

Carver County Board of Commissioners
 February 1, 2011
 Regular Session
 County Board Room
 Carver County Government Center
 Human Services Building
 Chaska, Minnesota

			PAGE
9:15 a.m.	1.	<ul style="list-style-type: none"> a) CONVENE b) <i>Pledge of Allegiance</i> c) <i>Public participation (comments limited to five minutes)</i> d) <i>Introduction of New Employees</i> 	
	2.	Agenda review and adoption	
	3.	Approve minutes of January 25, 2011 Regular Session	1-6
	4.	Community announcements	
9:15 a.m.	5.	CONSENT AGENDA	
	5.1	Abatement/additions	7-8
	5.2	Linda Richmond and Rob Magers – request for equestrian facility	9-14
	5.3	Right of way acquisition – Maple Bridge reconstruction ..	15-16
	5.4	Adoption of Carver County Right of Way Plat No. 19	17-18
	5.5	Community Social Services’ warrants	NO ATT
	5.6	Commissioners’ warrants.....	SEE ATT
9:15 a.m.	6.	SHERIFF	
	6.1	Oath of office/swearing in, Sheriff’s Office new Chief Deputy Wm. Blair Anderson	19
9:30 a.m.	7.	PUBLIC WORKS/PARKS	
	7.1	Professional service agreement GSP Consulting	20
10:00 a.m.	8.	ADMINISTRATION	
	8.1	Appointment to Community Development Board	21
10:05 a.m.		ADJOURN AS COUNTY BOARD AND CONVENE AS CARVER COUNTY REGIONAL RAIL AUTHORITY	
10:05 a.m.	9.	PUBLIC WORKS/PARKS	
	9.1	Addendum #2 to PSA Pump and Meter Services, Inc.	22
	9.2	Closed Session – Garage Building in New Germany.....	23

10:45 a.m.

**ADJOURN CARVER COUNTY REGIONAL RAIL
AUTHORITY**

10:45 a.m.

BOARD REPORTS

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

11:15 a.m.

David Hemze
County Administrator

UPCOMING MEETINGS

February 3, 2011	7:00 p.m. ACCEL Meeting, Public Works Headquarters
February 8, 2011	9:15 a.m. Board Meeting
February 15, 2011	4:00 p.m. Work Session
February 22, 2011	9:15 a.m. Board Meeting
March 1, 2011	9:15 a.m. Board Meeting

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on January 25, 2011. Chair Randy Maluchnik convened the session at 9:15 a.m.

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

Members absent: None.

The following amendments were made to the agenda agenda:

Add:

5.10 Setting a Public Hearing Regarding the Issuance of Bonds by the Carver County Community Development Agency to Finance a Qualified Multifamily Housing Development.

11.1 Additional advisory committee application.

Delete:

12.1 Closed Session, labor negotiation strategy

Degler moved, Ische seconded, to approve the agenda as amended. Motion carried unanimously.

Under public participation, Jim Sanborn, Waconia City Council member, explained he had a few questions regarding the Lake Waconia Regional Park agenda item and stated he understood this would be tabled until next week. Sanborn questioned what problems would the County be solving or preventing and what the need was. He asked why the County would be pursuing the issue this year and if there was an overriding reason that it needed to be done this year or if funds would not be available in the future. Sanborn also questioned if this was the best use of funds in a year where the State is cutting budgets and asked for the Board's review. Chair Maluchnik agreed they would get answers to the questions Mr. Sanborn raised.

Lynch moved, Workman seconded, to approve the minutes of the January 11, 2011, Regular Session. Motion carried unanimously.

Community announcements were made by the Board.

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

Authorized the Parks Director or designee to use up to five shelter rentals, 15 weekend campground reservations and 30 annual parking passes for promotional and marketing purposes.

Authorized Community Social Services acceptance of monetary donation made to the Encore Adult Day Services program.

Employment agreement between the Sheriff and Wm. Blair Anderson as Chief Deputy for Carver County.

Joint Powers Agreement with eight counties for the procurement of morgue and medical examiner services, Resolution #05-11 authorizing the Chair of the Dakota County Board of Commissioners to execute the contract with Regional Medical Center and approved the appointment of Dr. Lindsey Thomas as the Medical Examiner for Carver County in 2011.

Approved Health Partners administrative service agreement for 2009 and amendment for 2010.

Resolution #06-11, Charitable Gambling Application for the Watertown Lions Club.

Resolution #07-11, Recognition of the Contributions of Fr. Augustin Ravoux.

Resolution #08-11, Setting a Public Hearing Regarding the Issuance of Bonds by the Carver County Community Development Agency to Finance a Qualified Multifamily Housing Development Pursuant to Minnesota Statutes, Section 469.034, Subd. 2.

Community Social Services' actions.

Approved payment of the following Commissioners' warrants:

INSERT

Motion carried unanimously.

Jim Stark, Metropolitan Mosquito Control Director, introduced Renee Wagener, group leader for the Scott-Carver Division, and explained she would be reviewing the District's activities.

Wagner stated the District has five full time staff and 28 seasonal staff that work in the Scott Carver area. She explained last year was a very wet year and they sampled and treated over 15,000 acres. She pointed out the inspections that were done and treatments for black flies. Wagner referenced the District's tick surveillance program and, while there was a low risk of tick diseases in the County, they continue to monitor for it and educate the public. Wagner stated they also monitor and treat catch basins and pointed out their outreach efforts to schools and adult service groups.

