

**Joint Work Session with Scott County Board
 March 19, 2013 – 2:30 p.m.
 County Board Room**



Carver County Board of Commissioners
 March 19, 2013
 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)	
	2.	Agenda review and adoption	
	3.	Approve minutes of March 12, 2013 Regular Session	1-2
	4.	Community Announcements	
4:05 p.m.	5.	CONSENT AGENDA	
		<i>Communities: Create and maintain safe, healthy and livable Communities</i>	
	5.1	2013 prosecution contracts	3
	5.2	Policy for installation of rumble strips on County highways	4-8
		<i>Culture: Provide organizational culture fostering accountability to achieve goals and sustain public trust/confidence in County government</i>	
	5.3	Approve Teamsters Local 320 licensed management collective bargaining agreement for 2012-2013.....	9
		<i>Growth: Manage the challenges and opportunities resulting from growth and development</i>	
	5.4	Resolution for right of way acquisition for CSAH 18 from Audubon Road to CSAH 17 (Powers Blvd) Project SP 10-618-13	10-11
		<i>Connections: Develop strong public partnerships and connect people to services and information</i>	
	5.5	Resolution supporting nomination of James D. Healy to the National Freight Advisory Committee	12-14
		<i>Finances: Improve the County's financial health and economic profile</i>	
	5.6	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	Minnesota Prairie Line Update from Mark Wegner	15-20

4:30 p.m.	7. COMMUNITIES: Create and maintain safe, healthy and livable communities 7.1 Sheriff and Public Health & Environment (Emergency Management) reorganization 21 7.2 Public hearing – Ordinance 76-2012 (permit management in County Highway right of ways) 22-46
5:10 p.m.	8. GROWTH: Manage the challenges and opportunities resulting from growth and development 8.1 Update of policy for cost participation of County highway projects 47-54 8.2 Joint Powers Agreement with City of Carver for CSAH 11/Ironwood Drive Intersection and Park and Ride construction 55
5:30 p.m.	ADJOURN REGULAR SESSION WORK SESSION
5:30 p.m.	A. COMMUNITIES: Create and maintain safe, healthy and livable communities 1. Economic tax abatement request for the Legends at Hazeltine Assisted Living Housing Project 56-64
6:30 p.m.	BOARD REPORTS 1. Chair 2. Board Members 3. Administrator 4. Adjourn

David Hemze
County Administrator

UPCOMING MEETINGS

March 26, 2013	No Board Meeting
April 2, 2013	9:00 a.m. Board Meeting
April 9, 2013	9:00 a.m. Work Session
April 16, 2013	2:30 p.m. Committee of the Whole
April 16, 2013	4:00 p.m. Board Meeting

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on March 12, 2013. Vice Chair James Ische convened the session at 9:00 a.m.

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

Members absent: Tim Lynch.

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

Workman, Degler seconded, to approve the minutes of the February 26, 2013, Regular Session. Motion carried unanimously.

Community announcements were made by the Board.

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

Authorized Sheriff's Office donating horticulture lights to the Integrated Arts Academy Horticulture Program.

Authorized the Sheriff's accepting donation of \$200 and stuffed animals.

Approved Carver County Ducks Unlimited Chapter 128 gambling application.

Approved Ridgeview Foundation gambling license application.

Authorized selling 38 copiers to Impact Technology for \$4,375.

Approved the following abatements:

06.0130610	Dale Kompelien
30.3850550	William Roseth

Reviewed March 5, 2013 Community Social Services' actions/Commissioners' warrants in the amount of \$247,583.27.

Reviewed March 12, 2013 Community Social Services' actions/Commissioners' warrants in the amount of \$183,450.02.

Motion carried unanimously.

Jason Mielke, Land Management, reviewed Joseph Johnson's request for an airport and skydiving facility. He explained the Planning Commission conducted a public hearing and recommended a denial of the request.

He reviewed the proposed activities that would have occurred on the site. Mielke stated the findings cited for the denial included the proposed location, Hollywood Township's denial on the use of the township road, that the land use was incompatible with the surrounding area, the proposed activities would generate excess traffic and noise, that it conflicted with the ag district and did not meet the intent of the comp plan or the standards of the zoning code.

Mielke clarified they reviewed the standards and explained their concerns on the location beforehand but the applicant wanted to pursue the property.

Maluchnik moved, Degler seconded, to adopt Findings of Fact and issue Order #PZ20130005 for the denial of a Conditional Use Permit and Interim Use Permit. Motion carried unanimously.

Workman moved, Degler seconded, to adjourn the Regular Session at 9:14 a.m. and go into a work session with Administrative Services and Public Works. Motion carried unanimously.

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:

2013 Prosecution Contracts

Primary Originating Division/Dept: <input type="text" value="Attorney"/>	Meeting Date: <input type="text" value="3/19/2013"/>
Contact: <input type="text" value="John Rekow"/> Title: <input type="text" value="Law Office Manager"/>	Item Type: Consent <input type="text"/>
Amount of Time Requested: <input type="text"/> minutes Presenter: <input type="text"/> Title: <input type="text"/>	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No

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

BACKGROUND/JUSTIFICATION:

County Attorney's Office provides prosecution services for ten cities in Carver County. This service enables our office to prosecute cases efficiently for the cities with our proximity to the courts and other agencies. The cost of prosecution is offset by a portion of fine revenue collected and a quarterly surcharge the cities pay the Attorney's Office. The subsidy allowed by the County helps to keep this service at a lower cost to the cities.

ACTION REQUESTED:

Move approval of the prosecution contracts with each of the ten contracting cities in Carver County, upon contract review by the County Attorney's Office and Risk Management.

FISCAL IMPACT: <input type="text" value="Included in current budget"/> If "Other", specify: <input type="text"/>	FUNDING County Dollars = <input type="text" value="\$24,013.86"/> <input type="text"/> Total <input type="text" value="\$24,013.86"/>
FTE IMPACT: <input type="text" value="None"/>	

Related Financial/FTE Comments:

- Cost of Prosecution: \$203,929
- Less Fines Collected: (102,080)
- County Subsidy: (24,014)
- Surcharge to Cities: (77,835)

Office use only:

RBA 2012- 1696

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Policy for Installation of Rumble Strips on County Highways

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:

Public Works, in partnership with MnDOT, is in the final stages of developing a County Wide Road Safety Plan. One of the safety recommendations in the proposed plan is to consider installing centerline and or edge line rumble strips on certain roadways.

Although proven effective at reducing crashes, rumble strips can not and should not be installed on all roadways due to the noise they create when driven over.

Public Works has developed a policy that can be used to determine the appropriate installations on Carver County highways. Details of the policy were discussed at the March 12 County Board Work Session.

The proposed policy is attached to this form.

ACTION REQUESTED:

Adopt the policy for the installation of Rumble Strips on County Highways

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT:

Total

Related Financial/FTE Comments:

Office use only:

RBA 2012-1692



Carver County Division of Public Works

RUMBLE STRIP POLICY

Adopted by the Carver County Board of Commissioners on March 19, 2013.

PURPOSE

The following Policy has been established to provide uniformity and consistency in the application and installation of edge line and centerline rumble strips on Carver County's rural roadway system. This policy weighs the safety benefit with the noise nuisance associated with rumble strips, and defines when rumble strips will be used on the County roadway system.

BACKGROUND

In response to an overrepresentation of road departure and head-on crashes along the rural county highway system in Minnesota, Carver County completed a Roadway Safety Plan in 2013 which identifies a variety of potential mitigation strategies (as documented in the NCHRP 500 Series reports on implementation of AASHTO's *Strategic Highway Safety Plan* and in the Federal Highway Administration's Technical Memorandum on Consideration and Implementation of Proven Safety Countermeasures). Current safety-related guidance suggests that the first step in addressing road departure crashes and head-on crashes involves considering the deployment of techniques and features along road edges and centerlines that help keep vehicles on the roadway and in the appropriate lane. The techniques include enhancing pavement markings, enhancing delineation of highway curves, constructing wider or paved shoulders, providing a safety wedge as part of bituminous paving projects, installing median and barriers, and installing edge line and centerline rumble strips. Considering implementation costs and estimated effectiveness, the use of rumble strips has been selected as a targeted strategy for reducing the occurrence of road departure and head-on crashes along segments of rural county highways.

It is Carver County's long-term goal to reduce road departure and head-on crashes along all county highways utilizing the most appropriate technique. Given that the Carver County system includes approximately 270 miles of roadway, implementation costs are extremely high. This will require using a phased approach to construct and install the edge line and centerline improvements over several years, as funding permits.

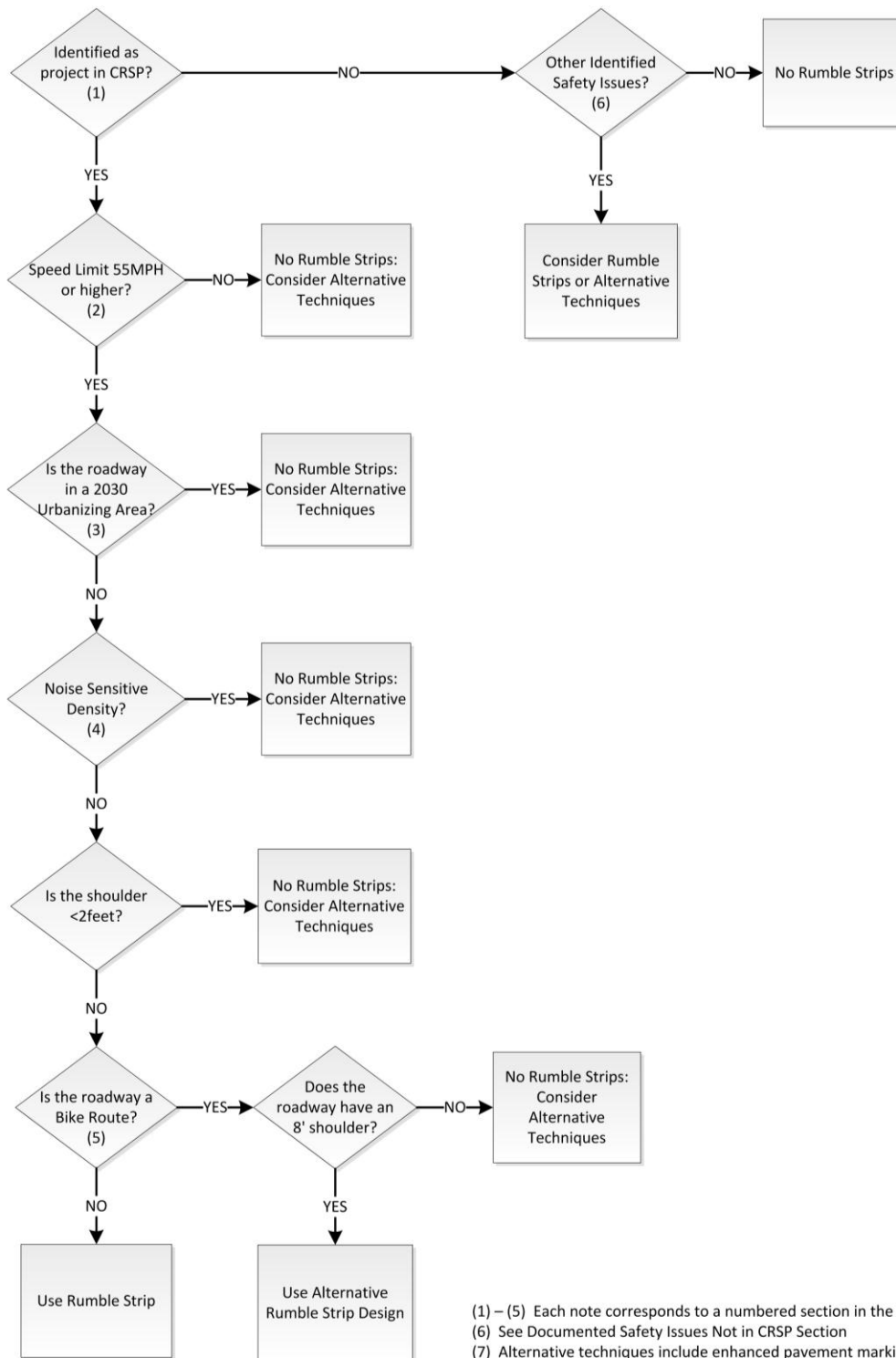
POLICY

Carver County will periodically evaluate the rural county highway system, based on the County Road Safety Plan, traffic volumes, road departure crashes, bike use, shoulder characteristics, land use, and residential density, and will establish a priority for implementation of rumble strips consistent with the following flowchart and criteria.



Carver County Division of Public Works

RUMBLE STRIP POLICY FLOW CHART



(1) – (5) Each note corresponds to a numbered section in the Policy Criteria
 (6) See Documented Safety Issues Not in CRSP Section
 (7) Alternative techniques include enhanced pavement markings, safety edge, median and barriers, etc...



Carver County

Division of Public Works

Carver County's approach to implementing edge line enhancements will include two basic components:

1. Including safety strategies in traditional maintenance and regular construction projects.
2. Adding safety strategies by undertaking stand-alone projects that capitalize on securing state and federal highway safety improvement funds.

