

Carver County Board of Commissioners
 May 17, 2011
 Regular Session
 County Board Room
 Carver County Government Center
 Human Services Building
 Chaska, Minnesota

PAGE

4:00 p.m.	1.	<ul style="list-style-type: none"> <i>a) CONVENE</i> <i>b) Pledge of Allegiance</i> <i>c) Public comments (limited to five minutes)</i> <i>d) Introduction of New Employees</i> 	
	2.	Agenda review and adoption	
	3.	Approve minutes of May 3, 2011 Regular Session	1-4
	4.	Community announcements	
4:00 p.m.	5.	CONSENT AGENDA	
	5.1	PowerObjects for property information software system	5-6
	5.2	Administrative permit for special event – 2011 AMA/District 23 Hare Scrambles	7-10
	5.3	Administrative permit for special event – Lake Waconia Triathlon.....	11-14
	5.4	Abatements/additions.....	15-16
	5.5	1 to 4 Day temporary on-sale liquor license for Augusta Ball Club.....	17
	5.6	Professional services agreement with SRF Consulting Group, Inc. for Carver County federal transportation project funding applications	18
	5.7	Community Social Services’ warrants	NO ATT
	5.8	Commissioners’ warrants.....	SEE ATT
4:05 a.m.	6.	PUBLIC WORKS	
	6.1	Amend Eminent Domain Resolution for the Dakota Rail Regional Trail connection project at the CSAH 10 (“Maple”) bridge..	19-21
4:25 a.m.	7.	PUBLIC HEALTH AND ENVIRONMENT	
	7.1	Public hearing – Ordinance 67-2010 for code amendments	22-45

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on May 3, 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.

Under public comments, Ben Maas, Watertown, urged the Board to limit the use of eminent domain and only use it for public safety considerations.

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

Ische moved, Degler seconded, to approve the minutes of the April 26, 2011, Regular Session. Motion carried unanimously.

Community announcements were made by the Board.

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

Renewed Enterprise License Agreement between Environmental System Research Institute and Carver County.

Authorized the issuance of a Certificate of Zoning Compliance (#A20110089) for the St. Peter Lutheran Church Maifest celebration.

Approved a correction in the Memorandum of Agreement with SMACC to pay the Infrastructure Services Supervisor, the Applications Services Supervisor and the Fiber Project Manager within the salary range of grade 15-19.

Community Social Services' actions.

Approved payment of the following Commissioners' warrants:

INSERT

Motion carried unanimously.

John Klavins, Court Services, requested the Board approve the contract for the Sentencing to Service program for FY 2012-2013. He stated STS has been an important community based public safety program for the past two decades and they work with nonviolent offenders to provide alternatives to incarceration.

He highlighted the program benefits and stated they typically serve 200-250 offenders. Klavins explained the work that had been done by the crews and added County projects are given a priority. He indicated the State currently funds 25% and they receive additional revenues through administrative fees.

David Hemze, County Administrator, pointed out the possibility of losing State funding for the program in the future and the cost shift to the county.

Ische moved, Workman seconded, to approve the State of Minnesota Income contract for the Sentencing to Service Program in Carver County for FY 2012-2013 and related Court Services budget amendment transferring \$9,665 from 01-252-253-1853-6926 to STS Program - local contribution. Motion carried unanimously.

Doris Krogman, Employee Relations, requested the Board adopt a proclamation recognizing County employees and all public service employees. Chair Maluchnik read the proposed proclamation.

Degler moved, Ische second, to adopt the Public Service Recognition Week Proclamation identifying May 1-7, 2011, as Public Service Recognition Week and authorize the Chair to sign. Motion carried unanimously

Krogman requested the Board recognize employees reaching milestone years of service.

Ische moved, Degler seconded, to recognize employees reaching 25 and 40 years of service in 2011. Motion carried unanimously.

Recognition certificates were given to Darla Wulf, for 40 years of service, and to Peter Bendzick, Nancy Buckentine, Andrew Bue, David Chirpich, James Gamlin, Diane Gerhardt and Janice Nester for 25 years of service.

Shane Patrick, Employee Relations, requested the Board recognize the Public Employee Excellence Recognition award recipients for 2011. He noted the recognition program was approved in 2008 and earlier this year employees across the county were asked to nominate worthy recipients. He explained the three award categories.

Sonja Wolter, Excellence Committee member, highlighted the Customer Service finalists and stated this year's award winner was Patrick Murphy from the Sheriff's Office.

Patrick reviewed the finalists in the Innovation Category and indicated Kristin Hack, Employee Relations, was this year's award winner.

Patrick explained the projects completed by the four finalists in the Teamwork Category and stated the Organic Collections project was selected as the winner in the Teamwork Category.

The Board members expressed their appreciation for the work and dedicated service of employees.

Lynch moved, Ische seconded, to recognize and congratulate the Public Employee Excellence Recognition award recipients. Motion carried unanimously.

Doris Krogman, Employee Relation, noted the closed session held last week to discuss the County Administrator's performance and the statutory requirement that a summary statement be presented for the public record at the next regular meeting.

Chair Maluchnik stated, based on the written feedback from the Commissioners and the performance discussion held in closed session on April 26, 2011, the Board appreciated the good work of Administrator Hemze, especially in moving the Strategic Plan forward. He stated Hemze understood County Government well; that he was professional, approachable and fair in dealing with people. The Commissioners saw his selection and delegation skills as strengths. Maluchnik indicated, for the next year, they have asked Hemze to continue to find and recommend cost-saving ideas with minimal impact on the provision of services.

Lynch moved, Degler seconded, to adopt the summary statement read by the Chair as the official summary of Hemze's performance as County Administrator for the year May, 2010-April, 2011. Motion carried unanimously.

Gary Bork, Community Social Services, requested the Board approve support service positions restructuring. He stated they have two current vacancies and were recommending that the 1.0 FTE support services specialist be deleted and a 1.0 FTE and .3 FTE support services aide be created. He stated they would freeze the hiring of the remaining support services specialist because they didn't know the status of the State and County budgets.

Ische moved, Workman seconded, to approve the deletion of a 1.0 FTE support services specialist; to approve the creation of a 1.0 FTE support services aide and the creation of a .3 FTE support services aide. Motion carried unanimously.

Lyndon Robjent, Public Works, requested the Board approve the condition and purchase and sale agreement with Union Pacific Railroad. He stated since 2008 they have been working with Union Pacific to acquire approximately a five mile stretch of corridor in Scott and Carver Counties. He highlighted the goals of the acquisition and the partnership of many agencies for the project.

He reviewed the history which lead to the purchase, beginning when Union Pacific file for abandonment. Robjent explained the offers, counteroffers and negotiated settlement reached. He pointed out the cost sharing agreement and the funding plan.

Robjent stated the Met Council was a major funding partner and noted the Master Plan that was submitted and approved that will allow the County to get a grant of one million toward the purchase of the corridor. He highlighted the terms of the purchase agreement and indicated Carver County would be the buyer instead of the Carver County Regional Rail Authority.

He reviewed the funding sources through the Met Council, Scott and Carver County Regional Rail Authorities, and the cities of Chaska and Carver. Robjent pointed out the next steps following the

approval of the agreement. He stated they were looking at closing July 15th and the Met Council would begin the sewer interceptor project in September.

Brent Mareck, Carver City Administrator, stated the interceptor project was critical to the City's growth. He reviewed the City's plan on the levee and stated the City was looking at what needs to be done to get the levee certified.

The Board recognized the benefits to the County as well as the importance of acquiring the property to the cities of Chaska and Carver for utility and street crossings.

Ische moved, Degler seconded, to approve the donation and purchase and sale agreement with Unions Pacific Railroad and authorized the Chair and County Administrator to sign the agreement, authorize \$100,000 to establish an escrow fund at Title Mark, Inc., and authorized staff to close on the property. Motion carried unanimously.

The Board considered an appointment to the Planning Commission to fill an unexpired term. Maluchnik moved, Ische seconded, to appoint Robert McNulty to the Carver County Planning Commission. Motion carried unanimously.

Vice Chair Lynch requested that the eminent domain trail issue be brought back at the next Board meeting. Administrator Hemze agreed to follow up on the request.

Degler moved, Lynch seconded, to adjourn the Regular Session at 11:25 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 : PowerObjects for Property Information Software System

Originating Division: Public Health and Environment

Meeting Date: 5/17/11

Amount of Time Requested:

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM:

The Division would like to contract with PowerObjects to provide services, including time and materials, to design, develop and deploy a Microsoft Dynamics XRM ("anything" relationship management) property information (PI) and process management software system. This software system will replace the current and failing, PI system being used in the Land Management, Planning & Water Management and Environmental Services departments of the Division for management of the County permitting process.

PowerObjects will provide further support, design and development based on the Division's needs. PowerObjects will provide hosted service through 12/31/11, hosting the Division's XRM database on their server. The Division will lease licenses to use the database. The County will own the code with the XRM system, so minor changes can be made internally without incurring additional costs from the vendor. Services under this agreement will also include a technology platform for possible future expansion across the County enterprise, which could be modified and customized over time to fit the changing needs and processes of Carver County.

The Division partnered with the Carver County Information Technology department to select the best software solution for present and future needs, for both the Division's departments and potential countywide application. The I.T. department obtained three bids and quotes for this system, with PowerObjects offering a total cost that was approximately \$135,000 less than the least expensive competitor. This XRM software system will also integrate with the County's existing Geographic Information System System (GIS) system, which was questionable with the other vendors' systems. The Carver County I.T. department is funding the incorporation of the County's GIS system with this XRM system.

The Division's current Property Information (permitting) software system is failing. Without this contract, the Division will not have a software system to manage the County permitting process.

This contract will be effective when signed until December 31, 2011 and will not exceed \$90,876.

ACTION REQUESTED:

Motion to approve and sign the contract with PowerObjects for the Microsoft Dynamics XRM Property Information software system, used in the Public Health & Environment Division.

FUNDING

County Dollars =	\$29,945
(\$24,180 is from I.T. dept)	
Other Sources & Amounts =	\$60,931
TOTAL	= \$90,876

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments:

The contract will be funded from the Land and Water budget and the Information Technology budget. A budget amendment is requested for the Land & Water budget portion #01-123... (see attached form). The \$24,180 funded by the Information Technology budget #01-049-000-0000-6260 is included in the current 2011 budget.

Reviewed by Division Director

Date: 5/2/11

BUDGET AMENDMENT REQUEST FORM

Submit to Finance Office one week prior to County Board Session.

DEPARTMENT: Public Health and Environment

Date of County Board Session: 5/17/11

Fund: 01

Description of Account funds are to be transferred from:	2011 Amount	Description of Account funds are to be transferred to:	2011 Amount
Information Services 01-049-0000-6265	\$ 24,180	Software 01-123-130-0000-6265	\$ 90,876
Software 01-123-130-0000-6265	\$ 16,000		
Prof & Tech Fees (BSWR grant) 01-123-124-000-6260	\$ 9,931		
Prof & Tech Fees (WMO Levy) 01-123-150-1574-6260	\$ 10,000		
Prof & Tech Fees (county funds) 01-123-120-1574-6260	\$ 5,765		
Prof & Tech Fees (Met Council)	\$ 25,000		
TOTAL:	\$ 90,876	TOTAL:	\$ 90,876

A. Reason for Request: See accompanying Board Action.

B. Financial Impact: (To be filled out by Finance Director)

C. Contingency Acct. Beginning Bal.: \$ 250,000

D. Prior Contingency Adjustment: \$ -

E. Current Contingency Adjustment: \$ (55,792)

F. Remaining Balance: \$ 194,208

G. Requested By: Randy Wolf

H. Recommend Approval: Finance Director

I. County Board Decision: Approval/Disapproval



REQUEST FOR BOARD ACTION

AGENDA ITEM : Administrative Permit for Special Event – 2011 AMA/District 23 Hare Scrambles

Originating Division: Public Health & Environment

Meeting Date: May 17, 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 #A20100490. This request is for an Administrative Special Event Permit for the 2011 American Motorcyclist Association (AMA)/District 23 Hare Scrambles to be held on May 29, 2011. This event was originally approved by the County Board on November 23, 2010 for May 8, 2011. Due to the wet spring conditions, the applicant is requesting to hold the event three weeks later on May 29, 2011. Since the original permit was specific to the May 8, 2011 date, re-approval from the County Board is required. The township has been contacted regarding the changed date and had no objections.

The event is being coordinated by Motokazie, Inc. and will be held on a portion of approximately 400 acres owned by Terry Hanson in San Francisco Township. The permit application has been reviewed by Land Management, Public Works, Sheriff's Office and San Francisco Township.

The public will be accessing the Hanson properties (PID 080010500 & 080120500) on Sunday, May 29, 2011 from 7:00 a.m. – 7:00 p.m. During this event motorcyclists from 4 – 60 years old will ride motorcycles in groups on trails. Their performance is timed and they receive awards and points. The existing horse trails and gravel pit area on the properties will be used. Attendees will access the event from the gravel pit entrance and will be directed back onto the property to sign waivers (for participants) and parking in an effort to alleviate any back-up on County Road 11. Signage will be placed along County Road 11 warning of slow traffic ahead and directing participants. Approximately 200 riders and approximately 200 observers/pit crew members (total of 400 people) are expected for this event. Prior to the events starting, all participants will have their motorcycles complete a sound check to ensure all motorcycles comply with MN DNR and federal guidelines of 94DBA pipes.

Motokazie, Inc. coordinates with a MN licensed food provider to sell food and beverages. No alcohol will be sold at this event. Motokazie, Inc. will also supply security and garbage clean-up for the event. Portable restrooms will be provided by Town & Country Sanitation of Lonsdale. On-site ambulance service will be provided by Allina.