Stark explained they do a primarily larval control program and last year they treated almost 300,000 acres which is the most they have every done. He indicated there were not a lot of cases of West Niles virus in the State of Minnesota last year. Stark stated the aedes japonicas mosquito species has expanded across Minnesota and they are keeping track of how the mosquito is moving. He added the number of cases of Lyme disease was also up the last four years and there were eleven reported cases of Lyme disease in Carver County in 2009.

He reviewed the District's tax levy and expenditures for 2009-2011. Stark recognized County Board's have been sensitive to the impact of property taxes and stated they reduced the levy in 2010 and kept it flat in 2011. Stark stated their budget was reduced 3.45% for 2011 and they will continue to look for cost savings. He reviewed their 2011 work plan and stated they wanted to make sure the environmental impacts of treatment are minimized. Stark added he appreciated the support that the

Board and citizens have given them and that they will continue to work hard to serve the needs of Carver County.

The Board agreed the District has done a good job and thanked them for the update.

Melissa Brechon, Library, requested the Board approve a fee increase for the Law Library. She pointed out the joint powers agreement for the management of the Law Library and the hiring of the first Law Librarian.

Brenda Wolfe, Law Librarian Manager, explained the fee is money collected from criminal and civil filings in District Court. She pointed out in 2009 the Legislature changed how they collected fees which resulted in reduced revenue. Wolfe indicated they have had to tap into their reserves and reviewed their income and expenditures. She highlighted the Law Library's spending in comparison to Dakota and Scott Counties. Wolfe stated the County's law library is operated very economically and the only way to fund the library is through Statute.

Judge Kanning stressed the Law Library serves more than just County staff and more importantly, it serves the public. He stated they were seeing more people representing themselves and while they have forms to use, many individuals are seeking services at the Law Library to help them fill out the forms, which thereby saves them time. Kanning noted this was a fee for people that have the opportunity to use the service.

Kanning reviewed the breakdown of the various fees related to traffic tickets and stated the State has mandated a \$75 fee that must be imposed for every traffic violation. He stated Ms. Wolfe has been able to reduce the volume of books they have in the Law Library and has been able to renegotiate the contract in the West Law contract at a cost savings. He indicated he supported this increase and stated having the Library open only part time does a disservice to the people that use it. He clarified the \$75 fee imposed by the State goes to the State's general fund.

Ische moved, Degler seconded, to approve the Law Library increase of \$5.00 for civil filings and criminal matters. Motion carried unanimously.

Degler moved, Ische seconded, to open the public hearing on Ordinance 70-2010 for code amendments and updating the zoning map. Motion carried unanimously.

Steve Just, Public Health and Environment, entered into the record the proof of publication and proof of mailing, Planning Commission Resolution 10-09, Planning Commission record and references in the file, Zoning Map, County Board Resolution, Ordinance 70-2010, letter of approval and support from DNR, dated January 20, 2010, and County Board Power Point presentation dated January 25, 2011.

Just explained the ordinance has four sections and they were asking to amend the County code and adopt a new zoning map related to the 2030 comp plan which was adopted in 2010.

He indicated the Planning Commission held the public hearing open for three months. Just stated they conducted six work sessions with the Planning Commission and participation by the townships and citizens has been good.

Just explained the changes made to Chapter 151, Subdivisions; Chapter 152, Zoning Code and Chapter 154 Sign Regulations. He stated the zoning map included transition areas based on township changes, updated road classifications, the updated floodplain overlay district and the shore land overlay district.

No public testimony was received.

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

Ische offered the following Resolution, seconded by Degler:

Resolution #09-11
Adopting Ordinance 70-2010, Amending Chapter 151, Subdivisions,
Chapter 1542, Zoning Code; Chapter 154, Sign Regulations; and the
Carver County Zoning Map, Including Transition Areas and the
Floodplain and Shoreland Overlay Districts

On vote taken, all voted aye.

Ordinance 70-2010, Amendments to Carver County Code and Zoning Map

The following is a summary of the essential elements of Ordinance 70-2010 for the purpose of publication as required by M.S. Section 375.51. A printed official copy of the ordinance and zoning map are available for inspection by any person during regular business hours at the office of the Carver County Auditor, or a copy may be purchased from the Carver County Land Management Department. Ordinance 70-2010 has four main sections, which address the proposed revisions to the County Code and Zoning Map: Section 1 addresses Chapter 151, Subdivisions, which includes the regulations for platting, minor subdivisions, development standards and engineering requirements; Section 2 addresses Chapter 152, Zoning Code, which includes the land use regulations for the "A" District and the various Overlay Districts; Section 3 addresses Chapter 154, Sign Regulations, such as size and setback standards; and Section 4 provides for the updated Carver County Zoning Map. The following is an overview of the amendments by section: 1) Subdivisions, Chapter 151. The current Subdivision Regulations were adopted in 1992 and have not been updated since that time. The proposed changes to Chapter 151 are considered necessary in nature and are not changes related to the 2030 Comprehensive Plan. Many of the changes are due to the division/department name being changed, language that does not correspond to how subdivisions are currently being handled, and/or outdated language that needed to be updated or clarified. Public Land and Park Dedication requirements have been removed, because there is no system or fee structure to implement this. The Subdivision language has been updated due to Water Management changes, and the Financial Guarantee section has been revised; 2) Zoning Code, Chapter 152. The Zoning Districts and Maps section has been revised based on recent flood study data. Properties less than 1.5 acres in size are limited to no more than 5

