



Carver County Board of Commissioners
October 21, 2014
Regular Session
County Board Room
Carver County Government Center
Human Services Building
Chaska, Minnesota

PAGE

4:00 p.m.	1.	a) CONVENE	
		b) Pledge of allegiance	
		c) Public comments (limited to five minutes) <i>Anyone wishing to address the Board of Commissioners on an item not on the agenda may come forward at this time. Please limit your comments to five minutes.</i>	
		d) New Employee Introduction	1
	2.	Agenda review and adoption	
	3.	Approve minutes of October 7, 2014, Regular Session	2-5
	4.	Community Announcements	
4:05 p.m.	5.	CONSENT AGENDA	
		<i>Connections: Develop strong public partnerships and connect people to services and information</i>	
	5.1	Resolution for Carver County to Join a Cooperative Agreement for Planning and Coordinating Delivery of Emergency	6-8
	5.2	Request for Approval of Donation	9
	5.3	Application for 2014-2015 renewal of On-Sale, Off-Sale and Sunday Liquor License for Hollywood Sports LLC dba	10
		<i>Communities: Create and maintain safe, healthy and livable communities</i>	
	5.4	Authorize the purchase of a wood chipper for Public Works	11
	5.5	2014 Federal Boating Safety Supplemental Equipment Grant	12
	5.6	Contract with Midwest Fence for installation of entrance gates at Baylor Park.....	13-14
	5.7	Increasing FTE for jail psychologist and reducing FTE for jail psychiatry	15
		<i>Culture: Provide organizational culture fostering accountability to achieve goals and sustain public trust/confidence in County government</i>	
	5.8	Out of state travel for library conference	16
	5.9	Approval of Memoranda of Agreement with AFSCME Social Services and AFSCME General Unit Regarding Insurance	17
	5.10	Approval of Memorandum of Agreement with AFSCME Assistant County Attorneys Regarding Insurance.....	18
	5.11	Approval of Memorandum of Agreement with Teamsters Detention Sergeants Regarding Insurance	19
	5.12	Public Employee Retirement Association (PERA) Correctional Plan Referendum.....	20

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

5.13 Gas Sales Agreement - CenterPoint Energy 21

5.14 Review Social Services/Commissioners Warrants NO ATT

4:05 p.m. **6. CONNECTIONS: Develop strong public partnerships and connect people to services and information**

6.1 County Financial Worker and Case Aide Day Worker 22-23

4:10 p.m. **7. COMMUNITIES: Create and maintain safe, healthy and livable communities**

7.1 **Public Hearing** - Ordinance 77-2014 (Permit Management in County Highway Right of Ways)..... 24-46

7.2 Request for approval to contract with Wickenhauser Excavating, Inc., for Building Demolition in Watertown, MN 47-51

4:40 p.m. **8. CONNECTIONS: Develop strong public partnerships and connect people to services and information**

8.1 2040 Regional Parks Policy Plan Review..... 52-54

5:00 p.m. **9. CULTURE: Provide organizational culture fostering accountability to achieve goals and sustain public trust/confidence in County government**

9.1 Closed Session for Labor Negotiation Strategy 55

5:50 p.m. **10. GROWTH: Manage the challenges and opportunities resulting from growth and development**

10.1 Land Acquisition for CSAH 11 Construction Project #SP 010-611-006... 56

6:30 p.m. **ADJOURN REGULAR SESSION**

6:30 p.m. **BOARD REPORTS**

1. Chair

2. Board Members

3. Administrator

4. Adjourn

David Hemze
County Administrator

UPCOMING MEETINGS

October 28, 2014	7:30 a.m. Carver County Leaders Meeting
October 28, 2014	9:00 a.m. Board Work Session
November 4, 2014	9:00 a.m. Board Meeting
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

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Introduction of New Public Health Nursing Unit Supervisor Laura Reid

Primary Originating Division/Dept:

Meeting

Date:

Contact: Title:

Item Type:

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

Laura Reid was hired to fill a vacant supervisory position within the Public Health Department. Her first day at Carver County was on September 29th. This request is to give Ms. Reid an opportunity to introduce herself, and give the Board members a chance to welcome Laura to her new position.

ACTION REQUESTED:

Welcome Laura Reid.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT:

Total

QUOTES OR BIDS OBTAINED:

Related Financial/FTE Comments:

Office use only:

RBA 2014 - 2834

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on October 7, 2014. Chair Gayle Degler convened the session at 9:06 a.m.

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

Members absent: None

Under public comments, Molly Parker Hoff, Watertown, explained she became aware of plans to demolish the NAPA and Crow River Coffee Shop buildings in the City of Watertown and had knowledge of federal law that requires research when tearing down historic landmarks. She stated she reviewed the research done by Gemini that suggested none of the buildings were historic except for the bridge. She outlined information she gathered and stated, in her opinion, Gemini Research had not done their job. Ms. Parker Hoff recognized the Board made their decisions based on research given to them. She stressed this was an important issue and last week attended a City Council meeting to propose a compromise. She suggested the NAPA building be moved to save a historic building. She stated it would be historic to the town, help tourism and the Department of Transportation would get the turn lane they need. She indicated the City of Watertown tabled it and wanted the full support of the County.

David Hemze, County Administrator, stated he would follow up with the County Engineer and the Watertown City Administrator

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

Workman moved, Maluchnik seconded, to approve the minutes of the September 16, 2014, Regular Session. Motion carried unanimously.

Community announcements were made by the Board.

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

Approved on sale and Sunday liquor license renewal for Baumann Enterprises, Inc., dba B's on the River.

Approved the 2014-2015 on-sale liquor license renewal for Schram Winery LLC dba Schram Vineyards.

Approved on sale and Sunday liquor license application for 2014-2015 for Lancer at Edinburgh, Inc., dba Lancer Catering, Waconia.

Approved the 2014-2015 on sale and Sunday liquor license renewal for Lefties LLC dba Traditions

Old & New.

Approved the 2014-2015 on sale liquor license renewal for Parley Lake Winery LLP dba Parley Lake Winery.

Approved application for renewal of the on-sale, off sale and Sunday liquor license for Hollywood Roadhouse LC dba Hollywood Roadhouse.

Approved application for renewal of the on-sale and Sunday liquor license for Whistle Post LLC dba Sovereign Estate Wine.

Grant agreement with WeCab pending finalization of the contract review process.

Resolution #55-14, Revocation and Turnback of County Highway No. 30.

Resolution #56-14, Authorizing and Directing Condemnation of Easements Required for the CSAH 10 (between CSAH 30 and Trunk Highway 7) Reconstruction Project.

Resolution #57-14, Authorizing Payment of Settlements of Compensation to Landowners for Easements Required for the CSAH 10 Road Reconstruction Project #SP 010-610-046.

Approved decreasing 1.0 FTE Therapist, Emily Kruger, to .8 FTE therapist, increasing 0.25 FTE therapist, Barbara Priebe, to 0.45 FTE therapist, effective the beginning of the first pay period following approval.

Converting the 1.0 FTE collection officer to a 1.0 FTE account technician.

Approved the following abatements:

75.0610150	Alassane Cisse
25.6090230	Jason D. Besler
75.3150560	Rick Seehusen
25.6150650	Stephanie Stathpoulos
85.0504600	Jason Murdock
30.1260580	Robert Stark
25.4262203	Kristen Schmitt

Reviewed September 23, 2014, Community Social Services' actions/Commissioners' warrants in the amount of \$354,326.78; reviewed September 30, 2014, Community Social Services' actions/Commissioners' warrants in the amount of \$341,134.06 and reviewed September 23, 2014, Community Social Services' actions/Commissioners' warrants in the amount of \$221,916.83.

Motion carried unanimously.

Daren Mielke, Public Works, requested the Board approve a contract with SRF Group to assist in preparing the 2014 Regional Solicitation funding applications. The road and trail projects to be submitted for funding were identified. Mielke noted the need to take the lead on 41 and 212 and the difficulty to get money into Carver County with the new scoring material they are planning to use.

Chair Degler pointed out the joint meeting held last week with the five counties and Met Council reps. He noted State funding for inter-ring counties and it was becoming more difficult for the County to qualify for regional solicitation funding.

Maluchnik moved, Lynch seconded, to approve contract with SRF Consulting Group pending finalization of the contract review process. Motion carried unanimously.

David Frischmon, Finance, requested the Board adopt a Resolution approving \$18M general obligation capital improvement note to complete the 2014 capital improvement plan. He noted the adopted plan called for 28M in funding the Southwest Reconnection and CSAH 10 projects. He pointed out the funding recommendations to provide \$8M in County money and the State's \$20M turnback contribution. He indicated rather than wait for the State's funding to move the project forward they were recommending the County cover the State's share and get reimbursed over a fifteen year period. He recognized the 10M bond sale and the 18M line of credit with the State Transportation Revolving Loan Fund. He stated the interest rate would be 1% and the County would not ask for this money until it is needed.

Maluchnik offered the following Resolution, seconded by Workman:

Resolution #58-14
Accepting the Offer of
The Minnesota Public Facilities Authority to Finance
An \$18,000,000 General Obligation Capital Improvement Note of 2014,
Providing for its Issuance and Approving
Execution of a Project Loan Agreement

On vote taken, all voted aye.

David Hemze, Administrator, requested the Board appoint two members to the County's legislative committee. He noted the lobbying agreement that was previously approved with Scott County and stated he was looking for Board members to assist him and the lobbyist as they put together the platform.

Ische moved, Lynch seconded, to appoint Commissioners Workman and Maluchnik to the Legislative Committee. Motion carried unanimously.

Ische moved, Workman seconded, to go into closed session at 9:41 a.m. according to Minnesota States Section 13D.05 in order to discuss confidential land acquisition data within parcel 070181000. Motion carried unanimously.

The Board adjourned the closed session and Regular Session at 10:35 a.m.

David Hemze
County Administrator

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

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Resolution for Carver County to Join a Cooperative Agreement for Planning and Coordinating Delivery of Emergency Communications Services.

Primary Originating Division/Dept: <input type="text" value="Sheriff"/>	Meeting Date: <input type="text" value="10/21/2014"/>
Contact: <input type="text" value="Susan Bowler"/> Title: <input type="text" value="PSAP Supervisor"/>	Item Type: <input type="text" value="Consent"/>
Amount of Time Requested: <input type="text" value=""/> minutes Presenter: <input type="text" value=""/> Title: <input type="text" value=""/>	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No

Strategic Initiative:
 Connections:

BACKGROUND/JUSTIFICATION:

The Resolution is needed for Carver County to join the existing Five Member Cooperative Agreement for Emergency Services Procurements.

The current procurement process is to purchase a Shared/Hosted 9-1-1 phone system to replace our existing equipment due to go end of life in January 2016.

- Replacement of this equipment is imperative because the technology does not work on any operating system newer than Windows XP.
- Windows XP is obsolete and is no longer receiving security updates, putting us in violation of the BCA Security Policy.
- To continue operations with our current computer systems, we have secured an exemption from the BCA with the understanding our computers will be upgraded by 12/31/2014.

ACTION REQUESTED:

Approve and sign the Resolution showing support of joining the Cooperative Agreement.

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="No"/>	
Related Financial/FTE Comments: <input type="text"/>	

Office use only:

RBA 2014 - 2789



BOARD OF COUNTY COMMISSIONERS CARVER COUNTY, MINNESOTA

Date: October 21

Resolution No.: _____

Motion by Commissioner: _____

Seconded by Commissioner: _____

Resolution

For Carver County to Join an Existing Five-Member Cooperative Agreement for Emergency Services Procurements

Whereas, eight (8) Public Safety Answering Point (PSAP) representatives [Allina Health, Carver County, City of Edina, Hennepin Emergency Medical Services, Hennepin County Sheriff's Office, City of Minneapolis, Ramsey County, and Ridgeview Medical] received an "end-of-life" notification, from their current 9-1-1 telephone equipment provider, effective in January of 2016, and;

Whereas, these eight (8) PSAPs established a Consortium with the Dakota Communications Center and the University of Minnesota Emergency Communications Center to jointly explore procurement options of (a) Shared/Hosted 9-1-1 Call Handling System(s), and;

Whereas, nine (9) of the ten (10) PSAPs decided to move forward with the solution proposed by IES, in a Phased approach for implementation, and;

Whereas, five Consortium members (Allina Health, Edina, Hennepin EMS, HCSO, and MECC) are forward as the initial Phase Call Handling System 1 (CHS #1), and;

Whereas, the five Consortium members jointly created and signed a Cooperative Agreement, an Ancillary Agreement, and a Purchase Agreement for CHS #1 and;

Whereas, the Cooperative Agreement, Ancillary Agreement, and Purchase Agreement were developed with the assistance and overview of members' legal representatives, and;

Whereas, the Cooperative Agreement was developed to accommodate the joint procurement of a Shared Call Handling System, and;

Whereas, the Cooperative Agreement was designed to accommodate the addition of other metropolitan area PSAPs, and;

Whereas, the Cooperative Agreement creates no financial obligation to its Parties, and;

Whereas, Carver County and Ridgeview Medical Center desire to join the current five-member Cooperative Agreement, and;

Whereas, Carver County and Ridgeview Medical Center, petitioned the five members requesting the opportunity to become additional Parties to the Cooperative Agreement and;

Whereas, the by-laws of the Cooperative Agreement require a vote by the membership to accept additional Parties, and;

Whereas, the five PSAP consortium's Emergency Communication Services Committee voted unanimously, on July 17th, 2014, at an Implementation Meeting, to accept both Carver County and Ridgeview Medical Center as additional Parties to the Cooperative Agreement, and;

Whereas, to fulfill the additional membership by-laws, Carver County and Ridgeview Medical Center, are required to furnish the Emergency Communication Services Committee a copy of a signed Resolution by the Agencies governing body showing support of joining the Cooperative Agreement,

Therefore, be it resolved that Carver County affix appropriate signatures to this Resolution that will indicate confirmation of desire to join the existing five members Cooperative Agreement, and;

Be it further resolved that PSAP staff is directed to work with legal staff in the development of an Ancillary Agreement and a Purchase Agreement to facilitate a joint procurement with Ridgeview Medical of a Shared Call Handling System (CHS #2). Said documents will be brought before this Board for confirmation of execution.