The conditions on the permit will include, but are not limited to: obtaining a Law Enforcement Services Contract from the Sheriff's Office; no parking on County Road 11, maintaining emergency access throughout site, and keeping the road clear of mud and/or debris; proof of insurance coverage in the form of a Certificate of Insurance, a signage plan as well as a copy of notification to neighbors regarding the upcoming event.

ACTION REQUESTED: A motion authorizing the re-issuance of a Certificate of Zoning Compliance (#A20100490) for the 2011 AMA/District 23 Hare Scrambles which has been rescheduled from May 8, 2011 to May 29, 2011.

FUNDING

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

FISCAL IMPACT

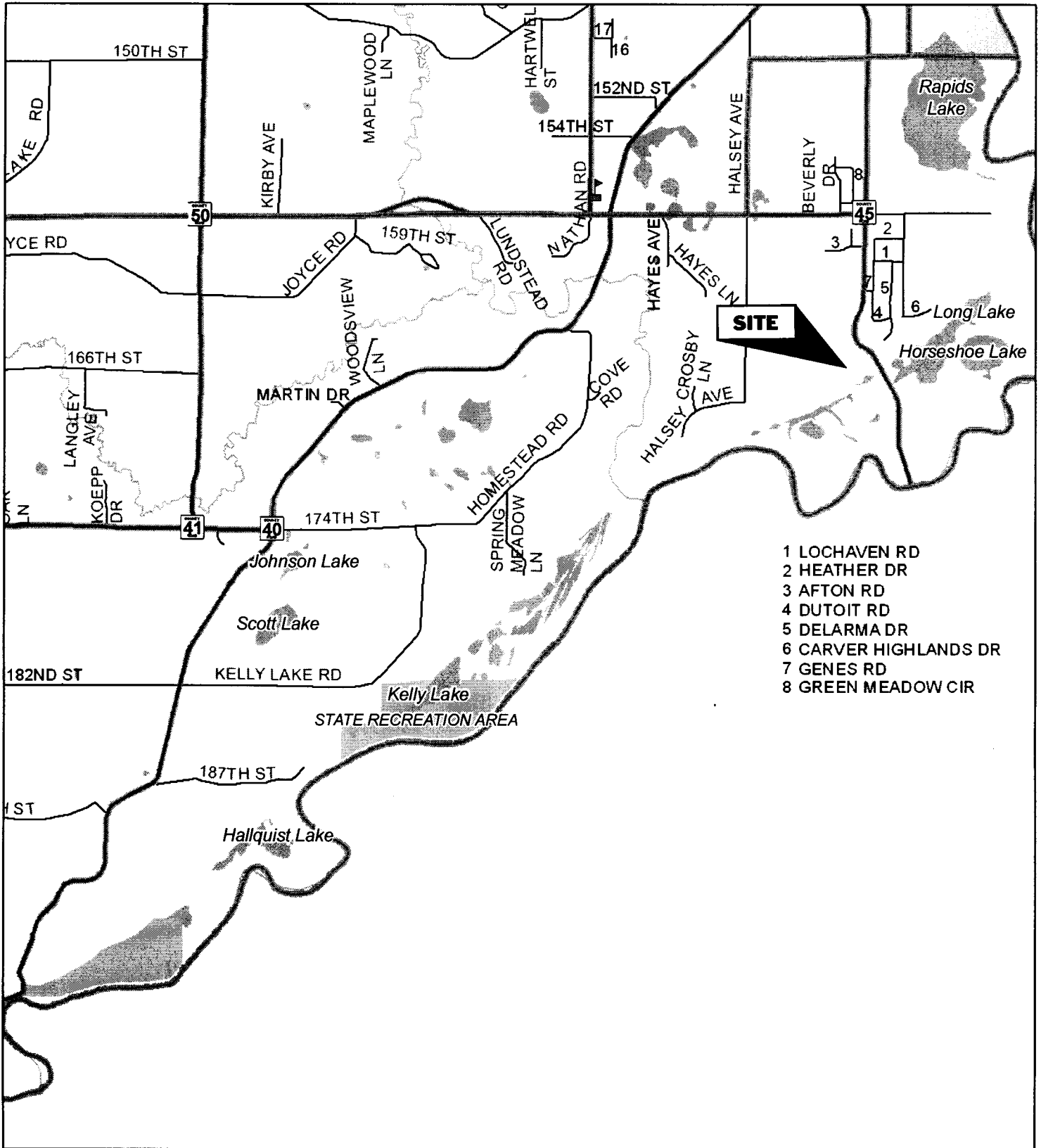
None
 Included in current budget
 Budget amendment requested
 Other.

Related Financial Comments:

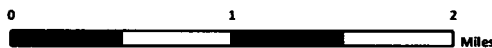
Reviewed by Division Director

Date: 5/9/2011

SAN FRANCISCO TOWNSHIP



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



Map Created by Carver County GIS

COUNTY OF CARVER
CERTIFICATE OF ZONING COMPLIANCE

DRAFT

FILE/CERTIFICATE # A20100490

DATE ISSUED: May 17, 2011

TYPE OF CERTIFICATE: ONE TIME SPECIAL EVENT – 2011 AMA/District 23 Hare Scrambles

This permit certificate is issued for the 2011 AMA/District 23 Hare Scrambles to be held on May 29, 2011. The event is being coordinated by Lee Theis, owner of Motokazie, Inc. and will be held on a portion of the approximately 400 acres (PID 080010500 & 080120500) owned by Terry Hanson. The properties are currently the site of Mr. Hanson's residence, the River Valley Horse Ranch and a gravel mine.

Motokazie staff will be setting up for the event on Saturday, May 28, 2011 from 1:00 p.m. – 8:00 p.m. The public will be accessing the property on Sunday, May 29, 2011 from 7:00 a.m. – 7:00 p.m. During this event motorcyclists from 4 – 60 years old will ride motorcycles in groups on trials. Their performance is timed and they receive awards and points. The existing horse trails and gravel pit area on the properties will be used. Attendees will access the event from the gravel pit entrance and will be directed back onto the property to sign waivers (for participants) and parking in an effort to alleviate any back-up on County Road 11. Signage will be placed along County Road 11 warning of slow traffic ahead and directing participants. Approximately 200 riders and approximately 200 observers/pit crew members (total of 400 people) are expected for this event. Prior to the events starting, all participants will have their motorcycles complete a sound check to ensure all motorcycles comply with MN DNR and federal guidelines of 94DBA pipes.

Motokazie, Inc. coordinates with a MN licensed food provider to sell food and beverages. No alcohol will be sold at this event. There will be no other vendors at the event. Motokazie, Inc. will also supply security and garbage clean-up for the event. Portable restrooms will be provided by Town & Country Sanitation of Lonsdale. On-site ambulance service will be provided by Allina.

This event is allowed with a Certificate of Zoning Compliance, pursuant to Chapter 152, section 152.074 B6 of the Carver County Code. **This certificate is issued to:**

**Terry Hanson & Lee Theis, Motokazie, Inc.
16480 Jonathan Carver Parkway
Carver, MN 55315-9659**

And is not transferable to another person or to another parcel of property.

Purpose of Certificate: To certify that the permittee and/or organization to which this certificate is issued is permitted and authorized to hold the 2010 AMA/District 23 Hare Scrambles on May 29, 2011 at the property described in Exhibit A. The event shall take place in San Francisco Township in accordance with the conditions listed on this permit and in accordance with Chapter 152, Section 152.074 B6 of the Carver County Code.

THE FOLLOWING CONDITIONS ARE ATTACHED AND MUST BE COMPLIED WITH:

1. The Permit is valid only for May 29, 2011.

2. The event must be conducted in accordance with the Operational Plan & Site Maps attached hereto.
3. The permittee is responsible to clean up all excess trash and litter during and after the event.
4. Emergency vehicle access must be provided within the activity areas of the event.
5. Parking shall be provided as described in the application. In the event of dry weather, the grass in the parking area(s) shall be mowed low to the ground and/or maintained according to recommendations from the Environmental Services Department. No parking shall be allowed on County Road 11. In the event of wet weather, the applicant is responsible for keeping County Road 11 clear of mud and debris.
6. The permittee shall submit a copy of the Certificate of Liability Insurance to the Land Management Department prior to the event.
7. Submit proof of fully executed Law Enforcement Services Contract with the Carver County Sherriff's Office to the Land Management Department prior to the event.
8. The permittee shall comply with Land Management and Sheriff's Office requirements relating to additional signage on County Road 11 near Afton Road or Genes Road stating "Slow Congestion Ahead".
9. The permittee shall inform adjacent residents, San Francisco Town Board and the Carver County Public Works Department of the date(s) in which the event will take place and provide a copy of written notification to Land Management.

 Amanda Schwabe
 Associate Planner

THIS CERTIFICATE IS ISSUED FOR MAY 29, 2011, AND IS NOT EFFECTIVE UNTIL SIGNED:

I HAVE READ THE ABOVE CONDITIONS AND AGREE TO FOLLOW THEM. I REALIZE THAT FAILURE TO ABIDE BY THE CONDITIONS IS A VIOLATION OF THE ZONING ORDINANCE. I AGREE THAT THE ZONING ADMINISTRATOR OR A DESIGNATED REPRESENTATIVE MAY ENTER UPON THE SUBJECT PROPERTY TO CHECK FOR COMPLIANCE OR FOR REVIEW PURPOSES. I AGREE THAT BY SIGNING BELOW I AM RESPONSIBLE TO OBTAIN COMPLIANCE WITH BUILDING AND FIRE CODES, FOOD HANDLING REQUIREMENTS AND LIQUOR LICENSURE REQUIREMENTS FROM ANY AND ALL LOCAL AND STATE AGENCIES. I ALSO UNDERSTAND THAT THIS IS NOT A BUILDING PERMIT AND THAT OTHER PERMITS MAY BE REQUIRED.

 Signature of Certificate Holder

 Date

 Signature of Property Owner

 Date



REQUEST FOR BOARD ACTION

AGENDA ITEM: Administrative Permit for Special Event – Lake Waconia Triathlon

Originating Division: Public Health & Environment

Meeting Date: May 17, 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 #A20110114. This request is for an Administrative Special Event Permit for the 22nd Annual Lake Waconia Triathlon to be held on June 26, 2011. Waconia, Watertown, and Laketown Townships have approved the proposed routes. Application materials have been reviewed by Public Works, Risk Management, Sheriff's Office, and the County Attorney's Office. The applicant has obtained permission from the County Parks Department and Lake Waconia Events Center, where the event will begin and end. The conditions on the permit will be similar to previous years including a condition requiring the permittee to sign a waiver of liability to the County and enter into an Agreement for Law Enforcement Services with the Sheriff's Office.

ACTION REQUESTED: A motion authorizing the issuance of a Certificate of Zoning Compliance (#A20110114) for the 2011 Lake Waconia Triathlon.

FUNDING

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

FISCAL IMPACT

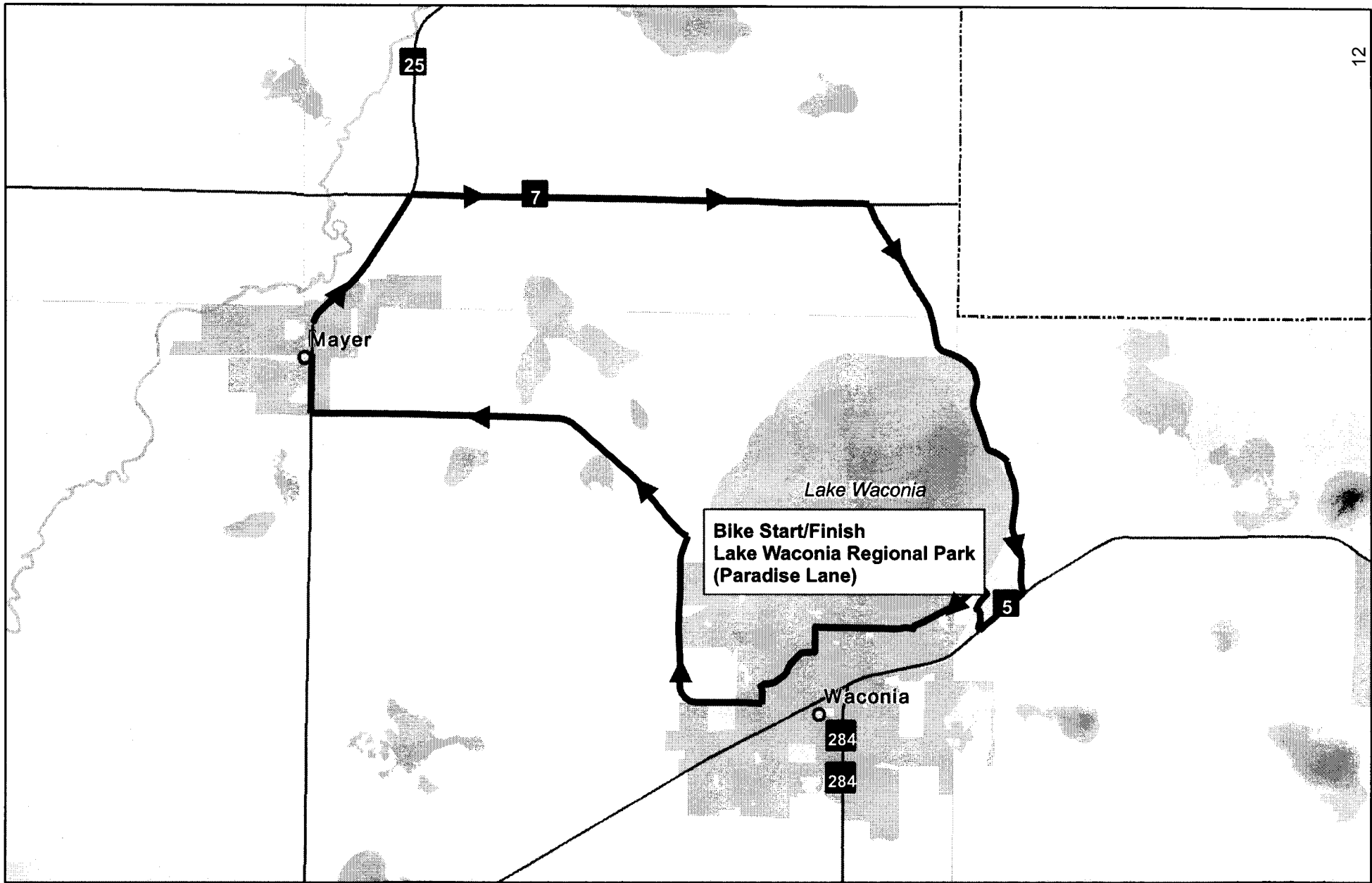
None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments:

Reviewed by Division Director

Date: 5/9/2011

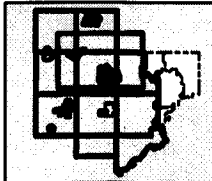
Lake Waconia Triathlon Bike Route



Map date: 5/6/2011



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COUNTY OF CARVER
CERTIFICATE OF ZONING COMPLIANCE

DRAFT

FILE/CERTIFICATE # A20110114

DATE ISSUED: May 17, 2011

TYPE OF CERTIFICATE: ONE TIME SPECIAL EVENT- LAKE WACONIA TRIATHLON

This permit certificate is issued for the Annual Lake Waconia Triathlon to be held on June 26, 2011, in Waconia, Watertown, Laketown and Camden Townships as described on the approved site plan, pursuant to Chapter 152, section 152.074 B6 of the Carver County Code. **This certificate is issued to:**

**Lake Waconia Triathlon
Jeff Schnobrich
304 William Lakeshore Drive
Waconia, MN 55387**

And is not transferable to another person or to another parcel of property.