licensed vehicles located outside a building. The changes to the Zoning Code that directly relate to the 2030 Comprehensive Plan policies include: Solar Access (Renewable Energy); Transfer of Building Eligibilities; Residential Density Options (Wooded Lots and Conservation Incentive); Large Scale Activities (Ag activities with a retail component); Access to Aggregate Uses (Mining and/or land reclamation); and Transition Areas (Overlay Zone). The changes that directly relate to a change in State Statute are: Non-conforming structure(s) which allows for the continuance and replacement of certain residential structures; and Interim Use Permits (IUPs), allowing for mining, temporary homes, and certain special events, home occupations and recreational activities as IUPs rather than being handled as CUPs. Bluff setbacks have been reduced from 100 feet to 50 feet, except for actively eroding bluffs. Also, Roadside Stands with a “pick your own” feature will be allowed. This section of the Ordinance includes numerous definitions, “housekeeping” text changes (e.g. ISTS has been changed to SSTS) and reorganized sections; 3) Sign Regulations, Chapter 154. The main amendment is the elimination of the 500-foot setback from intersections, provided the signage that does not create obstruction of vision as determined by the road authority. One of the other changes is to eliminate the 30 day and 10 day deadlines for the issuing authority to approve or deny applications because these timelines should be consistent with M.S. 15.99 (i.e. 60 day law) rather than being more restrictive. Language was also simplified with no change to square footage allowances; 4) Carver County Zoning Map. The updated Zoning Map includes all of the new Transition Areas approved by the townships in their individual Comprehensive Plan Chapters. The Agriculture (“A”) District, Residential Cluster District(s), and Rural Service Overlay Districts (RSDs) are essentially unchanged. The Road Classifications have been updated to correspond to the Existing Functional Class Map of the Roadway Systems Plan. The Floodplain Overlay District was developed from a recent flood insurance study authorized by the Minnesota DNR and FEMA. The preliminary Digital Flood Insurance Rate Map (DFIRM) “geodatabase” approval date was November 30, 2010, and with the County’s GIS mapping capabilities and approved LiDAR (topography) an accurate depiction is possible. According to FEMA guidelines, the County needs to use the best available data (i.e. the latest flood study data) for all of the areas designated as special flood hazard areas without Base Flood Elevations (BFEs) or an identified Floodway. Based on the flood study, there are several new areas in the Bevens Creek and Carver Creek watersheds that have been added to the County’s Floodplain Overlay District on the updated Zoning Map. Several revisions have also been made to the Shoreland Overlay District to improve the accuracy of the District and to eliminate two areas designated as dry lake beds in Benton Township and Hancock Township

Steve Taylor, Administrative Services, appeared before the Board to update them on the fiber project. He indicated they have met with 75 stakeholder groups and they have an idea of where the fiber hut locations will be. To meet the grant requirements, 15 reports have been submitted to the federal government. He reviewed the 2011 project timeline and indicated by the end of 2011 they would be 50% complete with the construction piece.

He stated the Broadband Infrastructure Taskforce was an important step in the process to act as a primary communications resource regarding the project. Taylor reviewed a list of Taskforce members and requested the Board appoint a representative to Taskforce.

Lynch moved, Degler seconded, to approve the membership of the Broadband Infrastructure Taskforce as outlined and to appoint Commissioners Ische and Lynch as the Board's representatives on the Taskforce with Maluchnik as the alternate. Motion carried unanimously.

Lyndon Robjent, Public Works, requested the Board approve a contract for legislative assistance related to the Lake Waconia Regional Park improvements and land acquisition.

Martin Walsh, Parks, noted the Board's legislative priority for land acquisition for Lake Waconia Regional Park. He stated it was very difficult for the County to get reimbursed timely and when there is a large land acquisition, it was not uncommon to seek legislative help. He explained they were looking for the consultant to help the County introduce legislation which would assist the County in acquiring property designated for public boat access. Walsh clarified the land the County is interested in acquiring is between a willing seller and buyer.

He indicated they solicited a number of proposals and were recommending GSP Consulting. Walsh stated the demand for the boat access is high, this was a very nice property and the site would serve as a buffer between the boat access and residential property to the west of the site.

Walsh stated the Acquisition Master Plan had gone through a long public process dating back to 1974 and cities and other organizations had submitted comments at that time.

The Board agreed to not act on this request until the questions raised earlier today by Councilman Sanborn were addressed.

Lynch moved, Ische seconded, to table the agreement with CSP Consulting to the February 1st Board meeting. Motion carried unanimously.

The Board considered appointments to advisory committees.

Workman moved, Degler seconded, to appoint Jeff Anderson to the Park Commission. Motion carried unanimously.

The Board agreed to hold the appointment to the CDA for one week.

Degler moved, Lynch seconded to adjourn at 11:05 a.m. Motion carried unanimously.

David Hemze
County Administrator

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



REQUEST FOR BOARD ACTION

AGENDA ITEM : Abatements/Additions

Originating Division: Property Records Taxpayer Services Meeting Date: 2/1/2011
 Amount of Time Requested: 0 minutes Attachments for packet: Yes No
 Item Type: Consent Regular Session Closed Session Work Session Ditch/Rail Authority

BACKGROUND/EXPLANATION OF AGENDA ITEM: See Attached.

ACTION REQUESTED:

Recommend to approve.

FUNDING

County Dollars = \$ -320.42
 Other Sources & Amounts = \$ -776.58

TOTAL = \$ -1,097.00

FISCAL IMPACT

- None
- Included in current budget
- Budget amendment requested
- Other: Not Budgeted

Related Financial Comments:

Reviewed by Taxpayer Services Manager

Date:

1-19-11



REQUEST FOR BOARD ACTION

AGENDA ITEM: Linda Richmond & Rob Magers - Request for an Equestrian Facility.