POLICY CRITERIA

Rumble strips in the travelled way have several potential pitfalls that should be considered carefully in any decision to implement them, including the following:

- Noise that may disturb nearby residents
- Potential loss-of-control problems for motorcyclists and bicyclists
- Difficulties created for snowplow operations
- Inappropriate driver responses, such as using the opposing travel lanes to drive around the rumble strips

With this policy Carver County is trying to balance the safety benefit of rumble strips with the noise nuisance for nearby residence utilizing the following criteria:

1. If the segment of roadway has been identified in the County Road Safety Plan as a candidate for rumble strip installation. These projects have been chosen based on roadway ADT, density of lane departure crashes, access density, curve critical radius density, and edge line risk.
2. Rumble strips will not be installed if the posted speed limit is less than 55mph.
3. Rumble strips will not be installed if the segment is within a 2030 urbanizing area as determined by the Carver County Comprehension Plan.
4. If rumble strips are considered for a roadway the design will allow for a break in the rumble strips within 650 feet of a residence (see Noise Sensitive Density Guidelines Section below). A segment of rumble strips will only be installed if it is at least a 1320 foot (1/4 mile) continuous segment. Each segment will be analyzed to determine if the allowable rumble strip installation areas are worthwhile for the segment.
5. If the segment falls within an actively used Bicycle route, it will then be analyzed for existing shoulder widths and a possible alternative rumble strip design will be chosen (see Bicycle Design Guidelines Section below).



Carver County

Division of Public Works

BICYCLE DESIGN GUIDELINES

For locations designated as bike routes or routes with regular bike traffic, also consider:

- At locations with paved shoulder, moving the rumble to the outside edge of the paved shoulder to provide space for the bicyclist to move between the roadway lane and shoulder without having to run over the rumbles
- At locations without shoulders, consider bike-friendly designs (such as 48-foot grooves with a 12-foot skip) or adding a narrow paved shoulder, moving the edge line to 11 feet, and adding the rumbles to the outside edge of the shoulder.

NOISE SENSITIVE DENSITY GUIDELINES

The National Cooperative Highway Research Program (NCHRP) Report 641, Guidance for the Design and Application of Shoulder and Centerline Rumble Strips, states that terminating rumble strips 656 feet prior to a residential or urban area results in tolerable noise impacts. The report also states that a recent survey of residence show the majority of people find the external noise produced from centerline rumble strips to be acceptable or tolerable and that the potential driver safety outweighed the effect of the external noise.

DOCUMENTED SAFETY ISSUES NOT IN COUNTY ROAD SAFETY PLAN

Carver County Public Works will also consider utilizing rumble strips along a segment of roadway if there is a documented safety problem. If this occurs, proper public involvement will be the main part of the project scope.

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Approve Teamsters Local 320 Licensed Management Collective Bargaining Agreement for 2012 - 2013

Primary Originating Division/Dept: <input type="text" value="Employee Relations"/>	Meeting Date: <input type="text" value="3/19/2013"/>
Contact: <input type="text" value="Doris Krogman"/> Title: <input type="text" value="Employee Relations Director"/>	Item Type: <input type="text" value="Consent"/>
Amount of Time Requested: <input type="text" value=""/> minutes	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Presenter: <input type="text" value=""/> Title: <input type="text" value=""/>	

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

Negotiations have concluded with the Teamsters Licensed Management Unit for their 2012 – 2013 Collective Bargaining Agreement (CBA); and they have ratified the revised CBA.

The terms of the agreement are:

- 2012 salary increases of 1% for those within the range or 0.5% for those at the maximum of the range, effective July 2, 2012, with the ranges increasing by 1% at the minimum and 0.5% at the maximum.
- 2013, salary increases of 1.75% for those within the range or 1.25% for those at the maximum of the range, effective July 1, 2013 with the ranges increasing by 1.75% at the minimum and 1.25% at the maximum.
- Cafeteria contributions remain at 2011 levels through this CBA, and increase to \$1,175 for family and \$660 for single health insurance in 2014; and Plan A is eliminated in 2014.
- Uniform allowance is increased from \$670 to \$720 per year.
- Accrual of flex time for on-call weeks is increased to 5 hours per week, and has a separate letter providing each employee with 8 hours in recognition of the portion of 2013 prior to ratification by both parties.
- The PTO rollback date is changed to the first pay period in October, beginning in 2013, with no rollback in 2012, and clear conversion language for an employee coming into this unit.
- Other changes include clarifications in seniority, an optional mediation step in the grievance article, and revisions to the injury on duty language to comply with statute.

The action requested is approval of the 2012 - 2013 CBA with the Teamsters Licensed Management Unit.

ACTION REQUESTED:

Motion to approve the 2012 - 2013 CBA with the Teamsters Licensed Management Unit.

FISCAL IMPACT: <input type="text" value="Included in current budget"/> 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"/>	

Related Financial/FTE Comments:

Office use only:

RBA 2012- 1695

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Resolution for Right of Way Acquisition for CSAH 18 from Audubon Road to CSAH 17 (Powers Blvd) Project SP-10-618-13

Primary Originating Division/Dept: <input type="text" value="Public Works - Engineering"/>	Meeting Date: <input type="text" value="3/19/2013"/>
Contact: <input type="text" value="Bill Weckman"/> Title: <input type="text" value="Assistant County Engineer"/>	Item Type: Consent <input type="text"/>
Amount of Time Requested: <input type="text"/> minutes Presenter: <input type="text"/> Title: <input type="text"/>	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No

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

BACKGROUND/JUSTIFICATION:

The 2014 construction program includes the reconstruction of CSAH 18 between Audubon Road and CSAH 17 (Powers Blvd). Final plans have been developed for this project. Additional right of way is needed for the construction project (SP 10-618-13). Appraisals have been completed and reviewed for the needed right of way acquisitions. This resolution provides acceptance of the appraisal reports and authorization for Public Works to make offers and initiate right of way negotiations to the affected land owners.

ACTION REQUESTED:

Adopt a resolution to accept the appraiser's reports for the CSAH 18 reconstruction project (SP 10-618-13) and authorize the Public Works Division to initiate negotiations for the purpose of acquiring the needed property interests.

<p>FISCAL IMPACT: <input type="text" value="Included in current budget"/></p> <p>If "Other", specify: <input type="text"/></p> <p>FTE IMPACT: <input type="text" value="None"/></p>	<p>FUNDING</p> <table style="width: 100%;"> <tr> <td>County Dollars =</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>County State Aid (gas t...</td> <td style="text-align: right;">\$530,350.00</td> </tr> <tr> <td>Total</td> <td style="text-align: right;">\$530,350.00</td> </tr> </table>	County Dollars =	\$0.00	County State Aid (gas t...	\$530,350.00	Total	\$530,350.00
County Dollars =	\$0.00						
County State Aid (gas t...	\$530,350.00						
Total	\$530,350.00						

Related Financial/FTE Comments:

Office use only:

RBA 2012- 1689

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

Date: March 19, 2013
Motion by Commissioner: _____

Resolution No: _____
Seconded by Commissioner: _____

Right of Way Acquisition – CSAH 18 – Project SP 10-618-13

WHEREAS, the County desires to reconstruct CSAH 18 (Lyman Blvd) from Audubon Road to CSAH 17 (Powers Blvd) on the new and existing alignment, and

WHEREAS, the construction is necessary to provide an improved roadway for the safety of the traveling public, and

WHEREAS, the County needs to acquire property interests over certain lands to provide for said construction, and

WHEREAS, appraisal reports have been completed for the proposed takings.

BE IT RESOLVED, that the Carver County Board of Commissioners accept the reviewed appraiser's reports as a determination of fair market value of the affected properties for the CSAH 18 reconstruction (SP 10-618-13) and authorize the Public Works Division to initiate negotiations for the purpose of acquiring the needed property interests.

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 19th day of March, 2013, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 19th day of March, 2013.

David Hemze County Administrator

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Resolution supporting nomination of James D. Healy to the National Freight Advisory Committee

Primary Originating Division/Dept: <input type="text" value="County Board"/>	Meeting Date: <input type="text" value="3/19/2013"/>
Contact: <input type="text" value="Dave Hemze"/> Title: <input type="text" value="County Administrator"/>	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:
 Connections:

BACKGROUND/JUSTIFICATION:

Commissioner Maluchnik has requested the Board adopt the attached Resolution supporting the nomination of the Honorable James D. Healy to the National Freight Advisory Committee.

ACTION REQUESTED:

Adopt Resolution.

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"/>	

Related Financial/FTE Comments:

Office use only:

RBA 2012- 1703

**BOARD OF COUNTY COMMISSIONERS
CARVER COUNTY**

Date: _____

Resolution No. _____

Motion by Commissioner: _____

Seconded by Commissioner: _____

**RESOLUTION SUPPORTING NOMINATION OF THE
HONORABLE JAMES D. HEALY TO THE
NATIONAL FREIGHT ADVISORY COMMITTEE**

WHEREAS, the U.S. Department of Transportation is establishing a National Freight Advisory Committee (NFAC) and soliciting nominations for membership; and

WHEREAS, the NFAC will provide advice and recommendations to the Secretary of Transportation on matters related to freight transportation in the United States, including: (1) Implementation of the freight transportation requirements of MAP 21; (2) Establishment of the National Freight Network; (3) Development of a National Freight Strategic Plan; (4) Development of strategies to help States implement State Freight Advisor Committee and State Freight Plans; (5) Development of measures of conditions and performance in freight transportation; (6) Development of freight transportation investment, data, and planning tools; and (7) Legislative recommendations; and

WHEREAS, the Secretary of Transportation has requested nominations for members of the Committee to ensure a wide range of members and a balanced Committee; and

WHEREAS, the Secretary of Transportation will appoint committee members with a view toward achieving varied perspectives on freight transportation, including from government bodies and seeking to balance the interests of many groups including those of local elected officials; and

WHEREAS, Counties play an integral role in the movement of freight in America owning and operating: 44% of all public roads and highways; 228,026 bridges of all kinds; 27% of public transit systems; and 30% of public airports; and

WHEREAS, Elected County Officials play a key role in economic development efforts in their regions and development of new regional transportation infrastructure, serving on, or being actively involved in, all of the nation's Port Authorities, Metropolitan Planning Organizations and Development Organizations; and

WHEREAS, the Honorable James D. Healy, County Commissioner for DuPage County, Illinois, serves as Transportation Chairman for the National Association of counties (NACo), having also served NACo as Chairman of the Highway, Airport and Transit Authorization Sub-Committees, and serves as a member of the Board of Directors for the National Association of Regional Councils (NARC), and served as the Chairman and Vice-Chairman of the Transportation and Public Works Committees in his home county, as well as a past member of his local regional planning organization, NIPC (now CMAP): and

WHEREAS, the Honorable James D. Healy has been a vocal proponent of local governments working together in cooperation with the freight, shipping and railroad industries, hosting the first freight/railroad summit last year bringing together 250 local elected officials and representatives of the freight, shipping and railroad industry, and is singularly responsible for the positive dialogue now occurring between local government officials and the railroad industry.

NOW THEREFORE, BE IT RESOLVED that the Board of County Commissioners for Carver County, Minnesota, do hereby request the Secretary of Transportation to appoint the Honorable James D. Healy, County Commissioner for DuPage County, Illinois, as a member of the NFAC Committee, to represent the views and interests of Counties in America.

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 19th day of March, 2013, 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:

Minnesota Prairie Line Update from Mark Wegner

Primary Originating Division/Dept: Administration (County)

Meeting

Date: 3/19/2013

Contact: Dave Hemze

Title: County Administrator

Item Type:

Regular Session

Amount of Time Requested: 30 minutes

Presenter: Mark Wegner

Title: President

Attachments: Yes No

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

Mark Wegner, President of Twin Cities & Western Railroad Company and the Minnesota Prairie Line, would like to update the Board on the Minnesota Prairie Line.

ACTION REQUESTED:

Information only.

FISCAL IMPACT: None

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT: None

Total

\$0.00

Related Financial/FTE Comments:

Office use only:

RBA 2012- 1671

MVRRRA 2012 Bonding Bill Fact Sheet

DESCRIBE PROJECT:

- MVRRRA submitted a 2012 Bonding Bill for \$15M for continued rail rehab.
- In January, 2012, we were asked to present to the Senate Capital Investment Committee in Mankato. It has been recommended that we will leave our request the same as the 2011 Bonding bill which was for \$10M. (Senate File No. 263 and House File No. 411)

REQUEST:

- Amount Requested: \$10M -- 2011
- Does the project have to be funded all at once or can it be funding over multiple bonding years? Our total request is for \$45M over the next 3 bonding years -- \$10-\$15M in 2012; \$15 in 2014, and \$15M in 2016. This would provide for total rail replacement for the remaining 65 miles, and then another request would be made for the necessary bridge improvements in the Morton area over the Minnesota River which would be the last work to be completed.
- **IMPORTANCE TO THE STATE/REGION/COMMUNITY:** MVRRRA owns 94 miles of track which is owned by the five counties (Carver, Sibley, Redwood, Renville, and Yellow Medicine) and runs through 16 communities from Norwood Young America to Hanley Falls, MN. We currently serve approximately 10-15 rail served businesses and more will locate along the track as the improvements occur for both safety and timeliness of service.
- **CURRENT STATUS:** We have completed just under \$29M in rail rehab improvements since 2002 which equals about 28 miles of completed track. This improvement will allow us to operate unit trains (110-cars) safely at a minimum of 25 mph by late Fall of 2012 once it has been federally inspected after the completion of our project this summer. The project creates direct jobs when under construction of about 35 and about 50-60 indirect jobs are impacted.

OTHER PROJECT INFORMATION:

- Name/Title/Contact information
1. Bob Fox, MVRRRA Chair – 320-894-2022
 2. Julie Rath, MVRRRA Administrator – 507-637-4084.

Our complete bonding bill request, shipper profiles, resolutions from all 5 counties and letters of support from businesses and communities is located on our website: www.mvrrra.org. You can also follow us on Facebook – MVRRRA.