Purpose of Certificate: To certify that the permittee and/or organization to which this certificate is issued is permitted and authorized to hold the Lake Waconia Triathlon on June 26, 2011. The event shall take place in Waconia, Watertown, Laketown and Camden Townships in accordance with the conditions listed on this permit and in accordance with Chapter 152, Section 152.074 B6 of the Carver County Code.

THE FOLLOWING CONDITIONS ARE ATTACHED AND MUST BE COMPLIED WITH:

1. The Permit is valid for Sunday, June 26, 2011, only.
2. The event must be conducted in accordance with the Operational Plan & Site Maps attached hereto.
3. There shall be at least (2) extra bathroom satellites during the event.
4. The sponsors are responsible to clean up all excess trash and litter throughout the park during and after the event.
5. The permit shall conform to Carver County Public Works requirements. The Public Works Department shall be notified about the proposed use of the county roads and signage for the street closing. PLEASE NOTE: this permit does not allow for painting directional arrows or other defacing of the County roadways.
6. The permit shall conform to Carver County Sheriff Department requirements. The permittee shall contract County Sheriff's Deputies for the event. As well as 2-4 volunteers for each intersection along the course.
7. The permittee shall coordinate with the Carver County Sheriff's Department and Waconia Fire Department to provide a Water Rescue Team during the swimming portion of the Triathlon.
8. All parking shall be in the Lake Waconia Events Center and the Lake Waconia Regional Park. The number of participants and spectators shall be governed by the parking spaces available in these two sites.
9. Emergency vehicle access must be provided within the staging areas of the event and throughout the race route.

DRAFT

- 10. The permittee shall inform surrounding residents of the date of the event, any hours that the road may be closed and alternate routes that may be used during the event. Notification shall be provided prior to the event.
- 11. The permittee shall sign the Carver County Waiver of Liability form at the time of signing of the permit.

Amanda Schwabe
Associate Planner

THIS CERTIFICATE IS ISSUED FOR JUNE 26, 2011 AND IS NOT EFFECTIVE UNTIL SIGNED:

I HAVE READ THE ABOVE CONDITIONS AND AGREE TO FOLLOW THEM. I REALIZE THAT FAILURE TO ABIDE BY THE CONDITIONS IS A VIOLATION OF THE ZONING ORDINANCE. I AGREE THAT THE ZONING ADMINISTRATOR OR A DESIGNATED REPRESENTATIVE MAY ENTER UPON THE SUBJECT PROPERTY TO CHECK FOR COMPLIANCE OR FOR REVIEW PURPOSES. I ALSO UNDERSTAND THAT THIS IS NOT A BUILDING PERMIT AND THAT OTHER PERMITS MAY BE REQUIRED.

Signature of Certificate Holder

Date



REQUEST FOR BOARD ACTION

AGENDA ITEM : Abatements/Additions

Originating Division: Property Records Taxpayer Services Meeting Date: 5/17/2011
 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 = \$ -761.79
 Other Sources & Amounts = \$ -1,446.21
TOTAL = \$ -2,208.00

FISCAL IMPACT

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

Related Financial Comments:

Reviewed by Taxpayer Services Manager

Date: 5-10-11



CARVER
COUNTY

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

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

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

**Abatements presented to the
Carver County Board of Commissioners
May 17, 2011**

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

Payable Year	Parcel Number	Name	Reason for Abatement	Original Tax Amount	Adjusted Tax Amount	County Dollars Abated	Total Amount of Adjustment
2011	25-635-0127	Douglas D & Carol M Mac Donald	Homestead/parcel adjusted due to linkage to 25.6350070	64.00	90.00	9.20	26.00
2011	25-635-0070	Douglas D & Carol M Mac Donald	Homestead/primary parcel	1,446.00	1,172.00	-100.16	-274.00
2011	25-790-0040	Anne Jeske	Homestead	2,848.00	2,660.00	-68.82	-188.00
2011	58-051-0090	Miguel Palacios	Homestead	1,282.00	992.00	-106.94	-290.00
2011	30-018-0910	George Lenz	Classification Change	3,022.00	2,658.00	-114.32	-364.00
2011	85-532-0310	Terry Vanwatermolen	Homestead	3,696.00	3,554.00	-44.89	-142.00
2011	04-011-0300	Luallen Kettner	Classification Change	4,352.00	4,016.00	-113.57	-336.00
2011	40-441-0090	Brent Theis	Homestead	2,186.00	1,956.00	-76.47	-230.00
2011	58-765-0020	Terry Molitor	Homestead	1,778.00	1,532.00	-90.31	-246.00
2011	40-440-0300	Kathryn M & Darrin B Schroeder	Homestead	3,220.00	3,056.00	-55.51	-164.00
Grand Total				\$23,894.00	\$21,686.00	-\$761.79	-\$2,208.00



REQUEST FOR BOARD ACTION

AGENDA ITEM: 1 to 4 Day Temporary On-Sale Liquor License for AUGUSTA BALL CLUB, Chaska

Originating Division: Property Records Taxpayer Services

Meeting Date: May 17, 2011

Amount of Time Requested: 0 minutes

Attachments for packet: Yes No X

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

BACKGROUND/EXPLANATION OF AGENDA ITEM: *Augusta Ball Club, 5950 Hampshire Road, Chaska, is planning an event June 3-5, 2011 in which they are requesting a Temporary On-Sale Liquor License. The board members are Mark Hesse, President, Keith Wickenhauser, Vice-President, Julie Eiden, Secretary, April Wichterman, Treasurer. This parcel is exempt from taxes.*

ACTION REQUESTED:

Approval by the Board for the Request for a 1 to 4 Day Temporary On-Sale Liquor License for Augusta Ball Club, Chaska
June 3-5, 2011

FUNDING

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

FISCAL IMPACT

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

Related Financial Comments:

License Fee: Temporary On-Sale Intoxicating Liquor License \$50.00 each event

Reviewed by Taxpayer Services Manager

Date: 5-3-11



REQUEST FOR BOARD ACTION

AGENDA ITEM : PROFESSIONAL SERVICES AGREEMENT WITH SRF CONSULTING GROUP, INC. FOR CARVER COUNTY FEDERAL TRANSPORTATION PROJECT FUNDING APPLICATIONS

Originating Division: Public Works

Meeting Date: May 17, 2011

Amount of Time Requested: N/A

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM: This agreement places SRF Consulting under contract to complete applications for the 2011 Regional Solicitation for Federal transportation project funding. Applications are submitted to the Metropolitan Council in July. Federal solicitations of this type occur every two years.

Project applications include:

- * Reconstruction of CSAH 14 (Pioneer Trail) from Bavaria Road to TH 41
- * Reconstruction of CSAH 18 (Lyman Blvd) from TH 41 to Galpin Blvd.
- * Reconstruction of CSAH 10 from CSAH 30 to TH 7
- * Construction of the Minnesota River Bluffs Regional Trail along the U.P. RR corridor from Chaska Athletic Park to the City of Carver
- * Construction of the CSAH 10 Regional Trail from CSAH 32 to the Dakota Rail Regional Trail

ACTION REQUESTED: Motion to approve the professional services agreement with SRF Consulting Group, Inc. for 2011 federal transportation project funding applications and authorize the Chair of the County Board and the County Administrator to sign the agreement.

FUNDING

County Dollars =	\$41,000.00
SAR =	\$
Chaska, Chan & School=	\$
TOTAL	=\$41,000.00

FISCAL IMPACT

- None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments:

Reviewed by Division Director

Date: 5/5/11



REQUEST FOR BOARD ACTION

AGENDA ITEM: Amend Eminent Domain Resolution for the Dakota Rail Regional Trail Connection Project at the CSAH 10 ("Maple") Bridge.

Originating Division: Public Works

Meeting Date: 05/17/11

Amount of Time Requested: 20 mins

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM: Commissioner Lynch has asked for a possible amendment of the approval to use eminent domain for the Dakota Rail Regional Trail Connection project at the CSAH 10 Bridge in Waconia Township. The county board adopted resolution #33-11, authorizing the use of eminent domain for project SAP 10-610-37, CSAH 10 Bridge Reconstruction, and the Dakota Rail Regional Trail Connection project. Commissioner Lynch has requested that the parcel needed for trail construction be removed from the eminent domain proceedings.

ACTION REQUESTED: Motion to amend resolution #33-11 to remove the land acquisition required for the Dakota Rail Regional Trail connection from eminent domain proceedings and restrict the use of eminent domain for the land acquisition required for project SAP 10-610-37, CSAH 10 Bridge reconstruction.

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: May 8, 2011

S:\Projects\SAP 10-610-37\RW\Eminent Domain Reconsideration - RBA



REQUEST FOR BOARD ACTION

AGENDA ITEM: Public Hearing- Ordinance 67-2010 for Code Amendments

Originating Division: Public Health & Environment

Meeting Date: May 17, 2011

Amount of Time Requested: 45 minutes

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM:

File #PZ20110006. The Carver County Environmental Services Department and the Carver County Attorney's Office have drafted Ordinance 67-2010 amending the Carver County Code Chapter 52, Sewage Treatment System. A number of the proposed amendments are intended to update the Chapter to correspond with Minnesota Rules, Chapters 7080, 7081, 7082, and 7083. Other amendments were predicated on comments received from contractors, townships, and cities. A significant theme of the revisions is to provide contemporary and concise language, with greater flexibility in the County's sewage treatment regulations.

The County Board considered the draft ordinance at the March 15, 2011 Work Session and approved moving it to the Planning Commission for Public Hearing. The Planning Commission held a Public Hearing on April 19, 2011 and recommended approval of Ordinance 67-2010, with a few minor items that were to be resolved by Environmental Services and the Attorney's Office. The Planning Commission Resolution addressing the proposed amendments is attached. Draft Ordinance 67-2010 and a resolution for the adoption of the Ordinance are attached for the Board's consideration.

ACTION REQUESTED:

Open the public hearing.

A motion to conclude the public hearing.

A motion to adopt a resolution enacting Ordinance 67-2010 amending the County Code.

FUNDING

County Dollars = \$

Other Sources & Amounts =

= \$

TOTAL = \$

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Related Financial Comments: These amendments should have no impact on the current budget. Environmental Services collects \$45,000 to \$60,000 in SSTS permit fees per year. These fees are included in the County Fee Schedule - not this ordinance.

Reviewed by Division Director

Date: April 27, 2011

COUNTY OF CARVER
PLANNING COMMISSION RESOLUTION

FILE #: PZ20110006

RESOLUTION #: 11-03

WHEREAS, the following amendments to the County Code were initiated by staff and the Planning Commission at the regularly scheduled meeting of April 19, 2011:

FILE #: PZ20110006

INITIATED BY: Minnesota Rules, Chapters 7080, 7081, 7082, and 7083

TYPE: Update Sewage Treatment System Regulations

PURSUANT TO: County Code, Chapter 52

LEGAL DESCRIPTION: County-wide

REGARDING: Ordinance 67-2010

WHEREAS, said amendments were duly considered at a public hearing held by the Carver County Planning Commission at its regular meeting of April 19, 2011; and,

WHEREAS, the Carver County Planning Commission finds as follows:

1. The Carver County Environmental Services Department and the Carver County Attorney's Office have drafted Ordinance 67-2010 amending the Carver County Code. The purpose of the draft language is to amend Chapter 52, Sewage Treatment System. A number of the proposed amendments are intended to update the Chapter to correspond with Minnesota Rules, Chapters 7080, 7081, 7082, and 7083. Other amendments were predicated on comments received from contractors, townships, and cities. A significant theme of the revisions is to provide contemporary and concise language, with greater flexibility in the County's sewage treatment regulations.
2. During the public hearing process comments and suggestions were received, addressed and/or incorporated into the draft language.
3. Ordinance 67-2010 updates Chapter 52 to correspond with mandated requirements of Minnesota Rules, Chapters 7080 – 7083. Some of the required language is not new to Chapter 7080, but it is a new requirement for all local ordinances. The following is an overview of the required amendments:

The proposed changes to SSTS Standards for New or Replacement SSTS include: Method to determine hydraulic loading rate and SSTS sizing; Holding tank requirements and limitations; SSTS construction in floodplains; Class V injection wells; SSTS construction permit application review and response; SSTS management plan; SSTS operating permit; Conflicts of interest; Certified statement on Certificate of Compliance; and Length of time a Certificate of Compliance is valid.