Originating Division: Public Health & Environment

Meeting Date: February 1, 2011

Amount of Time Requested: None

Attachments for packet: Yes No

Item Type: Consent Regular Session Closed Session Work Session Ditch/Rail Authority

BACKGROUND/EXPLANATION OF AGENDA ITEM:

File #PZ20100029. The Planning Commission recommended approval of the Conditional Use Permit (CUP) for Linda Richmond & Rob Magers. Mr. Magers is in the process of purchasing the property from Ms. Richmonds' step-father. Their request is to operate a commercial boarding and training facility on a 20 acre parcel located in Section 23, Hollywood Township. The operation will consist of boarding up to 12 horses (including the four horses that they own) and constructing an approximate 80' x 200' indoor arena. The proposed arena building will also have four to six stalls and hay storage. The southerly 35 feet of the building will be used by Mr. Magers for personal storage. Any future buildings will require discussion with Land Management to determine whether a new CUP will be required. The permittee has been working with Environmental Services regarding manure management. The facility does not have any employees and they will submit an affidavit regarding workers' compensation. There are no set hours of operation; however, customer access is expected to be sporadic. All structures utilized accessed by the public will meet State Building Code requirements. The Hollywood Town Board recommended approval.

ACTION REQUESTED:

A motion to adopt the findings of fact and order #PZ20100029 for the issuance of a Conditional Use Permit.

FUNDING

County Dollars = \$-0-
Other Sources & Amounts = -0-
= \$
TOTAL = \$-0-

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments:

Reviewed by Division Director

Date: 1/20/2011

Dear Planning Commission,

We are requesting a building permit for an indoor riding arena//hay storage//shop. It will be of international building code standards.

I have been training horses professionally since 1995. Since moving to Minnesota in 2006, I have not been able to get much work done in the winter, much less ride my own horses. I have to travel and pay to ride in other barns.

Since I am self-employed, I do not have the same hours every day, but am usually there every day, and am working at least part of the day with the horses, in addition to landscaping, gardening and mowing. I generally have no employees, except in the summer when a college or high school age girl wants to help me keep up. Currently, there is less than 2 trips on any given day to the site. This may increase to 4 to 8 trips per day in the future. I personally own one pick-up truck and Rob owns a Suburban. There are at least 20 to 30 parking spaces currently and easily available.

I would be storing some hay in the barn as our current hay storage space available is very limited. Rob would be storing his tools and a couple of vehicles in his shop. We plan to landscape the barn and in the future even plant a x-mas tree crop to the west.

Currently we compost all of our manure, and water hydrants will be put in the barn. There will also be a port-potty. I have a couple of horse boarders that will have access to the site, as well as clients that may come to pick-up their horse. Friends may also want to come over, but the majority of the use will be personal with some training for clients. Currently, I only have one horse in training, but in spring could have 4 or 5. I have 2 boarders that would definitely want to ride in the barn. Their horses live in the pasture. I hope to have more boarders someday but want to keep this a small and quiet operation. I have a degree in soil science from Montana State University and have no interest in over-grazing or putting too many feet on the ground. In fact I will be able to rotate the horses, and let the pastures rest and grow.

My relationship to the current owner is he is my step-father. He will be selling the farm to my Fiancee', Rob Magers.

Thank-you

Imae J. Richmond

12-22-10

Operational Plan

Description of Activity or Operation: Feeding, checking and taking care of horses. Riding my own personal horses (not every day) and working with any horses in training.

Hours of Operation

Start time: _____

Finish or Quitting time: _____

Summer Start time: 9⁰⁰ Am

Finish or Quitting time: Dark 9⁰⁰ pm

Winter Start time: 9⁰⁰ A.m

Finish or Quitting time: Dark 5⁰⁰ pm

Number of Employees: 0 - 1

Number of Employees reporting to site: 0 - 1

Number of resident family members working in operation: 0

Number of vehicle trips in and out of site each day: 0 - 4 Number of parking spaces available: _____

Number of business vehicles: 1

Types of business vehicles: (i.e. trucks & equipment) 3/4 ton GMC P.U. and 1 horse trailer

Number of personal vehicles: SAME

Types of personal vehicles: (i.e. pickup, personal automobile, farm tractor) _____

SAME AS ABOVE

Outside storage needed: (List items stored in this area) 0

Materials stored on site: (List types and indicate storage area on site plan) 0

Proposed building: (Size and type) 80' by either 184' or 200' Indoor riding Arena, 35 feet of South End of building will be a shop

Items stored in building: Hay, horse tack

Sanitary facilities: (Where located and type of facility) Rented porta-potty

Waste Management used: (Waste disposal) N/A

Screening proposed: (Show location on site plan) Landscaping with trees

Signs: (Size, type, indicate location on site plan) NOT at his time

Describe in detail, person(s) other than owner that would access the site: (Customers, employees, public) _____