2012 Bonding Bill Request

Amount Requested \$ 15 Million

1. Rehabilitate Minnesota Prairie line to 286,000 pound railcars and 25 MPH
2. Currently 34 miles done or under construction
3. 2012 bond will do approximately 25-30 miles
4. Money will be spent at best possible location for future operation of the line
5. Track replacement, crossing, bridges, culverts and bridge repairs will be done during the rehabilitation
6. Request includes letters of support from various shippers, counties and rail coalitions
7. Rehabilitation has been supported by legislators in the past

The Minnesota Prairie Line has been continuously supported by shippers, counties, townships and cities since 2002. The Federal and State legislators have also supported this project because of the many benefits provided. Support has been steady and about half of the project will be complete with the request. The remaining amount to be done will be approximately 40 million dollars; this includes some significant bridge work. The past efforts have been shown to continually improve the benefits of the line and will continue to be supported by all parties.

This is definitely an effort to economically benefit the entire regions counties, towns, businesses, roads and environment.

WIN - WIN



Crop Production - Hauling Statistics

1. Hauling necessary to haul current products
 - A. Corn hauled by semi = 113,347 semi loads
 - B. Soybeans hauled by semi = 23,838 loads
 - C. Corn hauled by rail = 28,337 rail cars
 - D. Soybeans hauled by rail = 5,960 rail cars
2. Increase in hauling in 5—10 years projected for the anticipated yield increase:
 - A. Corn hauled by semi = 56,673 more semi loads
 - B. Soybeans hauled by semi = 10,912 more semi loads
 - C. Corn hauled by rail = 14,168 more rail cars
 - D. Soybeans hauled by rail = 2,728 more rail Cars

<u>County</u>	<u>Cropland Acres</u>	<u>Corn Production</u>	<u>Soybean Production</u>
Carver	148,505	10,239,000	1,769,000
Renville	628,289	45,004,000	8,686,000
Redwood	510,061	44,176,000	9,443,000
Sibley	310,278	29,617,000	5,221,000
Yellow	407,520	32,889,000	6,665,000
Medicine			
Totals	2,004,653	161,925,000	31,874,000

MN Valley Regional Rail Authority

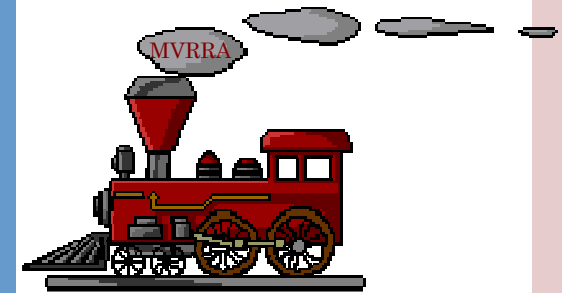
PO Box 481— 200 S. Mill Street

Redwood Falls, MN 56283

Office: 507-637-4084

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Email: julie@redwoodfalls.org



Minnesota Valley Regional Rail Authority & Coalition

A publicly owned entity

**200 S. Mill Street
PO Box 481
Redwood Falls, MN 56283**



Phone: 507-637-4084

Minnesota Valley Regional Rail Authority

Chair

Bob Fox, Renville County Commissioner

Vice Chair

Tom Workman, Carver Co. Commissioner

Secretary/Treasurer

Al Kokesch, Redwood Co. Commissioner

Board Members

Harold Pettis, Sibley County Commissioner
Ron Antony, Yellow Medicine Commissioner
Scott Blumhoefer, Shippers Representative
Dave Schauer, Legal Counsel
Julie Rath, Adminsitrator
julie@redwoodfalls.org



Minnesota Valley Regional Rail Coalition

Chair: Jane Reminger
Vice Chair: Tim Dolan
Secretary: TBD
Treasuer: TBD

Coalition Partners

Counties: Carver- Redwood- Renville- Sibley-
Yellow Medicine

Communities: Norwood-Young America-
Green Isle- New Auburn-Arlington- Gaylord-
Winthrop-Gibbon- Fairfax- Franklin-Morton-
Redwood Falls- Delhi- Belview-Wood Lake-
Hanley Falls - Echo

Shippers: Hamburg Farm Supply- Mid-County
Fertilizer-Seneca Foods- Unidoor Corp.-
Heartland Corn Products-United Farmers
Coop.- Dairy Farmers of America-South
Central Grain and Energy- United Agri
Products Harvest Land Coop-Southern
Minnesota Construction-Bixby Energy Delivery
Services Division-Meadowland Farmers
Coop.- Farmers Union Marketing &Processing
Assn- Farmers Coop. Oil and Fertilizer-
FarmersCoop. Elevator- Equity Elevator and
Trading Co.

Organizations: Winthrop Opportunities-
Franklin Development Corp.- SW Regional
Development Corp.-Region Nine- Arlington
EDA- Gaylord EDA-Winthrop EDA- Renville
County HRA/EDA- Minn Rail Shippers Assn
Redwood Area Development Corp.- Redwood
County EDA

Upgrade History

1. 94 miles of track passing through five counties and 16 communities
2. Publicly owned
3. Restoration to 10 miles per hour completed in 2002
4. 6 million loan used to restore
5. Next phase upgrade line to 25 MPH and larger car sizes
6. Money obtained from federal and state bonding bill and grants

Benefits and facts of upgrade

1. Long term job and business growth
2. Studies by region 9 and University of Minnesota show growth of jobs, business and communities. Immediately employees 120 + people during construction
3. All counties, townships, cities and businesses working together
4. Upgrade results in savings to the State in reduced road wear
5. Environmentally friendly: Less trucks - Train uses bio-diesel - Reduces fuel usage and carbon emissions.
6. Project is construction ready

Operator Minnesota Prairie line

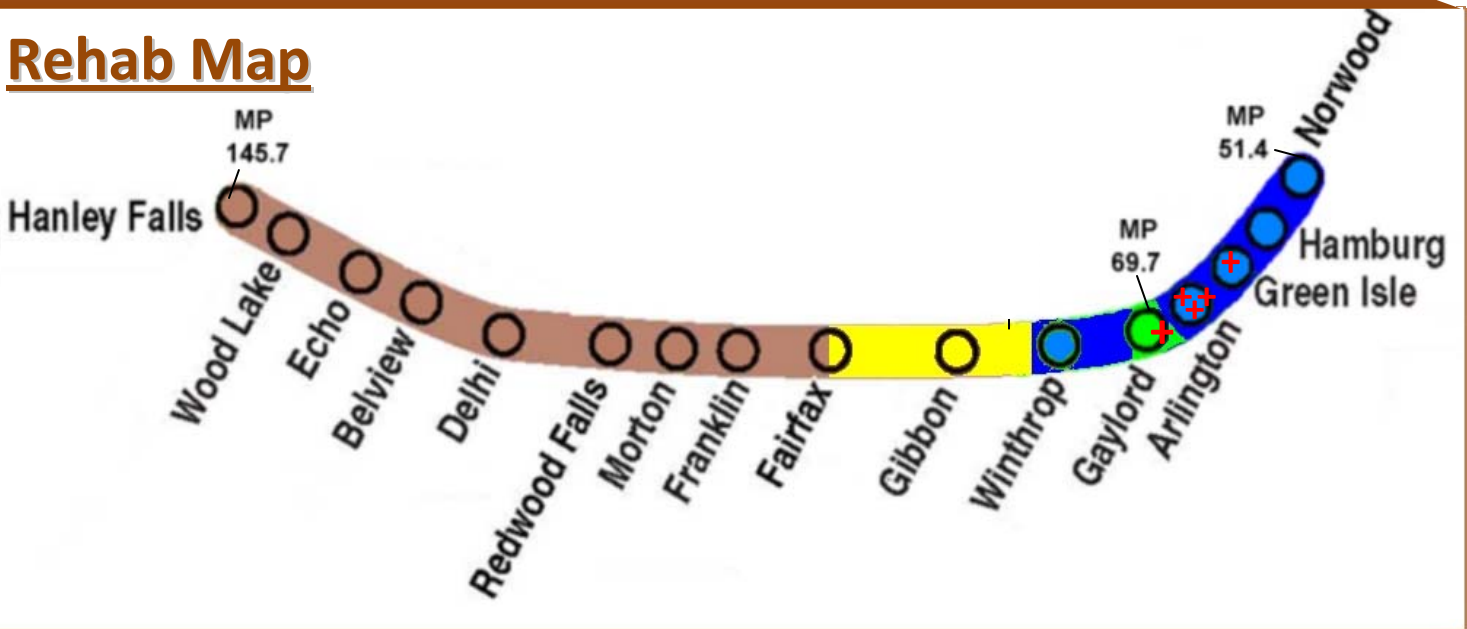
1. Approximately 60 employees
2. Subsidiary of Twin Cities and Western Railroad
3. Headquarters in Glencoe, MN



Minnesota Valley Regional Rail Authority Rehabilitation Project map – 2012



Rehab Map



Completed: MP 51.4 – 69.7 and 73.4 – 85.7

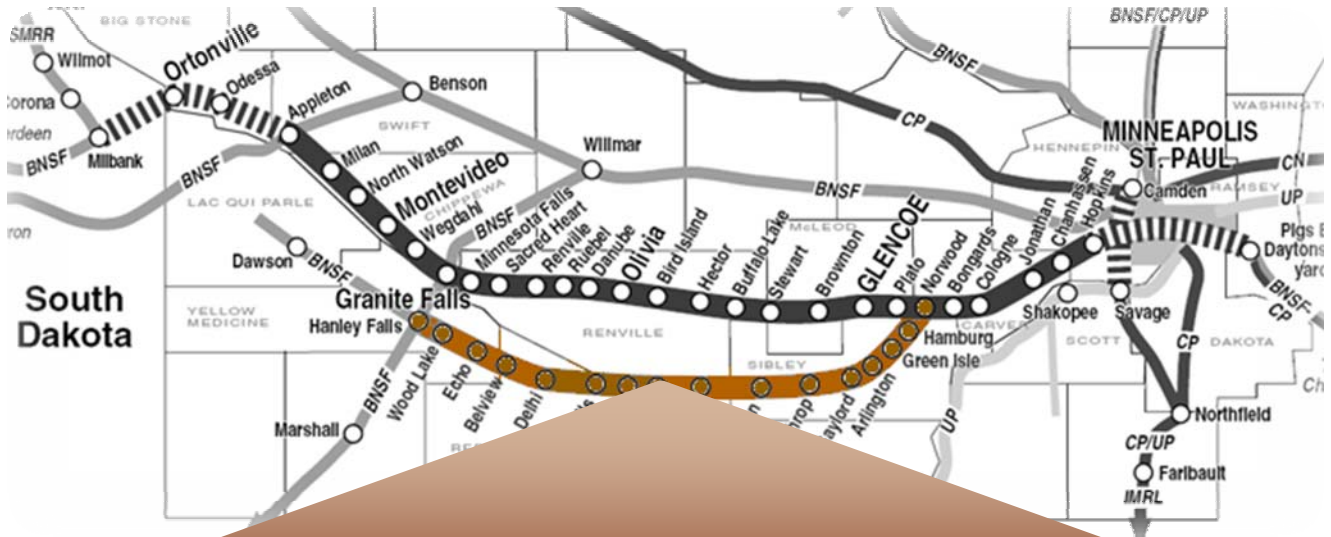
CURRENTLY UNDER CONSTRUCTION (2011) MP 69.7 – MP 73.4

Funding Sources: 2009 State Bonding with 2009 Federal Appropriations

+ 2012 Targeted Signal Improvements – Green Isle (1), Arlington (3), Gaylord (1)

2012 Requested Funds (work to be completed in 2013) - \$10M...2012 Minnesota Bonding \$

Minnesota Valley Regional Rail Authority Rehabilitation Project map – 2013



 Completed: MP 51.4 – 85.7

 2012 Requested Funds (work to be completed in 2013) - \$10M...2012 Minnesota Bonding

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Sheriff and Public Health & Environment (Emergency Management) Re-organization

Primary Originating Division/Dept: <input type="text" value="Sheriff"/>	Meeting Date: <input type="text" value="3/19/2013"/>
Contact: <input type="text" value="Jason Kamerud"/> Title: <input type="text" value="Chief Deputy"/>	Item Type: <input type="text" value="Regular Session"/>
Amount of Time Requested: <input type="text" value="15"/> minutes	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Presenter: <input type="text" value="Jim Olson"/> Title: <input type="text" value="Sheriff"/>	
Strategic Initiative: <input type="text" value="Communities: Create and maintain safe, healthy, and livable communities"/>	

BACKGROUND/JUSTIFICATION:

The proposal to move Emergency Management under the Sheriff's Office streamlines various public safety components, enhancing overall operational and financial efficiencies by improving 911 Dispatch operations, strengthening coordination of the emergency management role, and maintaining the public health emergency management functions in Public Health and Environment. This adjustment requires the elimination of the Emergency Management Director position and the creation of a Commander of Emergency Management and Communications Services.

The proposal to convert a Sergeant FTE to a Lieutenant FTE improves operational effectiveness by separating administrative functions from direct supervision and daily operational functions. This movement increases accountability by allowing the sheriff to assign administrative functions and tasks to a position with appropriate authority and responsibility.

ACTION REQUESTED:

- 1) Approve the proposed organizational adjustment to move Emergency Management from Public Health and Environment to the Sheriff's Office, which includes the elimination of the Emergency Management Director position and the creation of a Commander of Emergency Management and Communications Services.

- 2) Approve the conversion of one Sergeant FTE to a Lieutenant FTE and the proposed changes to Sheriff's Table of Organization.

FISCAL IMPACT: <input type="text" value="Other"/> If "Other", specify: <input type="text" value="Increase personnel cost w/ conversion"/>	FUNDING County Dollars = <input type="text" value="\$11,400.00"/> Total <input type="text" value="\$11,400.00"/>
FTE IMPACT: <input type="text" value="Other staffing change (grade, classification, hours, etc.)"/>	

Related Financial/FTE Comments:
 The proposed change moves 2 FTE from Public Health & Environment to the Sheriff's Office, with no impact to the overall County FTE count. The current County budget includes the personnel expenses, but will require movement of funds from Public Health & Environment to the Sheriff's Office budget.