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

STATE OF MINNESOTA
COUNTY OF CARVER

I, David Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 21st day of October, 2014, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

County Administrator

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Request for Approval of Donation

Primary Originating Division/Dept: Sheriff

Meeting

Date: 10/21/2014

Contact: Leslie Michel Title: Admn Svcs Manager

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:

Donation of \$50.00 from Roger and Beverly Severson to use at the Sheriff's discretion.

ACTION REQUESTED:

Approve \$50.00 donation.

FISCAL IMPACT: None

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT: None

Total \$0.00

QUOTES OR BIDS OBTAINED: No

Related Financial/FTE Comments:

\$50.00 to 02-201-000-0000-5755

Office use only:

RBA 2014- 2818

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Application for 2014-2015 renewal of On-Sale, Off-Sale and Sunday Liquor License for Hollywood Sports LLC dba Hollywood Sports Complex.

Primary Originating Division/Dept: <input type="text" value="PRTS - Property Taxation"/>	Meeting Date: <input type="text" value="10/21/2014"/>
Contact: <input type="text" value="Teri Spencer"/> Title: <input type="text" value="Settlement Tech"/>	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:
 Connections:

BACKGROUND/JUSTIFICATION:

Joseph P. Swartzter Jr., President of Hollywood Sports LLC dba Hollywood Sports Complex has applied for renewal of their On-Sale, Off-Sale and Sunday Liquor License. Hollywood Sports Complex is located at 15950 County Road 122, Watertown.

ACTION REQUESTED:

Approval of the application for renewal of the On-Sale, Off-Sale and Sunday Liquor License for Hollywood Sports LLC dba Hollywood Sports Complex.

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:
 License fee for Hollywood Sports Complex:
 On-Sale - \$2,000.00
 Off-Sale - \$ 150.00
 Sunday - \$ 200.00

Office use only:

RBA 2014 - 2835

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Authorize the purchase of a wood chipper for Public Works

Primary Originating Division/Dept:

Meeting

Date:

Contact: Title:

Item Type:

Consent

Amount of Time Requested: minutes

Presenter: Title:

Attachments: Yes No

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

Carver County owns a model year 2000 brush chipper that is a heavy duty 15 inch diesel engine unit that is need of replacement. As part of the replacement process, Public Works evaluated brush chippers on the current state contract and also contacted local venders and determined none of them carry brush chippers of the size or power source required.

Public Works staff evaluated similar Morbark and Brush Bandit models at PWHQ. The vendors also provided Carver County a trade in value for the existing brush chipper.

Public Works is proposing to buy a new Brush Bandit brush chipper from Tri-State Bobcat in Burnsville, MN.

ACTION REQUESTED:

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

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT:

Total

QUOTES OR BIDS OBTAINED:

Related Financial/FTE Comments:

Office use only:

RBA 2014 - 2803

Carver County Board of Commissioners Request for Board Action



Agenda Item:

2014 Federal Boating Safety Supplemental Equipment Grant

Primary Originating Division/Dept: Sheriff

Meeting

Date: 10/21/2014

Contact: David M. Williams Title: Lieutenant

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:

This grant allows Carver County to purchase a boat and rescue equipment between July 1, 2014 and December 31, 2014.

Boat: The Carver County Sheriff's Office is seeking a new 18'-20' boat in a center console model. This boat will sufficiently meet requirements for public boat launches within the county. This boat will be dual purpose for boating safety/enforcement and water rescue/recovery. The boat will replace an eight-year-old 18' boat that is experiencing hull damage and two-stroke engine repair. This boat can be used daily during the boating season, and also be used by the Sheriff's Dive Team for water emergencies. The 2006 Crestliner 1750 Sport Angler Boat will be traded toward the new purchase.

Water Rescue Throw Bag: Theses rescue bags will be assigned to all patrol vehicles within the fleet of the Sheriff's Office. Carver County has over one hundred bodies of water throughout the county. A rescue bag will provide officers additional resources for water emergencies.

ACTION REQUESTED:

Approval of the of the 2014 Federal Boating Safety Supplemental Equipment Grant for \$28,000.00 to purchase a replacement boat.

FISCAL IMPACT: Other

If "Other", specify: \$28,000 Grant Reimbursement

FUNDING

County Dollars = \$28,000.00

FTE IMPACT: None

Total \$28,000.00

QUOTES OR BIDS OBTAINED: No

Related Financial/FTE Comments:

Once this grant is fully executed, the Grantee may claim reimbursement for expenditures incurred back to the effective date. Reimbursements will only be made for those expenditures made according to the terms of the grant.

Office use only:

RBA 2014- 2822

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Contract with Midwest Fence for installation of entrance gates at Baylor Park

Primary Originating Division/Dept: <input type="text" value="Public Works - Parks"/>	Meeting Date: <input type="text" value="10/21/2014"/>
Contact: <input type="text" value="Martin Walsh"/> Title: <input type="text" value="Parks Support Services Specia..."/>	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:
Communities: Create and maintain safe, healthy, and livable communities

BACKGROUND/JUSTIFICATION:

It is proposed that electronic entrance gates be installed at Baylor Park as a way to modernize security services for the park. The system is not reliant upon staff to open and close gates. The new system is automated and can be programmed to specific hours of operations.

The installation of two gates is planned to control access to the campground, maintenance shop and visitor center. The other gate would control access to the picnic areas, beach and observatory.

The quoted price per gate is \$32,150. Two gates are needed for a total cost of materials and installation of gates but excluding electrical connection is \$64,300.

Town and Country Fence also provided a proposal for the two gates at \$65,520.

ACTION REQUESTED:

Approve a contract with Midwest Fence for \$64,300.00 for installation of security gates at Baylor Park.

FISCAL IMPACT: <input type="text" value="Included in current budget"/>	FUNDING
If "Other", specify: <input type="text"/>	County Dollars = <input type="text" value="\$64,300.00"/>
FTE IMPACT: <input type="text" value="None"/>	Total <input type="text" value="\$64,300.00"/>
QUOTES OR BIDS OBTAINED: <input type="text" value="Yes"/>	

Related Financial/FTE Comments:

It is proposed that unspent Park Department Capital Funds from the following sources be utilized for the project; Lake Waconia Regional Park building demolition of \$48,000, Lake Minnewashta Regional Park culvert replacement and roofing respectively \$10,000 and \$6,300.

Office use only:

RBA 2014 - 2828

GENERAL NOTES:

SITE SURVEY AND BOUNDARY INFORMATION PROVIDED BY CARVER COUNTY.

CONTRACTOR SHALL VERIFY EXISTING CONDITIONS PRIOR TO BIDDING AND CONSTRUCTION START.

CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING STRUCTURES, UTILITIES, TREES, SITE AMENITIES, ETC. FROM DAMAGE DURING CONSTRUCTION.

CONTRACTOR SHALL BE RESPONSIBLE FOR CORRECTING ANY DAMAGE (AT CONTRACTOR'S EXPENSE). THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL LOCATES. ALL LOCATES SHALL BE MARKED IN THE FIELD FOR REVIEW BY THE OWNER/LA-E.

DIMENSIONS TAKE PRECEDENCE OVER SCALE. DIMENSIONS ARE TO BACK OF CURB WHERE APPLICABLE.

FIELD VERIFY (FV) ITEMS SHALL BE FIELD VERIFIED BY THE CONTRACTOR. ANY DISCREPANCIES FOUND THAT AFFECT THE WORK SHALL BE REPORTED TO THE OWNER/LA-E FOR CLARIFICATION PRIOR TO ANY ADDITIONAL WORK BEING COMPLETED.

WOOD FIBER BLANKET REQUIREMENTS:

IF DEEMED NECESSARY BY THE OWNER/LA-E, WOOD FIBER BLANKET SHALL BE LAID IN LOCATION AS DIRECTED BY LA-E.

THE WOOD FIBER BLANKET SHALL CONSIST OF A UNIFORM LIES OF INTERLOCKING WOOD EXCELSTOR FIBERS, WITH A NET BACKING MDOT 3885 SHALL APPLY.

WOOD FIBER BLANKETS SHALL BE INSTALLED WITHIN 24 HOURS AFTER SOWING OF THE SEED. THE BLANKETS SHALL BE ROLLED OUT OR LAID PERPENDICULAR TO THE DIRECTION OF WATER FLOW, WITH THE NETTING ON TOP.

THE BLANKETS SHALL BE SPREAD EVENLY WITHOUT STRETCHING AND SO THE FIBERS ARE IN DIRECT CONTACT WITH THE SOIL OVER THE ENTIRE AREA. ADJACENT STRIP EDGES SHALL BE BUTTED SNUGLY AGAINST (OR OVERLAP) EACH OTHER, STRIP ENDS SHALL OVERLAP EACH OTHER AT LEAST 18 INCHES. ALL OVERLAPS SHALL BE MADE WITH THE UPGRADE STRIP ON TOP.

THE UPGRADE END OF EACH BLANKET STRIP SHALL BE BURIED AT LEAST SIX INCHES IN A VERTICAL SLOT IN THE SOIL, WITH THE SOIL BEING PRESSED FIRMLY AGAINST THE EMBEDDED BLANKET. ALL JOINTS AND OUTER EDGES OF THE BLANKET SHALL BE STAPLED AT 3 FOOT INTERVALS OR LESS, SO AS TO SECURE THE OUTSIDE NETTING STRAND OF EACH STRIP. STAPLES PLACED AT JUNCTURES AND STRIP ENDS SHALL HAVE A MAXIMUM SPACING OF 16 INCHES. STAPLES SHALL BE PLACED THROUGHOUT THE BLANKET AT A MAXIMUM SPACING OF 3 FEET. ALL STAPLES SHALL BE INSERTED FLUSH WITH THE GROUND SURFACE.

PLANTING NOTES:

- ALL SHRUB BEDS SHALL BE PREPARED IN THE FOLLOWING MANNER:
 - REMOVE EXISTING VEGETATION ESPECIALLY GROUND COVER.
 - ROTO TILL TO A DEPTH OF TWELVE INCHES AND INCORPORATE FERTILIZER.
 - REMOVE ALL ROCKS AND DEBRIS
 - PLANT SHRUBS AS PER PLANTING DETAIL #6/L19
 - MULCH TO A DEPTH OF 4-6" WITH SHREDDED HARDWOOD MULCH
 - FULL BACK ALL MULCH FROM AROUND THE STEM OF ALL SHRUBS.
 - WATER DURING AND IMMEDIATELY AFTER PLANTING AS PER PLANTING DETAIL.
- CONTRACTOR SHALL NOT PLANT TREES OR SHRUBS IN PLANTING PITS WHERE HIGH WATER TABLE OR OTHER UNDESIRABLE CIRCUMSTANCES ARE ENCOUNTERED. CONTRACTOR SHALL NOTIFY LANDSCAPE ARCHITECT IMMEDIATELY.
- ALL TREES ARE 2 1/2" CAL. UNLESS SPECIFIED OTHERWISE.
- OWNER RESERVES THE RIGHT TO REVISE QUANTITIES TO SUIT BUDGET LIMITATIONS. CONTRACTOR'S UNIT BID PRICES SHALL PREVAIL FOR ANY CHANGES IN QUANTITIES.
- CONTRACTOR SHALL FIELD STAKE PLANTING ACCORDING TO PLAN. LANDSCAPE ARCHITECT SHALL APPROVE ALL PLANT LOCATIONS. OWNER RESERVES THE RIGHT TO REVISE PLANTING LAYOUT AT TIME OF INSTALLATION.
- BID FORM QUANTITIES TAKE PRECEDENCE OVER PLAN QUANTITIES. LANDSCAPE ARCHITECT SHALL MAKE ADJUSTMENTS TO LAYOUT IN SUCH INSTANCES.

SEEDING GUIDELINES/REQUIREMENTS:

ALL AREAS DISTURBED DURING CONSTRUCTION THAT ARE NOT SODDED OR HARDSURFACED SHALL BE SEEDING IN ACCORDANCE WITH THE PLAN AND SPECIFICATIONS. THE LA-E WILL DESIGNATE AREAS TO RECEIVE THE VARIOUS SEED MIXTURES PRIOR TO THE SEEDING OPERATION (DEPENDENT UPON THE EXTENT OF IRRIGATION TO BE INSTALLED).

REFER TO THE SPECIFICATIONS FOR A DESCRIPTION OF THE IDENTIFIED SEED TYPES AS SHOWN ON THE PLAN AND ADDITIONAL SEEDING REQUIREMENTS.