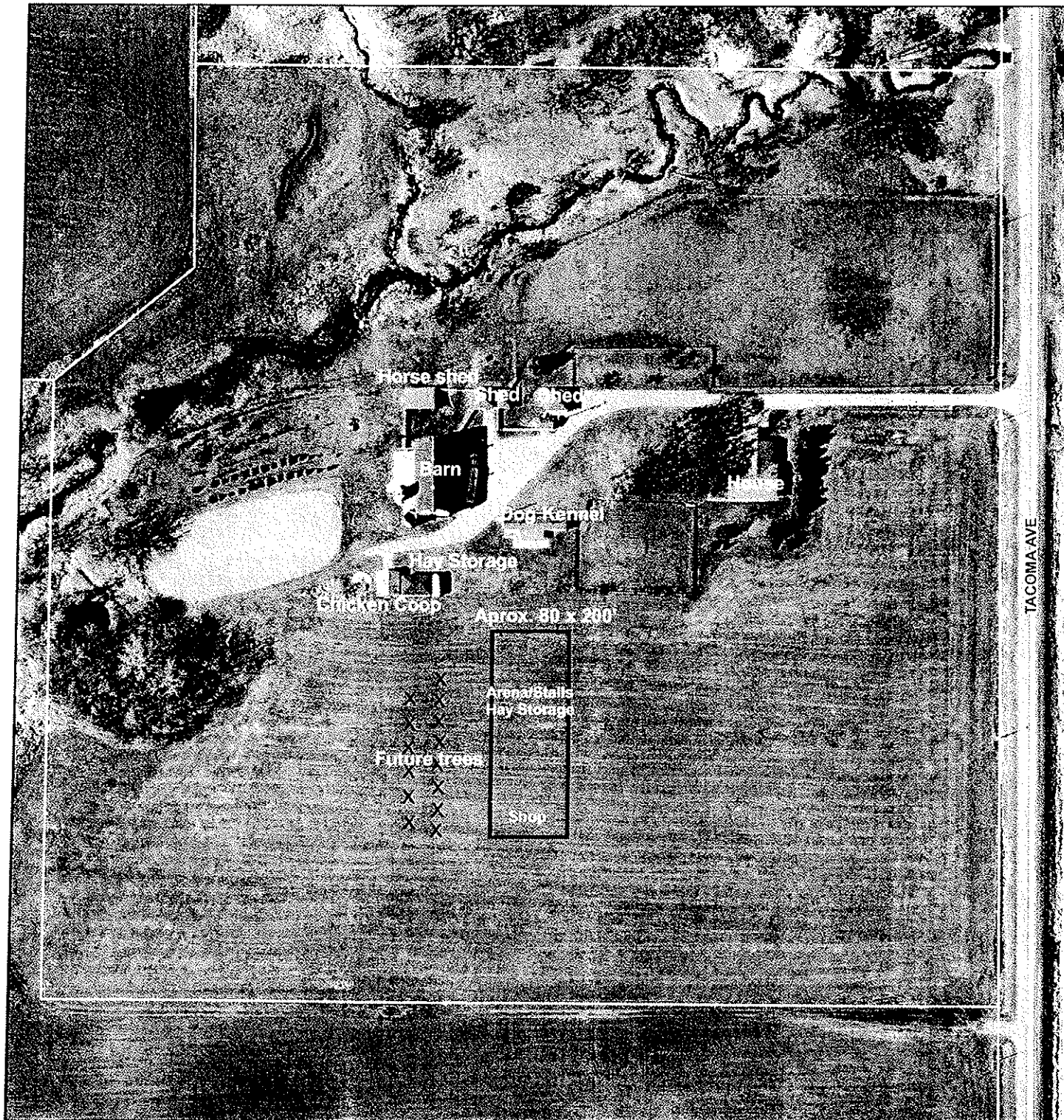
possibly one part-time employee, clients picking up their horse, friends

PLEASE USE SEPARATE SHEET FOR ADDITIONAL INFORMATION.

London Richmond
Signature

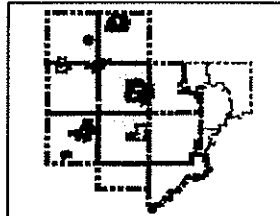
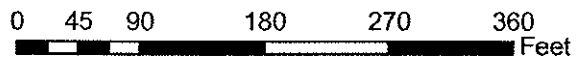
12-22-10
Date