The conversion of a sergeant FTE to lieutenant FTE has an estimated \$11,400 increase in personnel cost.

Office use only:
 RBA 2012- 1672

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Public Hearing - Ordinance 76-2013 (Permit Management in County Highway Right of Ways)

Primary Originating Division/Dept: <input type="text" value="Public Works"/>	Meeting Date: <input type="text" value="3/19/2013"/>
Contact: <input type="text" value="John Freemyer"/> Title: <input type="text" value="County Surveyor"/>	Item Type: <input type="text" value="Regular Session"/>
Amount of Time Requested: <input type="text" value="15"/> minutes Presenter: <input type="text" value="John Freemyer"/> Title: <input type="text" value="County Surveyor"/>	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
Strategic Initiative: <input type="text" value="Communities: Create and maintain safe, healthy, and livable communities"/>	

BACKGROUND/JUSTIFICATION:

Public Works currently issues permits for the installation of public utilities and driveways within county highway right-of-ways. Those permits have traditionally been issued using department procedures rather than county policies defined by ordinance. The Association of Minnesota Counties recommends such an ordinance to regulate issuance of such permits and has developed a model law. The language in Ordinance 76-2013 was primarily taken from that model law.

Ordinance 76-2013 provides for better 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.

ACTION REQUESTED:

Open Public Hearing. Adoption of Resolution Adopting Ordinance 76-2013 - Permit Management in County Highway Right-of-Ways

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

Related Financial/FTE Comments:

Office use only:

RBA 2012- 1674

Carver County ORDINANCE 76 -2013

An ordinance to enact a new chapter of the Carver County Code of Ordinances for Permit Management in County Highway Right of Ways

The Carver County Board of Commissioners Hereby Ordains:

Sec. 1. Purpose and Scope

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

Accordingly, the County hereby enacts this new ordinance relating to management of County Highway right of way permits usage, including permits and administration. This ordinance imposes regulation on the placement and maintenance of facilities and equipment currently within its right 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 ordinance, persons excavating, obstructing, landscaping, accessing, or placing utilities or other facilities within the right of way will bear financial responsibility for their work. Finally, this ordinance provides for recovery of out-of-pocket and projected costs from persons using the public right of way.

This Ordinance is created to manage and regulate the public use of the County's right of way along county roads and highways pursuant to the authority granted to the County under state and federal statutory, administrative and common law. All right of way users, including the County, are subject to the provisions in this Ordinance. The County is exempt from the obligation of paying for permits or other fees imposed by this Ordinance.

This ordinance shall be interpreted consistently with Minnesota Statutes Sections 237.16, 237.162, 237.163, 237.79, 237.81, and 238.086 (the "Act"), Minnesota Statute 160.2715, and the other laws governing applicable rights of the County and users of the right of way. This ordinance shall also be interpreted consistently with Minnesota Rules 7819.0050 – 7819.9950 where possible. To the extent any provision of this ordinance 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 ordinance 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. 2. Election to Manage the Public Right 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 right of way under its jurisdiction.

“Manage the Right of Way,” means the authority of the County to do any or all of the following:

1. Require registration;
2. Require construction performance bonds and insurance coverage;
3. Establish installation and construction standards;
4. Establish and define location and relocation requirements for equipment and facilities;
5. Establish coordination and timing requirements;
6. Require right of way users to submit henceforth required by the County project data reasonably necessary to allow the County to develop a right of way mapping system including GIS system information;
7. Require right of way users to submit, upon request of the County, existing data on the location of user’s facilities occupying the public right of way within the County. The data may be submitted in the form maintained by the user in a reasonable time after receipt of the request based on the amount of data requested;
8. Establish right of way permitting requirements for excavation and obstruction access, excavating/grading, landscaping, obstruction, placement of utilities and other objects, and special events;
9. Establish removal requirements for abandoned equipment or facilities, if required in conjunction with other right of way repair, excavation or construction;
10. Impose reasonable penalties for unreasonable delays in construction.

Sec. 3. Definitions

The following definitions apply in this ordinance. References hereafter to "sections" are unless otherwise specified references to sections in this ordinance. 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.

“Access” means the physical connection to public or private property over right of way for residential, agricultural, commercial or municipal street or driveway purposes.

“Access Permit” means the permit which must be obtained from the County before a person may make a physical connection to a County road or highway or institute a change in use of an existing access.

“Access Permit Fee” means money paid to the County by a permittee to cover the costs as provided in Sec. 11 and required to obtain the permit.

"Applicant" means any Person requesting permission to install any utility or to excavate or obstruct a right of way.

“Capital Improvement Plan” shows projects adopted by the County for construction within the next five years.

“Change in Use” means a substantial change in the operating characteristics of an access which may or may not include physical alterations to the access. Operating characteristics may include vehicle types, vehicle weights, or hourly, daily or yearly traffic volumes.

“Commission” means the Minnesota Public Utilities Commission.

“Commercial Access” means access requested for commercial, retail or industrial purposes or for public or institutional facilities.

“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. 15.73, Subd. 2 and 3
- D. Letter of credit, in form acceptable to County;
- E. Self-Insurance in form acceptable to the County;
- F. Blanket bond for projects within the county or construction bond for a specified time and in a form acceptable to the County

"County" means the County of Carver in the State of Minnesota. For purposes of Section 27, “Indemnification and Liability”, “County” means its elected and appointed officials, officers, employees and agents.

“County Engineer” means the Carver County Engineer.

"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 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 Costs.

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

"Department" means the Carver County Public Works Division

"Department Inspector" means any person authorized by the Carver County Engineer.

"Emergency" means a condition that (1) poses 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 customers.

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

"Excavate/Grade" means to dig into or in any way remove or physically disturb or penetrate any part of a public right of way.

"Excavation/Grading Permit" means a permit issued by Carver County authorizing the permittee to excavate in County right of way as specifically described in the permit.

"Excavation/Grading Permit Fee" means money paid to the County by an applicant to cover the costs as provided in Sec. 11.

"Facility or Facilities" means any tangible asset in the right of way required to provide utility service.

"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.

"Landscaping" means vegetative plantings, gardens, in-ground sprinkler systems and related features. Exceptions for these activities are described in Sec. 6, Subd. 3.

"Local Representative" means a local person or persons, or designee of such person or persons, authorized by a registrant to accept legal notice or service and to accept communications and to make decisions for that registrant regarding all matters within the scope of this ordinance.

"Management Costs" means the actual costs the County incurs in managing its public right of ways, including such costs, if incurred, as those associated with registering applicants; issuing, processing, and verifying right of way permit applications; and restoration projects; maintaining, supporting, protecting, or moving user equipment and facilities during public 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 Statutes Sections 237.162 or 237.163 or any ordinance enacted under those sections, or the County fees.

"Mapping Information" shall mean the information required in Sec. 22 of this Ordinance.

"Obstruct" means to place any tangible object in a public 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 Ordinance, must be obtained before a person may obstruct any part of a right of way, allowing the holder to hinder free and open passage over the specified portion of that right of way by placing any tangible object therein for the duration specified. An obstruction permit is not required if a public right of way user already possesses a valid excavation permit for the same project that includes an obstruction, however the County may require the applicant to obtain an Obstruction Permit, in addition to other required permits, when the applicant's proposed activity will hinder free and open passage over the specified portion of the right of way.

"Obstruction Permit Fee" means money paid to the County by a permittee to cover the costs as provided in Sec. 11 and required to obtain the permit.

"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 a project programmed by the County, or as approved by the County Engineer.

"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" means a permit granted by the County to an applicant authorizing a temporary or permanent impact or alteration to the public right of way, consistent with Minnesota Statutes, Section 237.162 and/or Section 160.2715, Subdivision (a)(4).

"Permittee" means any person to whom a permit to impact or alter the public right of way install a utility or to excavate or obstruct a right of way has been granted by the County under this ordinance.

"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 ordinance.

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

"Public Right of Way" means the area on, below, or above a public roadway, highway, street, cartway, bicycle lane, and public sidewalk or area in which the County has an interest, including other dedicated rights of way for travel purposes and utility easements of the County. A public right of way does not include the airwaves above a right of way with regard to cellular or other nonwire telecommunications or broadcast service. The lands described by an easement, deed, dedication, title, law or occupation of a road, highway, street, cartway, bicycle lane, or sidewalk are included as right of way.

"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 for placement of its facilities or equipment in the right of way.

"Residential/Agricultural Access" means access requested for individual, residential, or agricultural purposes.

"Restoration Cost" means the amount of money paid to the County by a permittee to restore the public right of way and surrounding area including pavement foundation to the same condition (and life expectancy) that existed before excavation, or to a condition agreed to or required by the county.

"Restore or Restoration" means the process by which an excavated public right of way and surrounding area including pavement foundation is returned to the same condition (and life expectancy) that existed before excavation, or to a condition agreed to or required by the county.

"Right of Way Permit" has the same meaning as "Permit" defined above.

"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; or (3) the owner or operator of hazardous liquid or natural gas pipeline facilities when such facilities are located within the right of way; or (4) any person or entity to whom a permit to use the right of way has been issued by the County.

“Routine Maintenance Activities” means the maintenance or repair of existing utilities. Routine Maintenance Activities do not include installation of new lines, closures of traffic lanes, or removal of trees.

"Service" or "Utility Service" includes (1) those services provided by a public utility as defined in Minnesota Statute Section 216B.02, Subdivisions 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 system as defined in Minnesota Statutes Chapter. 238; (4) natural gas or electric energy or telecommunications services provided by the city; (5) services provided by a cooperative electric association organized under Minnesota Statutes Chapter 308A; and (6) water, sewer, steam, cooling or heating services; and (7) privately-owned utility services including drain tiles.

“Service or Utility Service Permit” means a permit issued by Carver County authorizing the permittee to place a service or utility service in County right of way as specifically described in the permit.

“Service or Utility Service Permit Fee” means money paid to Carver County by an applicant to cover the costs as provided in Sec 11.

“Special Event” means a group organized run, walk, bicycle ride, etc., that may cause obstructions to normal traffic flow or pose safety issues to the motoring public.

“Street Access” means access requested for municipal street purposes.

"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 Rights 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 ordinance, a cable communication system defined and regulated under Minnesota Statutes Chapter 238, and telecommunication activities related to providing natural gas or electric energy services whether provided by a public utility as defined in Minnesota Statutes Section 216B.02, a municipality, a municipal gas or power agency organized under Minnesota Statutes Chapters 453 and 453A, or a cooperative electric association organized under Minnesota Statutes Chapter 308A, are not telecommunications right of way users.

“Temporary Surface” means the compaction of subbase and aggregate base and replacement, in kind, of 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 project plan, in which case it is considered full restoration.

“Trench” means an excavation in a county highway right of way.

"Unusable or Unused Equipment and Facilities" means equipment and facilities in the right of way which have remained unused for one year or for facilities that are not registered or located by Gopher One

Call; or for which the registrant is unable to provide proof that it has either a plan to begin using it within the next twelve (12) months or a potential purchaser or user of the equipment or facilities.

Sec. 4. Administration

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

Sec. 5. 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 Engineer 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. The County Board of Commissioners shall make any appointments to such a committee by resolution.

Sec. 6. Registration and Right of Way Occupancy

Subd. 1. Registration. Each person who occupies, uses, or seeks to occupy or use the right of way for placement of any equipment or facilities in 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. Registration fees shall be set by the County Board and may be amended by the Board at a public meeting.

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

Subd. 3. Exceptions. 1.) Nothing herein shall be construed to repeal or amend the rights of 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 ordinance. 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 Minnesota Statutes Chapter 216D, the "Gopher State One Call" Law. 2.) Those organizations or persons planning a special event as defined in Section 3, are exempted from registration, but are required to obtain a permit.

Sec. 7. Registration Information

Subd. 1. Information Required. The information provided to the County Engineer at the time of registration shall include, and be on the form approved by the County or this ordinance and shall include, but not be limited to:

- A. Each registrant's name, Gopher One-Call registration certificate number, address and email 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 and accessible for consultation 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 Engineer; (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 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 coverage required herein are in force and applicable and for whom defense will be provided as to all such coverage; (4) Requiring that the County Engineer be notified thirty (30) days in advance of cancellation of the policy or material modification of a coverage term; (5) Indicating comprehensive liability coverage, automobile liability coverage, workers compensation and umbrella coverage established by the County Engineer 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, the county may require a copy of the certificate required to be filed under Minnesota Statutes Sections 47.14, 47.16 and 302A.161, as recorded and certified to by the Secretary of State.
- F. The county may require 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 Engineer information as to changes within fifteen (15) days following the date on which the registrant has knowledge of any change.

Sec. 8. Permit Requirement

Subd. 1. Permit Required. Except as otherwise provided in this Ordinance, no person may obstruct, or excavate access, place a service utility, excavate/grade, or obstruct any right of way without first registering and having obtained the appropriate right of way permit from the County to do so.

Subd. 2. Permit Extensions. No person may excavate or obstruct access, landscape, place a service utility, excavate/grade, or obstruct the right of way beyond the date or dates specified in the permit unless such person (i) 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 Subd. 3 notwithstanding Subd. 2 of this Section, the County shall establish and may 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 and shall include any delays or damages charged by the County's construction contractor and may include liquidated damages consistent with the contract.

Subd. 4. Permit Display. Permits issued under this Section 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. 9. Permit Applications

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

- A. If applicable, registration with the County pursuant to this ordinance, which is required solely for any person who (1) has or seeks to have its equipment or facilities located in any right of way, or (2) in any way uses, or seeks to occupy or use the right of way for placement of its facilities or equipment in the right of way.
- 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 of the permittee in the project area.
- C. Payment of money due the County for: (1) permit fees, estimated restoration costs and other management costs; (2) prior right of way permits; (3) any undisputed loss, damage, or expense suffered by the County because of applicant's prior excavations or obstructions of the right 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 or obstruction permit to install additional facilities and the County deems the existing construction performance bond inadequate under applicable standards.