The proposed changes to SSTS Standards for Existing SSTS include: Existing SSTS compliance triggers; Existing SSTS compliance inspection requirements (Tank watertightness assessment, Soil separation assessment, Hydraulic functioning, Compliance with Management Plan or Operating Permit, Certified statement, Length of time a Certificate of Compliance is valid, and Compliance criteria – based on the date of the installation and the location of the SSTS).

The proposed changes to SSTS General Requirements include: Two SSTS locations required for lots created after 1996; Included flow determination to the list of items that the Board of Adjustment cannot grant variances; Exemptions to the SSTS business license requirements were expanded to match with Minnesota Rule; Responsibilities of licensed SSTS designers, installers, maintainers, service providers, and inspectors were revised

to match Minnesota Rule; and Administration (Record keeping and annual report requirements).

4. Ordinance 67-2010 also clarifies existing language in Chapter 52. The majority of the amendments are recommendations from the Association of Minnesota Counties Model Ordinance and modifications from the experience of staff to make a more complete ordinance. The following is an overview of the amendments:

Added Definitions - (Board of Adjustment, Class V Injection Wells, Cluster System, County, MPCA, Subsurface Sewage Treatment System or “SSTS”, State, and Treatment Level).

General Provisions - Language to limit conflict with other Carver County Code Chapters; When a State Disposal System Permit is required; and Department Limitations (SSTS Operation and Effectiveness, Validity, and Liability).

Amendments to Minnesota Rule - Expanded verification of compliance requirements for reuse of existing tank(s) in a replacement SSTS; Designer is to contact the Department before a design is completed when the technical requirements of this Chapter cannot be met; Clarified minimum pump tank sizes; Exception to Carver County tank sizing requirements; Shallow tank installation requirements expanded to include replacement SSTS; Pump line must be sleeved to provide support and help prevent freezing; Setbacks (Property line and road right of way setbacks to be measured to the toe of the above grade system and Bluff setback increased to match Zoning Code); Entire area under an above grade system must have the surface roughened; Minimum holding tank sizing was increased; Limit the use of Type IV SSTS; Prohibit the use of Type V SSTS; Reduced compliance time frame to 10 months for property transfers; Clarified compliance triggers for existing SSTS; Added requirements of an SSTS abandonment by a homeowner; and Maintainers are to submit a tank maintenance report for each SSTS.

General Requirements - Retroactivity (Unexpired permits issued prior to adoption of revised ordinance, shall be governed by the rules in effect at the time the permit was issued); SSTS Upgrade, Repair, Replacement (Compliance required within 10 months of a property transfer); SSTS Construction Permit (Examples of activities that do not require a construction permit, Failure to submit a compliance inspection for a property transfer will result in denial of future land use or building permit applications, Permit transferability; and Permit posting); Prohibitions (Occupancy or use of a structure without a compliant SSTS); Variances must be obtained from the affected State Agency; Transfer of Properties (Language to clarify exemptions to the compliance inspection and Decreased the timeframe of compliance for properties that do not follow County Code); and Enforcement. (Notice of Violation, Interpretation, and Severability).

5. The proposed amendments are in conformance with Minnesota Rules, Chapters 7080, 7081, 7082, and 7083. The amendments are not in conflict with any other official controls and they will not be detrimental to the health, safety or general welfare.

THEREFORE, BE IT RESOLVED, THAT The Carver County Planning Commission hereby recommends the adoption of Ordinance 67-2010 for the amendments to the County Code. Further, the Planning Commission recommends a review of the existing SSTS compliance inspection requirements, before the County Board hearing, to confirm that the Ordinance is compatible with the existing shoreland regulations.

ADOPTED by the Carver County Planning Commission this 19th day of April 2011.

Ted Beise
Planning Commission Chair

CARVER COUNTY, MINNESOTA

ORDINANCE 67-2010

AMENDING CHAPTER 52, SEWAGE TREATMENT SYSTEM.

The Carver County Board of Commissioners Hereby Ordains:

Due to the numerous changes required, the current Chapter 52 would be repealed. The proposed Chapter 52 has sections/wording underlined that is new from the current Chapter.

CHAPTER 52: SUBSURFACE SEWAGE TREATMENT SYSTEMS

PURPOSE, INTENT, AND AUTHORITY

§ 52.001 Purpose

The purpose of this Chapter is to establish minimum requirements for regulation of subsurface sewage treatment systems (hereinafter “SSTS”) for the treatment and dispersal of sewage within the applicable jurisdiction of the Department to protect public health and safety, groundwater quality and prevent or eliminate the development of public nuisances. It is intended to serve the best interests of the County’s citizens by protecting its health, safety, general welfare, and natural resources.

§ 52.002 Intent

It is intended by the Carver County Environmental Services Department that this Chapter will promote the following:

- A. The protection of lakes, rivers and streams, wetlands, and groundwater in Carver County essential to the promotion of public health, safety, welfare, socioeconomic growth, and development of the County.
- B. The regulation of proper SSTS construction, reconstruction, repair, and maintenance to prevent the entry and migration of contaminants, thereby protecting surface water and groundwater from degradation.
- C. The establishment of minimum standards for SSTS placement, design, construction, reconstruction, repair, and maintenance to prevent contamination and, if contamination is discovered, the identification and control of its consequences and the abatement of its source and migration.
- D. The appropriate utilization of privy vaults and other non-water carried sewage collection and storage facilities.
- E. The provision of SSTS technical assistance and education, plan review, inspections, surveys, and complaint investigations to prevent and control water-borne diseases, lake degradation, groundwater related hazards, and public nuisance conditions.

§ 52.003 Authority

This Chapter is enacted pursuant to Minnesota Statutes, section 115.55 and 115.56; Minnesota Statutes, section 145A.01 through 145A.08; Minnesota Statutes, section 375.51; or successor statutes and Minnesota Rules, Chapter 7080, Chapter 7081, Chapter 7082, and Chapter 7083; or successor rules as they may be amended from time to time.

DEFINITIONS

§ 52.010 Definitions

The following words and phrases shall have the meanings ascribed to them in this section. If not specifically defined in this section, terms used in this Chapter shall have the same meaning as provided in the standards adopted by reference in § 52.030. Words or phrases that are not defined here or in the standards adopted by reference shall have common usage meaning. For purposes of this Chapter, the words “must” and “shall” are mandatory, and the words “may” and “should” are permissive.

Artificial Drainage: An SSTS that uses artificial drainage to lower the periodically saturated soil level to create the required separation between the distribution media and the water table.

Board of Adjustment: A board established by Carver County Zoning Code, Chapter 152 with the authority to order the issuance of variances, hear and decide appeals from a member of the affected public, and review any order, requirement, decision, or determination made by any administrative official charged with enforcing any Chapter adopted pursuant to the provision of Minnesota Statutes, section 394.21 to 394.37, order the issuance of permits for buildings in areas designated for future public use on an official map and perform such other duties as required by the official controls.

Class V Injection Well: A shallow well used to place a variety of fluids directly below the land surface, which includes a domestic SSTS serving more than 20 people. The US Environmental Protection Agency and delegated state groundwater programs permit these wells to inject wastes below the ground surface provided they meet certain requirements and do not endanger underground sources of drinking water. Class V motor vehicle waste disposal wells and large-capacity cesspools are specifically prohibited (see 40 C.F.R. § 144 and § 146).

Cluster System: An SSTS under some form of common ownership that collects wastewater from two or more dwellings or structures and conveys it to a soil treatment and dispersal system located on an acceptable site near the dwellings or structures.

County: Carver County, Minnesota.

County Board: The Carver County Board of Commissioners.

Department: The Carver County Environmental Services Department.

MPCA: The Minnesota Pollution Control Agency.

Qualified Employee: An employee of the state or a local unit of government, who performs site evaluations or designs, installs, maintains, pumps, or inspects SSTS as part of the individual's employment duties and is a certified SSTS professional with specialty area endorsements applicable to the work being conducted.

Subsurface Sewage Treatment System or "SSTS": A subsurface sewage treatment system includes individual subsurface sewage treatment systems and midsized subsurface sewage treatment systems.

State: The State of Minnesota.

Treatment Level: Treatment system performance levels defined in Minnesota Rules, Chapter 7083.4030 and Table III for testing of proprietary treatment products. Minnesota Rules, Chapter 7083.4030 is hereby incorporated by reference as amended from time to time.

GENERAL PROVISIONS

§ 52.015 Scope

This Chapter regulates the siting, design, installation, alterations, operation, maintenance, monitoring, and management of all SSTS within the Department's applicable jurisdiction including, but not limited to individual SSTS and cluster or community SSTS, privy vaults, and other non-water carried SSTS. All sewage generated in unsewered areas of the County must be treated and dispersed by an approved SSTS that is sited, designed, installed, operated, and maintained in accordance with the provisions of this Chapter or by an SSTS that has been permitted by the MPCA.

§ 52.016 Jurisdiction

The jurisdiction of this Chapter shall include all lands of the County except for incorporated areas that administer an SSTS program by Ordinance within their incorporated jurisdiction, which is at least as strict as this Chapter.

§ 52.017 Abrogation and Greater Restrictions

It is not intended by this Chapter to repeal, abrogate, or impair any other existing Carver County Chapters, easements, covenants, or deed restrictions. Whenever any provision of this Chapter is found to be in direct conflict with the provisions of any other Carver County Chapter, the Chapter containing the more restrictive requirements shall govern.

§ 52.018 County Administration

The County Environmental Services Department is authorized to administer the SSTS program and all provisions of this Chapter. At appropriate times, the Department may review and request revisions to update this Chapter as necessary. The Department may employ or retain under contract, qualified, and appropriately certified and/or licensed SSTS professional(s) to administer and operate the SSTS program.

§ 52.019 State Disposal System Permit

The owner or owners of a single SSTS or a group of SSTS under common ownership must obtain a State Disposal System permit from the MPCA, when all or part of proposed or existing soil dispersal components are within one-half mile of each other and the combined flow from all proposed and existing SSTS is greater than 10,000 gallons per day.

SSTS serving establishments or facilities licensed or otherwise regulated by the State must conform to the requirements of this Chapter.

§ 52.020 SSTS Operation and Effectiveness

Neither the issuance of SSTS permits or certificates of compliance shall be construed to represent a guarantee or warranty of the SSTS operation or effectiveness.

§ 52.021 Validity

The validity of any part of this Chapter shall not be affected by the invalidity of any other parts of this Chapter where the part can be given effect, irrespective of any invalid part or parts.

§ 52.022 Liability

No liability or responsibility shall be imposed upon the Department or any of its officials, employees, contractors, agents, or servants thereof, for damage resulting from a defective design, construction, operation, abandonment, or misplacement of any onsite or cluster SSTS regulated under this rule by reason of standards, requirements, or inspections authorized hereunder.

SSTS STANDARDS

§ 52.030 Standards Adopted by Reference

Minnesota Rules, Chapter 7080, Chapter 7081, Chapter 7082, and Chapter 7083, as they may be amended from time to time, relating to SSTS are hereby adopted by reference and made part of this Chapter as if fully set forth herein, except as modified by or inconsistent with provisions of this Chapter. This adoption does not supersede the County's right or ability to adopt local standards that are in compliance with Minnesota Statutes, section 115.55.

§ 52.031 Amendments to the Adopted Standards

- A. Minnesota Rules, Chapter 7080.1500, Subpart 6, is amended to include: An SSTS design that proposes to reuse an existing tank(s) for a replacement SSTS must include the MPCA Tank Integrity and Safety Compliance form, which includes a verification that all tank and riser joints, riser connections, and pipe connections are watertight according to Minnesota Rules, Chapter 7080.2010, Subpart 1, Item A.
- B. Minnesota Rules, Chapter 7080.1730, Item B, is amended as follows: dates of preliminary and field evaluations must be dated within 12 months of the date of the SSTS construction permit application and within 24 months of the SSTS installation.
- C. Minnesota Rules, Chapter 7080.1730, Item F, is amended to include: the Department must be notified of any technical requirements of this Chapter, Minnesota Rules, Chapter 7080, or Chapter 7081, that cannot be met before the design is completed.

- D. Minnesota Rules, Chapter 7080.1930, Subpart 1, Table V “Septic Tank Liquid Minimum Capacities (Gallons)”, is amended as follows:

Number of Bedrooms	Tank Size With Multiple Compartments or Multiple Tanks in Series	Tank Size With Garbage Disposal and/or Lift in the Basement	<u>Pump Tank</u>
2 or less	1500	2250	<u>1000</u>
3 or 4	2000	3000	<u>1000</u>
5 or 6	2250	3375	<u>1500</u>
7, 8, or 9	3000	4500	<u>1500</u>

SSTS with a valid Certificate of Compliance may not be required to meet the above sizing chart if the tank capacity and soil treatment and dispersal system meet the current minimum State requirements for the anticipated additional gallons per day.