Richmond CUP

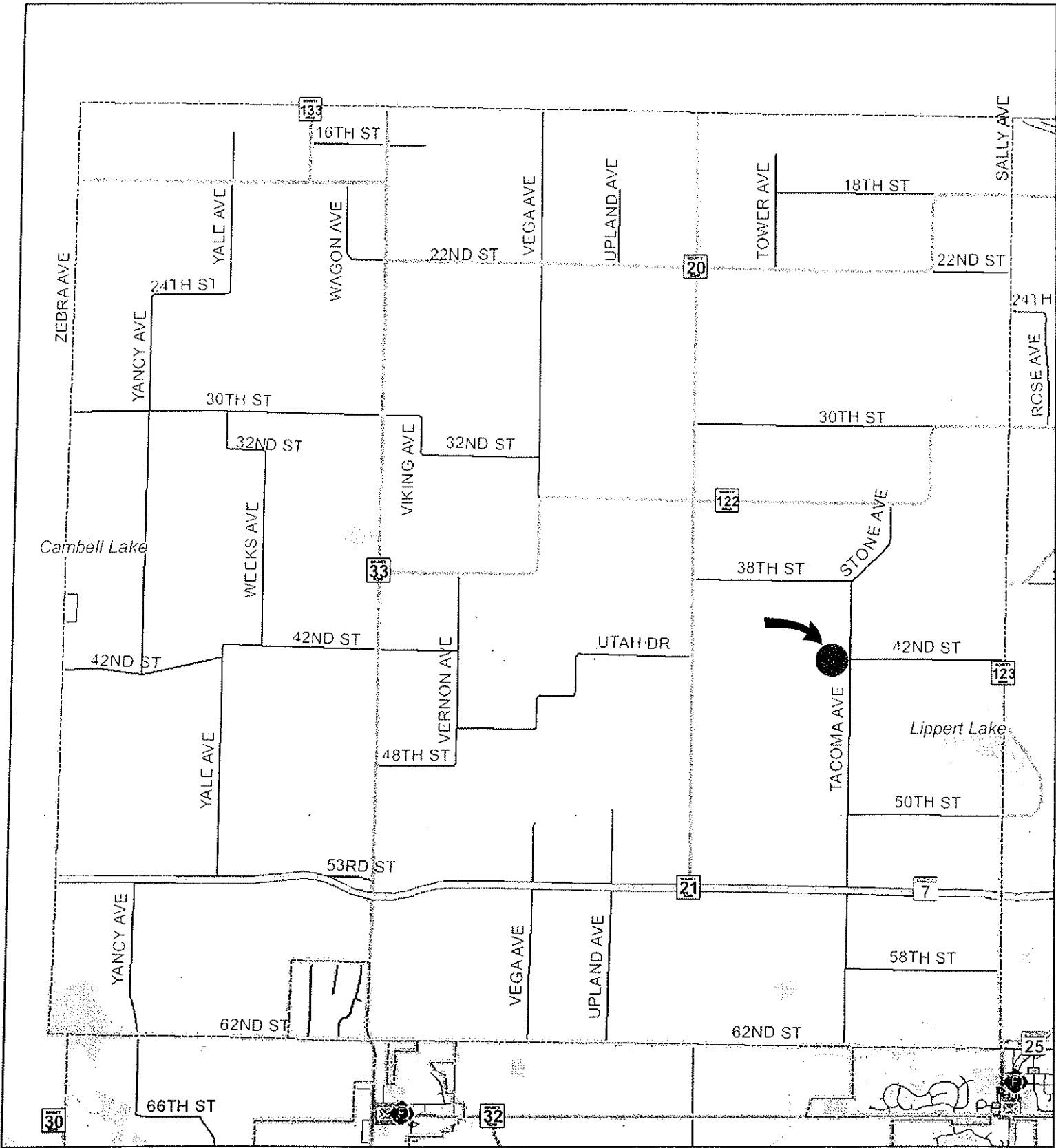


This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible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

Map Date: 1/11/11



HOLLYWOOD TOWNSHIP



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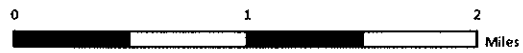


EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 06-023-0800

File# PZ20100029

APPLICANT: Linda J Richmond & Rob C Magers

OWNER: Richard B Bury

* * * * *

The South 320 feet of the following described land, to-wit: That part of the Northeast Quarter of the Northeast Quarter (NE1/4 of NE1/4) of Section 23, Township 117 North, Range 26 West of the Fifth Principal Meridian, described as follows: Beginning at the Northeast corner of said Northeast Quarter of the Northeast Quarter; thence West along the North line of said Northeast Quarter of the Northeast Quarter a distance of 450 feet; thence deflecting left 90 degrees a distance of 275 feet; thence deflecting right 85 degrees a distance of 158 feet; thence deflecting left 70 degrees a distance of 180 feet; thence deflecting left 9 degrees a distance of 270 feet; thence deflecting right 84 degrees a distance of 160 feet; thence deflecting left 91 degrees a distance of 475 feet; thence deflecting right 51 degrees to the South line of said Northeast Quarter of the Northeast Quarter (NE1/4 of NE1/4); thence East along the South line to the East line of said Northeast Quarter of the Northeast Quarter; thence North to the point of beginning.

AND The North 621.54 feet of the East 981.18 feet of the South Half of the Northeast Quarter, (S1/2 of NE1/4), of Section 23, Township 117 North, Range 26, Carver County, Minnesota.

DRAFTED BY: Carver County Land Management Department



REQUEST FOR BOARD ACTION

AGENDA ITEM : Right of Way Acquisition-Maple Bridge Reconstruction

Originating Division: Public Works

Meeting Date: 2-1-11

Amount of Time Requested: None

Attachments for packet: Yes No

Item Type: Consent Regular Session Closed Session Work Session Ditch/Rail Authority

BACKGROUND/EXPLANATION OF AGENDA ITEM: The CSAH 10 bridge at Maple is in need of reconstruction. Additional right of way is needed for the construction project (SAP 10-610-37). This resolution provides for the offers to the affected land owners.

ACTION REQUESTED: It is requested the County Board pass this resolution.

FUNDING

County Dollars = \$86,710

Other Sources & Amounts =

= \$

TOTAL = \$86,710

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Related Financial Comments:

Reviewed by Division Director

Date: 1/24/10

S:\Projects\SAP10-610-37\RW\Offer\BAR

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

Date: February 1, 2011
Motion by Commissioner: _____

Resolution No: _____
Seconded by Commissioner: _____

Right of Way Acquisition – CSAH 10 Bridge At Maple Reconstruction

WHEREAS, the County desires to reconstruct the bridge crossing the former Dakota Rail line at Maple, 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,

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 following listed land owners properties for the Maple Bridge replacement project (SAP 10-610-37) and authorize the Public Works Division to initiate negotiations for the purpose of acquiring the needed property interests. Land owners: Matthew G. Bonnema, Troy Ische, N & A Hoffman Family LP, Ralph L. Rosckes, Erwin Stahlke (deceased), and Loren and Jonathan Zieroth.