SODDING GUIDELINES/REQUIREMENTS:

A 24" WIDE STRIP OF SOD SHALL BE PLACED ALONG ALL HARD SURFACES, INCLUDING:

- CONCRETE PAVING
- ASPHALT PAVING
- AGG-LITE SURFACING
- AGGREGATE SURFACING
- CONCRETE CURBS & GUTTER

ALL RAISED ISLAND IN PARKING LOTS SHALL BE SODDED (EXCEPT TREE MULCH PITS)

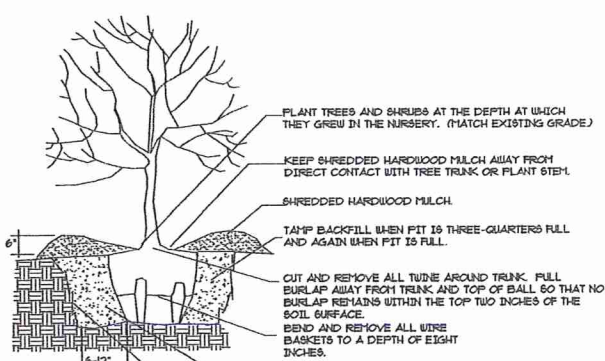
ADDITIONAL SOD (AS DEFINED IN THE BID FORM) SHALL BE PLACED AT THE DIRECTION OF THE LA-E AT THE TIME OF CONSTRUCTION. FINAL PAYMENT FOR ADDITIONAL SOD WILL BE BASED ON ACTUAL QUANTITIES LAID AND THE CONTRACTOR'S UNIT BID PRICE.

REFER TO SPECIFICATIONS FOR SOD SPECIFICATION AND ADDITIONAL REQUIREMENTS.

SPRINGS TO MID-SUMMER PLANTING: FERTILIZE AT THE TIME OF PLANTING WITH A SLOW-RELEASE, BALANCED FERTILIZER SUCH AS A 10-10-10, USE ACCORDING TO MANUFACTURER'S INSTRUCTIONS. MIX FERTILIZER IN WITH BACKFILL OR BROADCAST IN A DIAMETER AROUND THE PLANT. LATE SUMMER TO FALL PLANTINGS: USE A FERTILIZER WITHOUT NITROGEN FOR DECIDUOUS TREES. DO NOT APPLY ANY FERTILIZER TO EVERGREEN TREES AND SHRUBS PLANTED IN LATE SUMMER OR EARLY FALL.

SET PLANTS VERTICAL. WHEN MOVING PLANT, LIFT FROM BENEATH THE BALL. DO NOT LIFT BY THE TRUNK. DO NOT BREAK OR LOOSEN SOIL BALL.

NOTE: IN HEAVY CLAY SOILS OR COMPACTED SOILS, LOOSEN SOIL AROUND PLANTING PIT TO A DEPTH OF 6-12 INCHES WITH A ROTOTILLER OR FITCH-FORK. FOR TREES THIS SHOULD BE DONE IN A TEN FOOT DIAMETER AROUND THE TREE PIT.



SHRUBS/CONTAINERIZED PLANTS: REMOVE (BY CUTTING IF NECESSARY) ALL ROOT CONTAINERS.

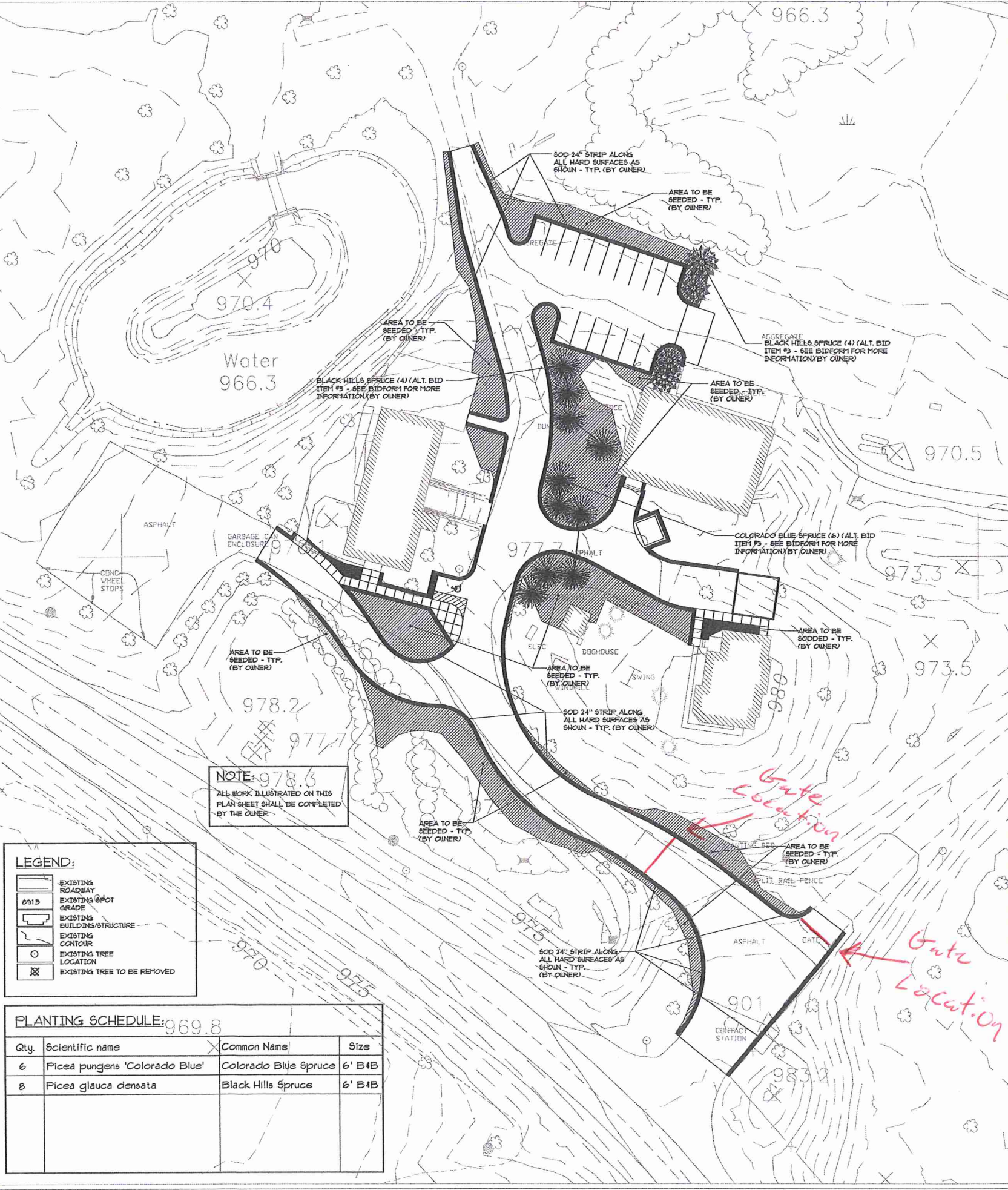
IF ROOTS ARE GROWING IN A SPIRAL AROUND THE SOIL BALL, SEVER AND SEPARATE IN THE FOLLOWING MANNER:

USE A SHARP KNIFE TO MAKE VERTICAL CUTS ON THE SIDES OF THE BALL, JUST DEEP ENOUGH TO CUT THE NET OF ROOTS.

USE A SHARP KNIFE TO MAKE A CRISS-CROSS CUT ACROSS THE BOTTOM OF THE BALL.

REMOVE SOD/EXISTING GROUND COVER FROM ALL SHRUB BEDS. ROTOTILL TO A DEPTH OF TWELVE INCHES AND INCORPORATE FERTILIZER (SEE ABOVE) AND 1/3 SOIL AMENDMENT TO 2/3 ORIGINAL SOIL. MULCH AS ABOVE.

PLANTING DETAIL - ALL PLANTS



LEGEND:

[Symbol]	EXISTING ROADWAY
[Symbol]	EXISTING SPOT GRADE
[Symbol]	EXISTING BUILDING/STRUCTURE
[Symbol]	EXISTING CONTOUR
[Symbol]	EXISTING TREE LOCATION
[Symbol]	EXISTING TREE TO BE REMOVED

PLANTING SCHEDULE: 969.8

Qty.	Scientific name	Common Name	Size
6	<i>Picea pungens</i> 'Colorado Blue'	Colorado Blue Spruce	6' B4B
8	<i>Picea glauca densata</i>	Black Hills Spruce	6' B4B

LAND USE PLANNING AND DESIGN

BRAUER & ASSOCIATES, LTD.

10417 Excelsior Boulevard • State Number One • Hopkins, MN
 Voice: (952) 235-0831 • Fax: (952) 235-0833

Project: #01-17
 Date: 02-19-2002
 Revisions:

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision.

Registration: LANDSCAPE ARCHITECT
 State: MINNESOTA
 Number: 14597
 Signature: [Signature]



Baylor Regional Park General Site Improvements
 Carver County Parks

OVERALL PLANTING / SEED & SOD PLAN

Sheet #

L4

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Increasing FTE for jail psychologist and reducing FTE for jail psychiatry

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:

Carver County was awarded a grant from the Department of Justice to provide mental health services in our county jail. The grant started January of 2014 and we hired a Psychologist who started in the April of 2014. Our original plan was to have a Psychologist work 20 hours per week and, additionally, provide 20 hours of psychiatry with a Clinical Nurse Specialist. We are finding that the demand for our Psychologist is greater than 20 hours per week and, currently, the demand for psychiatry within the jail is less than 20 hours per week.

ACTION REQUESTED:

Motion to reduce the vacant .5 FTE Clinical Nurse Specialist to .2 FTE.

Motion to increase the .5 FTE Psychologist to .8 FTE.

The effective date should be the beginning of the pay period following the Board approval.

FISCAL IMPACT:
If "Other", specify:

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

FTE IMPACT:

QUOTES OR BIDS OBTAINED:

Related Financial/FTE Comments:
We are reducing FTEs in one position and increasing FTEs in another position under the same grant. The Pay Grade for the Clinical Nurse Specialist is 17 and the Psychologist is 15.

Office use only:

RBA 2014 - 2824

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Out of state travel for library conference

Primary Originating Division/Dept: Administrative Services - Library

Meeting

Date: 10/21/2014

Contact: Heidi Hoks Title: Library Director

Item Type:

Consent

Amount of Time Requested: minutes

Presenter: Title:

Attachments: Yes No

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

Suzanne Hunt oversees the Library's webpages, among other responsibilities. This training, to be conducted at the Internet Library 2014 conference, is dedicated to building more effective library websites with viable and vital webpages. The Internet Library 2014 conference will run October 27-29, 2014 in Monterey, California. MELSA will pay for Suzanne Hunt's registration, airfare, and accommodations.

ACTION REQUESTED:

Approval of a motion to grant Suzanne Hunt's request to participate in the Internet Library 2014 conference.

FISCAL IMPACT: None
If "Other", specify:

FUNDING	
County Dollars =	\$0.00
Total	\$0.00

FTE IMPACT: None

QUOTES OR BIDS OBTAINED: N/A

Related Financial/FTE Comments:

MELSA (Metropolitan Library Service Agency) will reimburse Suzanne Hunt for the cost of the conference as well as airfare, accommodations, and an airport shuttle -- \$1,318.

Office use only:

RBA 2014- 2817

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Approval of Memoranda of Agreement with AFSCME Social Services and AFSCME General Unit Regarding Insurance

Primary Originating Division/Dept: <input type="text" value="Employee Relations"/>	Meeting Date: <input type="text" value="10/21/2014"/>
Contact: <input type="text" value="Kerie Anderka"/> Title: <input type="text" value="Employee Relations Division ..."/>	Item Type: Consent <input type="text"/>
Amount of Time Requested: <input type="text"/> minutes	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Presenter: <input type="text"/> Title: <input type="text"/>	

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

The County and the American Federation of State, County and Municipal Employees (AFSCME) Local Union No. 2789, Council #65, Social Services Bargaining Unit and General Bargaining Unit are parties to Labor Agreements in effect January 1, 2013 through December 31, 2015.

A new insurance benefits package was developed to enhance flexibility and better meet the needs of 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 the General and Social Services Bargaining Units have indicated their agreement with the proposed package. The Memoranda of Agreement allow the employees in the Social Services and General Bargaining Units to participate in the new insurance benefit package beginning in 2015.

The action requested of the Board is approval of the Insurance Memoranda of Agreement with the AFSCME Social Services and AFSCME General Bargaining Units.

ACTION REQUESTED:

Motion to approve 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.

FISCAL IMPACT: <input type="text" value="Included in current budget"/> If "Other", specify: <input type="text"/>	FUNDING County Dollars = <input type="text" value="\$111,380.00"/> <input type="text"/> Total <input type="text" value="\$111,380.00"/>
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- 2830

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Approval of Memorandum of Agreement with AFSCME Assistant County Attorneys Regarding Insurance

Primary Originating Division/Dept: <input type="text" value="Employee Relations"/>	Meeting Date: <input type="text" value="10/21/2014"/>
Contact: <input type="text" value="Kerie Anderka"/> Title: <input type="text" value="Employee Relations Division ..."/>	Item Type: Consent <input type="text"/>
Amount of Time Requested: <input type="text"/> minutes	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Presenter: <input type="text"/> Title: <input type="text"/>	

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

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

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

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

The Memorandum of Agreement allows the employees in the AFSCME Assistant County Attorneys Bargaining Unit to participate in the new insurance benefit package.

The action requested is to approve the Insurance Memorandum of Agreement with the AFSCME Assistant County Attorneys Bargaining Unit.

