for those with single insurance, and \$2,000.00 for those with family insurance. The HSA single contribution amount is increased by \$100.00 from 2014, corresponding to the single HSA health insurance plan deductible being raised by the same amount. Employees participating in the new benefits package will have the option to direct HSA contribution dollars to fund their Health Savings Account, purchase other benefit options, fund a deferred compensation plan, or receive the funds as taxable income.

The motion requested is to approve the 2015 benefits for non-bargaining employees to participate in the new benefits package with County contributions as outlined above.

ACTION REQUESTED:

Motion to approve the 2015 benefits for non-bargaining employees as outlined above with participation in the new benefits package and four-tier insurance plans; including 2015 monthly cafeteria contribution amounts for full-time benefit eligible non-bargaining employees based on the employee's election of health insurance with \$670.00 for single, \$1,075.00 for employee + spouse, \$775.00 for employee + child(ren), \$1,350.00 for family, and \$150.00 for waiver; maintaining the \$250.00 per month toward the cost of single health insurance for employees budgeted at least half-time but less than 0.8 FTE; and providing HRA contributions in the amounts of \$750/\$1,500 and HSA contributions in the amounts of \$1,100/\$2,000 as described above.

FISCAL IMPACT: Included in current budget

If "Other", specify:

FUNDING

County Dollars = \$9,828.00

FTE IMPACT: None

Total \$9,828.00

QUOTES OR BIDS OBTAINED: 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 County contributions previously approved in October of 2013.

Office use only:

RBA 2014 - 2866

Carver County Board of Commissioners Request for Board Action



Agenda Item:

2015 Retiree Health Insurance Contributions and Coverage

Primary Originating Division/Dept: <input type="text" value="Employee Relations"/>	Meeting Date: <input type="text" value="11/4/2014"/>
Contact: <input type="text" value="Kerie Anderka"/> Title: <input type="text" value="Employee Relations Division ..."/>	Item Type: <input type="text" value="Consent"/>
Amount of Time Requested: <input type="text" value=""/> minutes	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Presenter: <input type="text" value=""/> Title: <input type="text" value=""/>	

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

Carver County Personnel Policy and certain collective bargaining agreements require the County to contribute to County-sponsored health insurance for certain retirees. Personnel Policy further requires the Board to set the amount the County will contribute to each retiree's insurance for the coming year. In order to qualify for this benefit, retirees must have:

- been employed prior to June, 1, 2010,
- had at least 20 consecutive full-time benefit eligible years of service prior to retirement,
- attained age 60, but not yet be Medicare-eligible,
- maintained County-sponsored insurance since retirement,
- refrained from full-time employment
- and must accept coverage offered by the provider of health insurance coverage to Carver County non-bargaining employees, and the terms of coverage being offered to non-bargaining employees.

For 2015, non-bargaining employees and the majority of represented employees will be moving to the County's new benefits package which includes four-tier health and dental insurance plans, as well as a move from core and buy-up dental to a single dental plan structure. It is recommended that all retiree and continuation coverage move forward with the applicable new benefit package options beginning in 2015.

The recommended monthly cafeteria contributions for active employees are \$670.00 for single, \$1,075.00 for employee + spouse, \$775.00 for employee + child(ren) and \$1,350.00 for family, based on employee health insurance plan election. In past years, the County Board has set the contribution for eligible retirees at an amount consistent with the cafeteria contributions. Retirees selecting family coverage would receive \$1,350.00 per month toward their insurance, employee + spouse would receive \$1,075.00, employee + children would receive \$775.00, and those electing single coverage would receive the lesser of the single premium amount or \$670.00 per month. Employee Relations is recommending the same contributions for 2015.

ACTION REQUESTED:

Motion to move 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.

FISCAL IMPACT: <input type="text" value="Included in current budget"/>	FUNDING
If "Other", specify: <input type="text"/>	County Dollars = <input type="text" value="\$169,080.00"/>
FTE IMPACT: <input type="text" value="None"/>	<input type="text"/>
QUOTES OR BIDS OBTAINED: <input type="text" value="N/A"/>	Total <input type="text" value="\$169,080.00"/>

Related Financial/FTE Comments:

Office use only:

RBA 2014- 2867

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Abatements/Additions

Primary Originating Division/Dept:

Meeting

Date:

Contact: Title:

Item Type:

Amount of Time Requested: minutes

Presenter: Title:

Attachments: Yes No

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

Abatements requested by taxpayers. See attached listing.