- E. Minnesota Rules, Chapter 7080.2000, Item C, is amended as follows: The top of sewage tanks must not be buried deeper than four feet from final grade. Exceptions may be made on a case by case basis for existing uses with extenuating circumstances preventing a shallow burial, not to exceed the tank manufacturer's maximum designed depth for the tank. The minimum depth of soil cover over the insulation on the top of the tank is six inches.
- F. Minnesota Rules, Chapter 7080.2100, Subpart 2, Item B, is amended to include: The pump discharge line must be sleeved with a 4 inch PVC pipe from the edge of the tank or maintenance hole to undisturbed ground.
- G. Minnesota Rules, Chapter 7080.2150, Subpart 2, Table VII, is amended to include: Setbacks from the soil treatment and dispersal area for above grade systems, including but not limited to: mound and at grade systems, will be measured from the toe of the slope to any property line(s) and/or road right of way(s). Setback of 10 feet from the SSTS to a swimming pool. Setback of 20 feet from the SSTS to slopes greater than 20%. Setback of 50 feet from the SSTS to a bluff. Setback of 10 feet (20 feet in Shoreland Areas) to an interceptor drain.
- H. Minnesota Rules, Chapter 7080.2220, Subpart 2, Item B, is amended to include: Setbacks from the soil treatment and dispersal area for above grade systems, including but not limited to: mound and at grade systems, will be measured from the toe of the slope to any property line(s) and/or road right of way(s). Setback of 10 feet from the SSTS to a swimming pool. Setback of 20 feet from the SSTS to slopes greater than 20%. Setback of 50 feet from the SSTS to a bluff. Setback of 10 feet (20 feet in Shoreland Areas) to an interceptor drain.
- I. Minnesota Rules, Chapter 7080.2220, Subpart 3, Item J, is amended as follows: The entire area that will receive materials for a mound must be roughened by approved methods.
- J. Minnesota Rules, Chapter 7080.2230, Subpart 2, Item C, is amended to include: Setbacks from the soil treatment and dispersal area for above grade systems, including but not limited to: mound and at grade systems, will be measured from the toe of the slope to any property line(s) and/or road right of way(s). Setback of 10 feet from the SSTS to a swimming pool. Setback of 20 feet from the SSTS to slopes greater than 20%. Setback of 50 feet from the SSTS to a bluff. Setback of 10 feet (20 feet in Shoreland Areas) to an interceptor drain.
- K. Minnesota Rules Chapter 7080.2290, Item D, is amended as follows: For a dwelling, the minimum holding tank size is 1500 gallons or 400 gallons times the number of bedrooms, whichever is greater. For other establishments, the minimum holding tank size is 1500 gallons or at least five times the design flow, whichever is greater. The required capacity of holding tank(s) in flood plain areas must be calculated according to Minnesota Rules, Chapter 7080.2270, Subpart 10.

- L. Minnesota Rules, Chapter 7080.2350, is amended as follows: Type IV Systems may be allowed, with the exception of those that would reduce the required 3 foot separation to the periodically saturated soil or to downsize the required soil treatment and dispersal system. Type IV Systems installed prior to June 1, 2011 are exempt from this prohibition. When an advanced treatment device is added to an SSTS (new or existing), pressure distribution must be provided in the soil treatment and dispersal system.
- M. Minnesota Rules, Chapter 7080.2400, is amended as follows: Type V Systems are prohibited. Type V Systems installed prior to June 1, 2011 are exempt from this prohibition.
- N. Minnesota Rules, Chapter 7082.0100, Subpart 1, Item A, is amended as follows: An SSTS that fails to protect groundwater, as described in Minnesota Rule, Chapter 7080.1500, Subpart 4, Item B, must be brought into compliance within 36 months of the date of the Notice of Noncompliance, discovery by the Department, or within 10 months from the date of the property transfer, whichever is the earlier date.
- O. Minnesota Rules, Chapter 7082.0700, Subpart 2, Item A1, is amended to include: Compliance inspections of existing SSTS are required:
 - 1. Before any permit or variance is issued for a property with an SSTS located in a Shoreland Area (1000 feet of a lake, pond, or flowage; or 300 feet of a river or stream, or the landward extent of a floodplain), subject to the exceptions in Carver County Zoning Code, § 152.122.
 - 2. When there is a change in the use of the property or structure(s) that would affect water use, including but not limited to: a permit or variance to expand a structure for the purpose of a bedroom, home business, contractor's yard, or daycare. The Certificate of Compliance must also certify that all components are sized to current State minimum requirements for the additional bedroom or the change in use.
 - 3. When an SSTS construction permit is required to repair, modify, or upgrade an existing SSTS.
 - 4. At the time of property sale or transfer, in accordance with § 52.169. Any evaluation, investigation, inspection, recommendation, or other process used to prepare a disclosure statement, if conducted by a party who is not the SSTS owner, constitutes a compliance inspection, and must be conducted in accordance with Minnesota Rules, Chapter 7080.1500.
 - 5. When there is a division of land pursuant to Carver County Zoning Code, § 152.035 (D).
 - 6. During systematic lake or area wide SSTS surveys by the Department as described in § 52.043.
 - 7. Any time that a building permit is applied for and no record of a soil treatment and dispersal system exists.
- P. Minnesota Rules, Chapter 7083.0700, Item B, is repealed.
- Q. Minnesota Rules, Chapter 7083.0700, Item F, is amended as follows: An owner may abandon an SSTS, on property they own, if a final inspection is conducted by the Department or licensed SSTS professional. An individual or business, independent of the owner, which abandons an SSTS, must be licensed as an SSTS professional by the Minnesota Pollution Control Agency.
- R. Minnesota Rules, Chapter 7083.0770 Subpart 2, is amended to include: Submit a tank maintenance report for each SSTS to the Department and the property owner.

§ 52.032 SSTS Setbacks

SSTS must be designed and installed to comply with the following minimum setback distances measured in feet:

Feature	Tank(s)/ Sealed Privy	Soil Treatment and Dispersal Area/ Unsealed Privy	Building Sewer or Supply Pipes
Private, single family water supply well with less than 50 feet of casing and not encountering 10 feet of impervious material. ¹	50	100	50
Any other private, single family water supply well or buried water suction pipe. ²	50	50	50
Buried pipe distributing water under pressure. ³	10	10	10
Structure(s) ⁴	10	20	-
Property Lines <u>and Road Right of Ways.</u> ⁵	10	10 <u>Above grade systems will be measured from the toe of the slope.</u> ⁶	-
Ordinary High Watermark of Natural Environmental Lakes. ⁷	150	150	-
Ordinary High Watermark of Recreational Development Lakes and Protected Water Courses. ⁷	75	75	-
Ordinary High Watermark of General Development Lakes. ⁷	50	50	-
Swimming Pool.	10	10	-
Slopes of 20% or greater.	20	20	-
<u>Bluff.</u> (Average Grade 25% Slope and has a 25' Rise in Elevation.)	<u>50</u>	<u>50</u>	
Interceptor Drains.	-	10 (20 feet in Shoreland Areas.)	-

¹ (Minnesota Rules, Chapter 7080.1710, Item B and Minnesota Rules, Chapter 4725)

² (Minnesota Rules, Chapters 4725 and 4715)

³ (Minnesota Rules, Chapter 4715)

⁴ (Minnesota Rules, Chapter 7080.215 Table VII)

⁵ (Minnesota Rules, Chapter 7080.215 Table VII)

⁶ (When lot size prohibits meeting the required 10' setback from the toe of the slope, the 10' setback may be measured from the absorption area, with Department approval and a survey verifying the proposed setback. Said survey must be provided by the property owner at the property owner's expense.)

⁷ (Shoreland Management Act and Minnesota Rules, Chapters 6105 and 6120)

§ 52.033 Determination of Hydraulic Loading Rate and SSTS Sizing

- A. Table IX from Minnesota Rules, Chapter 7080.2150, Subpart 3, Item E, entitled “Loading Rates for Determining Bottom Absorption Area and Absorption Ratios Using Detail Soil Descriptions” and herein adopted by reference, must be used to determine the hydraulic loading rate and infiltration area for all SSTS permitted under this Chapter.
- B. Percolation Testing may also be required per § 52.142 C2. Table IXa from Minnesota Rules, Chapter 7080.2150, Subpart 3, Item E, entitled “Loading Rates for Determining Bottom Absorption Area and Absorption Ratios Using Percolation Tests” and herein adopted by reference. The larger sizing factor of the two must be used for the SSTS design.

§ 52.034 Holding Tanks

Holding tanks may be used for single family homes and other structures with limited water use, as determined by the Department, under the following conditions:

- A. Holding tank(s) may be allowed for structures or pre-existing dwellings where an SSTS, as described in Minnesota Rules, Chapter 7080.2210 through 7080.2230, or site conditions described in Minnesota Rules, Chapter 7081.0270, Subparts 3 through 7, cannot reasonably be installed as determined by the Department.
- B. Septic tank(s) may be allowed temporarily as holding tank(s) for:
 - 1. New residential construction completed when the ground is frozen or the soil is above the plastic limit not allowing the full soil treatment and dispersal system to be installed.
 - 2. Repair of an Imminent Threat to Public Health or Safety in accordance with § 52.051.
- C. Holding tank(s) must not be used as an SSTS for:
 - 1. New residential construction.
 - 2. Improvements greater than 50% of the assessed value of the structure at the time of the application for the improvement.
 - 3. Recreational uses on undeveloped lots of record.
- D. A minimum of a 1500 gallon holding tank must be installed in accordance with Minnesota Rules, Chapter 7080.2290.
- E. The property owner must provide to the Department a copy of a valid monitoring and disposal contract executed between the property owner and a licensed SSTS maintainer, which guarantees the removal of the holding tank contents in a timely manner that prevents an illegal discharge in accordance with Minnesota Rules, Chapter 7082.0100, Subpart 3, Item G.
- F. The property owner must hold a valid contract with a licensed SSTS maintainer at all times.
- G. The licensed SSTS maintainer must certify the date the pumping occurred, number of gallons removed, any tank leakage below or above the operating depth, and the treatment facility to which the waste was discharged and if applicable, water meter reading at the time of pumping. The licensed SSTS maintainer is to note any safety concerns, troubleshooting or repairs conducted.

§ 52.035 SSTS Construction in Floodplains

SSTS must not be located in a floodway and wherever possible, location within any part of a floodplain should be avoided. If no option exists to locate an SSTS outside of a floodplain, location within the flood fringe is allowed if the requirements in Minnesota Rules, Chapter 7080.2270 and all relevant local requirements are met.

§ 52.036 Class V Injection Wells

All owners of new or replacement SSTS that are considered to be Class V injection wells, as defined in 40 C.F.R. § 144, are required by the Federal Government to submit SSTS inventory information to the Environmental Protection Agency as described in 40 C.F.R. § 144. Further, owners are required to identify all Class V injection wells in property transfer disclosures.

GENERAL REQUIREMENTS

RETROACTIVITY

§ 52.040 All SSTS

Except as explicitly set forth in § 52.041, all provisions of this Chapter shall apply to any SSTS regardless of the date it was originally permitted.

§ 52.041 Existing SSTS Construction Permits

Unexpired SSTS construction permits which were issued prior to the effective date of this Chapter shall remain valid until the original expiration date or until a change in property ownership, whichever is earlier and shall be governed by the rules in effect at the time the SSTS construction permit was issued.

§ 52.042 SSTS on Lots Created After January 23, 1996

All lots created after January 23, 1996 must have a minimum of two soil treatment and dispersal areas that can support systems as described in Minnesota Rules, Chapters 7080.2210 through 7080.2230, or site conditions described in Minnesota Rules, Chapter 7081.0270, Subparts 3 through 7, as identified by a licensed SSTS designer. It shall be the responsibility of the property owner to preserve and protect the soil treatment and dispersal areas from compaction, building, or other activities which could conceivably limit the use of the sites for sewage treatment and dispersal.

§ 52.043 Existing SSTS without Permits

In order to meet water quality goals, the County Board may, from time to time, adopt by resolution programs to accelerate SSTS compliance. The resolution may identify specific geographic areas, timelines for compliance, establish incentives, target specific system types, and may include such other provisions as necessary to accomplish the goals.

SSTS UPGRADE, REPAIR, REPLACEMENT, AND ABANDONMENT

§ 52.050 Failure to Protect Groundwater

An SSTS that is determined not to be protective of groundwater in accordance with Minnesota Rules, Chapter 7080.1500, Subpart 4, Item B, must be connected to a municipal wastewater treatment system, upgraded, repaired, replaced, or abandoned in accordance with the provisions of this Chapter within 36 months of the date of the Notice of Noncompliance, discovery by the Department, or within 10 months from the date of property transfer, whichever is the earlier date. The Department has the authority to require repair or replacement of the SSTS sooner than specified above.

§ 52.051 Imminent Threat to Public Health or Safety

An SSTS that is determined to be an imminent threat to public health or safety in accordance with Minnesota Rules, Chapter 7080.1500, Subpart 4, Item A, must be connected to a municipal wastewater treatment system, upgraded, repaired, replaced, or abandoned in accordance with the provisions of this Chapter within 10 months of the date of the Notice of Noncompliance or discovery by the Department, whichever is the earlier date. The Department has the authority to require repair or replacement of an ITPH sooner than specified above. The Department may require the property owner to:

- A. Respond within five business days of notification by submitting a plan for abating the discharge.
- B. Pump the septic tank(s) as an interim abatement measure.

§ 52.052 SSTS Employing Artificial Drainage

- A. Existing curtain drain systems identified through a compliance inspection and resulting in failure due to lack of separation to the periodically saturated soils may continue in use if the SSTS is enrolled in the curtain drain monitoring program and continues to meet the requirements of said program.
- B. Curtain drain systems that do not have the required separation to the periodically saturated soils but meet the requirements of the curtain drain monitoring program shall not be considered failing for the purposes of this paragraph.
- C. If at any time during the monitoring of the SSTS, the requirements of the program are not met, the SSTS will be deemed failing and the SSTS must be brought into compliance.