ACTION REQUESTED:

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

FISCAL IMPACT: <input type="text" value="Included in current budget"/>	FUNDING
If "Other", specify: <input type="text"/>	County Dollars = <input type="text" value="\$3,275.00"/>
FTE IMPACT: <input type="text" value="None"/>	Total <input type="text" value="\$3,275.00"/>
QUOTES OR BIDS OBTAINED: <input type="text" value="N/A"/>	

Related Financial/FTE Comments:

Office use only:
 RBA 2014 - 2831

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Approval of Memorandum of Agreement with Teamsters Detention Sergeants Regarding Insurance

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:

Carver County and the Minnesota Teamsters Public and Law Enforcement Employees' Union, Local No. 320, representing Sheriff's Office Detention Sergeants 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 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 Detention Sergeants Bargaining Unit have indicated their agreement with the new insurance benefit package.

The Memorandum of Agreement allows the employees in the Teamsters Detention Sergeants Bargaining Unit to participate in the new insurance benefit package.

The action requested is to approve the Insurance Memorandum of Agreement with the Teamsters Detention Sergeants Bargaining Unit.

ACTION REQUESTED:

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

FISCAL IMPACT:
If "Other", specify:

FUNDING
County Dollars =

FTE IMPACT:

Total

QUOTES OR BIDS OBTAINED:

Related Financial/FTE Comments:

Office use only:

RBA 2014 - 2833

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Public Employee Retirement Association (PERA) Correctional Plan Referendum

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:

When the Legislature created the PERA Local Government Correctional Service Employees Retirement Plan on July 1, 1999, the first employees enrolled in the Correctional Plan were transferred from the Coordinated Plan and had Social Security coverage as members of that plan. PERA, as the State's Social Security Administrator since 2002, recently learned that individuals enrolled in the Correctional Plan who had not been members of the PERA Coordinated Plan as correctional personnel were not automatically eligible to be covered by Social Security. PERA was told that to sanction Social Security coverage for individuals enrolled as new participants in the Correctional Plan, a referendum must take place and the results of that process must then be documented in the State's Section 218 Agreement – the official documentation between the State and Social Security defining which public employees in Minnesota are covered by Social Security.

Carver County employs members of the PERA Local Government Correctional Service Employees Retirement Plan who will be impacted by the referendum. The County, as the employer of these individuals, is responsible to determine the most appropriate method by which to conduct the referendum vote - by selecting either a majority vote or a divided vote process.

Potential benefits and drawbacks for both voting methods were discussed at a Board Work Session on October 7, 2014. Based on the information available, the divided vote method provides certain advantages including safeguarding the intended social security benefit for past and future participants per the 218 Agreement and allows employees eligible to vote in the referendum the ability to determine their own continued coverage under Social Security. In addition, the Union representing impacted Carver County employees has recommended a divided vote.

The County must notify PERA of the Board's decision regarding the voting method by October 29.

The action requested of the Board at this time is a motion to administer a divided vote referendum for impacted Carver County employees; and to direct Employee Relations to notify the Public Employees Retirement Association (PERA) of this decision.

ACTION REQUESTED:

Motion to administer 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 (PERA) of this decision.

FISCAL IMPACT:
If "Other", specify:

FUNDING
County Dollars =

FTE IMPACT:

Total

QUOTES OR BIDS OBTAINED:

Related Financial/FTE Comments:

Office use only:

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Gas Sales Agreement - CenterPoint Energy

Primary Originating Division/Dept:

Meeting

Date:

Contact: Title:

Item Type:

Consent

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

The County staff has reviewed new offerings and pricing structures for natural gas available from CenterPoint Energy Services. The purpose of this Request for Board Action is to seek approval for new contract terms and related expenditures and for a commitment to "forward pricing."

Budgeted funds for Natural Gas Services have remained the same since 2010 at \$180,000 for all County facilities. The contract terms apply only to the Public Works Headquarters and to the Chaska Courthouse buildings.

Energy Management Solutions (EMS) has reviewed the pricing and related delivery options and concurs with the staff's recommendation to accept the utility firm rate structure (for continuous provision of gas) that allows a \$0.02 per therm discount. (A "therm" is a measurement used to convert a volume of gas to its heating energy; 1 therm = 100,000 BTU's [British thermal units] and is the heating energy equivalent of about 100 cubic feet of gas.) Our staff and EMS recommend that our 12-month "script" purchase (a locked rate) be increased to 75% of contract use and 25% at market (floating rate). CenterPoint has announced an increase of \$0.05/therm in the cost of delivery. Under the terms of the County's underlying ongoing contract with CenterPoint (attached), the County would have to pay that increase in the absence of a locked rate. To avoid that increase, the staff recommends that the County adopt the locked rate for 75% of its usage. EMS advises retaining a 25% market rate volume in order to manage risk against the possibility that natural gas prices would fall below the locked rate -- an unlikely but possible scenario.

The proposed action is expected to keep the natural gas budget of \$180,000 at the same level and adequate for our predicted usage. Demand for gas continues to escalate slowly with economic growth. Consequently, prices are up approximately 6 to 9% from last year. EMS and others predict that the winter supply of natural gas will be lower than normal and remain below five-year supply averages, which will likely lead to price increases.

Based on the above recommendations, EMS projects that the County should see a price of approximately \$7.45/MMBTU (1 million BTU's) for the coming winter. While this price could move higher or lower with unforeseen changes in the market, EMS predicts that costs should be on a par with last year's costs.

ACTION REQUESTED:

Move approval of the Gas Sales Agreement with CenterPoint Energy Services and authorize staff to execute a price lock based upon the volumes and price parameters herein and attached within 30 days of the Board's approval.

FISCAL IMPACT:

FUNDING

If "Other", specify:

County Dollars =

FTE IMPACT:

Total

QUOTES OR BIDS OBTAINED:

Related Financial/FTE Comments:

EMS received quotes from other gas suppliers on behalf of the County. With the advice of EMS, County staff recommends continuing to purchase natural gas from CenterPoint Energy to minimize the risk of price increases and to maintain delivery reliability.

Carver County Board of Commissioners Request for Board Action



Agenda Item:

County Financial Worker and Case Aide Day Worker

Primary Originating Division/Dept:

Meeting

Date:

Contact: Title:

Item Type:

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:

Carver County Financial Workers are responsible for implementation and conduct of Minnesota and Federal statutes, in addition to departmental procedures, in determining the eligibility of clients for various public assistance or medical assistance programs. The work of the Carver County Financial Worker has increased in both volume and complexity since the rollout of the MNsure system late last year. Although a completely accurate case load count is not available, it is clear that MNsure has led to a sizeable increase in case load. As of June 2014, cash, food and healthcare cases in the prior system totaled 3,616. New assigned cases in MNsure since 1-1-2014 now total 1,204. In addition to actual assigned cases, there are approximately 560 former MNcare cases being worked, and 152 cases pending assignment. Demand for experienced County Financial Workers has been very high since the implementation of MNsure. As we head into the open enrollment period in November, we will be fully staffed for the first time in over a year. Carver County Financial Assistance Workers have met all of the recent challenges that have faced them, and have remained dedicated to provide high quality and effective service to County residents. We look forward to continuing to serve the residents of Carver County with that same high quality, friendly and effective service into the future.

ACTION REQUESTED:

It is respectfully requested the Carver County Board of Commissioners recognize the skill, dedication, and contribution of Carver County Financial Assistance Workers, by acknowledging and endorsing the Governor's Proclamation which had designated October 15th, 2014 as "County Financial Worker and Case Aide Day".

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT:

Total

QUOTES OR BIDS OBTAINED:

Related Financial/FTE Comments:

Office use only:

RBA 2014 - 2819



STATE of MINNESOTA

Proclamation

WHEREAS: County Financial Workers and Case Aides are dedicated to providing outstanding services to the people of Minnesota through their administration of public assistance programs; and

WHEREAS: County Financial Workers and Case Aides are responsible for the prudent expenditure of millions of dollars annually and must meet high standards of job performance in determining eligibility for public assistance; and

WHEREAS: The duties performed by County Financial Workers and Case Aides require that they be well versed in a number of areas in order to effectively provide services to clients and the general public; and

WHEREAS: The nature of federal and state legislation necessitates that County Financial Workers and Case Aides continually expand their knowledge, skills, and expertise related to their profession; and

WHEREAS: It is important to recognize the valuable service County Financial Workers and Case Aides provide to Minnesota's citizens.

NOW, THEREFORE, I, MARK DAYTON, Governor of Minnesota, do hereby proclaim
Wednesday, October 15, 2014, as:

COUNTY FINANCIAL WORKER AND CASE AIDE DAY

in the state of Minnesota.



IN WITNESS WHEREOF, I have hereunto set
my hand and caused the Great Seal of the state
of Minnesota to be affixed at the State Capitol
this 27th day of August.


GOVERNOR



SECRETARY OF STATE

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Public Hearing - Ordinance 77-2014 (Permit Management in County Highway Right of Ways)

Primary Originating Division/Dept:

Meeting

Date:

Contact: Title:

Item Type:

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

To repeal the "Permit Management in County Highway Right of Ways" Ordinance which was adopted by the Board on March 19, 2013 and to adopt an ordinance to enact a new Chapter of the Carver County Code of Ordinances, Chapter 93, for Management of the Public Right-of-Way.

Ordinance 77-2014 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.

Staff will give a presentation on the proposed changes to the Management of the Public Right-of-Way ordinance and recommend approval of the proposed resolution following the public hearing. A public notice will be in the October 2nd Chaska Herald to meet publishing requirements for the public hearing. The ordinance, resolution and notice have been reviewed and approved by the Attorney's Office.

ACTION REQUESTED:

Open public hearing for Management of the Public Right-of-Way Ordinance 77-2014.

Approve a Resolution Repealing an Ordinance in its Entirety and Adopting Management of the Public Right-of-Way Ordinance 77-2014.

FISCAL IMPACT:

FUNDING

If "Other", specify:

County Dollars =

FTE IMPACT:

Total

QUOTES OR BIDS OBTAINED:

Related Financial/FTE Comments:

Office use only:

RBA 2014 - 2790

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

Date: _____ Resolution No: _____
Motion by Commissioner: _____ Seconded by Commissioner: _____

**A Resolution Repealing an Ordinance in its Entirety and
Adopting Management of the Public Right-of-Way Ordinance 77-2014**

To repeal the “Permit Management in County Highway Right of Ways” Ordinance which was adopted by the Board on March 19, 2013 and to adopt an ordinance to enact a new Chapter of the Carver County Code of Ordinances, Chapter 93, for Management of the Public Right-of-Way.

WHEREAS, the County Board of Commissioners wishes to provide for the health, safety and welfare of its citizens, and to ensure the integrity of its highways and the appropriate use of the rights-of-way, the county strives to keep its rights of way in a state of good repair and free from unnecessary encumbrances; and

WHEREAS, the County Board of Commissioners adopted a Permit Management in County Highway Right of Ways” in 2013, which no longer meets the needs of the County; and

WHEREAS, the Carver County Code of Ordinances does not currently have a chapter enacted to include the management of public rights-of-way; and

WHEREAS, this ordinance imposes regulations on the placement and maintenance of facilities and equipment currently within its rights-of-way or to be placed therein at some future time; and

WHEREAS, a public hearing was held by the Carver County Board at its regularly meeting on October 21, 2014 the Carver County Board of Commissioners finds as follows:

1. This ordinance will enhance the safety of travelers on county highways.
2. This ordinance will provide for better management of county highway rights-of-way.
3. This ordinance will not be detrimental to those that are authorized to jointly use county highway rights-of-way or the citizens of Carver County.

THEREFORE, BE IT RESOLVED, THAT The Carver County Board of Commissioners hereby adopts Ordinance 77-2014 to enact Chapter 93 of the Carver County Code of Ordinances.

YES

ABSENT

NO

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

STATE OF MINNESOTA
COUNTY OF CARVER

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

Dated this _____ day of _____, 2014.

Dave Hemze

County Administrator

CARVER COUNTY

Chapter 93

“Management of the Public Right-of-Way Ordinance 77-2014”

of the Code of Ordinances of the County of Carver

MANAGEMENT OF THE PUBLIC RIGHT-OF-WAY

TABLE OF CONTENTS

<u>SECTION NO.</u>	<u>SECTION DESCRIPTION</u>	<u>PAGE NO.</u>
93.01	Findings, Purpose, and Intent	3
93.02	Election to Manage the Public Rights-of-Way	4
93.03	Definitions	4
93.04	Administration	8
93.05	Utility Coordination Committee	8
93.06	Registration and Right-of-Way Occupancy	8
93.07	Registration Information	9
93.08	Reporting Obligations	10
93.09	Permit Requirement	11
93.10	Permit Applications	11
93.11	Issuance of Permit; Conditions	12
93.12	Permit Fees	12
93.13	Right-of-Way Patching and Restoration	13
93.14	Joint Applications	14
93.15	Supplementary Applications	14
93.16	Other Obligations	14
93.17	Denial of Permit	15
93.18	Installation Requirements	15
93.19	Inspection	15
93.20	Work Done Without a Permit	16
93.21	Supplementary Notification	16
93.22	Revocation of Permits	16
93.23	Mapping Data	17
93.24	Location and Relocation of Facilities	18
93.25	Pre-excavation Facilities Location	19
93.26	Damage to Other Facilities	19
93.27	Right-of-Way Vacation	19
93.28	Indemnification and Liability	19
93.29	Abandoned and Unused Facilities	19
93.30	Appeal	19
93.31	Severability	20

Management of the Public Right-of-Way Ordinance 77-2014

County of Carver, Minnesota

An ordinance to enact a new Chapter
of the Carver County Code of Ordinances
to administer and regulate the
public rights-of-way in the public interest, and to provide for the
issuance and regulation of right-of-way permits

**THE BOARD OF COMMISSIONERS OF CARVER COUNTY, MINNESOTA, DOES
HEREBY ORDAIN:**

Chapter 93 of the Carver County Code of Ordinances is hereby enacted establishing regulations and standards for the management of the public rights-of-way pursuant to Minn. Stat. Chapters 160 and 163, § 237.163, and Minnesota Rules Chapter 7819.

