



Carver County Board of Commissioners  
 November 15, 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"> <li>a) <b>CONVENE</b></li> <li>b) <b>Pledge of allegiance</b></li> <li>c) <b>Public comments (limited to five minutes)</b></li> <li>d) <b>Introduction of New Employees</b></li> </ul>	
	2.	Agenda review and adoption	
	3.	Approve minutes of November 1, 2011 Regular Session .....	1-4
	4.	Community Announcements	
4:00 p.m.	5.	<b>CONSENT AGENDA</b>	
		<i>Communities: Create and maintain safe, healthy and livable communities</i>	
	5.1	Accept Project SP 010-610-043/SP 10-92-0001 as complete and approve final payment.....	5
	5.2	Appointment of County Surveyor .....	6
	5.3	Joint powers agreement with Internet Crimes Against Children .....	7
		<i>Culture: Provide an organizational culture which fosters individual accountability to achieve goals and sustain public trust and confidence in County government</i>	
	5.4	Approval of out of state travel .....	8
		<i>Finances: Improve the County's financial health and economic profile</i>	
	5.5	Abatements/additions .....	9-10
	5.6	Energy consulting contract-Energy Management Solutions, Inc.....	11
	5.7	Community Social Services warrants .....	NO ATT
	5.8	Commissioners' warrants.....	SEE ATT
4:15 p.m.		ADJOURN REGULAR SESSION	

**Work Session Agenda**

4:15 p.m.	A.	<b>GROWTH: Manage the challenges and opportunities resulting from growth and development</b>	
	1.	Parks and Trails CIP.....	12
	2.	Road and Bridge CIP.....	13

5:00 p.m.

**B. CONNECTIONS: Develop strong public partnerships and connect people to services and information**

1. 2012 Legislative Priorities..... 14-23

5:30 p.m.

**BOARD REPORTS**

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

David Hemze  
County Administrator

**UPCOMING MEETINGS**

- |                   |   |
|-------------------|---|
| November 22, 2011 | 9:15 a.m. Board Meeting                               |
| November 29, 2011 | 11:00 a.m. Joint Work Session with Scott County Board |
| December 1, 2011  | 6:00 p.m. Proposed 2012 Budget Public Meeting         |
| December 6, 2011  | No Meeting  |
| December 13, 2011 | 9:15 a.m. Board Meeting                               |

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on November 1, 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.

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

Ische moved, Workman seconded, to approve the minutes of the October 25, 2011, Regular Session. Motion carried unanimously.

Community announcements were made by the Board.

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

Entered into a membership agreement/contract amendment with the National Association of Counties and Caremark to join the NACo Prescription Discount Card Program.

Resolution #56-11, Establishing a Program to Accelerate the Elimination of Direct Discharge Subsurface Treatment Systems in Carver County.

Authorized the issuance of a Certificate of Zoning Compliance (#A20110230) for the March 10, 2012, 2<sup>nd</sup> Annual Central Raiders Wrestling Club Winter Splash at Baylor Park.

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

Approved reduction in 1.0 FTE social worker II to .8 FTE and increase a .5 FTE social worker II to .7 FTE.

Community Social Services' actions.

Approved payment of the following Commissioners' warrants:

INSERT

Motion carried unanimously.

Degler moved, Ische seconded, to open the public hearing on the Community Development Agency's request for the County to provide its general obligation pledge to CDA bonds. Motion carried unanimously.

Julie Frick, CDA, explained they were asking the County to pledge their general obligation to complete the acquisition of 114 units of subsidized housing in Chaska

Kathy Aho, CDA attorney, reviewed the background of the request. She pointed out the proposed financing for three projects that included the issuance of 2.2 million of County backed general obligation bonds for the purchase of Waybury Apartments and the two refinancing projects. She stated the benefits of the County backing would reduce interest rate, help to reduce the amount that needs to be borrowed and reduce debt service.

She highlighted the statutory requirements and indicated the CDA held their public hearing on October 20<sup>th</sup>. She stated any bond secured by the general obligation pledge counts against the overall debt service limits for this type of housing.

Aho indicated Waybury Apartments were constructed in 1979 and the purchase would be accomplished by assuming the debt obligations and additional proceeds of 2.2 million. She stated the property had been appraised and supports the purchase price. Aho indicated the project has 114 rental units and will preserve affordable housing in the County. She identified the sources and uses of funds for the acquisition.

She highlighted the estimated net revenues available for debt service coverage, pointing out the debt coverage was above the minimum Statutory requirement. Aho also pointed out the building has been well occupied in the recent past. She indicated if the request is granted bonds would be sold in November and the closing held in December.

She clarified the second two refinancing proposals do not require a public hearing as they are refunding existing bond issues for the Town Center and Bluff Creek projects. She reviewed the estimated refunding savings.

Aho highlighted the maximum amount of general obligation bonds that may be issued under Statutes and the County's remaining bonding capacity.

Frick clarified MHF has to approve any potential buyer and, at this point, would require a nonprofit or public entity to assume the debt.