ACTION REQUESTED:

Recommend to approve.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

Other

Total

FTE IMPACT:

QUOTES OR BIDS OBTAINED:

Related Financial/FTE Comments:

Office use only:

RBA 2014 - 2865



**CARVER
COUNTY**

Property Records & Taxpayer Services Division
Government Center - Administration Building
600 East 4th Street
Chaska, MN 55318-2102

Laurie Davies, Taxpayer Services Manager
Phone: (952) 361-1907
Email: ldavies@co.carver.mn.us

Angela Johnson, Carver County Assessor
Phone: (952) 361-1961
Email: ajohnson@co.carver.mn.us

**Abatements presented to the
Carver County Board of Commissioners
November 4, 2014**

Abatement approval is recommended by the Carver County Assessor & Taxpayer Services Manager on the following properties for the reasons listed.

Payable Year	Parcel Number	Name	Reason for Abatement	Original Tax Amount	Adjusted Tax Amount	Total Amount of Tax Adjustment	Reduction in Penalties and/or Interest Paid	Total Amount of Adjustment	County Dollars Abated
2014	30.9520553	Deborah Walsh (River Financial LLC - Brakemeier)	Exempt	\$ 136.00	\$ -	\$ (136.00)	\$ -	\$ (136.00)	\$ (35.63)
2014	30.9520009	Lisa Lundberg & James Gund (River Financial LLC -Brakemeier)	Exempt	\$ 366.00	\$ -	\$ (366.00)	\$ -	\$ (366.00)	\$ (107.09)
2014	58.6530060	Jennifer Ramos	Homestead	\$ 3,848.00	\$ 3,650.00	\$ (198.00)	\$ -	\$ (198.00)	\$ (65.49)
2013	25.6150230	Tracy L. Jones	Fire Disaster	\$ 2,690.00	\$ 2,560.00	\$ (130.00)	\$ (10.40)	\$ (140.40)	\$ (44.64)
2014	25.6150230	Tracy L. Jones	Fire Disaster	\$ 2,704.00	\$ 1,658.00	\$ (1,046.00)	\$ -	\$ (1,046.00)	\$ (351.28)
2014	30.9510337	Eric Daniel & Susan Mae Mahnke	Homestead	\$ 136.00	\$ 98.00	\$ (38.00)	\$ -	\$ (38.00)	\$ (13.76)
2014	30.0090900	Jonathan Mosier	Homestead	\$ 1,932.00	\$ 1,622.00	\$ (310.00)	\$ -	\$ (310.00)	\$ (114.16)
2014	11.0120620	Zachary G. Schrupp	Homestead	\$ 2,040.00	\$ 1,872.00	\$ (168.00)	\$ -	\$ (168.00)	\$ (85.48)
2014	65.3020010	Adam Jaehnke & Jennifer Ellson	Homestead	\$ 4,892.00	\$ 4,822.00	\$ (70.00)	\$ -	\$ (70.00)	\$ (25.51)
2014	25.2560430	Randall & Kate Moroney	Homestead	\$ 4,544.00	\$ 4,428.00	\$ (116.00)	\$ -	\$ (116.00)	\$ (42.38)
2014	25.5670160	Michael S. & Wendy A. Woodley	Homestead	\$ 5,560.00	\$ 5,530.00	\$ (30.00)	\$ -	\$ (30.00)	\$ (12.39)
2014	85.0503810	Lori Knauf	Homestead	\$ 2,820.00	\$ 2,442.00	\$ (378.00)	\$ -	\$ (378.00)	\$ (105.67)
2014	75.3490110	Andrea Bleck	Homestead	\$ 3,630.00	\$ 3,420.00	\$ (210.00)	\$ -	\$ (210.00)	\$ (70.15)
TOTALS				\$ 35,298.00	\$ 32,102.00	\$ (3,196.00)	\$ (10.40)	\$ (3,206.40)	\$ (1,073.63)

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Affirm November 4th, 2014 as Carver County Employment and Training Recognition Day

Primary Originating Division/Dept:

Meeting
Date:

Contact: Title:

Item Type:

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

Carver County Employment and Training provide important and vital services which help maintain the economic and personal health of our community. From helping a resident find meaningful employment, or working with area employers to fulfill their labor needs, to helping working members of our County keep their employment by offering child care assistance, Employment and Training staff are their to help. In addition to what has already been listed, staff are also working with County Day Care providers by providing licensing and other support services so children of working parents can be appropriately and safely cared for in our own community. The attached charts provide additional information on the services and clients served. The MFIP Self Sufficiency Index chart shows how Carver County has been a leader statewide in helping our clients on public assistance find employment and become self sufficient without the need for public assistance. In all economic conditions, Carver County Employment and Training staff are on the front line of transforming the individual, family and economic wellbeing of our communities.