Chapter 93

Public Right-of-Way Management

Sec. 93.01. Findings, Purpose and Intent.

To provide for the health, safety and welfare of its citizens, and to ensure the integrity of its highways and the appropriate use of the rights-of-way, the County strives to keep its rights-of-way in a state of good repair and free from unnecessary encumbrances.

Accordingly, the County hereby enacts this new chapter of this code relating to right-of-way permits and administration. This chapter imposes reasonable regulation on the placement and maintenance of facilities and equipment currently within its rights-of-way or to be placed therein at some future time. It is intended to complement the regulatory roles of state and federal agencies. Under this chapter, persons excavating and obstructing the rights-of-way will bear financial responsibility for their work. Finally, this chapter provides for recovery of out-of-pocket and projected costs from persons using the public rights-of-way.

This chapter shall be interpreted consistently with 1997 Session Laws, Chapter 123, substantially codified in Minnesota Statutes Sections 237.16, 237.162, 237.163, 237.79, 237.81, and 238.086 (the “Act”) and the other laws governing applicable rights of the County and users of the right-of-way. This chapter shall also be interpreted consistent with Minnesota Rules 7819.0050 – 7819.9950 where possible. To the extent any provision of this chapter cannot be interpreted consistently with the Minnesota Rules, that interpretation most consistent with the Act and other applicable statutory and case law is intended. This chapter shall not be interpreted to limit the regulatory and police powers of the County to adopt and enforce general ordinances necessary to protect the health, safety and welfare of the public.

Sec. 93.02. Election to Manage the Public Rights-of-Way.

Pursuant to the authority granted to the County under state and federal statutory, administrative and common law, the County hereby elects pursuant Minn. Stat. 237.163 subd. 2(b), to manage rights-of-way within its jurisdiction.

Sec. 93.03. Definitions.

The following definitions apply in this chapter of this code. References hereafter to “sections” are, unless otherwise specified, references to sections in this chapter. Defined terms remain defined terms, whether or not capitalized.

“Abandoned Facility” means a facility no longer in service or physically disconnected from a portion of the operating facility, or from any other facility, that is in use or still carries service. A facility is not abandoned unless declared so by the right-of-way user.

“Applicant” means any person requesting permission to excavate or obstruct a right-of-way.

“Commission” means the State Public Utilities Commission.

“Congested Right-of-Way” means a crowded condition in the subsurface of the public right-of-way that occurs when the maximum lateral spacing between existing underground facilities does not allow for construction of new underground facilities without using hand digging to expose the existing lateral facilities in conformance with Minnesota Statutes, section 216D.04, subdivision 3, over a continuous length in excess of 500 feet.

“Construction Performance Bond” means any of the following forms of security provided at permittee’s option:

- a. Individual project bond;
- b. Cash deposit;
- c. Security of a form listed or approved under Minn. Stat. Sec. 15.73, subd. 3;
- d. Letter of Credit, in a form acceptable to the County;
- e. Self-insurance, in a form acceptable to the County;
- f. A blanket bond for projects within the County, or other form of construction bond, for a time specified and in a form acceptable to the County.

“County” means the County of Carver, Minnesota. For purposes of section 93.28, “County” means its elected officials, officers, employees and agents.

“Degradation” means a decrease in the useful life of the right-of-way caused by excavation in or disturbance of the right-of-way, resulting in the need to reconstruct such right-of-way earlier than would be required if the excavation or disturbance did not occur.

“Degradation Cost” subject to Minnesota Rules 7819.1100 means the cost to achieve a level of

restoration, as determined by the County at the time the permit is issued, not to exceed the maximum restoration shown in plates 1 to 13, set forth in Minnesota Rules parts 7819.9900 to 7819.9950.

“Degradation Fee” means the estimated fee established at the time of permitting by the County to recover costs associated with the decrease in the useful life of the right-of-way caused by the excavation, and which equals the degradation cost.

“Delay Penalty” is the penalty imposed as a result of unreasonable delays in right-of-way excavation, obstruction, patching, or restoration as established by permit.

“Department” means the division of public works of the County.

“Department Inspector” means any person authorized by the Director to carry out inspections related to the provisions of this chapter.

“Director” means the director of the division of public works of the County, or her or his designee.

“Emergency” means a condition that (1) poses a danger to life or health, or of a significant loss of property; or (2) requires immediate repair or replacement of facilities in order to restore service to a customer.

“Equipment” means any tangible asset used to install, repair, or maintain facilities in any right-of-way.

“Excavate” means to dig into or in any way remove or physically disturb or penetrate any part of a right-of-way.

“Excavation permit” means the permit which, pursuant to this chapter, must be obtained before a person may excavate in a right-of-way. An Excavation permit allows the holder to excavate that part of the right-of-way described in such permit. The Director will prescribe the appropriate permit forms to be filed for the work type proposed to be undertaken by the Registrant.

“Excavation permit fee” means money paid to the County by an applicant to cover the costs as provided in Section 93.12.

“Facility” or “Facilities” means any tangible asset in the right-of-way required to provide Utility Service.

“Five-year project plan” shows projects adopted by the County for construction within the next five years.

“High Density Corridor” means a designated portion of the public right-of-way within which telecommunications right-of-way users having multiple and competing facilities may be required to build and install facilities in a common conduit system or other common structure.

“Hole” means an excavation in the pavement, with the excavation having a length less than the

width of the pavement.

“Local Representative” means a local person or persons, or designee of such person or persons, authorized by a registrant to accept service and to make decisions for that registrant regarding all matters within the scope of this chapter.

“Management Costs” means the actual costs the County incurs in managing its rights-of-way, including such costs, if incurred, as those associated with registering applicants; issuing, processing, and verifying right-of-way permit applications; inspecting job sites and restoration projects; maintaining, supporting, protecting, or moving user facilities during right-of-way work; determining the adequacy of right-of-way restoration; restoring work inadequately performed after providing notice and the opportunity to correct the work; and revoking right-of-way permits. Management costs do not include payment by a telecommunications right-of-way user for the use of the right-of-way, the fees and cost of litigation relating to the interpretation of Minnesota Session Laws 1997, Chapter 123; Minnesota Statutes Sections 237.162 or 237.163; or any ordinance enacted under those sections, or the County fees and costs related to appeals taken pursuant to Section 93.30 of this chapter.

“Obstruct” means to place any tangible object in a right-of-way so as to hinder free and open passage over that or any part of the right-of-way.

“Obstruction Permit” means the permit which, pursuant to this chapter, must be obtained before a person may obstruct a right-of-way, allowing the holder to hinder free and open passage over the specified portion of that right-of-way, for the duration specified therein. The Director will prescribe the appropriate permit forms to be filed for the work type proposed to be undertaken by the Registrant.

“Obstruction Permit Fee” means money paid to the County by a permittee to cover the costs as provided in Section 93.12.

“Patch” or “Patching” means a method of pavement replacement that is temporary in nature. A patch consists of (1) the compaction of the subbase and aggregate base, and (2) the replacement, in kind, of the existing pavement for a minimum of two feet beyond the edges of the excavation in all directions. A patch is considered full restoration only when the pavement is included in the County’s five-year project plan.

“Pavement” means any type of improved surface that is within the public right-of-way and that is paved or otherwise constructed with bituminous, concrete, aggregate, or gravel.

“Permit” has the meaning given “right-of-way permit” in Minnesota Statutes, section 237.162.

“Permittee” means any person to whom a permit to excavate or obstruct a right-of-way has been granted by the County under this chapter.

“Person” means an individual or entity subject to the laws and rules of this state, however organized, whether public or private, whether domestic or foreign, whether for profit or nonprofit, and whether natural, corporate, or political.

“Probation” means the status of a person that has not complied with the conditions of this chapter.

“Probationary Period” means one year from the date that a person has been notified in writing that they have been put on probation.

“Registrant” means any person who (1) has or seeks to have its equipment or facilities located in any right-of-way, or (2) in any way occupies or uses, or seeks to occupy or use, the right-of-way or place its facilities or equipment in the right-of-way.

“Restore” or “Restoration” means the process by which an excavated right-of-way and surrounding area, including pavement and foundation, is returned to the same condition and life expectancy that existed before excavation.

“Restoration Cost” means the amount of money paid to the County by a permittee to achieve the level of restoration according to plates 1 to 13 of Minnesota Public Utilities Commission rules.

“Public Right-of-Way” means the area on, below, or above a public roadway, highway, street, cartway, bicycle lane or public sidewalk in which the County has an interest, including other dedicated rights-of-way for travel purposes and utility easements of the County. A right-of-way does not include the airwaves above a right-of-way with regard to cellular or other nonwire telecommunications or broadcast service.

“Right-of-Way Permit” means either the excavation permit or the obstruction permit, or both, depending on the context, required by this chapter.

“Right-of-Way User” means (1) a telecommunications right-of-way user as defined by Minnesota Statutes, section 237.162, subd. 4; or (2) a person owning or controlling a facility in the right-of-way that is used or intended to be used for providing utility service, and who has a right under law, franchise, or ordinance to use the public right-of-way.

“Service” or “Utility Service” includes (1) those services provided by a public utility as defined in Minn. Stat. 216B.02, subds. 4 and 6; (2) services of a telecommunications right-of-way user, including transporting of voice or data information; (3) services of a cable communications systems as defined in Minn. Stat. Chapter. 238; (4) natural gas or electric energy or telecommunications services provided by the County; (5) services provided by a cooperative electric association organized under Minn. Stat., Chapter 308A; and (6) water, and sewer, including service laterals, steam, cooling or heating services.

“Service Lateral” means an underground facility that is used to transmit, distribute, or furnish gas, electric County, communications, or water from a common source to an end-use customer. A service lateral is also an underground facility that is used in the removal of wastewater from a customer’s premises.

“Supplementary Application” means an application made to excavate or obstruct more of the right-of-way than allowed in, or to extend, a permit that had already been issued.

“Telecommunication right-of-way user” means a person owning or controlling a facility in the

right-of-way, or seeking to own or control a Facility in the right-of-way, that is used or is intended to be used for transporting telecommunication or other voice or data information. For purposes of this chapter, a cable communication system defined and regulated under Minn. Stat. Chap. 238, and telecommunication activities related to providing natural gas or electric energy services whether provided by a public utility as defined in Minn. Stat. Sec. 216B.02, a municipality, a municipal gas or power agency organized under Minn. Stat. Chaps. 453 and 453A, or a cooperative electric association organized under Minn. Stat. Chap. 308A, are not telecommunications right-of-way users for purposes of this chapter.

“Temporary Surface” means the compaction of subbase and aggregate base and replacement, in kind, of the existing pavement only to the edges of the excavation. It is temporary in nature except when the replacement is of pavement included in the County’s two-year plan, in which case it is considered full restoration.

“Trench” means an excavation in the pavement, with the excavation having a length equal to or greater than the width of the pavement.

“Two Year project Plan” shows projects adopted by the County for construction within the next two years.

Sec. 93.04. Administration.

The director is the principal County official responsible for the administration of the rights-of-way, right-of-way permits, and the ordinances related thereto. The director may delegate any or all of the duties hereunder.

Sec. 93.05. Utility Coordination Committee.

The County may create an advisory utility coordination committee. Participation on the committee is voluntary. It will be composed of any registrants that wish to assist the County in obtaining information and, by making recommendations regarding use of the right-of-way, and to improve the process of performing construction work therein. The County may determine the size of such committee and shall appoint members from a list of registrants that have expressed a desire to assist the County.

Sec. 93.06. Registration and Right-of-Way Occupancy.

Subd. 1. Registration. Each person who occupies or uses, or seeks to occupy or use, the right-of-way or place any equipment or facilities in or on the right-of-way, including persons with installation and maintenance responsibilities by lease, sublease or assignment, must register with the County. Registration will consist of providing application information and paying a registration fee.

Subd. 2. Registration Prior to Work. No person may construct, install, repair, remove, relocate, or perform any other work on, or use any facilities or any part thereof, in any right-of-way without first being registered with the County.

Subd. 3. Exceptions. Nothing herein shall be construed to repeal or amend the provisions of a

County ordinance permitting persons to plant or maintain boulevard plantings or gardens in the area of the right-of-way between their property and the street curb. Persons planting or maintaining boulevard plantings or gardens shall not be deemed to use or occupy the right-of-way, and shall not be required to obtain any permits or satisfy any other requirements for planting or maintaining such boulevard plantings or gardens under this chapter. However, plantings must not violate applicable clear zone requirements nor obstruct visibility on the roadway, nor affect the drainage of the roadway watershed, nor cause erosion in the right of way, and the County may remove such plantings, if necessary for maintenance, safety, or construction purposes, with no compensation due the property owner. Irrigation systems shall be allowed in the right of way without a permit and installers shall be exempt from registration, provided the irrigation systems are managed properly and do not cause erosion in the right of way. There shall be no compensation for removal necessary for any permitted utility project. No compensation shall be paid for any irrigation system if removal is required or if it is damaged by any County or municipal activity or by any permitted utility activity. Resident owned sewer and water service lines to a city main and resident owned drain tile lines shall not be required to register, unless requested by the County, but shall be required to obtain permits for excavation and obstruction. Nothing herein relieves a person from complying with the provisions of the Minn. Stat. Chap. 216D, Gopher One Call Law.

Government agencies and non-profit organizations are exempt from registration, but are required to obtain the appropriate right of way permit.