§ 52.053 Abandonment

- A. Any SSTS, or any component thereof, which is no longer intended to be used, must be abandoned in accordance with Minnesota Rules, Chapter 7080.2500.
- B. A property owner may retain a licensed SSTS business to abandon all the components of the SSTS, and submit the MPCA’s SSTS Abandonment Reporting Form to the Department within 30 days of the abandonment, or complete the abandonment themselves provided a final inspection is conducted by the Department or a licensed SSTS professional.

SSTS CONSTRUCTION PERMIT

§ 52.060 SSTS Construction Permit Required

It is unlawful for any person, business, firm, or corporation to construct, install, modify, replace, or operate an SSTS without the appropriate permit from the Department. The issuing of any permit, variance, or conditional use under the provisions of the Carver County Zoning Code shall not absolve the property owner(s) of responsibility to obtain any other required permits.

§ 52.061 SSTS Construction Permit

An SSTS construction permit must be obtained by the property owner, or an agent of the property owner, from the Department prior to the installation, construction, replacement, modification, alteration, repair, or capacity expansion of an SSTS. The purpose of this permit is to ensure that the proposed construction activity is sited, designed, and constructed in accordance with the provisions of this Chapter by appropriately certified and/or licensed SSTS professional(s).

§ 52.062 Activities Requiring an SSTS Construction Permit

- A. An SSTS construction permit is required for the installation of a new SSTS, replacement of an existing SSTS, or any repair or replacement of components that will alter the original design, layout, function, treatment capacity, or location of the system.
- B. Rejuvenation and remediation technologies are allowed as prescribed in Minnesota Rules, Chapter 7080.2450, Subpart 8; or successor rules. These types of repair technologies are not to be considered a minor repair, and require an SSTS construction permit as set forth in § 52.061 of this Chapter.

§ 52.063 Activities Not Requiring an SSTS Construction Permit

An SSTS construction permit is not required for minor repairs as long as the repairs do not change the original design, layout, function, treatment capacity, or location of the system. Examples of such minor repairs include, but are not limited to: replacement of the pump, floats, alarm, inspection pipes or caps, maintenance hole risers, or tank baffles.

§ 52.064 SSTS Construction Permit Required to Obtain Building Permit

- A. For any property on which an SSTS construction permit is required, approval and issuance of a valid SSTS construction permit must be obtained before a building or land use permit may be issued by the Carver County Public Health and Environment Division.
- B. Failure to submit an existing SSTS compliance inspection for a property transfer, pursuant to § 52.169, will result in all future building or land use permit application(s) for the property to be denied until a Certificate of Compliance is submitted for the existing SSTS, or an escrow account is established and an SSTS construction permit is issued.

§ 52.065 Conformance to Prevailing Requirements

Any activity involving an existing SSTS that requires an SSTS construction permit shall require that the entire SSTS be brought into compliance with Minnesota Rules, Chapter 7080.1500 and verification of any existing tank(s) proposed for reuse must meet Minnesota Rules, Chapter 7080.2010, Subpart 1, Item A.

§ 52.066 SSTS Construction Permit Application Requirements

SSTS construction permit applications must be made on forms provided by the Department and signed by the property owner and the licensed SSTS installer including the installer’s certification number and date of expiration. The applications must include the documents listed in items A through E below.

- A. Name, mailing address, telephone number, and email address.
- B. Property Identification Number and address or other description of property location.
- C. Site Evaluation Report as described in Minnesota Rules, Chapter 7080.1730.
- D. Design Report as described in Minnesota Rules, Chapter 7080.2430.
- E. SSTS Management Plan and/or Operating Permit Application as described in Minnesota Rules, Chapter 7082.0600.

§ 52.067 SSTS Construction Permit Application Review and Response

The Department is authorized to review an SSTS construction permit application and supporting documents. Upon the Department’s satisfaction that the proposed work will conform to the provisions of this Chapter, a written permit authorizing construction of the SSTS as designed may be issued. In the event the applicant makes a significant change to the approved SSTS construction permit, the applicant must file an amended SSTS construction permit application and SSTS Management Plan detailing the changed conditions prior to initiating or continuing SSTS construction, modification, or operation for approval or denial.

§ 52.068 SSTS Construction Permit Denied

If an application for an SSTS construction permit is denied, notice of denial, including reasons for said denial, will be mailed to the address set forth in the SSTS construction permit application.

§ 52.069 Appeal

- A. Hearing. An appeal from any order, requirement, decision, or determination from the Department shall be heard by the Board of Adjustment pursuant to Carver County Zoning Code, § 152.214.
- B. Stay of Action. An appeal stays all proceeding and furtherance of the action appealed from unless the Board of Adjustment certifies that by reason of the facts stated in the certificate the stay would cause imminent peril to life or property.
- C. Action to Board of Adjustment. The Board of Adjustment may reverse or affirm wholly or partly or may modify the order, requirement, decision, or determination appealed from and to that end shall have all of the powers of the officer from whom the appeal was taken and may direct issuance of the permit. The reasons for the Board of Adjustment's decision shall be stated in writing.

§ 52.070 SSTS Construction Permit Expiration

The SSTS construction permit is valid for a period of one year from its date of issue, provided the preliminary and field evaluations for the SSTS design were completed within 24 months of the date of the SSTS installation.

§ 52.071 Fees

The County Board has the authority to establish fees for activities undertaken by the Department pursuant to this Chapter. Fees shall be due and payable at a time and in a manner to be determined by the Department. Construction started before an SSTS construction permit has been obtained shall be charged twice the current SSTS construction permit fee.

§ 52.072 SSTS Construction Permit Transferability

An SSTS construction permit shall not be transferred to a new property owner or different licensed SSTS installer. The new property owner or licensed SSTS installer must amend the SSTS construction permit in accordance with this Chapter.

§ 52.073 SSTS Construction Permit Suspension or Revocation

The Department may suspend or revoke an SSTS construction permit issued under this Chapter for any false statements, erroneous or inaccurate data supplied by the property owner or licensed SSTS designer, or revised interpretation of the law by the Department or a building official, misrepresentations of facts on which the SSTS construction permit was issued or unauthorized changes to the SSTS. A notice of suspension or revocation and the reasons for the suspension or revocation shall be conveyed in writing to the property owner and the licensed SSTS installer. If suspended or revoked, installation or modification of an SSTS may not commence or continue until a valid SSTS construction permit is obtained.

§ 52.074 SSTS Construction Permit Posting

The SSTS construction permit must be posted on the property in such a location and manner so that the SSTS construction permit is visible and available for inspection until SSTS construction is completed and a Certificate of Compliance is issued.

SSTS MANAGEMENT PLAN

§ 52.085 Purpose

The purpose of an SSTS Management Plan is to describe how a particular SSTS is intended to be operated and maintained to sustain the performance required.

§ 52.086 SSTS Requiring Management Plans

SSTS Management Plans are required for all new or replacement SSTS. The SSTS Management Plan must be submitted to the property owner and the Department with the SSTS construction permit application.

§ 52.087 Required Contents of an SSTS Management Plan

SSTS Management Plans shall include:

- A. Operating requirements describing tasks that the property owner can perform and tasks that a licensed SSTS service provider or maintainer must perform.
- B. Monitoring requirements.
- C. Maintenance requirements including maintenance procedures and a schedule for routine maintenance.
- D. Statement that the property owner is required to notify the Department when the SSTS Management Plan requirements are not being met.
- E. Disclosure of the location and condition of the additional soil treatment and dispersal area on the owner's property or a property serving the owner's residence.
- F. Other requirements as determined by the Department.

§ 52.088 Requirements for SSTS not Operated under a Management Plan

SSTS that are not operated under an SSTS Management Plan must have sewage treatment tanks inspected and provide for the removal of solids if needed every three years. Solids must be removed when their accumulation meets the limit described in Minnesota Rules, Chapter 7080.2450.

SSTS OPERATING PERMIT

§ 52.095 SSTS Requiring an Operating Permit

- A. An SSTS Operating Permit shall be required of all owners of new Type IV, Type V, MSTs, or any other SSTS deemed by the Department to require operational oversight. Sewage effluent must not be discharged to the soil treatment and dispersal system until the Department certifies that the SSTS was installed in substantial conformance, as determined by the Department, with the approved plans and a valid SSTS Operating Permit is issued to the property owner.
- B. Type IV, Type V, and MSTs installed prior to the effective date of this Chapter shall require an SSTS Operating Permit upon transfer of ownership, replacement, modification, or expansion of the SSTS that requires an SSTS construction permit, or following any SSTS enforcement action.

§ 52.096 SSTS Operating Permit Application Requirements

- A. Application for an SSTS Operating Permit must be made on a form provided by the Department including:
 - 1. Property owner's name, mailing address, telephone, and email address.
 - 2. SSTS construction permit reference number and date of issue.
 - 3. Final record drawings of the SSTS.
 - 4. SSTS Operating Permit Contracts:

- a. The owner of a Type IV, Type V, MSTs, or any other SSTS deemed by the Department to require operational oversight must hold a valid contract with a licensed SSTS service provider at all times, until the time the SSTS is properly abandoned.

§ 52.097 SSTS Operating Permit Department Response

The Department is authorized to review the SSTS record drawings, operation and maintenance manual, management plan, maintenance and servicing contract, and any other pertinent documents as appropriate for accuracy and completeness. If any deficiencies are identified, the SSTS Operating Permit shall be denied until the deficiencies are corrected to the satisfaction of the Department.

§52.098 SSTS Operating Permit Terms and Conditions

The SSTS Operating Permit must include the following:

- A. SSTS performance and operating requirements.
- B. Maintenance requirements and frequency.
- C. Monitoring locations, procedures, and recording requirements.
- D. Compliance limits and boundaries.
- E. Reporting requirements of monitoring and maintenance.
- F. Requirement that the property owner and licensed SSTS service provider must notify the Department when the SSTS Operating Permit requirements are not being met.
- G. Disclosure of the location and condition of the alternate SSTS location.
- H. Stipulation of acceptable and prohibited discharges.
- I. Valid contract between the property owner and a licensed SSTS maintenance business or service provider.

§ 52.099 SSTS Operating Permit Expiration and Renewal

- A. SSTS Operating Permits shall be valid for the specific term stated on the permit as determined by the Department.
- B. An SSTS Operating Permit must be renewed prior to its expiration. If not renewed, the Department may require the SSTS to be removed from service or operated as a holding tank until the SSTS Operating Permit is renewed. If not renewed within 30 calendar days of the expiration date, the Department may require that the SSTS be abandoned in accordance with § 52.053.

§ 52.100 Amendments to Existing SSTS Operating Permits not Allowed

The Department may not amend an existing SSTS Operating Permit to reflect changes in this Chapter until the permit term has expired, unless an amendment is necessary to eliminate an imminent threat to public health or safety.

§ 52.101 SSTS Operating Permits Not Transferrable

A new property owner must apply for an SSTS Operating Permit in accordance with § 52.096 of this Chapter. The Department must not terminate the current SSTS Operating Permit until 60 calendar days after the date of the property transfer. To consider the new property owner's application, the Department may require monitoring by a licensed SSTS service provider in accordance to § 52.103.

§ 52.102 Suspension or Revocation of SSTS Operating Permits

- A. The Department may suspend or revoke any SSTS Operating Permit issued under this section for any false statements or misrepresentations of facts on which the SSTS Operating Permit was issued or if an imminent threat to public health exists.
- B. Notice of suspension or revocation and the reasons for revocation must be conveyed in writing to the property owner.
- C. If suspended or revoked, the Department may require that the SSTS be removed from service, operated as a holding tank, or abandoned in accordance with § 52.053.
- D. At the Department's discretion, the SSTS Operating Permit may be reinstated or renewed upon the property owner taking appropriate corrective actions.

§ 52.103 Monitoring Requirements for SSTS Operating Permits

- A. Monitoring of an SSTS must be performed by a licensed SSTS service provider hired by the holder of the SSTS Operating Permit in accordance with the monitoring frequency and parameters stipulated in the SSTS Operating Permit.
- B. A monitoring report must be prepared and certified by the licensed SSTS service provider. The report must be submitted to the Department on or before the reporting date stipulated in the SSTS Operating Permit. The report must contain a description of all maintenance and servicing activities performed since the last monitoring report as described below:
 1. Property owner's name and address.
 2. SSTS Operating Permit number.
 3. Average daily flow since last monitoring report.
 4. Description of type of maintenance and date performed.
 5. Description of samples taken (if required), analytical laboratory used, and results of analyses.
 6. Problems noted with the SSTS, and actions proposed, or taken, to correct them.
 7. Name, signature, and license number of the licensed SSTS service provider who performed the work.

PROHIBITIONS

§ 52.120 Occupancy or Use of a Structure without a Compliant SSTS

It is unlawful for any person to maintain, occupy, or use any dwelling or structure with plumbing that is not:

- A. Connected to a municipal wastewater treatment system; or
- B. Provided with an SSTS that disposes of wastewater in a manner that complies with the provisions of this Chapter.

§ 52.121 Sewage Discharge to Ground Surface or Surface Water

It is unlawful for any person to construct, maintain, or use any SSTS, regulated under this Chapter, that results in raw or partially treated wastewater seeping to the ground surface or flowing into any surface water. Any surface discharging system must be permitted under the National Pollutant Discharge Elimination System program by the MPCA.

§ 52.122 Sewage Discharge to a Well or Boring

It is unlawful for any person to discharge raw or treated wastewater into any well or boring as described in Minnesota Rules, Chapter 4725.2050, or any other excavation in the ground that is not in compliance with this Chapter.