Sec. 10. Issuance of Permit; Conditions

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

Subd. 2. Conditions. The County Engineer 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. 11. Permit Fees

Subd. 1. Right of Way Permit Fee. The County shall establish a right of way permit fee schedule specifying fees that are adequate to recover the following costs. Permit fees shall be established by the County Board and may be amended at any public meeting.

- A. County Management Costs;
- B. Degradation Costs, if applicable;
- C. Mapping Costs;
- D. Obstruction Costs.

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

Subd 3. Conditions. The Engineer may impose conditions upon the issuance of the permit and the performance of the applicant thereunder to protect the public's health, safety and welfare or when necessary to protect the right of ways and their current use including the recovery of any unusual management costs not recovered through the standard permit fee, including, the cost of assigning a police officer to provide management or the cost of assigning a field observer.

Subd. 4. Payment of Permit Fees. No right of way permit shall be issued without payment of any and all applicable permit fees unless the County allows applicants to pay such fees within thirty (30) days of billing.

Subd. 5. Non refundable. Permit fees that were paid for a permit that the County Engineer has revoked for a breach as stated in Section 21 are not refundable. Permit fees paid for work that is subsequently cancelled are not refundable.

Subd. 6. 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. 12. Right of Way Patching and Restoration

Subd. 1. Timing. The work to be done under the excavation right of way 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 extraordinary circumstances beyond the control of the permittee or when work was prohibited as unseasonable or unreasonable under Section 15, Subdivision 2.

Subd. 2. Temporary Surfacing, Patch and Restoration. Permittee shall patch its own work.

- A. County Restoration. If the County restores any part of the right of way, permittee shall pay the costs thereof within thirty (30) days of billing. If, the County restores only the surface of the right of way and during the twenty-four (24) months following such restoration, the pavement settles, the permittee shall pay to the County, within thirty (30) days of billing, all costs related to restoring the right of way or associated with having to correct the defective work, which may include removal and replacement of any or all work done by the permittee. These costs shall include administrative, overhead mobilization, material, labor, and equipment.
- B. Permittee Restoration. If the permittee restores the right of way itself, it shall, at the time of application for a permit, post a Construction Performance Bond in an amount determined by the County Engineer to be sufficient to cover the cost of restoration. If, within twenty-four (24) months after completion of the restoration of the right of way, the County Engineer determines that the right of way has been properly restored, the surety on the Construction Performance Bond shall be released.
- C. Degradation Fee and Patching in Lieu of Restoration to PUC Standards. In lieu of right of way restoration, a right of way user may elect to pay a degradation fee at the County's discretion. 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 temporary surfacing, patching and restoration including backfill, compaction, and landscaping according to the standards and with the materials specified by the County Engineer. The County Engineer shall have the authority to prescribe the manner and extent of the restoration, and may do so in written procedures of general application or on a case-by-case basis. The County Engineer in exercising this authority shall comply with PUC standards for right of way restoration (see PUC Rules 7819.9900 to 7819.9950) and require conformance to MN/DOT standard

specifications and local government specifications and drawing and shall further be guided by the following considerations:

- A. The number, size, depth and duration of the excavations, disruptions or damage to the right of way;
- B. The traffic volume carried by the right of way; the character of the neighborhood surrounding the right of way;
- C. The pre-excavation condition of the right of way; the remaining life expectancy of the right of way affected by the excavation;
- D. Whether the relative cost of the method of restoration to the permittee is in reasonable balance with the prevention of an accelerated depreciation of the right of way that would otherwise result from the excavation, disturbance or damage to the right of way; and
- E. The likelihood that the particular method of restoration would be effective in slowing the depreciation of the right of way that would otherwise take place.

Subd. 4. Guarantees. The permittee guarantees its work and shall maintain it for twenty-four (24) months following its completion. The obligation is limited to one (1) year for plantings and turf establishment. During this Twenty-four (24) month period it shall, upon notification from the County Engineer, correct all restoration work to the extent necessary, using the method required by the County Engineer. Said work shall be completed within five (5) calendar days of the receipt of the notice from the County Engineer, 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 15.

Subd. 5. Duty to Correct Defects. The permittee shall correct defects in patching, or restoration performed by permittee or its agents. 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 unseasonal or unreasonable under Section 15.

Subd. 6. Failure to Restore. If the Permittee fails to restore the right of way in the manner and to the condition required by the County Engineer, or fails to satisfactorily and timely complete all restoration required by the County Engineer, the County Engineer shall notify the permittee in writing of the specific alleged failure or failures and shall allow the permittee at least five (5) working days from receipt of the notice to cure the failure or failures, or to respond with a plan to cure. In the event the permittee fails to cure or fails to respond to the notice, the County may, at its option, perform the necessary work and 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. 13. Joint Applications

Subd. 1. Joint Application. Registrants may be required to jointly apply for permits to access, excavate/grade, place a utility service, landscape, or obstruct the right of way at the same place and time.

Subd. 2. Shared Fees. Registrants who apply for permits for the same utility installation or obstruction or excavation obstruction or right of way permit action, may share in the payment of the permit fee. Registrants must agree among themselves as to the portion each will pay and indicate the same on their applications.

Subd. 3. With County Construction Projects. Registrants who join in a scheduled utility installation or obstruction or excavation coordinated with a County construction project by the County Engineer, whether or not it is a joint application by two or more registrants or a single application, are not required to pay any fees, but a permit is still required.

Sec. 14. 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, (1) make application for a permit extension and pay any additional fees required thereby, and (2) be granted a new permit or permit extension. The County Engineer or his/her designee may orally waive the requirement for a permit extension or the payment of an additional fee, and shall maintain a written record of any waivers granted.

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 done before the permit end date. Permits for nonemergency work shall be submitted at least 10 working days prior to the planned start of work.

Sec. 15. Other Obligations

Subd. 1. Compliance With Other Laws. The applicant must notify and obtain a permit from any township or city through which it passes if said township or city so requires. 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 appropriate jurisdiction or to follow any other applicable rule, law or regulation. Permittee shall comply with other local codes and with road load restrictions. A permittee shall comply with all requirements of local, state and federal laws, including Minnesota Statutes Sections 216D.01-.09 ("Gopher State One Call Excavation Notice System"). 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, culverts, ditches, tiles or other waterways shall be interfered with. Privately owned vehicles of those persons doing work in the right of way may not be parked within or next to a permit area permitted work site, unless parked in conformance with State, County or applicable township or city local parking regulations. The loading or unloading of trucks must be done solely within the defined permit area unless specifically authorized by the permit. Traffic control shall conform to the most current Minnesota Manual on Uniform Traffic Control Devices, including the Temporary Traffic Control Zones Field Manual and any directions of the County Engineer.

Sec. 16. Denial of Permit

The County may deny a permit for failure to meet the requirements and conditions of this ordinance or if the County determines that the denial is necessary to protect the public health, safety, and welfare or when necessary to protect the right of way and its current and future use. The County may deny a permit if the utility applicant has failed to comply with previous permit conditions. The County may withhold issuance of a permit until conditions of previous permit with have been satisfied.

Sec. 17. 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, 7819.5000, and 7819.5100 and shall conform to MN/DOT standard specifications and other applicable local requirements, including all requirements of this Ordinance, in so far as they are not inconsistent with Minnesota Statutes Sections 237.162 and 237.163.

Sec. 18. Inspection

Subd. 1. Notice of Completion. When the work under any permit hereunder is completed, the permittee shall furnish a Completion Certificate in accordance with 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 County. At the time of inspection the County Engineer may order the immediate cessation and correction of any work which poses a serious threat to the life, health, safety or well being of the public. The County Engineer may issue an order to the permittee to correct any work which does

not conform to the terms of the permit or other applicable standards, rules, laws, 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 County Engineer that the violation has been corrected. If such proof has not been presented within the required time, the County Engineer may revoke the permit pursuant to Sec. 21. The cost of any action required by the County shall be paid by the permittee.

Sec. 19. Work Done Without a Permit

Subd. 1. Emergency Situations. Each registrant shall immediately notify the County Engineer 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. Within two 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 Ordinance for the actions it took in response to the emergency. The permittee requirements shall not apply if the repair is caused by another permittee's work in the right of way. 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 correct 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, pay double the normal fee for said permit, pay double all the other fees required by this Ordinance, and 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 Ordinance.

Subd. 3. Routine Maintenance Activities. Routine maintenance activities that do not obstruct traffic or create a safety problem to the motoring public may be conducted without a permit specific to the location or activity. If routine maintenance activities require lane closures or extended use of the road shoulder for maintenance equipment or operations, a permit will be required for this activity.

Sec. 20. 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. 21. 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 including a threat to the safety of

workers, or the right of way user or the utility users. 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 failure to relocate existing facilities as specified in Sec. 23;
- 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. 18;
- F. Failure of the utility to pay any required costs, fees, or charges billed by the County;
- G. Failure to provide traffic control that conforms to the provisions of the Minnesota Manual on Uniform Traffic Control Devices, including the Temporary Traffic Control Zones Field Manual.

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 Engineer that will cure the breach. Permittee's failure to so contact the County, or the permittee's failure to 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 the permittee's failure to submit an acceptable plan, or permittee's failure to reasonably implement the approved plan, shall automatically revoke the permit and may include placing 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 (1) 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 (1) 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.

Subd. 7. Revoked Permit. If the County revokes a utility's permittee's permit for breach of this ordinance, the utility permittee will not be allowed to install any utility or to obstruct or excavate within the County right of way until the breach situation is corrected to the satisfaction of the Director/Engineer and the permit is reissued.

Sec. 22. 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. Therefore, in managing the use of its public right of ways, a local government unit may establish, develop, and implement a right of way mapping system as follows. The purpose of a mapping system is to:

- A. Allow flexibility in its use by the local government as an effective management tool;
- B. Enhance public safety and user facility safety;
- C. Provide for long-term cost savings;
- D. Improve public right of way design quality;
- E. Allow for better information collection and cooperative usage among local government units, telecommunications companies, and other users of the public right of way.

Subd. 2. Application required. When a local government unit requires a permit for utility installation, or excavation in or obstruction of its public right of way, the County requires a permit for excavation in or obstruction of its public right of way. A person wishing to undertake a project within the public right of way shall submit a right of way permit application, which will require the filing of mapping information pursuant to subdivision 3 of this section.

Subd. 3. Mapping Information. The County requires as part of its permit application the filing of all the following information for placement of utilities:

- A. Location and approximate depth of applicant's mains, cables, conduits, switches, and related equipment and facilities, with the location based on: (1) offsets from property lines, distances from the centerline of the public right of way, and curb lines as determined by the County; (2) coordinates derived from the coordinate system being used by the County; or (3) any other system agreed upon by the right of way user and County;

- B. The type and size of the utility facility;
- C. The location and a description showing of above-ground appurtenances;
- D. A legend explaining symbols, characters, abbreviations, scale, and other data shown on the map.
- E. Any facilities to be abandoned, if applicable, in conformance with Minnesota Statutes Section 216D.04, Subdivision 3.

Subd. 4. Changes and corrections. The application must provide that the applicant agrees to submit “as built” drawings data, and/or record drawings reflecting any changes and variations from the information provided under subdivision 3, items A to E.

Subd. 5. Additional construction information. In addition, the right of way user shall submit to the County at the time the project is completed a completion certificate according to Minnesota Rule 7819.1300.

Subd. 6. Manner of conveying permit data. A right of way user is not required to provide or convey mapping information or data in a format or manner that is different from what is currently utilized and maintained by that user. A permit application fee may include the cost to convert the data furnished by the right of way user to a format currently in use by the local unit of government. These data conversion costs, unlike other costs that make up permit fees, may be included in the permit fee after the permit application process.

Subd. 7. Data on existing facilities. At the request of the County, a right of way user shall provide existing data on its existing facilities within the public right of way in the form maintained by the user at the time the request was made, if available.

Sec. 23. Location and Relocation of Facilities

Subd. 1. Placement, Location, and Relocation. Placement, location, and relocation of facilities must comply with this Ordinance, 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 and counties. By submitting a request for a permit, the person recognizes they must conform to the existing ordinances and codes of other units of government related to underground placement regardless of how the application is written or permit granted. Utility poles and guy anchors, and any other equipment, shall conform to NCHRP 350 standards for crashworthiness or must be located outside of applicable clear zones. Any installation that does not conform to Minnesota Department of Transportation clear zone standards must be approved by the County Engineer and the facility owner shall indemnify and hold harmless the County.

Subd. 2. Corridors. The County may assign specific corridors within the right of way, or any particular segment thereof as may be necessary, as a best management practice for each type of facility that is, or, pursuant to current technology, the County expects will someday be, located within the right of way. All right of way, 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. A typical cross section of the location for utilities may be on file at the County Engineer's office.

This section is not intended to establish "high density corridors". 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, to prevent interference with planned local government use of 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. Any utility that is found to have been installed in a County right of way without a permit after the passage of this Ordinance 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 and requiring payment to the County for the costs involved.

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 use best management practices to prohibit or limit the placement and location 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 need 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.

Subd. 5. Relocation of Facilities. A registrant shall promptly and at its own expense, with due regard for seasonal working conditions, permanently remove and relocate its facilities in the right of way whenever the County Engineer for good cause requests such removal and relocation, and shall restore the right of way consistent with PUC standards, local regulations and MN/DOT standard specifications. The County Engineer may make such request to prevent interference by the company's equipment or facilities with (i) a present or future County use of the right of way, (ii) a public improvement undertaken by the County, (iii) an economic development project in which the County has an interest or investment, (iv) when the public health, safety and welfare require it, or (v) when necessary to prevent interference with the safety and convenience of ordinary travel over the right of way.