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 1st day of February, 2011, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this ____ day of _____, 2011.

David Hemze County Administrator



REQUEST FOR BOARD ACTION

AGENDA ITEM : Adoption of Carver Co. Right of Way Plat No. 19

Originating Division: Public Works

Meeting Date: February 1, 2011

Amount of Time Requested: None

Attachments for packet: Yes No

Item Type: Consent Regular Session Closed Session Work Session Ditch/Rail Authority

BACKGROUND/EXPLANATION OF AGENDA ITEM: The County Surveyor has prepared a plat to facilitate the right of way acquisition for the Maple Bridge project (SAP 10-610-37). The signature of the Board Chair is needed on the plat.

ACTION REQUESTED: It is requested the County Board pass this resolution.

FUNDING

County Dollars = \$

Other Sources & Amounts = \$

= \$

TOTAL = \$0

Related Financial Comments:

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Reviewed by Division Director

Date: 1/24/10

S: Projects\SAP10-610-37RWPlat BAR

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

Date: February 1, 2011
Motion by Commissioner: _____

Resolution No: _____
Seconded by Commissioner: _____

Adoption of Carver County Right of Way Plat No. 19

WHEREAS, Carver County will be reconstructing the bridge on CSAH 10 over the former Dakota Rail Line near Maple, and

WHEREAS, Minnesota Statutes Chapter 160.085 provides for the recording of a map or plat to facilitate the acquisition of right-of-way,

NOW THEREFORE BE IT RESOLVED, that the County Board Chair is authorized to sign Right of Way Plat No. 19.

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 1st day of February, 2011, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this ____ day of _____, 2011.

David Hemze County Administrator



REQUEST FOR BOARD ACTION

AGENDA ITEM : Oath of Office/Swearing-In, Sheriff's Office New Chief Deputy Wm. Blair Anderson

Originating Division: Sheriff's Office

Meeting Date: February 1, 2011

Amount of Time Requested: 10 minutes

Attachments for packet: Yes No

Item Type: Consent Regular Session Closed Session Work Session Ditch/Rail Authority

BACKGROUND/EXPLANATION OF AGENDA ITEM:

Wm. Blair Anderson has been appointed by Sheriff Jim Olson to serve as the new Chief Deputy for the Sheriff's Office. Chief Deputy Anderson's first day of employment with Carver County is Monday, January 31, 2011.

ACTION REQUESTED:

Sheriff Jim Olson requests to officially administer the Sheriff's Office Oath of Office and Swear-In Wm. Blair Anderson as the newly appointed Chief Deputy for the Sheriff's Office with the County Board and Administration as witnesses.

FUNDING

County Dollars = \$

Other Sources & Amounts =
=\$

TOTAL = \$

Related Financial Comments:

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Reviewed by Division Director

Date: 1-13-2011



REQUEST FOR BOARD ACTION

AGENDA ITEM : Professional Service Agreement GSP Consulting

Originating Division: Public Works

Meeting Date: February 1, 2010

Amount of Time Requested: 20

Attachments for packet: Yes No

Item Type: Consent Regular Session Closed Session Work Session Ditch/Rail Authority

BACKGROUND/EXPLANATION OF AGENDA ITEM: Lake Waconia Regional Park is a planned park on the southeastern shore of the lake. An approved element of the park is a public boat access. The area where the boat access is planned is within the planned park boundary and is to be acquired from the property owner. The property has an appraised value of \$3,000,000 and development costs are projected at \$600,000. Due to the value of the land and development cost, traditional funding sources provided through the Metropolitan Council and County are unable to provide the resources to acquire and develop the boat access site. Legislative assistance and legislation is being considered to help the County and the Regional Park System with the acquisition and development of this boat access. Lake Waconia is the second largest lake in the metropolitan area and is a regional destination for boating and fishing.

Benefits to pursuing acquisition and development of the boat access through a legislative appropriation include reducing the amount that Carver County would contribute to the acquisition. Currently Carver County is to contribute 25% as a match to 75% regional and state funding for acquisition of regional park lands. At the appraised value Carver County would contribute \$750,000. Second, the current public access is often overflowing with many vehicles park along County Road 92. A second public boat access will help satisfy user demand and contribute to improved safety of County Road 92. Third, improved access will contribute to increased user satisfaction with Lake Waconia Regional Park. Activities of recreational boating and fishing will contribute to more users of the park. Currently the park has annual visitation of 77,000. While it is difficult to project the number of increased visitors due to the addition of a boat access, the redevelopment of the beach for example increase user visits by approximately 40,000 visits per year. The increase in visitation has contributed to increases in user fees collected and operations and maintenance funding of the Metropolitan Council. Fourth, depending on how a deal is structured to acquire the site, the County could reduce costs related to the ongoing operation of the boat access. For instance, if the DNR would own the site, the County agrees to not charge an entrance fee to launch watercraft and operate the site seamless from the park, ongoing capital improvements to the boat access could be a responsibility of the DNR. A fifth benefit is that County and Regional funds the County may have used for the boat access are available for other park projects.

Staff has received seven proposals for legislative assistance to help the County with legislation for a public boat access and provided a report to the Board and Administration. The recommendation was to hire GSP Consulting based on the completeness of the proposal, understanding of funding sources, and ability to terminate the contract upon 30 day notice.