Sec. 93.07. Registration Information.

Subd. 1. Information Required. The information provided to the County at the time of registration shall include, but not be limited to:

- (a) Each registrant's name, Gopher One-Call registration certificate number, address and e-mail address, if applicable, and telephone and facsimile numbers.
- (b) The name, address and e-mail address, if applicable, and telephone and facsimile numbers of a local representative. The local representative or designee shall be available at all times. Current information regarding how to contact the local representative in an emergency shall be provided at the time of registration.
- (c) A certificate of insurance or self-insurance:
 - (1) Verifying that an insurance policy has been issued to the registrant by an insurance company licensed to do business in the State of Minnesota, or a form of self-insurance acceptable to the County;
 - (2) Verifying that the registrant is insured against claims for personal injury, including death, as well as claims for property damage arising out of the (i) use and occupancy of the right-of-way by the registrant, its officers, agents, employees and permittees, and (ii) placement and use of facilities and equipment in the right-of-way by the registrant, its officers, agents, employees and permittees, including, but not limited to, protection against liability arising from completed operations, damage of underground facilities and collapse of property;

(3) Naming the County as an additional insured as to whom the coverages required herein are in force and applicable and for whom defense will be provided as to all such coverages;

(4) Requiring that the County be notified thirty (30) days in advance of cancellation of the policy or material modification of a coverage term; and

(5) Indicating comprehensive liability coverage, automobile liability coverage, workers compensation and umbrella coverage established by the County in amounts sufficient to protect the County and the public and to carry out the purposes and policies of this chapter.

(d) The County may require a copy of the actual insurance policies.

(e) If the person is a corporation, a copy of the certificate is required to be filed under Minn. Stat. 300.06 as recorded and certified to by the Secretary of State.

(f) A copy of the person's order granting a certificate of authority from the Minnesota Public Utilities Commission or other applicable state or federal agency, where the person is lawfully required to have such certificate from said commission or other state or federal agency.

Subd. 2. Notice of Changes. The registrant shall keep all of the information listed above current at all times by providing to the County information as to changes within fifteen (15) days following the date on which the registrant has knowledge of any change.

Sec. 93.08. Reporting Obligations.

Subd. 1. Operations. Each registrant shall, at the time of registration and by March 1 of each year, file a construction and major maintenance plan for underground facilities with the County. Such plan shall be submitted using a format designated by the County and shall contain the information determined by the County to be necessary to facilitate the coordination and reduction in the frequency of excavations and obstructions of rights-of-way.

The plan shall include, but not be limited to, the following information:

(a) The locations and the estimated beginning and ending dates of all projects to be commenced during the next calendar year (in this section, a “next-year project”); and

(b) To the extent known, the tentative locations and estimated beginning and ending dates for all projects contemplated for the five years following the next calendar year (in this section, a “five-year project”).

The term “project” in this section shall include both next-year projects and five-year projects.

By April 1 of each year, the County will have available for inspection in the County’s office a composite list of all projects of which the County has been informed of the annual plans. All registrants are responsible for keeping themselves informed of the current status of this list.

Thereafter, by May 1, each registrant may change any project in its list of next-year projects, and

must notify the County and all other registrants of all such changes in said list. Notwithstanding the foregoing, a registrant may at any time join in a next-year project of another registrant listed by the other registrant.

Subd. 2. *Additional Next-Year Projects.* Notwithstanding the foregoing, the County will not deny an application for a right-of-way permit for failure to include a project in a plan submitted to the County if the registrant has used commercially reasonable efforts to anticipate and plan for the project.

Sec. 93.09. Permit Requirement.

Subd. 1. *Permit Required.* Except as otherwise provided in this code, no person may obstruct or excavate any right-of-way without first having obtained the appropriate right-of-way permit from the County to do so.

(a) ***Excavation Permit.*** An excavation permit is required by a registrant to excavate that part of the right-of-way described in such permit and to hinder free and open passage over the specified portion of the right-of-way by placing facilities described therein, to the extent and for the duration specified therein.

(b) ***Obstruction Permit.*** An obstruction permit is required by a registrant to hinder free and open passage over the specified portion of right-of-way by placing equipment described therein on the right-of-way, to the extent and for the duration specified therein. An obstruction permit is not required if a person already possesses a valid excavation permit for the same project.

Subd. 2. *Permit Extensions.* No person may excavate or obstruct the right-of-way beyond the date or dates specified in the permit unless (i) such person makes a supplementary application for another right-of-way permit before the expiration of the initial permit, and (ii) a new permit or permit extension is granted.

Subd. 3. *Delay Penalty.* In accordance with Minnesota Rule 7819.1000 subp. 3 and notwithstanding subd. 2 of this Section, the County shall establish and impose a delay penalty for unreasonable delays in right-of-way excavation, obstruction, patching, or restoration. The delay penalty shall be established from time to time by County Board resolution.

Subd. 4. *Permit Display.* Permits issued under this chapter shall be conspicuously displayed or otherwise available at all times at the indicated work site and shall be available for inspection by the County.

Sec. 93.10. Permit Applications.

Application for a permit is made to the Department. Right-of-way permit applications shall contain, and will be considered complete only upon compliance with, the requirements of the following provisions:

(a) Registration with the County pursuant to this chapter;

(b) Submission of a completed permit application form, including all required attachments, and scaled drawings showing the location and area of the proposed project and the location of all known existing and proposed facilities.

(c) Payment of money due the County for:

(1) permit fees, estimated restoration costs and other management costs;

(2) prior obstructions or excavations;

(3) any undisputed loss, damage, or expense suffered by the County because of applicant's prior excavations or obstructions of the rights-of-way or any emergency actions taken by the County;

(4) franchise fees or other charges, if applicable.

(d) Payment of disputed amounts due the County by posting security or depositing in an escrow account an amount equal to at least 110% of the amount owing.

(e) Posting an additional or larger construction performance bond for additional facilities when applicant requests an excavation permit to install additional facilities and the County deems the existing construction performance bond inadequate under applicable standards.

Sec. 93.11. Issuance of Permit; Conditions.

Subd. 1. *Permit Issuance.* If the applicant has satisfied the requirements of this chapter, the County shall issue a permit.

Subd. 2. *Conditions.* The County may impose reasonable conditions upon the issuance of the permit and the performance of the applicant thereunder to protect the health, safety and welfare or when necessary to protect the right-of-way and its current and future use.

Sec. 93.12. Permit Fees.

Subd. 1. *Excavation Permit Fee.* The County shall establish an Excavation permit fee in an amount sufficient to recover the following costs:

(a) the County management costs;

(b) degradation costs, if applicable.

Subd. 2. *Obstruction Permit Fee.* The County shall establish the obstruction permit fee and shall be in an amount sufficient to recover the County management costs.

Subd. 3. *Payment of Permit Fees.* No excavation permit or obstruction permit shall be issued without payment of excavation or obstruction permit fees. The County may allow applicant to pay

such fees within thirty (30) days of billing. Government agencies and non-profit organizations are exempt from permit fees, but are required to obtain the appropriate right of way permit.

Subd. 4. *Non Refundable.* Permit fees that were paid for a permit that the County has revoked for a breach as stated in Section 93.22 are not refundable.

Subd. 5. *Application to Franchises.* Unless otherwise agreed to in a franchise, management costs may be charged separately from and in addition to the franchise fees imposed on a right-of-way user in the franchise.

Sec. 93.13. Right-of-Way Patching and Restoration.

Subd. 1. *Timing.* The work to be done under the excavation permit, and the patching and restoration of the right-of-way as required herein, must be completed within the dates specified in the permit, increased by as many days as work could not be done because of circumstances beyond the control of the permittee or when work was prohibited as unseasonal or unreasonable under Section 93.16.

Subd. 2. *Patch and Restoration.* Permittee shall patch its own work. The County may choose either to have the permittee restore the right-of-way or to restore the right-of-way itself.

(a) ***County Restoration.*** If the County restores the right-of-way, permittee shall pay the costs thereof within thirty (30) days of billing. If, following such restoration, the pavement settles due to permittee's improper backfilling, the permittee shall pay to the County, within thirty (30) days of billing, all costs associated with correcting the defective work.

(b) ***Permittee Restoration.*** If the permittee restores the right-of-way itself, it shall at the time of application for an excavation permit post a construction performance bond in accordance with the provisions of Minnesota Rule 7819.3000.

(c) ***Degradation Fee in Lieu of Restoration.*** In lieu of right-of-way restoration, a right-of-way user may elect to pay a degradation fee. However, the right-of-way user shall remain responsible for patching and the degradation fee shall not include the cost to accomplish these responsibilities.

Subd. 3. *Standards.* The permittee shall perform excavation, backfilling, patching and restoration according to the standards and with the materials specified by the County and shall comply with Minnesota Rule 7819.1100.

Subd. 4. *Duty to Correct Defects.* The permittee shall correct defects in patching or restoration performed by permittee or its agents. The permittee upon notification from the County, shall correct all restoration work to the extent necessary, using the method required by the County. Said work shall be completed within five (5) calendar days of the receipt of the notice from the County, not including days during which work cannot be done because of circumstances constituting force majeure or days when work is prohibited as unseasonable or unreasonable under Section 1.16.

Subd. 5. *Failure to Restore.* If the permittee fails to restore the right-of-way in the manner and to the condition required by the County, or fails to satisfactorily and timely complete all restoration

required by the County, the County at its option may do such work. In that event the permittee shall pay to the County, within thirty (30) days of billing, the cost of restoring the right-of-way. If permittee fails to pay as required, the County may exercise its rights under the construction performance bond.

Sec. 93.14. Joint Applications.

Subd. 1. *Joint application.* Registrants may jointly apply for permits to excavate or obstruct the right-of-way at the same place and time.

Subd. 2. *Shared fees.* Registrants who apply for permits for the same obstruction or excavation, which the County does not perform, may share in the payment of the obstruction or excavation permit fee. In order to obtain a joint permit, registrants must agree among themselves as to the portion each will pay and indicate the same on their applications.

Subd. 3. *With County projects.* Registrants who join in a scheduled obstruction or excavation performed by the County, whether or not it is a joint application by two or more registrants or a single application, are not required to pay the excavation or obstruction and degradation portions of the permit fee, but a permit would still be required.

Sec. 93.15. Supplementary Applications.

Subd. 1. *Limitation on Area.* A right-of-way permit is valid only for the area of the right-of-way specified in the permit. No permittee may do any work outside the area specified in the permit, except as provided herein. Any permittee which determines that an area greater than that specified in the permit must be obstructed or excavated must before working in that greater area (i) make application for a permit extension and pay any additional fees required thereby, and (ii) be granted a new permit or permit extension.

Subd. 2. *Limitation on Dates.* A right-of-way permit is valid only for the dates specified in the permit. No permittee may begin its work before the permit start date or, except as provided herein, continue working after the end date. If a permittee does not finish the work by the permit end date, it must apply for a new permit for the additional time it needs, and receive the new permit or an extension of the old permit before working after the end date of the previous permit. This supplementary application must be submitted before the permit end date.

Sec. 93.16. Other Obligations.

Subd. 1. *Compliance With Other Laws.* Obtaining a right-of-way permit does not relieve permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by the County or other applicable rule, law or regulation. A permittee shall comply with all requirements of local, state and federal laws, including but not limited to Minnesota Statutes, Section 216D.01-.09 (Gopher One Call Excavation Notice System) and Minnesota Rules Chapter 7560. A permittee shall perform all work in conformance with all applicable codes and established rules and regulations, and is responsible for all work done in the right-of-way pursuant to its permit, regardless of who does the work.

Subd. 2. *Prohibited Work.* Except in an emergency, and with the approval of the County, no right-of-way obstruction or excavation may be done when seasonally prohibited or when conditions are unreasonable for such work.

Subd. 3. *Interference with Right-of-Way.* A permittee shall not so obstruct a right-of-way that the natural free and clear passage of water through the gutters or other waterways shall be interfered with. Private vehicles of those doing work in the right-of-way may not be parked within or next to a permit area, unless parked in conformance with County parking regulations. The loading or unloading of trucks must be done solely within the defined permit area unless specifically authorized by the permit.

Subd. 4. *Trenchless Excavation.* As a condition of all applicable permits, permittees employing trenchless excavation methods, including but not limited to Horizontal Directional Drilling, shall follow all requirements set forth in Minnesota Statutes, Chapter 216D and Minnesota Rules Chapter 7560, and shall require potholing or open cutting over existing underground utilities before excavating, as determined by the director.

Sec. 93.17. Denial of Permit.

The County may deny a permit for failure to meet the requirements and conditions of this chapter or if the County determines that the denial is necessary to protect the health, safety, and welfare or when necessary to protect the right-of-way and its current and future use.

Sec. 93.18. Installation Requirements.

The excavation, backfilling, patching and restoration, and all other work performed in the right-of-way shall be done in conformance with Minnesota Rules 7819.1100 and 7819.5000 and other applicable local requirements, in so far as they are not inconsistent with the Minnesota Statutes, Sections 237.162 and 237.163. Installation of service laterals shall be performed in accordance with Minnesota Rules Chapter 7560 and these ordinances. Service lateral installation is further subject to those requirements and conditions set forth by the County in the applicable permits and/or agreements referenced in Section 93.23 subd. 2 of this ordinance.

Sec. 93.19. Inspection.

Subd. 1. *Notice of Completion.* When the work under any permit hereunder is completed, the permittee shall furnish a completion certificate in accordance Minnesota Rule 7819.1300.

Subd. 2. *Site Inspection.* Permittee shall make the work-site available to the County and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work.