ACTION REQUESTED:

It is respectfully requested that Tuesday, November 4th, 2014 be affirmed as Employment and Training Recognition Day.

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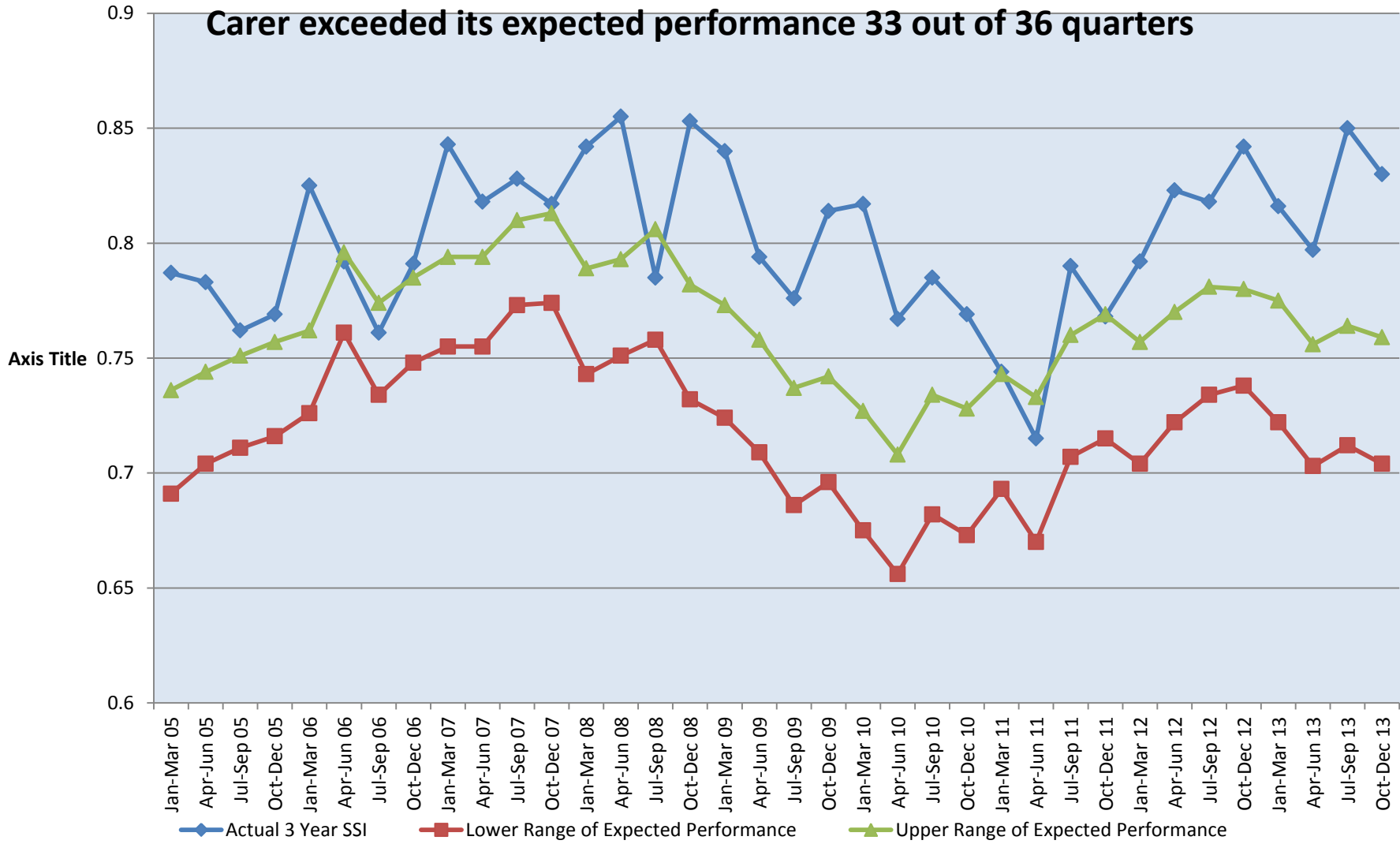
Related Financial/FTE Comments:

Office use only:
RBA 2014 - 2860

WORKFORCE SERVICES, CHILD CARE ASSISTANCE, and DAY CARE LICENSING OPERATING INDICATORS

	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>
Child Care Assistance End of Year Case	195	198	128	124	120	133	142	153	168	179	128	165	132
Licensed Family Day Care Homes	201	207	205	204	200	209	201	199	198	197	188	182	167
Workforce Resource Center Average Daily Client Usage	45	69	71	72	66	66	74	85	105	93	84	81	77
Workforce Services Enrolled Clients	726	998	942	838	585	702	775	855	1,161	1,256	828	720	644