§ 52.123 Discharge of Hazardous or Deleterious Materials

It is unlawful for any person to discharge into any SSTS, regulated under this Chapter, any hazardous or deleterious material that adversely affects the treatment or dispersal performance of the system or groundwater quality.

§ 52.124 Conflicts of Interest

A licensed SSTS inspector working on behalf of a local unit of government must not design or install SSTS that the inspector/business will be responsible for permitting or inspecting as part of its local government duties. A person working for or on behalf of a local unit of government is not allowed to use the person's position to solicit for private business gain.

VARIANCES

§ 52.130 Variance Requests

A property owner may request a variance from the standards as specified in this Chapter pursuant to County policies and procedures.

§ 52.131 Affected Agency

Variances that pertain to the standards and requirements of the State of Minnesota must be approved by the affected State Agency pursuant to the requirements of the State Agency.

§ 52.132 Board of Adjustment

The Board of Adjustment has the authority to consider variances in accordance with Minnesota Rules, Chapter 7080, Chapter 7081, and Chapter 7082. Variances shall only be allowed when they are in harmony with the general purposes and intent of this Chapter where there are practical difficulties or particular hardship in meeting the strict letter of this Chapter. Applicants must follow the requirements of Carver County Zoning Code, § 152.215.

The Board of Adjustment may not grant variances to the following standards:

- A. Flow determinations under Minnesota Rules, Chapter 7081.0110, if the deviation reduces the average daily estimated flow from greater than 10,000 gallons per day to less than 10,000 gallons per day.
- B. Provisions in Minnesota Rules, Chapter 7080.2150, Subpart 2, Items A-D, and 7081.0080, Subparts 2 - 5, regarding the vertical separation required beneath the distribution media and saturated soil or bedrock from the required three feet of unsaturated soil material, except as provided in Minnesota Rules, Chapter 7080.2350, must be approved by MPCA.
- C. Variances to wells and water supply lines must be approved by the Minnesota Department of Health.

SSTS PRACTITIONER LICENSING

§ 52.140 SSTS Practitioner Licensing

No person shall engage in site evaluation, inspection, design, installation, construction, alteration, extension, repair, maintenance, or pumping of an SSTS without an appropriate and valid license issued by the MPCA, except as exempted in § 52.141.

§ 52.141 SSTS Business License Exemptions

An SSTS business license is not required for:

- A. An individual who is a qualified employee performing work as directed by a state or local government employer.
- B. A property owner who properly abandons an SSTS provided a final inspection is conducted by the Department or licensed SSTS professional.
- C. An individual who performs supervised labor or services as an employee of a licensed SSTS business.
- D. A farmer who pumps septage from an SSTS that serves dwellings or other establishments that are owned or leased by the farmer and applies septage on land that is owned or leased by the farmer.
- E. A property owner, who personally gathers existing information, evaluates, and investigates an SSTS, to provide a disclosure as defined in Minnesota Statutes, section 155.55, Subdivision 6, for a dwelling that is owned by the individual and functions solely as a dwelling or seasonal dwelling for that individual.
- F. An individual who maintains a toilet waste treatment device for a dwelling that is owned by the individual and functions solely as a dwelling or seasonal dwelling for that individual.
- G. An individual who performs tasks identified in the SSTS Management Plan, that does not require an SSTS maintainer or service provider license, for a dwelling that is owned by the individual and functions solely as a dwelling or seasonal dwelling for that individual.
- H. The owner or designee of a campground or other similar facility who removes and transports sewage wastes from recreational vehicles into a holding or treatment system located on the same property as the facility.

§ 52.142 SSTS Licensed Designer Responsibilities

It is the responsibility of the licensed SSTS designer to submit a design of sufficient detail to allow adequate review for compliance by the Department. At a minimum the following is required:

- A. A detailed design using worksheets approved by the Department.

- B. The soil observation data must be dated within 12 months of the date of the SSTS construction permit application and verify that there are two soil treatment and dispersal areas, that can support systems as described in Minnesota Rules, Chapters 7080.2210 through 7080.2230, or site conditions described in Minnesota Rules, Chapter 7081.0270, Subparts 3 through 7, available on the lot. Lots existing prior to January 23, 1996 must provide for one complete SSTS.
- C. The site plan must be drawn to scale, include a North arrow, horizontal, and vertical reference points for the proposed SSTS. The site plan must also include:
 - 1. The location of all soil observations and other testing, all wells and their depth(s) within 100 feet of the proposed SSTS, and water lines within 50 feet.
 - 2. Any evidence of cut, filled, disturbed, compacted, or other unsuitable soil on the lot. SSTS proposed in these areas may require a method to determine the timed rate of water flowing through the soil. Acceptable methods include, but are not limited to: percolation tests, permeameter tests, and infiltrometer tests.
 - 3. The distance from proposed SSTS to all other required setbacks including: existing or proposed structures, or improvements, easements, Ordinary High Water Level, property line(s), and road right of way(s).
 - 4. Slope with percent and direction.
 - 5. Elevations of the soil observations, periodically saturated soils, and the proposed bottom of the soil treatment and dispersal system in reference to a bench mark. Flood elevation and/or OHW, are to be included if applicable.
- D. The center of each trench, corners of the bed, and any toe slopes must be staked. The entire area is to be protected from disturbance, compaction, or other damage by installing snow or silt fence when there is any other construction proposed on the property.
 - 1. SSTS soils altered by construction traffic or other means will require a revised design be submitted to the Department along with any required fees.
- E. If a proposed SSTS design cannot meet a technical requirement of this Chapter, Minnesota Rules, Chapter 7080, or Chapter 7081, it is the responsibility of the licensed SSTS designer to contact the Department before the design is completed.
- F. Reuse of any tank(s) for a replacement SSTS must include the MPCA Tank Integrity and Safety Compliance form and be included with the SSTS design and SSTS construction permit application.
- G. Submit any additional requirements as may be required by the Department or the MPCA.

§ 52.143 SSTS Licensed Installer Responsibilities

It is the responsibility of the licensed SSTS installer to:

- A. Verify the SSTS layout and placement, proper soil moisture conditions for excavation, elevations of sewage tanks, and soil treatment and dispersal system.
- B. Ensure all work is installed in strict accordance with the design as approved by the Department. If the system is not or cannot be constructed as designed, it shall be the responsibility of the licensed SSTS installer to inform the licensed SSTS designer and the Department. If proposed changes are approved by the licensed SSTS designer and the Department, it shall be the responsibility of the licensed SSTS installer to submit new or amended designs to the Department before completing construction.
- C. Follow recommended standards and guidance documents for registered products, check the quality of tanks, and other materials used.

- D. Schedule required inspections with the Department before 3:00 pm the day before an inspection or reinspection is requested.
 - 1. Failure of the licensed SSTS installer to cancel an inspection, at least one hour before the scheduled time, will result in a penalty fee as set forth in the Carver County Fee Schedule.
 - 2. Failure to pay the penalty fee will result in a freeze on all future SSTS inspections for the affected property until the penalty fee has been paid.
 - 3. Upon inspection, any part of the SSTS that is determined, by the Department, not to be in compliance with this Chapter, Minnesota Rules, Chapter 7080, or Chapter 7081, must be properly corrected and reinspected before a Certificate of Compliance is issued.
 - 4. Additional inspections required due to violations of this Chapter will be subject to a re-inspection fee as set forth in the Carver County Fee Schedule. The re-inspection payment must be received by the Department within ten days following the re-inspection.
 - 5. If the Department is unable to complete an inspection, the licensed SSTS installer is to take photographs of critical construction phases. The photos are to be submitted along with an As Built and any other requested documentation to the Department. The Certificate of Compliance will not be issued until the Department has reviewed the submitted documentation.
 - 6. Lack of inspection(s) by the Department shall not relieve or lessen the responsibility or liability of any person owning, operating, controlling, monitoring, or installing any SSTS.
- E. Uncover, upon request from the Department, any work which is backfilled prior to scheduled inspection(s) to determine compliance.
- F. Provide, upon request from the Department, a copy of the final electrical report to the Department within ten working days of the request. The Department may withhold issuing a final Certificate of Compliance if the electrical report is not received by the Department when requested.
- G. Fulfill any additional requirements as may be required by the Department or the MPCA.

§ 52.144 SSTS Licensed Maintainer Responsibilities

It is the responsibility of the licensed SSTS maintainer to:

- A. Have equipment capable of agitating the contents of the tank(s).
- B. Thoroughly remove sludge and scum through the maintenance holes.
 - 1. If the property owner or owner's agent refuses to allow removal through the maintenance hole, the maintainer must obtain a signed statement from the property owner or owner's agent, stating said parties were informed of correct removal procedures and reason for refusal. A copy of this statement must be submitted to the Department within 30 days of the pumping.
- C. Note any sensory observations of nondomestic wastes that have been discharged into the SSTS.
- D. Assess the condition of baffles, effluent screens, maintenance hole covers and extensions.
- E. Verify that the tank(s) and all connections are watertight.
- F. Submit a tank maintenance report for each property on forms approved by the Department, to the Department and the property owner. The amount pumped, method, and location of septage disposal must also be included on said form.
- G. Remove all septage from the tank(s) in a sealed container and dispose of in accordance with State, Federal, and Local requirements.

1. If septage is to be disposed of into a municipally-controlled wastewater treatment system or into a Metropolitan Waste Control Commission facility, it must be disposed of in a location and manner approved by said governmental authority.
2. If septage is to be disposed of using land application, Minnesota Pollution Control Agency (MPCA) Septage and Restaurant Grease Trap Waste Management Guidelines, Water/Wastewater-ISTS #4.20, must be followed.

H. Fulfill any additional requirements as may be required by the Department or the MPCA.

§ 52.145 SSTS Licensed Service Provider Responsibilities

It is the responsibility of the licensed SSTS service provider to:

- A. Assess the operational status and SSTS performance by sampling, measuring, and observing, to verify compliance with the SSTS Management Plan or Operating Permit.
- B. Preserve, store, and ship samples for analysis and interpret sampling results.
- C. Adjust, repair, or replace components to bring the SSTS into proper operational compliance.
- D. Report sampling results, operational observations, system adjustments, and other management activities, in compliance with local ordinances, SSTS Management Plans or Operating Permit requirements, before December 1st each year to the property owner and the Department.
- E. Observe and provide written reports of any noncompliance to the property owner and the Department within 30 days.
- F. Fulfill any additional requirements as may be required by the Department or the MPCA.

§ 52.146 SSTS Licensed Inspector Responsibilities

It is the responsibility of the licensed SSTS inspector to:

- A. Submit the completed Minnesota Pollution Control Agency Compliance Inspection Form for Existing SSTS to the Department and the property owner within 15 calendar days from the date of the inspection.
- B. Fulfill any additional requirements as may be required by the Department or the MPCA.

§ 52.147 Periodically Saturated Soil Disagreements

If a documented discrepancy arises on the depth of the periodically saturated soil between licensed individuals for SSTS design or compliance purposes, all disputing parties must follow the procedure outlined in Minnesota Rules, Chapter 7082.0700, Subpart 5.

ADMINISTRATION

§ 52.155 Public Education Outreach

Programs may be provided by the Department and/or others to increase public awareness and knowledge of SSTS. Programs may include distribution of educational materials through various forms of media and SSTS workshops focusing on SSTS planning, construction, operation, maintenance, and management.

§ 52.156 Record Keeping

The Department will maintain records of SSTS construction permit applications, issued SSTS construction permits, fees assessed, variance requests, Certificates of Compliance, Notices of Noncompliance, enforcement proceedings, site evaluation reports, design reports, record drawings, management plans, operating permits maintenance reports, an annual list of all sewage tanks installed in the County sorted by licensed SSTS installers, and other records relevant to each SSTS.

§ 52.157 Annual Report

The Department shall provide an annual report of SSTS permitting activities to the MPCA.

SSTS COMPLIANCE INSPECTION PROGRAM

§ 52.165 Department Responsibility

The Department, or its agent, is authorized to perform various SSTS inspections to assure that the requirements of this Chapter are met.

- A. The Department must be given access to enter a property at any reasonable time to inspect and/or monitor the SSTS. As used in this paragraph, “property” does not include a residence or private dwelling.
- B. No person shall hinder or otherwise interfere with the Department’s performance of their duties and responsibilities pursuant to this Chapter. Refusal to allow reasonable access to the property by the Department shall be deemed a separate and distinct offense.

§ 52.166 New SSTS Construction or Replacement

- A. Inspections must be performed on new or replacement SSTS to determine compliance with Minnesota Rules, Chapters 7080 or Chapter 7081, by a qualified employee or licensed SSTS inspection business, authorized by the Department, who is independent of the property owner and the licensed SSTS installer.
 1. Inspections for Type I SSTS may include, but are not limited to: soil verification, pre-rough up (if needed), tank installation, distribution media/pipe installation, and final inspection.
 2. Inspections for all other SSTS Types will include applicable Type I SSTS inspections, and additional inspections, as determined necessary by the Department.
- B. The soil treatment and dispersal system must not be placed into operation until a Certificate of Compliance has been issued.
- C. A Certificate of Compliance must be issued by the Department, if the Department has reasonable assurance that the SSTS was built in accordance with the applicable requirements as specified in the SSTS construction permit.
- D. The Certificate of Compliance must include a certified statement by the qualified employee or licensed SSTS inspector, authorized by the Department, who conducted the inspection that the SSTS is or is not in compliance with the Chapter requirements.
- E. Certificates of Compliance for new SSTS construction or replacement shall remain valid for 5 years from the date of issue, unless the Department finds evidence of noncompliance.