Subd 3. *Authority of Director.*

(a) At the time of inspection, the director may order the immediate cessation of any work which poses a serious threat to the life, health, safety or well-being of the public.

(b) The director may issue an order to the permittee for any work that does not conform to the terms of the permit or other applicable standards, conditions, or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within ten (10) days after issuance of the order, the permittee shall present proof to the director that the violation has been corrected. If such proof has not been presented within the required time, the director may revoke the permit pursuant to Sec. 93.22.

Sec. 93.20. Work Done Without a Permit.

Subd. 1. *Emergency Situations.* Each registrant shall immediately notify the director of any event regarding its facilities that it considers to be an emergency. The registrant may proceed to take whatever actions are necessary to respond to the emergency. Excavators' notification to Gopher State One Call regarding an emergency situation does not fulfill this requirement. Within two (2) business days after the occurrence of the emergency, the registrant shall apply for the necessary permits, pay the fees associated therewith, and fulfill the rest of the requirements necessary to bring itself into compliance with this chapter for the actions it took in response to the emergency.

If the County becomes aware of an emergency regarding a registrant's facilities, the County will attempt to contact the local representative of each registrant affected, or potentially affected, by the emergency. In any event, the County may take whatever action it deems necessary to respond to the emergency, the cost of which shall be borne by the registrant whose facilities occasioned the emergency.

Subd. 2. *Non-Emergency Situations.* Except in an emergency, any person who, without first having obtained the necessary permit, obstructs or excavates a right-of-way must subsequently obtain a permit and, as a penalty, pay double the normal fee for said permit, pay double all the other fees required by the County code, deposit with the County the fees necessary to correct any damage to the right-of-way, and comply with all of the requirements of this chapter.

Sec. 93.21. Supplementary Notification.

If the obstruction or excavation of the right-of-way begins later or ends sooner than the date given on the permit, permittee shall notify the County of the accurate information as soon as this information is known.

Sec. 93.22. Revocation of Permits.

Subd. 1. *Substantial Breach.* The County reserves its right, as provided herein, to revoke any right-of-way permit without a fee refund, if there is a substantial breach of the terms and conditions of any statute, ordinance, rule or regulation, or any material condition of the permit. A substantial breach by permittee shall include, but shall not be limited to, the following:

- (a) The violation of any material provision of the right-of-way permit;
- (b) An evasion or attempt to evade any material provision of the right-of-way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the County or its citizens;

- (c) Any material misrepresentation of fact in the application for a right-of-way permit;
- (d) The failure to complete the work in a timely manner, unless a permit extension is obtained or unless the failure to complete work is due to reasons beyond the permittee's control; or
- (e) The failure to correct, in a timely manner, work that does not conform to a condition indicated on an order issued pursuant to Sec. 93.19.

Subd. 2. *Written Notice of Breach.* If the County determines that the permittee has committed a substantial breach of a term or condition of any statute, ordinance, rule, regulation or any condition of the permit, the County shall make a written demand upon the permittee to remedy such violation. The demand shall state that continued violations may be cause for revocation of the permit. A substantial breach, as stated above, will allow the County, at its discretion, to place additional or revised conditions on the permit to mitigate and remedy the breach.

Subd. 3. *Response to Notice of Breach.* Within twenty-four (24) hours of receiving notification of the breach, permittee shall provide the County with a plan, acceptable to the County, that will cure the breach. Permittee's failure to so contact the County, or permittee's failure to timely submit an acceptable plan, or permittee's failure to reasonably implement the approved plan, shall be cause for immediate revocation of the permit. Further, permittee's failure to so contact the County, or permittee's failure to submit an acceptable plan, or permittee's failure to reasonably implement the approved plan, shall automatically place the permittee on probation for one (1) full year.

Subd. 4. *Cause for Probation.* From time to time, the County may establish a list of conditions of the permit, which if breached will automatically place the permittee on probation for one full year, such as, but not limited to, working out of the allotted time period or working on right-of-way grossly outside of the permit authorization.

Subd. 5. *Automatic Revocation.* If a permittee, while on probation, commits a breach as outlined above, permittee's permit will automatically be revoked and permittee will not be allowed further permits for one full year, except for emergency repairs.

Subd. 6. *Reimbursement of County costs.* If a permit is revoked, the permittee shall also reimburse the County for the County's reasonable costs, including restoration costs and the costs of collection and reasonable attorneys' fees incurred in connection with such revocation.

Sec. 93.23. Mapping Data.

Subd. 1. *Information Required.* Each registrant and permittee shall provide mapping information required by the County in accordance with Minnesota Rules 7819.4000 and 7819.4100. Within ninety (90) days following completion of any work pursuant to a permit, the permittee shall provide the director accurate maps and drawings certifying the "as-built" location of all equipment installed, owned and maintained by the permittee. Such maps and drawings shall include the horizontal and vertical location of all facilities and equipment and shall be provided consistent with the County's electronic mapping system, when practical or as a condition imposed by the director. Failure to

provide maps and drawings pursuant to this subsection shall be grounds for revoking the permit holder's registration.

Subd. 2. *Service Laterals.* All permits issued for the installation or repair of service laterals, other than minor repairs as defined in Minnesota Rules 7560.0150 subpart 2, shall require the permittee's use of appropriate means of establishing the horizontal locations of installed service laterals, and the service lateral vertical locations in those cases where the director reasonably requires it. Permittees or their subcontractors shall submit to the director evidence satisfactory to the director of the installed service lateral locations. Compliance with this subdivision 2 and with applicable Gopher State One Call law and Minnesota Rules governing service laterals install after December 31, 2005, shall be a condition of any County approval necessary for 1) payments to contractors working on a public improvement project including those under Minnesota Statutes, Chapter 429, and 2) County approval of performance under development agreements, or other subdivision or site plan approval under Minnesota Statutes, Chapter 462. The director shall reasonably determine the appropriate method of providing such information to the County. Failure to provide prompt and accurate information on the service laterals installed may result in the revocation of the permit issued for the work or for future permits to the offending permittee or its subcontractors.

Sec. 93.24. Location and Relocation of Facilities.

Subd. 1. Placement, location, and relocation of facilities must comply with the Act, with other applicable law, and with Minnesota Rules 7819.3100, 7819.5000 and 7819.5100, to the extent the rules do not limit authority otherwise available to cities.

Subd. 2. *Corridors.* The County may assign a specific area within the right-of-way, or any particular segment thereof as may be necessary, for each type of facilities that is or, pursuant to current technology, the County expects will someday be located within the right-of-way. All excavation, obstruction, or other permits issued by the County involving the installation or replacement of facilities shall designate the proper corridor for the facilities at issue.

Any registrant who has facilities in the right-of-way in a position at variance with the corridors established by the County shall, no later than at the time of the next reconstruction or excavation of the area where the facilities are located, move the facilities to the assigned position within the right-of-way, unless this requirement is waived by the County for good cause shown, upon consideration of such factors as the remaining economic life of the facilities, public safety, customer service needs and hardship to the registrant.

Subd. 3. *Nuisance.* One year after the passage of this chapter, any facilities found in a right-of-way that have not been registered shall be deemed to be a nuisance. The County may exercise any remedies or rights it has at law or in equity, including, but not limited to, abating the nuisance or taking possession of the facilities and restoring the right-of-way to a useable condition.

Subd. 4. *Limitation of Space.* To protect health, safety, and welfare, or when necessary to protect the right-of-way and its current use, the County shall have the power to prohibit or limit the placement of new or additional facilities within the right-of-way. In making such decisions, the County shall strive to the extent possible to accommodate all existing and potential users of the right-of-way, but shall be guided primarily by considerations of the public interest, the public's needs for the particular utility service, the condition of the right-of-way, the time of year with respect to

essential utilities, the protection of existing facilities in the right-of-way, and future County plans for public improvements and development projects which have been determined to be in the public interest.

Sec. 93.25. Pre-excavation Facilities Location.

In addition to complying with the requirements of Minn. Stat. 216D.01-.09 (“One Call Excavation Notice System”) before the start date of any right-of-way excavation, each registrant who has facilities or equipment in the area to be excavated shall mark the horizontal and vertical placement of all said facilities. Any registrant whose facilities are less than twenty (20) inches below a concrete or asphalt surface shall notify and work closely with the excavation contractor to establish the exact location of its facilities and the best procedure for excavation.

Sec. 93.26. Damage to Other Facilities.

When the County does work in the right-of-way and finds it necessary to maintain, support, or move a registrant's facilities to protect it, the County shall notify the local representative as early as is reasonably possible. The costs associated therewith will be billed to that registrant and must be paid within thirty (30) days from the date of billing. Each registrant shall be responsible for the cost of repairing any facilities in the right-of-way which it or its facilities damage. Each registrant shall be responsible for the cost of repairing any damage to the facilities of another registrant caused during the County's response to an emergency occasioned by that registrant's facilities.

Sec. 93.27. Right-of-Way Vacation.

Reservation of right. If the County vacates a right-of-way that contains the facilities of a registrant, the registrant's rights in the vacated right-of-way are governed by Minnesota Rules 7819.3200.

Sec. 93.28. Indemnification and Liability

By registering with the County, or by accepting a permit under this chapter, a registrant or permittee agrees to defend and indemnify the County in accordance with the provisions of Minnesota Rule 7819.1250.

Sec. 93.29. Abandoned and Unusable Facilities.

Subd. 1. Discontinued Operations. A registrant who has determined to discontinue all or a portion of its operations in the County must provide information satisfactory to the County that the registrant's obligations for its facilities in the right-of-way under this chapter have been lawfully assumed by another registrant.

Subd. 2. Removal. Any registrant who has abandoned facilities in any right-of-way shall remove it from that right-of-way if required in conjunction with other right-of-way repair, excavation, or construction, unless this requirement is waived by the County.

Sec. 93.30. Appeal.

A right-of-way user that: (1) has been denied registration; (2) has been denied a permit; (3) has had a permit revoked; (4) believes that the fees imposed are not in conformity with Minn. Stat. § 237.163, Subd. 6; or (5) disputes a determination of the director regarding Section 1.23 subd. 2 of this ordinance may have the denial, revocation, fee imposition, or decision reviewed, upon written request, to the County Board. The County Board shall act on a timely written request at its next regularly scheduled meeting, provided the right-of-way user has submitted its appeal with sufficient time to include the appeal as a regular agenda item. A decision by the County Board affirming the denial, revocation, or fee imposition will be in writing and supported by written findings establishing the reasonableness of the decision.

Sec. 93.31. Severability.

If any portion of this chapter is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof. Nothing in this chapter precludes the County from requiring a franchise agreement with the applicant, as allowed by law, in addition to requirements set forth herein.

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Request for approval to contract with Wickenhauser Excavating, Inc., for Building Demolition in Watertown, MN

Primary Originating Division/Dept:

Meeting
Date:

Contact: Title:

Item Type:

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

The 2015 construction season includes the replacement of the CSAH 10 (Territorial Street) bridge over the Crow River in Watertown, MN. Carver County has entered into an agreement with the City of Watertown, MN to acquire the properties located at 101 Territorial St and 104 Lewis Ave N and remove the structures.

The County has performed all necessary environmental and historical assessments required to proceed with the road and bridge project and building removal process. The County has reviewed concerns received at the October 7th County Board meeting related to the historic evaluation of the buildings. The attached letter responds to these concerns.

The County has secured bids for the demolition of the structures located at 101 Territorial St and 104 Lewis Ave which includes the removal of any potentially hazardous materials. Two bids were obtained, with Wickenhauser Excavating, Inc., being the lowest bid.

ACTION REQUESTED:

Motion to contract with Wickenhauser Excavating, Inc., for the demolition of the structures located at 101 Territorial St and 104 Lewis Ave N, Watertown, MN, pending finalization of the contract review process.

FISCAL IMPACT:
If "Other", specify:

FUNDING	
County Dollars =	\$45,744.60
City of Watertown	\$15,248.20
Total	\$60,992.80

FTE IMPACT:

QUOTES OR BIDS OBTAINED:

Related Financial/FTE Comments:

The amount of this contract will be split between Carver County, (75%) and the City of Watertown, (25%).

Office use only:

RBA 2014 - 2826



BOLTON & MENK, INC.®

Consulting Engineers & Surveyors

2638 Shadow Lane, Suite 200 • Chaska, MN 55318-1172

Phone (952) 448-8838 • Fax (952) 448-8805

www.bolton-menk.com

October 13, 2014

Carver County Public Works
Attn: Mr. Lyndon Robjent
11360 Highway 212 West, Suite 1
Cologne, MN 55322

RE: NAPA Building Comments
Carver County / City of Watertown

Dear Mr. Robjent:

In regards to comments received by the City of Watertown Council and the Carver County Board of Commissioners pertaining to the historic relevance of the NAPA building in Watertown and if it should or needs to be protected and saved, we are offering the following answers to potential questions for your summary on this issue:

Was the NAPA building reviewed for historic relevance with the CSAH 10 bridge replacement permitting process?

In 2012 Gemini Research was hired to conduct a Phase I and II architecture-history survey in association with the CSAH 10 project. The investigation was conducted in compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (36 CFR 800). Section 106 requires that responsible government agencies take historic properties into consideration during the planning of undertakings that are funded, permitted, or licensed by the federal government. "Historic properties" are defined by the Act as properties that are listed on, or eligible for, the National Register of Historic Places (NRHP).