ACTION REQUESTED: *It is requested that the Board approve the agreement with GSP Consulting and authorize the Board Chair and County Administrator to sign the agreement.*

FUNDING

County Dollars = \$18,000
Other Sources & Amounts =
= \$
TOTAL = \$18,000

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments: Note: Contract not to exceed \$18,000. Funds to be transferred from, unexpended 2010 Parks Professional & Technical Fees for Services to the 2011 Parks Professional & Technical Fee for Service line item 520-000-0000-6260.

Reviewed by Division Director

Date: January 18, 2011



REQUEST FOR BOARD ACTION

AGENDA ITEM : Appointment to Community Development Agency

Originating Division: Administration

Meeting Date: 2/1/11

Amount of Time Requested: 5 minutes

Attachments for packet: Yes NoItem Type: Consent Regular Session Closed Session Work Session Ditch/Rail Authority**BACKGROUND/EXPLANATION OF AGENDA ITEM:**

At the January 25th meeting, the Board agreed to hold the remaining appointment to the CDA. Below is a list of current members and the application received.

COMMUNITY DEVELOPMENT AGENCY (5-year terms)**Current members:**

- Sarah Carlson – Commissioner District 1
- Cindy Monroe - Commissioner District 3
- Darrel Sudheimer - Commissioner District 4
- Bob Lano - Commissioner District 5

Current vacancies: 1, Commissioner District 2**Applications received:**

Michael Schachterle – resides Commissioner District 2

ACTION REQUESTED:

Appointment to the Community Development Agency.

FUNDING

County Dollars = \$

Other Sources & Amounts = \$

= \$

TOTAL = \$*Related Financial Comments:***FISCAL IMPACT** None Included in current budget Budget amendment requested Other: Reviewed by Division Director

Date: 1/25/11



REQUEST FOR BOARD ACTION

AGENDA ITEM : Addendum #2 to PSA Pump and Meter Services Inc.

Originating Division: Public Works/Parks

Meeting Date: 2/1/2011

Amount of Time Requested: 0

Attachments for packet: Yes No

Item Type: Consent Regular Session Closed Session Work Session Ditch/Rail Authority

BACKGROUND/EXPLANATION OF AGENDA ITEM:

In December 2010 Pump and Meter services was contracted to remove two 500 gallon fuel tanks at the old service station in New Germany which were located within the Dakota Rail Corridor. In order to remove the fuel tanks there was a need for the contractor to remove the frost from above the tanks. This work was not part of the original proposal. Additionally, when removing the tanks Pump and Meter discovered one 560 gallon tank and one 1000 gallon tank which required additional fill and a larger disposal fee than what was originally proposed.

Originally Two Proposals for the work where received:

	Tank Removal	Per/gallon disposal Fee	Estimated total
Pump and Meter Services	\$1,751.18	\$2.50/fuel \$7.50/sludge	\$4,251.18
Stevens Drilling and Environmental	\$3,000.00	\$3.00/fuel \$8.00/sludge	\$6,000.00

The two fuel tanks have been removed and the work has been completed on this project. The added unknown expenses of the project exceeded the original addendum amount by \$721.64 bringing the total project cost for the tank removal to \$4,972.82. The final cost for the project with Pump and Meter was still less than the other proposal received.

Environmental testing of the soil was done when the tanks were removed and no significant contamination was found on the site. The information was sent to the MPCA and due to the abandoned tanks, a leak number was assigned for the project. The MPCA is in the process of closing out this leak number which was opened for the purpose of future tracking.

ACTION REQUESTED:

It is recommended the CCRRA approve Addendum #2 and authorize the Rail Authority Chair to sign.

FUNDING

County Dollars = \$
 Other Sources & Amounts =
 CCRRA Funding = \$4,972.82
TOTAL = \$4,972.82

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments: Addendum #1 with Pump and Meter to perform the work was for \$4,251.18. Addendum #2 increases the contract amount by \$721.64 for the additional work to thaw the ground above the fuel tanks and dispose of the larger than expected tanks.

Reviewed by Division Director

Date: 1/24/2011



REQUEST FOR BOARD ACTION

AGENDA ITEM : Garage Building in New Germany

Originating Division: Public Works/Parks

Meeting Date: February 1, 2011

Amount of Time Requested: 20 Minutes

Attachments for packet: Yes No

Item Type: Consent Regular Session Closed Session Work Session Ditch/Rail Authority

BACKGROUND/EXPLANATION OF AGENDA ITEM:

On May 25th staff made presentation to the County Board about a number of topics concerning the Dakota Rail corridor. One of the recommended directions by the board was to have the old garage building New Germany appraised for possible consideration for acquisition. The address of the building is 151 Broadway Street East, New Germany, MN 55367 with a PID number of 550040100.

The appraisal work was completed. Staff updated the board on the appraisal information and other costs pertaining to the removal of buildings on the Dakota Rail corridor on October 5, 2010.

At a closed session on October 5th, the Board directed staff to further explore what the costs would be related to the potential removal of fuel storage tanks adjacent to the garage building.

On December 14, staff was authorized to present an offer to the owner and desires to inform the board of the owner's response to the offer.

ACTION REQUESTED: Motion to enter into closed session according to Minnesota Statutes Section 13D.05 in order to discuss confidential appraisal data and response to an offer for real property of the old garage building in New Germany.

FUNDING

County Dollars = \$
Other Sources & Amounts =\$
=\$
TOTAL =\$

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments:

Reviewed by Division Director

Date: January 18, 2011

S:Parks\BA-Res\Dakota Rail\Buildings\Garage\ Closed Session January 25 2011