§ 52.167 Existing SSTS Compliance Inspection

- A. Compliance inspections of existing SSTS are required:
 1. Before any permit or variance is issued for a property with an SSTS located in a Shoreland Area (1000 feet of a lake, pond, or flowage; or 300 feet of a river or stream, or the landward extent of a floodplain), subject to the exceptions in Carver County Zoning Code, § 152.122.
 2. When there is a change in the use of the property or structure(s) that would affect water use, including but are limited to: a permit or variance to expand a structure for the purpose of a bedroom, home business, contractor’s yard, or daycare. The Certificate of Compliance must also certify that all components are sized to State minimum requirements for the additional bedroom or the change in use.
 3. When an SSTS construction permit is required to repair, modify, or upgrade an existing SSTS.
 4. At the time of property sale or transfer, in accordance with § 52.169. Any evaluation, investigation, inspection, recommendation, or other process used to prepare a disclosure statement, if conducted by a party who is not the SSTS owner, constitutes a compliance inspection, and must be conducted in accordance with Minnesota Rules, Chapter 7080.1500.
 5. When there is a division of land pursuant to Carver County Zoning Code, § 152.035 (D).
 6. During systematic lake or area wide SSTS surveys by the Department as described in § 52.043.
 7. Any time that a building permit is applied for and no record of a soil treatment and dispersal system exists.

- B. When a compliance inspection is required and cannot be completed, due to frost conditions, during the period of November 1 to April 30, permits or land use application(s) pursuant to § 52.167 (A) can be issued provided an escrow account is provided in the amount set forth in the Carver County Fee Schedule. A compliance inspection must be performed before the following June 1 and/or the SSTS is brought into compliance by the following September 30.
- C. Compliance inspections of existing SSTS must be reported on the inspection report forms provided by MPCA. The following conditions, must be assessed or verified:
 - 1. Tank watertightness assessment must be completed by pumping all of the tanks. A valid Tank Integrity Report from a licensed SSTS maintainer must be provided.
 - 2. A soil separation compliance assessment must be completed by a licensed inspection business or a qualified employee inspector with jurisdiction. Compliance must be determined either by conducting new soil observations or by prior soil separation documentation made by two independent parties. The soil observations used for system design or previous inspections are allowed to be used if they contain the information required in Minnesota Rules, Chapter 7080.1720, Subpart 5, Items B, D, and F. If the soil separation has been verified by two independent parties, a subsequent determination is not required unless requested by the owner or owner's agent.
 - 3. Sewage backup, surface seepage, or surface discharge including a hydraulic function report.
 - 4. Compliance with the SSTS Management Plan or SSTS Operating Permit if applicable.
- D. The Certificate of Compliance must include a certified statement by a licensed SSTS inspector, indicating whether the SSTS is in compliance with Chapter requirements. If the SSTS is determined not to be in compliance with the applicable requirements, a Notice of Noncompliance must include a statement specifying those Chapter provisions with which the SSTS does not comply.
- E. SSTS that are determined to have operation or monitoring deficiencies must immediately be maintained, monitored, or otherwise managed according to the SSTS Operating Permit.
- F. SSTS found to be noncompliant with other applicable requirements must be brought into compliance with this Chapter within the timeframes established in § 52.050 and § 52.051.
- G. The Certificate of Compliance or Notice of Noncompliance must be submitted to the Department no later than 15 calendar days after the date the existing SSTS compliance inspection was performed.
- H. Certificates of Compliance for existing SSTS shall remain valid for 3 years from the date of issue unless the Department finds evidence of noncompliance.
- I. The Department may waive an existing SSTS compliance inspection required by this Chapter, if the owner of the real property served by an existing SSTS acknowledges in writing to the Department that the existing SSTS is not compliant and will be brought into compliance with this Chapter within 10 months.

§ 52.168 Compliance Criteria for Existing SSTS

- A. SSTS that were built before April 1, 1996, are outside of areas designated as shoreland and wellhead protection areas, and do not service a food, beverage, or lodging establishment, must have at least two feet of vertical separation between the bottom of the distribution media and the periodically saturated soil and/or bedrock. The vertical separation measurement must be made outside the area of system influence but in an area of similar soil.
- B. SSTS built after March 31, 1996 or SSTS located in a shoreland area, wellhead protection area, or serving a food, beverage, or lodging establishment as defined in Minnesota Rules, Chapter 7080.1100, Subpart 84, must have three feet of vertical separation between the bottom of the distribution media and the periodically saturated soil and/or bedrock. The vertical separation measurement must be made outside the area of system influence but in an area of similar soil. Existing SSTS that have no more than a 15 percent reduction in this separation distance (a separation distance no less than 30.6 inches) to account for settling of sand or soil, normal variation of separation distance measurements, and interpretation of limiting layer characteristics, may be considered compliant under this Chapter.

§ 52.169 Transfer of Properties

- A. Whenever a conveyance of land occurs, the following requirements shall be met:
1. The seller of the property is responsible for providing a completed Carver County Point of Sale Certificate and MPCA Existing SSTS Compliance Inspection Form, with any required attachments, to the buyer at or before closing. These documents shall provide the status and location of all known SSTS and components thereof on the property and, if applicable, the requirements for bringing the SSTS into compliance with this Chapter.
 2. The buyer is responsible to file the Carver County Point of Sale Certificate, and required attachments, along with the Certificate of Real Estate Value at the County Auditor's Office.
 3. If the seller fails to provide a Certificate of Compliance, sufficient security must be established in the form of an escrow account to assure the installation of a complying SSTS. The security, in the amount set forth in the Carver County Fee Schedule, shall be placed in an escrow with a licensed real estate closer, licensed attorney-at-law, or federal or state chartered financial institution. The SSTS must be installed within the time frame established in § 52.050 and § 52.051. After a complying SSTS has been installed and a Certificate of Compliance issued, the escrow may be released.
- B. The MPCA Existing SSTS Compliance Inspection Form need not be obtained if the sale or transfer involves one of the following circumstances:
1. Tract of land is vacant or contains no structures with plumbing fixtures.
 2. The SSTS serving the existing dwelling or other structure with plumbing has been abandoned per § 52.053. Attach the MPCA's SSTS Abandonment Reporting Form.
 3. The transfer does not require the filing of a Certificate of Real Estate Value, as described in Minnesota Statutes, section 272.115.
 4. The transfer is a foreclosure or tax forfeiture. This subsection applies only for the transfer from the original mortgagee, to the financial/lending institution or Local Unit of Government. The subsequent transfer shall meet the requirements of this Chapter.
 5. A refinance of a property.
 6. The sale or transfer is to the seller's spouse or ex-spouse only. The sale or transfer may be by deed, through a joint tenancy, of a testamentary nature, or by trust document.
 7. The sale or transfer completes a contract for deed or purchase agreement entered into prior to February 24, 1998. This subsection applies only to the original vendor and vendee on such a contract.
 8. Dwellings or other structures connected exclusively to a municipal wastewater treatment system. Including 201 systems which discharge directly to the Metropolitan Council Environmental Services interceptor/collector sewer and do not utilize a septic tank(s) or soil treatment and disposal system.
- C. All property conveyances subject to this Chapter occurring during the period between November 1st and April 30th, and SSTS compliance cannot be determined due to frozen soil conditions, shall have an escrow account established pursuant to the Carver County Fee Schedule. The buyer is responsible to have the compliance inspection completed by the following June 1st by a licensed SSTS inspector. If, upon inspection, the SSTS is found to be in compliance, the funds in escrow may be released. If, upon inspection, the SSTS is found to be non-compliant, the SSTS shall be brought into compliance within 10 months from the date of property transfer.
- D. Should the seller fail to have the compliance inspection completed, and neither party established an escrow account, the buyer of the property becomes wholly responsible and shall have a Certificate of Compliance on the existing SSTS submitted to the Department within 30 days of the property transfer or have the SSTS brought into compliance within 90 days of the property transfer.

ENFORCEMENT

§ 52.175 Violation a Misdemeanor

Any person, firm, agent, or corporation who violates any of the provisions of this Chapter, or who fails, neglects, or refuses to comply with the provisions of this Chapter, including violations of conditions and safeguards, or who knowingly makes any material false statement, or knowing omission in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable as defined by Minnesota State Statutes. Each day that a violation exists shall constitute a separate offense.

§ 52.176 Notice of Violation

The Department is authorized to serve, in person or by mail, a notice of violation to any person determined to be violating provisions of this Chapter. The notice of violation may contain:

- A. A statement documenting the findings of fact determined through observations, inspections, or investigations.
- B. A list of specific violation(s) of this Chapter.
- C. Specific requirements for correction or removal of the specified violation(s).
- D. A mandatory time schedule for correction, removal, and compliance with this Chapter.

§ 52.177 Cease and Desist Orders

Cease and desist orders may be issued when the Department has probable cause that an activity regulated by this, or any other provision of this Chapter, is being, or has been conducted without an SSTS construction permit, or in violation of an SSTS construction permit. When work has been stopped by a cease and desist order, the work shall not resume until the reason for the work stoppage has been completely satisfied, any administrative fees paid and the cease and desist order lifted.

§ 52.178 Civil Remedies

In the event of a violation or a threat of a violation of this Chapter, the County may institute appropriate civil actions or proceedings, including injunctive relief, to prevent, restrain, correct, or abate such violations or threat of violations. The County may recover costs incurred for corrective action in a civil action in any court of competent jurisdiction, and such costs may be certified by court order to the County Auditor as a special tax against the real property. These and other remedies, as determined appropriate by the County, may be imposed upon the property owner, permittee, licensed SSTS installer, or other responsible person, either in addition to or separate from other enforcement actions.

§ 52.179 Interpretation

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the County, and shall not be deemed a limitation or repeal of any other powers granted by Minnesota Statutes.

§ 52.180 Severability

If any section, clause, provision, or portion of this Chapter is adjudged unconstitutional or invalid by a court of law, the remainder of this Chapter shall not be affected and shall remain in full force.

ADOPTION

§ 52.190 Adoption

The Carver County Subsurface Sewage Treatment System Chapter is hereby adopted by the Carver County Board of Commissioners on the _____ day of May, 2011.

Chairperson, Carver County Board of Commissioners

ATTEST: _____

EFFECTIVE DATE: May _____, 2011

COUNTY OF CARVER
BOARD OF COMMISSIONERS

DATE _____ RESOLUTION NO. _____

MOTION BY COMMISSIONER _____ SECONDED BY COMMISSIONER _____

**A RESOLUTION ADOPTING ORDINANCE 67-2010,
AMENDING CHAPTER 52 SEWAGE TREATMENT SYSTEM.**

WHEREAS, the Planning Commission adopted Resolution #11-03 recommending amendments to Chapter 52, Sewage Treatment System; and,

WHEREAS, the Minnesota Rules, Chapters 7080, 7081, 7082, and 7083 have been adopted and the Carver County Code of Ordinances must be consistent; and numerous text changes were necessary to update outdated sections, clarify definitions, reference appropriate rules, and chapters; and,

WHEREAS, the Planning Commission's recommendation, and other testimony were duly considered at a public hearing held by the Carver County Board at its regular meeting of May 17, 2011 and the County Board finds as follows:

1. The amendments are in conformance with Minnesota Rules, Chapters 7080, 7081, 7082, and 7083.
2. The amendments are not in conflict with any other official controls.
3. The amendments will not be detrimental to the health, safety or general welfare.

THEREFORE, BE IT RESOLVED, THAT The Carver County Board of Commissioners hereby adopts Ordinance 67-2010, Amending the County Code.

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

STATE OF MINNESOTA
COUNTY OF CARVER

I, Dave Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the _____ day of _____, 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. _____
County Administrator



REQUEST FOR BOARD ACTION

AGENDA ITEM: Resolution in support of Minnesota Accountable Government, Innovation and Collaboration (MAGIC) Act

Originating Division: Administration

Meeting Date: 5/17/11

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:

The Association of Minnesota Counties is urging County Boards to adopt the attached Resolution in support of the Minnesota Accountable Government, Innovation and Collaboration (MAGIC) Act.

ACTION REQUESTED: Adopt Resolution.

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: 5/10/11



BOARD OF COUNTY COMMISSIONERS CARVER COUNTY, MINNESOTA

Date: May 17, 2011

Resolution No.: _____

Motion by Commissioner: _____

Seconded by Commissioner: _____

Minnesota Accountable Government, Innovation and Collaboration (MAGIC) Act

WHEREAS, Minnesota and its counties face significant demographic trends that will require innovative approaches to program delivery in order to adequately meet the growing and changing needs of citizens;

WHEREAS, counties with innovative ideas should be provided the requisite opportunity and flexibility to successfully implement those ideas so as to best serve their communities,

WHEREAS, counties across Minnesota boast significant geographic, demographic and economic diversity that thus requires maximum flexibility in programmatic implementation,

WHEREAS, counties are willing and able to identify, implement and methodically verify increased programmatic efficiencies through a process that will cultivate and sustain a strong and trusting state-local partnership, and

WHEREAS, transitioning to an outcomes-based system of program evaluation is in the best interest of every Minnesota citizen and government that desires to maximize public resources and enhance the quality of life in their community to the fullest extent possible,

BE IT THEREFORE RESOLVED, that Carver County recommends that the Legislature and governor work cooperatively with all 87 counties to swiftly pass the MAGIC Act into law during the 2011 legislative session, thus implementing a system that will enhance and incent local government efficiency and innovation throughout Minnesota by:

1. Allowing counties to take any action not prohibited by state law to provide for the health, safety and general welfare of the public; and
2. Creating a measured, outcomes-based waiver process whereby counties, in partnership with the legislative and executive branch of state government, can implement efficiency-based, time-limited pilot programs that are subject to final review by the Legislature and governor and will create a repository of best practices so as to improve long-term policy decisions across the state.

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 17th day of May, 2011, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 17th day of May, 2011.

County Administrator