Gemini identified a 16.8-acre Area of Potential Effect (APE) for architecture-history resources. The APE doubled as the survey area which included the NAPA building. Gemini encountered only one property in the survey area that was 50 years old and met National Register integrity requirements. It was Bridge 5882 itself (CSAH 10 over the Crow River). The bridge was determined eligible for the National Register in the late 1990s as part of the statewide Minnesota Historic Bridge Inventory. It meets National Register eligibility Criterion C for its notable and intact design.

If it is claimed that Gemini missed something of historic relevance regarding the NAPA property, does it change the standing of clearance to remove the bridge or NAPA facility?

It does not change the permitted conditions related to the project allowing for bridge removal and removal of the NAPA building. The NEPA permitting process followed for this project requires investigation of the project impacts, the bridge and surrounding buildings. Nothing warranting specific regulatory protection was indicated besides the bridge in the process. Comments regarding the permit findings



Mr. Lyndon Robjent

October 13, 2014

Page 2

related to any structures were recorded and were incorporated into the decision making process and the permit document.

Mandatory public outreach was necessary during the permitting process and public postings and open houses showing all project alternatives and the preferred alternative impacting the NAPA store were discussed and were publically available. The state historic preservation office (SHPO) reviewed and commented on the permit and all supporting documentation. No comments were obtained regarding the NAPA store and no current protections exist for the facility. The permit was issued and all public process regarding the permit is now closed with the finding that the bridge removal was necessary and unavoidable for the needs of the project partners. The selected plan includes removal of the NAPA building.

As a result of process rules and necessary limitations on comments and appeals, the permitted process is now closed and differences of opinion regarding the findings are one of local opinion and not permitted regulation for removal of the facilities. If an assertion exists that the Gemini report did not include certain elements, those assertions valid or opinion based are ones of independent local discussion and are no longer related to the permit process for the project. Both the bridge and NAPA facility may be removed from a regulatory standpoint.

Can the NAPA store be considered a historic structure and protected in the future?

The NAPA store is currently not registered or eligible for any historic protections. No regulatory body currently has authority to protect the structure from removal given it is not listed as a historic property on the national registry.

To become a listed and protected building, an application must be completed documenting the historic significance of the building and must be submitted to the state historic preservation office (SHPO) for nomination to the Keeper of the Register (a Federal position). At that time if the SHPO did nominate the building, then the Keeper of the Register will review the application and determine if the building is in fact considered historic and should be protected. This application must be approved by the Owner of the building and cannot be a 3rd party applicant without building owner consent, in this case, the owner is Carver County.

Typically, buildings are reviewed for many elements:

- Location
- Design
- Setting
- Material
- Workmanship
- Feeling
- Association

In the case of the NAPA building, there does not appear to be basis from a historical standpoint for Federal protection if it were to go through a full process for eligibility. The process from start to finish can range from 6 months to 18 months or more from the time of application. Without a full more detailed review by a building historian or archeologist, we are unable to confirm if the structure would or would not be listed on the registry, however it does not appear likely to be considered historically significant based on the types of structures typically selected and based on reviews done to date of the facility.

What are the deciding factors in determining to remove or protect the building?



Mr. Lyndon Robjert

October 13, 2014

Page 3

From a regulatory standpoint, this determination is a local decision. If the City or County make a determination that the structure should be relocated rather than removed, the relocation would be for relocation of a building that the local governments are looking to save for any reason, not for any permitted purpose.

Is there a recommendation to remove the structure or keep the building by relocating it?

As a result of this issue being outside any permitting or regulatory standing, we are unable to offer a professional position on if the historic relevance presented by any concerned parties warrants the added expenses of relocation and rehabilitation at another site vs. removal.

Is any funding available to help with relocation or preservation costs if the building were to be relocated and preserved as a historic structure?

This building is not on the National Register of Historic Places and therefore is not eligible for associated funding. The State and Federal Government maintains funding sources for buildings and facilities that are on the National Register.

Some of these grant programs for historic properties are as follows:

- Minnesota Historical & Cultural Heritage Grants - Provides grants to projects in the state of Minnesota focused on preserving Minnesota's history and cultural heritage.
- Certified Local Government Grants - Qualifying cities may apply for these federal matching grants for local preservation projects.
- State Capital Project Grants-in-Aid - Capital projects for historic preservation of publicly owned and used buildings are eligible for these matching grants.
- Federal Investment Tax Credits - Tax incentives that reward private investment in the rehabilitation of historic properties.
- Minnesota Historic Structure Rehabilitation Tax Credit - Offers a 20% state tax credit for qualified historic rehabilitations, and parallels the existing federal rehabilitation tax credit.
- Heritage Partnership Program - Supporting the creation and development of sustainable, history-based partnerships throughout the state.

These funds are in place to maintain or preserve historic buildings, places, or structures that require upkeep and preservation efforts. These funds are not available for buildings that are thought to be historic and have yet to be proven historic by a full review process.

Relocation of the structure (if it were listed) would not typically be allowed and if it was, it would likely negate the historical designation as setting and location would be compromised. We are not aware of available funds to relocate a building that is thought to be historic by concerned parties but has yet to be documented or agreed upon as such by regulating historians and archeologists.

Who would pay for relocation and preservation if it were to occur?

The current plan includes removal of the facility with costs split per the project Joint Powers Agreement. Relocation and preservation costs of the building would be paid by the City if it was a local decision to save the building and relocate it (if the County concurred with this direction as it is a County owned building). Transfer of ownership would need to occur. If the County initiated the need to save the building and relocate it at County direction, then it is conversely likely that the City would request payment by the County including upkeep and preservation.



Mr. Lyndon Robjent

October 13, 2014

Page 4

The need to remove the NAPA building and all footings is integral to the CSAH 10 bridge replacement project and needs to occur this Fall or Winter at the latest for schedule requirements of the project, therefore we recommend final determination on this issue as soon as possible. If there are any questions on any of this information, please let us know.

Sincerely,

BOLTON & MENK, INC.

A handwritten signature in blue ink, appearing to read "Daniel A. Lonnes", written over a horizontal line.

Daniel A. Lonnes, P.E.

Principal Engineer

H:\CACO\C15104851\1_Corres\D. Docs\2014-10-08 Watertown NAPA Letter to Carver Co.docx

Carver County Board of Commissioners Request for Board Action



Agenda Item:

2040 Regional Parks Policy Plan Review

Primary Originating Division/Dept:

Meeting

Date:

Contact: Title:

Item Type:

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:

The Metropolitan Council has provided a draft plan of 2040 Regional Parks Policy Plan. Staff has reviewed the plan and prepared a draft letter for the Board's consideration.

ACTION REQUESTED:

Approve submitting a the letter to the Metropolitan Council and authorize the Board Chair to sign.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT:

Total

QUOTES OR BIDS OBTAINED:

Related Financial/FTE Comments:

Office use only:

RBA 2014- 2822



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

October 21, 2014

Susan Haigh, Chair
Metropolitan Council
300 Robert Street North
St. Paul, MN 55101

RE: *Draft 2040 Regional Parks Policy Plan (RPPP)*

Dear Chairwoman Haigh,

Thank you for the opportunity to provide comments on the draft 2040 Regional Parks Policy Plan. Carver County takes great pride in providing high value regional parks and trails to residents of Carver County, the metropolitan region, and beyond.

The Carver County Board has expressed significant concerns in each of its policy plan comment letters with the Metropolitan Council's (Council's) process which has concurrently developed Thrive MSP 2040, the 2040 RPPP, and the other system policy plans. The County Board has repeatedly stated that the concurrent process followed by the Council has resulted in policy plans that lack clear connection vertically to Thrive, and horizontally with each other. The RPPP is no exception to this concern. The County Board strongly encourages the Council to take the time necessary to carefully revise policy plans in a collaborative approach with implementing agencies.

The following will provide key points that the Board requests the Council to address in the RPPP prior to adoption. In addition, County Staff will supplement this letter by providing specific edit suggestions for the RPPP directly to Council staff.

1. Compared to the 2030 RPPP which focused on growing the system to meet growing population needs, the 2040 RPPP presents a significant priority shift to maintaining the existing system and applying an equity focus to the system's visitor population. While the Board agrees that equitable park use is essential, it also requests the Council be deliberate and balance needs for expansion, development, and redevelopment of the park system to meet demands of growing populations.
2. The Finance Policy section outlines strategies to develop an "equity lens" and "equity toolkit" and apply those to funding requests for parks and trail development. The Board urges the Council to complete the development of its "equity lens" and "equity toolkit" in collaboration with implementing agencies before adopting the Draft 2040 Regional Parks Policy Plan. Carver County requests the Council and implementing agencies:
 - a. Clearly define how it will consider equity when prioritizing projects and evaluating funding requests.
 - b. Clearly define how impacts of projects on equity will be measured.
 - c. Balance evaluation of equity impacts with other stated goals of the regional park system including the "major considerations" outlined on pg. 66, the stated priority to acquire additional public water frontage on pg. 68, and legislative mandates to, "acquire, preserve, protect and develop regional recreational open space for public use."

- d. Allow efforts to promote equitable park usage to be tailored to specific locations based on proximity to target populations, and differences in the needs and desires of local populations within the park's primary service area.
3. The Council should invest in thoroughly understanding barriers to equitable park use before deploying solutions. Capital projects are costly and have long lifespans, and the region should be highly confident that capital projects will produce intended results before investing scarce capital dollars. The Board requests the Council to:
 - a. Update the 2008 visitor origin data to understand current use patterns and regional park service areas.
 - b. Provide a consistent funding source comprised of new money, not CIP dollars, to support population outreach, equity programs, and CIP projects targeted for equity distribution.
 - c. Defer prioritization of capital projects to elected boards of implementing agencies that are accountable to their electorate and most knowledgeable about local population needs and priorities.
 - d. The new category for Special Recreation Features of "Bridging Facilities" is perplexing to implementing park agencies since sound examples have not been provided. Resources are better applied to bridging programs to determine level of interest and if capital investment is warranted.
 4. The RPPP does not clearly explain how progress toward equitable use goals will be evaluated and how implementing agencies are accountable towards these goals. The Board suggests that so long as an implementing agency is making a good faith effort to provide facilities and programs that appeal to the region's population, implementing agencies should not face funding consequences based on participation of minority populations. The Board requests the Council to:
 - a. Clarify how equitable park use will be measured. Specifically will use be measured by individual facility, implementing agency, or at a regional scale?
 - b. Update primary service areas for regional facilities which are currently based on 2008 data to more accurately determine equity goals.
 - c. Take an active role in marketing regional parks and regional park programs to minority populations. Provide financial support for implementing agencies to advertise facilities in collaboration with each other for programs and facilities which attract primary users beyond the implementing agencies' geographical jurisdiction.
 5. The RPPP describes a Regional Bicycle Transportation Network (RBTN) intended to plan for a more seamless network of on-street bikeways and off-street trails region-wide. Carver County requests that the Council more explicitly and clearly explain this new concept's goals. Particularly how the RBTN and Regional Trails System work together or compete with each other for implementation. The County requests the Council to answer the following questions:
 - a. What is the minimum design standard for trails and other routes identified on the RBTN?
 - b. What are the Council's strategies for investing in the RBTN and how does that compare to regional trails that are not identified in the RBTN?

The Board and County Staff look forward to continuing discussions related to the 2040 RPPP and the other regional policy plans as we continue to define our regional vision and implement Thrive MSP 2040.

Sincerely,

Gayle Degler, Carver County Board Chair

cc. Gary Van Eyll, District 4 Council Member
 Jennifer Munt, District 3 Council Member
 Angela Torres, Sector Representative

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Closed Session for Labor Negotiation Strategy

Primary Originating Division/Dept:

Meeting

Date:

Contact: Title:

Item Type:

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

Five of eleven Collective Bargaining Agreements (CBAs) in the County will expire on 12/31/2014. Minn Statute 13D.03 subd 2 allows a public entity to enter into a closed session to plan and discuss labor negotiation strategy.

Employee Relations has held initial meetings with several bargaining units and is requesting an opportunity for discussion with the Board at this time.

The request is to enter into a closed session to discuss the strategy for 2015 and forward with regard to the labor agreements concluding at the end of 2014 with AFSCME, SMACC and Teamsters.

ACTION REQUESTED:

Motion to go into closed session to discuss labor negotiation strategy.

Upon conclusion of the closed session, a motion to return to regular session.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT:

Total

QUOTES OR BIDS OBTAINED:

Related Financial/FTE Comments:

Fiscal and FTE impacts are unknown at this time.

Office use only:

RBA 2014 - 2832

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Land Acquisition for CSAH 11 Construction Project #SP 010-611-006

Primary Originating Division/Dept: <input type="text" value="Public Works"/>	Meeting Date: <input type="text" value="10/21/2014"/>
Contact: <input type="text" value="Lyndon Robjent"/> Title: <input type="text" value="Public Works Director/Count..."/>	Item Type: <input type="text" value="Closed Session"/>
Amount of Time Requested: <input type="text" value="30"/> minutes Presenter: <input type="text" value="Patrick Lambert/Larry Martin"/> Title: <input type="text" value="Right-of-Way Agent"/>	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

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

The county appealed the award on PID # 30.0061400. The property owner filed a cross-appeal. As part of the appeal process, mediation is required in order to try to resolve the matter. On September 23, 2014, a mediation session was conducted. A settlement was not reached.

The county also appealed the commissioner awards on PID #s 30.0070200, 30.0070400, and 30.0070210. The property owners filed cross-appeals. Mediation on these parcels is scheduled for October 24, 2014.

ACTION REQUESTED:

Motion to enter into closed session pursuant to Minn. Stat. Section 13D.05 to consider offers and counteroffers for the purchase of real property and to discuss protected attorney-client privileged 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.

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- 2836