Relocation Notification Procedure: The County Engineer shall notify the utility owner at least six (6) months in advance of the need to relocate existing facilities so the owner can plan the relocation. The County Engineer shall provide a second notification to the owner one (1) month before the owner needs to begin the relocation. The utility owner shall begin relocation of the facilities within one (1) week of the second notification. All utilities shall be relocated within one (1) month. The County Engineer may allow a different schedule if it does not interfere with the County's project. The utility owner shall

diligently work to relocate the facilities within the above schedule. In the event that emergency work by the County or by a municipality in the County right of way requires relocation of a utility, the notification requirements above are waived. The County and utility shall coordinate efforts to minimize delay.

Subd. 6. Delay to County Project. The County Engineer shall notify the utility owner if the owner's progress will not meet the relocation schedule. If the owner does not take action to ensure the relocation will be completed in accordance with the above schedule and the County Engineer feels this delay will have an adverse impact to a county project, then the County Engineer may hire a competent contractor to perform the relocation. In that event, the county may charge the utility owner all costs incurred to relocate the facility. The County may charge the utility owner for all costs incurred and requested by a contractor working for the county who is delayed because the relocation is not completed in the scheduled timeframe and for all costs incurred by the county due to the delay.

Notwithstanding the foregoing, according to the PUC rules, a person shall not be required to remove or relocate its facilities from any right of way which has been vacated in favor of a nongovernmental entity unless and until the reasonable costs thereof are first paid to the person. However, this does not exempt the utility company from paying for the value of any taking of said property by occupation without compensation. The County and utility shall coordinate efforts to minimize delay.

Sec. 24. Pre-excavation Facilities Location

In addition to complying with the requirements of Minnesota Statutes Sections 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 placement of all said facilities. Vertical locations shall be marked to the degree of accuracy that they are known. Any registrant whose facilities are in the area of work shall notify and work closely with the excavation contractor to establish the exact location of its facilities and the best procedure for excavation to protect the safety of workers and right of way users and other utility users. If the utility is not at the approved depth or location, it shall be exposed at the permittee's expense or by the County upon written notice to the permittee. The County may, upon said notice, relocate said utility at the permittee's expense.

Sec. 25. 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 Engineer 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 that it or its facilities damages. When the permittee does damage to County facilities in the right of way, such as, but not limited to, culverts, road surfaces, curbs and gutters, or tile lines, they shall correct the damage immediately. If they do not, the County may make such repairs as necessary and charge all of the expenses of the repair to the permittee. The permittee shall pay for said repairs within 30 days of billing. 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. 26. 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 Rule 7819.1250 and other applicable laws.

Sec. 27. 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. All permits are granted subject to the ownership rights the County may have in the property involved and to the extent that state, federal local laws, rules and regulations allow and said permit is subject to all such laws and rules.

Sec. 28. Abandoned or 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 or unusable facilities in any right of way shall remove them from that right of way if required in conjunction with other right of way repair, excavation, or construction, unless the County waives this requirement.

Sec. 29. Appeal

A right of way user that: (1) has been denied registration; (2) has been denied a permit; (3) has had permit revoked; or (4) believes that the fees imposed are invalid, may have the denial, revocation, or fee imposition reviewed, upon written request, by the County Board. The County Board shall act on a timely written request at its next regularly scheduled meeting. 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. 30. Reservation of Regulatory and Police Powers

A permittee's or registrant's rights are subject to 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. 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.

Sec. 32. Penalty for Violation

Violation of this ordinance shall result in the assessment of a penalty of \$500 per occurrence per site per mile per day as long as may be applicable unless a penalty or fine is otherwise specifically designated in this ordinance.

Sec. 33. Permit Fee Schedule

The County Board shall periodically review and approve the fee schedule for permits issued under this ordinance.

Sec. 34. Effective Date

This Ordinance shall be effective upon passage and publication by the Carver County Board of Commissioners.

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Update of Policy for Cost Participation of County Highway Projects

Primary Originating Division/Dept: <input type="text" value="Public Works"/>	Meeting Date: <input type="text" value="3/19/2013"/>
Contact: <input type="text" value="Lyndon Robjent"/> Title: <input type="text" value="County Engineer/Division Dir..."/>	Item Type: <input type="text" value="Regular Session"/>
Amount of Time Requested: <input type="text" value="20"/> minutes Presenter: <input type="text" value="Lyndon Robjent"/> Title: <input type="text" value="County Engineer/Division Direc..."/>	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
Strategic Initiative: <input type="text" value="Growth: Manage the challenges and opportunities resulting from growth and development"/>	

BACKGROUND/JUSTIFICATION:

The Highway Cost Participation Policy was last updated in February 2007.

Since October of 2010, the County Engineer and County Administrator have been working with the City Administrators to revise the policy. The following goals and objectives were established with the work group:

Goals

1. Update existing cost participation policy (adopted February 2007) to include conventional projects (projects in the County CIP) and development driven projects (projects not in the CIP). Development driven projects are not addressed in the 2007 policy.
2. Update policy to include missing elements like roundabouts, noise walls, electronic signs, etc.

Objectives (recognizing that all projects are not the same)

1. Ensure a fair and consistent approach for all projects regardless of location.
2. Remove uncertainty so that cities and developers understand county expectations related to cost share for improvements on county roads needed to accommodate development.
3. Utilize past practice as much as possible. Do not shift costs on to cities and developers that have otherwise been borne by the county.

An executive summary of the policy and the policy itself is attached to this form.

Details of the proposed policy were discussed with the County Board at the March 12 Work Session meeting.

ACTION REQUESTED:

Approve the updated policy for cost participation of county highway projects as ammended March 19, 2013.

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"/>	

Related Financial/FTE Comments:

Office use only:

RBA 2012- 1693



Carver County

Division of Public Works

HIGHWAY COST PARTICIPATION POLICY UPDATE

Summary – February 21, 2013

Goals

1. Update existing cost participation policy (adopted February 2007) to include conventional projects (projects in the County CIP) and development driven projects (projects not in the CIP). Development driven projects are not addressed in the 2007 policy.
2. Update policy to include missing elements like roundabouts, noise walls, electronic signs, etc.

Objectives (recognizing that all projects are not the same)

1. Ensure a fair and consistent approach for all projects regardless of location.
2. Remove uncertainty so that cities and developers understand county expectations related to cost share for improvements on county roads needed to accommodate development.
3. Utilize past practice as much as possible. Do not shift costs on to cities and developers that have otherwise been borne by the county.

Background Study

The County Engineer and Administrator met six times with the City Managers/Administrators since October 2010 to discuss, refine and reach consensus on the proposed policy. The City Engineers also participated in the process and two work sessions were held with the County Board. The majority of the work was related to developing options for allocating costs of county road improvements needed for land development projects. Options included allocating cost based on traffic impact, a traffic fee based on future land use, a CIP priority method and a simplified method utilizing the current policy and adding items needed for the development. The simplified method known as the "Development Driven" method" was chosen.

In addition to the highway cost share policy the County prepared a Development Review Process that outlines the steps needed for the County to review land development projects adjacent to county roads. The two main goals for this process are to improve and encourage early communication on development projects impacting county roads and to streamline the county review process.

Proposed Cost Share Policy Summary

The proposed cost share policy contains two tables, which are attached to this summary, one for conventional projects (CIP) and one for development driven projects (Non-CIP).

1. Conventional projects are projects programmed in the County 5-year Capital Improvement Plan (CIP). These are typically projects that have been planned for some time and involve improvements to county roads to mitigate safety or improve traffic capacity. They can have regional significance and often receive grants and are either already budgeted or budgeted contingent on receiving grants.
 - a. The table and accompanying notes for conventional projects (CIP) is a replacement of the existing (2007) 12 page policy.
 - b. Changes to the 2007 policy include: addition of roundabouts, intersection lighting, pedestrian underpasses/overpasses, aesthetic treatments, highway signs, electronic signs, and noise walls; revision to the trail cost share to include county participation on certain trails. Engineering services have been clarified to be prorated by construction share.

2. Development driven projects are projects that are not programmed in the County 5-year CIP. These projects are typically required to accommodate imminent development or to stimulate development. County funding has not been identified for these projects in the current budget or CIP. They often require special funding or require previously programmed CIP projects to be delayed.
 - a. The table and accompanying notes for development driven projects (non-CIP) is a new policy. The municipality is responsible for a higher percentage of the cost of county road improvements for these non-CIP projects.
 - b. The major differences between the conventional and development driven policy are:
 - i. Municipality pays for Right of Way that is or could have been dedicated with the development plat.
 - ii. Municipality pays for 50% of road width greater than 44' (standard 2 lane urban county road width).
 - iii. Municipality pays for turn lanes to and from City Street.
 - iv. Municipality pays for 100% of outside curb and gutter.
 - v. Municipality pays 50% of median and median curb.
 - vi. Traffic Signal cost share is based on Signal Warrants (an engineering standard that determines the appropriate time to construct a signal based on traffic demand).
 - vii. Roundabout cost share is based on Roundabout Warrants.
 - c. Three past county road improvement projects that were development driven and one conventional CIP project were analyzed to see how the proposed policy would have determined their cost participation percentages. The comparisons are attached to this summary and summarized below:
 - i. Engler Blvd. Reconstruction – Chaska – 2012/13 – Development Driven - \$2.88M
 1. Actual negotiated cost share: 74% County, 26% City.
 2. New policy: 71% County, 29% City. Difference = \$70,000
 - ii. CR 11/61 Intersection – Carver – 2011 – Development Driven (Fleet Farm) – \$1.93M
 1. Actual negotiated cost share: 69% County, 31% City.
 2. New policy: 68% County, 32% City. Difference = \$14,000
 - iii. CR 59 Construction – Waconia – 2006 – Development Driven (Target) - \$4.83M
 1. Actual negotiated cost share: 44% County, 56% City
 2. New policy: 52% County, 48% City. Difference = \$390,000
 - iv. CR 20 Construction – Watertown – 2010 – Conventional CIP Project - \$3.0M
 1. Actual cost share (2007 Policy): 83% County, 17% City.
 2. New policy: 78% County, 22% City. Difference = \$147,000. Project involved 2 roundabouts which accounts for cost share difference.

It should be noted that this analysis used the best available information at the time. Results show that the proposed policy yields very similar cost shares to the actual negotiated cost share. In the CR 59 example, which is a true test of a past practice development project, the county share under the proposed policy would have been significantly higher.

Maintenance

The final section of the proposed cost share policy outlines maintenance responsibilities for projects constructed under the policy. This is a replacement of the maintenance language in the 2007 policy. The content is very similar to the 2007 policy but clarifies some confusing language related to routine maintenance and adds language for the new items like roundabouts, signs, lighting, noise walls, etc.

Conclusion

The proposed policy meets the defined goals and objectives and is fair approach to sharing in the cost of county highway projects. The proposed new policy for development driven projects creates a consistent standard to determine cost share while not shifting additional costs to development from previous negotiated practices.



Carver County

Division of Public Works

COST PARTICIPATION POLICY

Applicable to Cooperative Highway Projects between Carver County and Municipalities.

Adopted by the Carver County Board of Commissioners on February 17, 1998.

Amended by the Carver County Board of Commissioners on February 13, 2007, and March 19, 2013.

A. Construction Cost Share – Conventional Project (Projects programmed in the County 5-year CIP.)

Project Items	County Share	Municipality Share	Note
Right of Way	By Negotiation	By Negotiation	1
Retaining Wall in lieu of right of way	Same %age as R/W	Same %age as R/W	
Clearing and Grubbing	100%	0%	
Grading	100%	0%	2
Aggregate Base and Surfacing	100%	0%	3
Parking Lanes on 4-lane or 6-lane road	0%	100%	4
Storm Sewer and Ponds/Treatment Basins	%age of Contributing Flow	%age of Contributing Flow	5
Culverts	100%	0%	
Concrete Sidewalk	0%>5000 Population 50%<5000 Population	100%>5000 Population 50%<5000 Population	6
Concrete Curb and Gutter and Pedestrian Ramps	0%>5000 Population 50%<5000 Population	100%>5000 Population 50%<5000 Population	7
Concrete Median and Median Curb	100%	0%	8
Concrete Driveway Entrances (Apron)	100%	0%	9
Municipal Utility Adjustment or Construction	0%	100%	
Roundabouts	By Leg	By Leg	
Traffic Signals	By Leg	By Leg	10
Intersection Lighting	By Leg	By Leg	11
Street Lighting	0%	100%	12
Bridges	By Negotiation	By Negotiation	
Trails along county highway	0% Local 50% Linking & Regional 100% Destination	100% Local 50% Linking & Regional 0% Destination	13
Trail Underpass/Overpass	0% Local 50% Linking & Regional 100% Destination	100% Local 50% Linking & Regional 0% Destination	14
Landscaping	25% up to State Aid Limit	75%	15
Aesthetic Treatments	0%	100%	16
Highway Signs	100%	0%	
Electronic/Specialty Signs	By Negotiation	By Negotiation	
Noise Walls	By Negotiation	By Negotiation	17
Mobilization	Pro-rated by const. share	Pro-rated by const. share	
Erosion Control	Pro-rated by const. share	Pro-rated by const. share	
Traffic Control	Pro-rated by const. share	Pro-rated by const. share	
Engineering Services	Pro-rated by const. share	Pro-rated by const. share	
Other items	By Negotiation	By Negotiation	50