MFIP Self Support Index Results of Expected Performance



Carver County Board of Commissioners Request for Board Action



Agenda Item:

Closed Session for Land Acquisition for Future CSAH 92

Primary Originating Division/Dept:

Meeting

Date:

Contact: Title:

Item Type:

Amount of Time Requested: minutes

Presenter: Title:

Attachments: Yes No

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

A property owner within a proposed future alignment of CSAH 92 south of Airport Road has contacted the county regarding a possible purchase of his land. The information being presented to the board is confidential in nature since it is related to possible negotiations with a property owner for the purchase of his/her land.

ACTION REQUESTED:

Motion to enter into closed session according to Minnesota Statute Section 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 and give direction to the Director of Public Works on negotiating said purchase.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT:

Total

QUOTES OR BIDS OBTAINED:

Related Financial/FTE Comments:

Office use only:

RBA 2014- 2841

Carver County Board of Commissioners Request for Board Action



Agenda Item:

2015 Legislative Priorities

Primary Originating Division/Dept:

Meeting
Date:

Contact: Title:

Item Type:

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

Connections:

BACKGROUND/JUSTIFICATION:

Carver County staff developed a draft list of 2015 legislative priorities:

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

These priorities will be presented at the workshop and staff will seek input and direction from the County Board.

ACTION REQUESTED:

Provide input and direction on Carver County's 2015 legislative priorities.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT:

Total

QUOTES OR BIDS OBTAINED:

Related Financial/FTE Comments:

Office use only:

RBA 2014- 2856



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.¹

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.**

¹ 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 three major transportation priorities in Carver County that require an increase in transportation funding. Two out of the three 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 growing 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. Continue the Current 50/50 Distribution of the Leased Motor Vehicle Sales Tax 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

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 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) two persons appointed by the council to represent public transit;
- (7) ten elected officials of cities within the metropolitan area, including one representative from each first-class city, appointed by the Association of Metropolitan Municipalities;
- (8) 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 and to approve the TPP. 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

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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 and that the TAB must approve the Transportation Policy Plan (TPP) that the council is required to adopt under section 473.146.



Issue # 5: Operations and Maintenance Funding for Regional Parks

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:

Chaska and Waconia Power Lines

Primary Originating Division/Dept: Administration (County)

Meeting

Date: 11/4/2014

Contact: Tom Vellenga Title: Asst. Co. Admin.

Item Type:

Work Session

Amount of Time Requested: 15 minutes

Presenter: Tom Vellenga, Marty Walsh... Title: Asst. Co. Admin., Parks and Re...

Attachments: Yes No

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

The County staff has wrapped up discussions with Xcel Energy over two separate power line projects in Chaska and Waconia, which staff had linked in an effort to win concessions from Xcel:

- 1) Xcel's request for permits to build its power transmission lines in Chaska in response to the City's request to move the line, and
- 2) The County's request that Xcel commit to moving its power distribution lines out of the proposed Waconia Park at no cost to the County.

1) New Chaska Line

The City of Chaska is asking for quick action on the Xcel permits for the new transmission line in order to remain on schedule and fulfill commitments to neighboring institutions and residents. County staff learned recently that the City promised Xcel that it (Chaska) would bear the cost of any "consideration" for the new lines in Chaska. The new line will run along the boulevard on the front of the Government Center and through a segment of the railway corridor.

2) Waconia Park Progress

For the time being, the staff is not requesting a Board action on the issue of relocation of Xcel lines in Waconia. When additional Waconia Park development is imminent, with specific and actionable plans requiring removal of the power distribution lines from old Highway 5, Xcel has agreed that it would have to comply with the County's request to move those line segments at no cost to the County. Xcel's attorney provided a letter to this effect. The City of Waconia is taking over a segment of Old Beach Lane, including a distribution power line along that corridor. Xcel did not agree to move other line segments at the Park at no cost to the County, citing the terms of their easements and State law. When it is necessary to relocate those lines, the staff anticipates additional discussion and negotiation with Xcel.

ACTION REQUESTED:

Board direction on the request for permits for the proposed transmission line through County and CCRRA properties in Chaska.

FISCAL IMPACT: None

If "Other", specify:

FUNDING

County Dollars = \$0.00

FTE IMPACT: None

Total \$0.00

QUOTES OR BIDS OBTAINED: N/A

Related Financial/FTE Comments:

Permits to private utilities are \$150 per line segment.

Office use only:

RBA 2014-