Carver County

Division of Public Works

Conventional Project Notes

1. Fee title and permanent and temporary easements needed for projects on the existing county highway system or newly established or dedicated county highway system including the property needed for storm water treatment basins and wetland mitigation sites.
2. Includes grading and removal items. Applies to county roads and work necessary to tie in existing public street approaches. Enhancements to public streets approaches are the responsibility of the municipality. New public or private street approaches are the responsibility of the municipality.
3. Applies to county roads and work necessary to tie in existing public street approaches. Enhancements to public streets approaches are the responsibility of the municipality. New public or private street approaches are the responsibility of the municipality.
4. Includes grading, base and surfacing. Applies to county roads and work necessary to tie in existing public street approaches. Enhancements to public streets approaches are the responsibility of the municipality. New public or private street approaches are the responsibility of the municipality.
5. Includes catch basins, manholes, storm sewer pipes, outlet structures, grit chambers, and water quality and rate control ponds/basins. The county share is based on the ratio of contributing flow from the right of way to the total contributing flow.
6. Existing sidewalk impacted by the highway construction will be replaced in kind by the county.
7. Existing curb and gutter and pedestrian ramps impacted by the highway construction will be replaced in kind by the county.
8. The county pays for standard median design which is plain concrete. If a municipality requests decorative median the municipality pays the additional cost above the cost of a standard median.
9. Concrete aprons are installed at locations determined by the county. Driveways beyond the apron are constructed in-kind.
10. Applies to new and replacement traffic signals. Includes all components that make up a permanent warranted traffic control signal system with steel poles and mast arms installed at an intersection of a county highway and public roadway at an approved location by the county. The county pays 0% of a signal system at a private access/road. The municipality pays 100% of the furnishing and maintenance of electrical power to the traffic signal. The cost to modify, update or completely reconstruct the signal system will be shared at the same percentage as the original installation.
11. Designed to light an intersection for traffic safety purposes. Locations will be determined by the county.
12. Decorative type lighting along the roadway.
13. Applies to trails constructed with county road projects only. Stand alone trail projects are handled separately. Locations and descriptions are shown in the Carver County Comprehensive Plan and other related trail plans and policy documents. Applies to all costs associated with trail including but not limited to: grading, drainage, base, surfacing, pedestrian ramps, wetland mitigation due to trail impacts and additional right way needed for the trail. The county will only participate in trails constructed to meet State Aid Rules and Standards. Costs for major rehabilitation or replacement will be shared at the same percentage as the original installation. Townships are exempt from paying for trails.
14. Underpasses spanning 10 feet or more are considered bridges and will be added to the county bridge safety inspection program.
15. Landscaping items as approved by the county. State Aid limit is 5% of annual construction allotment.
16. Aesthetic items that do not serve a specific transportation use such as streetscaping, median plantings, decorative railing, ornamental fencing etc. All approved median plantings require irrigation.
17. Additional costs for decorative noise walls will be the responsibility of the requesting agency.



Carver County

Division of Public Works

B. Construction Cost Share – Development Driven Project (Projects not programmed in the County 5-year CIP)

Project Items	County Share	Municipality Share	Note
Right of Way	0%	100%	1
Retaining Wall in lieu of right of way	Same %age as R/W	Same %age as R/W	
Clearing and Grubbing	100%	0%	
Grading	100% for through lane and shoulder (up to 44' wide). 50% for additional through lanes and median. 100% for county rd. to county rd. turn lanes.	0% for through lane and shoulder (up to 44' wide). 50% for additional through lanes and median. 100% for city st. to county rd. turn lanes and county rd. to city st. turn lanes	2
Aggregate Base and Surfacing	Same as Grading	Same as Grading	
Parking Lanes on 4-lane or 6-lane road	0%	100%	3
Storm Sewer and Ponds/Treatment Basins	%age of Contributing Flow	%age of Contributing Flow	4
Culverts	100%	0%	
Concrete Sidewalk	0%	100%	
Concrete Curb and Gutter and Pedestrian Ramps	0%	100%	
Concrete Median and Median Curb	50%	50%	5
Concrete Driveway Entrances (Apron)	100%	0%	6
Municipal Utility Adjustment or Construction	0%	100%	
Roundabouts	By Leg if meets warrants by opening. By Leg up to 50% if meets warrants for design year. 0% if does not meet warrants for design year.	By Leg if meets warrants by opening. By Leg but no less than 50% if meets warrants for design year. 100% if does not meet warrants for design year.	
Traffic Signals	By Leg if meets warrants by opening. 50% of County Legs if meets warrants for design year. 0% if does not meet warrants for design year.	By Leg if meets warrants by opening. 100% of City legs plus 50% of County Legs if meets warrants for design year. 100% if does not meet warrants for design year.	7
Intersection Lighting	By Leg	By Leg	8
Street Lighting	0%	100%	9
Bridges	By Negotiation	By Negotiation	



Carver County

Division of Public Works

Trails along county highway	0% Local 50% Linking & Regional 100% Destination	100% Local 50% Linking & Regional 0% Destination	10
Pedestrian Underpass/Overpass	0%	100%	11
Landscaping	0%	100%	12
Aesthetic Treatments	0%	100%	13
Highway Signs	100%	0%	
Electronic/Specialty Signs	By Negotiation	By Negotiation	
Noise Walls	0%	100%	14
Mobilization	Pro-rated by const. share	Pro-rated by const. share	
Erosion Control	Pro-rated by const. share	Pro-rated by const. share	
Traffic Control	Pro-rated by const. share	Pro-rated by const. share	
Engineering Services	Pro-rated by const. share	Pro-rated by const. share	
Other items	By Negotiation	By Negotiation	

Development Driven Project Notes

1. Fee title and permanent and temporary easements needed for projects on the existing county highway system or newly established or dedicated county highway system including the property needed for storm water treatment basins and wetland mitigation sites. The cost share for right of way needed outside the boundaries of a development plat will be negotiated.
2. Includes grading and removal items. Enhancements to public streets approaches are the responsibility of the municipality. New public or private street approaches are the responsibility of the municipality.
3. Includes grading, base and surfacing. Applies to county roads and work necessary to tie in existing public street approaches. Enhancements to public streets approaches are the responsibility of the municipality. New public or private street approaches are the responsibility of the municipality.
4. Includes catch basins, manholes, storm sewer pipes, outlet structures, grit chambers, and water quality and rate control ponds/basins. The county share is based on the ratio of contributing flow. County share is based on the contributing flow from the right of way less roadway surface areas that the municipality pays for. The municipality share is the contributing flow from outside the right of way plus roadway surface area the municipality pays for. Costs to replace elements of storm sewer systems will be shared at the same percentage as the original installation.
5. The county pays for standard median design which is plain concrete. If a municipality requests decorative median the municipality pays the additional cost above the cost of a standard median.
6. Concrete aprons are installed at locations determined by the county. Driveways beyond the apron are constructed in-kind.
7. Applies to new and replacement traffic signals. Includes all components that make up a permanent warranted traffic control signal system with steel poles and mast arms installed at an intersection of a county highway and public roadway at an approved location by the county. To meet signal warrants, the intersection must meet either the four hour or the eight hour vehicular volume warrant standard. The county pays 0% of a signal system at a private access/road. The municipality pays 100% of the furnishing and maintenance of electrical power to the traffic signal. The cost to modify, update or completely reconstruct the signal system will be shared at the same percentage as the original installation.
8. Designed to light an intersection for traffic safety purposes. Locations will be determined by the county.
9. Decorative type lighting along the roadway.
10. Applies to trails constructed with county road projects only. Locations and descriptions are shown in the Carver County Comprehensive Plan and other related trail plans and policy documents. Costs associated with trail include grading, drainage, base, surfacing, pedestrian ramps, wetland mitigation due to trail impacts and additional right way needed for the trail. The county will only participate in trails constructed to meet State Aid Rules and Standards. Costs for major rehabilitation or replacement will be shared at the same percentage as the original installation.
11. Underpasses spanning 10 feet or more are considered bridges and will be added to the county bridge safety inspection program.
12. Landscaping items as approved by the county.
13. Aesthetic items that do not serve a specific transportation use such as streetscaping, median plantings, decorative railing, ornamental fencing etc. All approved median plantings require irrigation.
14. Additional costs for decorative noise walls will be the responsibility of the requesting agency.



Carver County

Division of Public Works

- C. Maintenance - Maintenance of county highways constructed under this policy will be as follows unless specified differently in a separate maintenance agreement.**
1. The county is responsible for maintenance of the county highway between curbs or between outside edges of shoulders. This includes but is not limited to snow and ice control, patching, crack sealing, seal coating, pavement rehabilitation, shouldering, striping and sign replacement. In addition, the county is responsible for routine maintenance outside the edge of shoulder and within the right of way of a rural county highway. The county may enter into agreements with municipalities to perform highway maintenance.
 2. The municipality is responsible for maintenance of the boulevard, landscaped median, trees, shrubs, irrigation systems, sidewalk, retaining walls, steps, aesthetic treatments, and other urban appurtenances within the right-of-way of an urban county highway.
 3. The county is responsible for maintenance of bridges and culverts on the county route.
 4. The municipality is responsible for maintenance of its utilities and storm sewer systems including detention/treatment basins. Costs to replace elements of storm sewer systems will be shared at the same percentage as the original installation.
 5. The county is responsible for maintaining roundabouts with the exception of island landscaping and aesthetic treatments which are the responsibility of the municipality.
 6. Unless stipulated by special agreement, the county will own and is responsible for maintaining traffic signal systems (with the exception of the attached lighting) at county road intersections with local public roadways and private streets. The municipality is responsible for maintaining the signal lighting and the electrical power to the signal system. The cost to modify, update or completely reconstruct the signal system will be shared at the same percentage as the original installation.
 7. The municipality is responsible for maintenance of intersection lighting at a county road and local road intersection. The county is responsible for maintenance of intersection lighting at a county road and county road intersection.
 8. The municipality is responsible for the maintenance of street lights.
 9. The municipality is responsible for maintaining trails within the county highway right-of-way. Costs for major rehabilitation or replacement will be shared at the same percentage as the original installation.
 10. The municipality is responsible for maintaining pedestrian underpasses and overpasses.
 11. The county is responsible for maintaining highway signs.
 12. The county is responsible for maintaining electronic/specialty signs. The costs of maintenance will be shared at the same percentage as the original installation.
 13. Maintenance of noise walls is the responsibility of the agency paying for the initial installation.

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Joint Powers Agreement with City of Carver for CSAH 11/Ironwood Drive Intersection and Park-and-Ride Construction

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:

Amount of Time Requested: minutes

Presenter: Title:

Attachments: Yes No

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

The City of Carver has been awarded \$3.6 million in federal Congestion Mitigation Air Quality (CMAQ) program funds by the Transportation Advisory Board (TAB) and Metropolitan Council for federal fiscal year 2013 to acquire right of way for and construct a 400-space Park and Ride site in the City. The City has been awarded an additional \$826,200 in FY 2014 for 3 years of transit operations in partnership with SouthWest Transit.

The City has partnered with the County CDA to construct the Park and Ride adjacent to their proposed housing development west of CSAH 11 at Ironwood Drive. The project includes parking lot, shelter, collector street, public utilities, trails, turn lanes and traffic signal on CSAH 11.

The City has requested the County share in the cost of improvements on CSAH 11. The City has also requested the County administer the federal funds for the project as required by MnDOT.

Public Works has negotiated a cost share with the City for the CR 11 improvements. The cost share is based on the current Cost Participation Policy adopted March 19, 2013.

A Joint Powers Agreement (JPA) has been prepared defining the cost share and project responsibilities.

The project and JPA details were discussed with the County Board at the March 12 Work Session meeting.

ACTION REQUESTED:

Approve a joint powers agreement with the City of Carver for the construction of the Carver Park and Ride project and associated improvements and authorize the Chair of the County Board and County Administrator to sign the agreement subject to review by the County Attorney's Office and Risk Management.

FISCAL IMPACT:

If "Other", specify:

FTE IMPACT:

FUNDING

County Dollars =	\$686,400.00
Federal CMAQ	\$3,300,000.00
City/CDA	\$603,600.00
Total	\$4,590,000.00

Related Financial/FTE Comments:

The county share is for intersection improvements at CSAH 11 and Ironwood only.

Office use only:

RBA 2012- 1691

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Economic Tax Abatement Request for the Legends at Hazeltine Assisted Living Housing Project

Primary Originating Division/Dept: <input type="text" value="Administration (County)"/>	Meeting Date: <input type="text" value="3/19/2013"/>
Contact: <input type="text" value="David Hemze"/> Title: <input type="text" value="County Administrator"/>	Item Type: <input type="text" value="Work Session"/>
Amount of Time Requested: <input type="text" value="60"/> minutes Presenter: <input type="text" value="David Frischmon"/> Title: <input type="text" value="Finance Director"/>	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
Strategic Initiative: <input type="text" value="Communities: Create and maintain safe, healthy, and livable communities"/>	

BACKGROUND/JUSTIFICATION:

State Law allows counties to grant economic development abatements as authorized by Minnesota Statutes Sections 469.1812 to 469.1815. The Carver County Board has granted two economic development abatements for projects that benefitted County roads - Lyman and Engler Blvds which is consistent with the current County Tax Abatement policy. While the project does not improve a county road, the developer believes the expected benefits to the County for this project would exceed the cost of the County's proposed abatement and therefore would be allowable under State law. See the attached project summary for more details about the project.

Bruce Kimmel, a representative from the County's financial consultant, Ehlers Inc. will attend the meeting to assist County staff in presenting the following agenda:

- I. Summary of current tax abatement policy
- II. Overview of proposed project
- III. Request for Board direction and recommendations.

Additional information will be provided at the workshop.

ACTION REQUESTED:

Provide Board direction to County Staff on how to proceed with this request.

FISCAL IMPACT: <input type="text" value="Other"/> If "Other", specify: <input type="text" value="see below"/>	FUNDING County Dollars = <input type="text"/> <input type="text"/> Total <input type="text" value="\$0.00"/>
FTE IMPACT: <input type="text" value="None"/>	

Related Financial/FTE Comments:

The requested abatement of County property taxes on the project's new construction totals \$2,000,000 over 20 years.

Office use only:

RBA 2012- 1694



THE LEGENDS AT HAZELTINE

March 1, 2013

Tim Lynch, Chairman
Carver County Board
600 East 4th Street
Chaska, MN 55318

Dear Chairman Lynch,

The Legends at Hazeltine, LLC (The Legends) is a local nonprofit whose long term mission is to own and operate a unique senior living and health care community in Carver County. The Legends is a joint venture between Ridgeview Medical Center (Ridgeview) and Intergenerational Living and Health Care (ILHC). The purpose of our letter is to formally request that Carver County participate with the City of Chaska in granting the nonprofit a 20 year tax abatement as provided under MN Statutes 469.18.

Over the past two years, our development team in conjunction with City of Chaska staff has had ongoing discussions to assist the City and Ridgeview in achieving its vision of creating "the hospital of the future" serving the area's medical and health needs based on 21st century technology and capabilities. A key element of that vision was realized in 2011 with the opening of the Two Twelve Medical Center. This spring, Ridgeview is slated to initiate construction of the next phase of that complex adding 45,000 square feet of additional medical service space.

The Legends, which is an integral part of the overall vision, will provide an extension of health care services to residents of Carver County. The Legends, contingent on receiving tax abatement from both the City and Carver County, is approved to begin construction in the spring of 2013 with an opening in late 2014. The community will provide local seniors with 125 apartments of assisted living, memory care and care suites with future plans for an outpatient rehabilitation center and sub acute transitional care on-site. In addition to on site senior housing, The Legends will provide community access to:

- Senior day care
- Community awareness and educational training center
- Theatre for Intergenerational programming, education and entertainment
- Wellness Center and medical office
- 24 hour access to nurse practitioners
- Advocates to guide seniors, families, staff and community members through traditional and alternative types of care
- Counselors and training to support seniors, families, staff and community members through depression and mental health matters
- Ministerial programs and counselors for seniors, families, staff and community members to support them in going through emotional, physical and financial changes

The Legends brings together the private, public, and non-profit sectors in an innovative manner. The Legends will be the first community of its kind in Minnesota to offer vertical integration of health services in a residential setting and is designed to become a model for future senior living communities and will be used as a community resource for seniors, families, staff and community members.

Ridgeview, headquartered in Waconia, Minn., is a regional health care network servicing five surrounding counties with a reputation for clinical excellence. One of the largest employers in Carver County with 1,650 employees and 485 volunteers, Ridgeview is ranked among the top 5% of hospitals in the U.S. and in 2012 won the "HealthGrades Outstanding Patient Experience Award™". Ridgeview prides itself in being the health care provider of Carver County.

ILHC is a 501(c)(3) non-profit whose mission is to create life enriching communities by embracing all generations through innovative services and programs. They currently operate five communities in four states. The communities of ILHC are recent recipients of the "National Bronze – Commitment to Quality Award" presented by the American Health Care Association and National Center for Assisted Living. In addition, The Commons on Marice in Eagan, Minn., was the recipient of the "2011 Excellence in Assisted Living Award" presented by Care Providers of Minnesota.

The Legends will be entering into a development and management contract with The Goodman Group, headquartered in Chaska, Minn., who has nearly 50 years experience in developing and managing senior living communities, health care centers, residential communities and commercial properties. As a sign of their commitment to creating a premier senior living and care community, John Goodman has agreed to donate the land for The Legends development. In addition, The Goodman Group will be waiving their development fee and providing all furniture, fixtures and equipment at wholesale cost without markup. The combination of these three items has a value to the development of over \$3 million (see attached letter).

Based on the demographic and market studies completed to date, we are confident that additional senior living opportunities are needed in eastern Carver County today and the demand will significantly expand in the future. A recent study commissioned by the Carver County Senior Commission estimated that county senior population over the age of 80 would increase from 2,546 in 2010 to over 24,490 by 2025 making Carver County senior population one of the fastest growing in the State.

We have enclosed a brochure on The Legends, including the vision, joint venture structure, development plans, market assessment and investment overview.

The vision is to create a senior living community with an abundance of amenities that is affordable to seniors living with us. Key elements of our plan that we are employing to achieve the proper mix between affordability and quality are:

- Utilizing a nonprofit ownership structure
- Securing the donation for the land
- Waiving of the development fees
- Engaging a premier, experienced service provider to assure costs are effectively managed
- Utilizing The Goodman Group's purchasing network to acquire the furniture, fixtures and equipment at wholesale costs without markup
- Participating in The Goodman Group's national purchasing contracts
- Integrating services currently provided by Ridgeview and other local service providers into a central location
- Utilizing long term tax exempt housing bonds as a financing vehicle
- Securing a 20 year tax abatement commitment from the City and Carver County
- Releasing of local houses for purchase by younger families who will be purchasing goods and services of the community at a higher rate than seniors

Based on these strategies, we are confident that The Legends can provide a superior senior living and health care environment while maintaining competitive rates for our residents. As representatives of the nonprofit board owning The Legends, we can assure you of our pledge to prudently manage these valuable resources and our commitment to a long term and sustainable ownership structure well into the future.

Along with being a long term community asset, The Legends will result in approximately 200 construction jobs, 130 ongoing employment opportunities, as well as children and senior volunteer and educational opportunities.

In order to place The Legends on the same level as other senior housing providers in Carver County who have been exempt from property taxes, we respectfully request your approval of a 20 year tax abatement to assist us in building an affordable health care model of the future for the citizens of Carver County. We recognize that Carver County has a policy of utilizing tax abatement in only very limited circumstances. The current Carver County Board policy regarding tax abatement states that the Board will consider the following when making its determination:

1. The expected benefits of the proposed abatements are equal to or exceed the amount of County taxes and cost subject to the abatement.
2. The County Board will only utilize abatement for public infrastructure further defined as county roads and right of way improvements.

We truly believe that The Legends meets the intent of your policy and warrants your consideration for abatement of its property taxes for the 20 year period. Services offered at both the 212 Medical Center and The Legends will compliment and reduce the demand for mental health, senior care and public health services provided currently by the County. Some examples of these services are:

- Senior day care program
- Memory Care
- Ongoing educational programs to the community (dementia, Parkinson's, MS, stroke, arthritis, caregivers support, etc.)
- Create low-cost living environments that support individuals with MS, Parkinson's, stroke and other debilitating conditions which otherwise would have to be taken care of in a skilled nursing facility.
- Partner with local educational institutions to provide more affordable on-site companion aids for services to residents, while assisting students with opportunities for credits, financial support and assist in career placement.
- Create integrative medical services on-site that will reduce or eliminate the need for hospitalization.
- Wellness initiatives to enhance the quality of life for seniors as they age
- Nutritional and depression education training and counseling

Senior services and senior health care are an integral element of Carver County's "public infrastructure" and contribute to the quality of life in our communities. As the Board is considering this request, we realize that it needs to be prudent in the use of such assistance and be conscience of setting future precedents. To provide proper guidance for this and future decisions, we suggest that you consider our request to add an additional criteria for the use of tax abatement as follows:

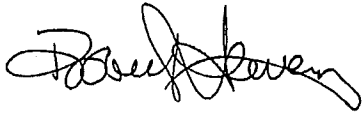
3. *Abatements not directed to County road infrastructure would be considered but only if the related development is being owned by a community nonprofit entity sponsored with a Carver County Community hospital, and that entity is providing services that directly benefit and reduce the need for other County programs and infrastructure.*

Our target, upon approval of the tax abatement, is to begin construction of The Legends in the spring of 2013 which will require the expedient action of the County Board in approving our request by March 26, 2013. We realize this is an aggressive target for completing our governmental permitting, obtaining the necessary abatement approvals and completing our financing. We truly appreciate the efforts of the Board and the County staff in considering of this

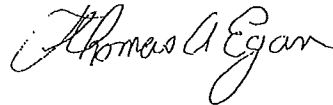
Tim Lynch, Chairman
Carver County Board
March 1, 2013
Page 5

request. We look forward to our joint meeting with the Carver County Board on March 19. If you need any additional information to assist you in considering our request, please contact us.

Sincerely,



Robert Stevens, President & CEO
Ridgeview Medical Center
Board Member, The Legends



Thomas Egan, Board Member
Intergenerational Living and Health Care
Board Member, The Legends

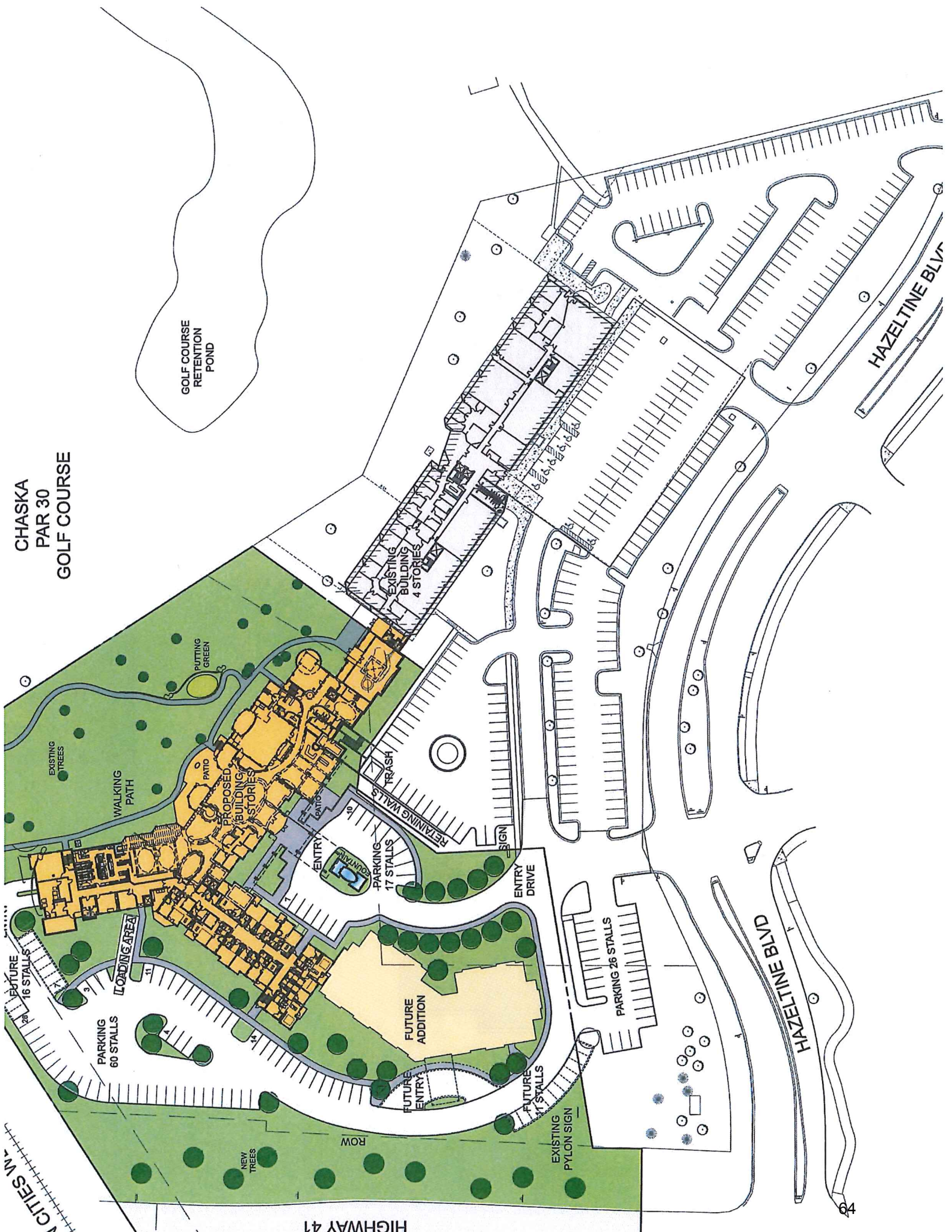
Enclosures

cc: Dave Hemze (w/enclosures) ✓
Gayle Degler (w/enclosures)
Tom Workman (w/enclosure)
Randy Maluchnik (w/enclosures)
James Ische (w/enclosures)





CHASKA
PAR 30
GOLF COURSE



GOLF COURSE
RETENTION
POND

HAZELTINE BLVD

HAZELTINE BLVD

HIGHWAY 41

N CITIES W.

4:30 p.m.	7. COMMUNITIES: Create and maintain safe, healthy and livable communities 7.1 Sheriff and Public Health & Environment (Emergency Management) reorganization 21 7.2 Public hearing – Ordinance 76-2012 (permit management in County highway right of ways)..... 22-46
5:10 p.m.	8. GROWTH: Manage the challenges and opportunities resulting from growth and development 8.1 Update of policy for cost participation of County highway projects 47-54 8.2 Joint Powers Agreement with City of Carver for CSAH 11/Ironwood Drive Intersection and Park and Ride construction 55
5:30 p.m.	ADJOURN REGULAR SESSION <p style="text-align: center;">WORK SESSION</p>
5:30 p.m.	A. COMMUNITIES: Create and maintain safe, healthy and livable communities 1. Economic tax abatement request for the Legends at Hazeltine Assisted Living Housing Project 56-64
6:30 p.m.	BOARD REPORTS 1. Chair 2. Board Members 3. Administrator 4. Adjourn

David Hemze
County Administrator

UPCOMING MEETINGS

March 26, 2013	No Board Meeting
April 2, 2013	9:00 a.m. Board Meeting
April 9, 2013	9:00 a.m. Work Session
April 16, 2013	2:30 p.m. Committee of the Whole
April 16, 2013	4:00 p.m. Board Meeting