David Hemze, County Administrator, recommended the Board should have a broader policy discussion on the County's remaining bonding capacity for this type of housing.

No public testimony was received.

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

Ische offered the following Resolution, seconded by Degler:

Resolution #57-11  
Approving the Pledge by the Carver County Community Development Agency of the  
Full Faith and Credit of Carver County to Housing Development Bonds to be  
Issued by the CDA

On vote taken, all voted aye.

Lynch moved, Degler seconded, to open the public hearing on creating the Engler Boulevard tax abatement district. Motion carried unanimously

David Frischmon, Finance, explained back in August the Board approved a joint powers agreement with the City of Chaska and included in that agreement was the County's contribution of 1.4 million for the Engler Boulevard improvements. He noted the recommended financing for the project was to create a tax abatement district.

He pointed out the County Board's tax abatement policy for development driven projects. He indicated the County's portion of the new tax revenues would be diverted from the new tax base and would be used to pay debt service with no impact to the rest of the County's tax base. He stated, following the public hearing, he would be asking the Board to call for the bond sale.

No public testimony was received.

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

Ische offered the following Resolution, seconded by Degler:

Resolution #58-11  
Approving Property Tax Abatements for Public  
Improvement Projects

On vote taken, all voted aye.

Lynch offered the following Resolution, seconded by Ische:

Resolution #59-11  
Providing for the Sale of \$1,485,000 G.O  
Tax Abatements Bonds, Series 2012A

On vote taken, all voted aye.

David Hemze, County Administrator, appeared before the Board to review his recommended 2012 budget and levy. He thanked the Board for the direction they provided. He explained the County was a service provider and highlighted the services provided to taxpayers. Hemze pointed out the continued pattern of mitigating property taxes on an average value home and stated taxes have been decreasing since 2005.

David Frischmon, Finance, reviewed the 2012 overall budget strategy and 2.9% across the board cut resulting in 1.3 million in levy savings. He explained the impact of the elimination of the market value homestead credit and the plan to shift 1.4 million from county program aid to the operating budget.

He reviewed the proposed 2012 revenue and expenditure categories and clarified the increase in capital outlay was primarily for Road and Bridge projects paid for by grants or money set aside from bond sales.

Frischmon pointed out the levy savings by division. He stated the largest savings came from staffing with the voluntarily early retirement program creating opportunities to not fill vacancies and avoid layoffs. He identified capital projects and funding sources and pointed out the 1.4 million county program aid shift may impact pay as you go projects.

Frischmon highlighted the tax impact to residential and commercial properties. He noted the public hearing on December 1<sup>st</sup> and plan to adopt the budget December 13<sup>th</sup>.

The Board thanked Hemze and Frischmon for the update.

Chair Maluchnik explained he needed to leave the Board meeting at this time to attend a meeting of State business leaders and turned the gavel over to Vice Chair Lynch.

Martin Walsh, Parks, requested the Board approve agreements for the Lake Minnewashta Regional Park and TH 41 trail and underpass. He explained a trail underpass was part of the Parks Master Plan and 41 was recognized as a barrier to getting in the Park. He indicated they did apply for transportation enhancement funds and were successful in receiving one million.

He reviewed the scope of the project that included 1.6 miles of trail construction inside the Park, one mile along TH 41 and the construction of a TH 41 underpass. He stated trees would need to be removed in certain areas due to the steep slopes. Walsh explained the funding breakdown and project timeframe.

Ische moved, Degler seconded, to approve the joint powers agreement with the City of Chanhassen and authorized the County Administrator to sign; to adopt Resolution #60-11, Approval of Limited Use permit within State Highway Right of Way, Approval of Permanent Easement in Lake Minnewashta Regional Park and Authorization of Right of Way Certificate #1 for Lake Minnewashta Regional Park, TH 41 Trail and Underpass Project SP 010-090-003 and authorized the County Engineer to sign plans and specification for the project and authorized the project to be advertised for bid. Motion carried.

Ische moved, Degler seconded, to adjourn the Regular Session at 10:40 a.m. Motion carried.

David Hemze  
County Administrator

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Accept Project SP 010-610-043 / SP 10-692-001 as Complete and Approve Final Payment**

Primary Originating Division/Dept: <u>Public Works - Engineering</u>	Meeting Date: <u>11/15/2011</u>
Contact: <u>Scott A. Smith</u> Title: <u>Project Engineer</u>	Item Type: <u>Consent</u>
Amount of Time Requested: <u>        </u> minutes	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Presenter: <u>                                </u> Title: <u>Public Works Director/County ...</u>	

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

**BACKGROUND/JUSTIFICATION:**

Project SP 010-610-43 / SP 010-692-001 [Minn. Proj. No. STPX 1011 (245)] - CSAH 10 and CSAH 92 included bituminous milling, bituminous overlaying and paving the existing aggregate shoulders. CSAH 10 was from TH 7 to the City of Watertown and Overlaying & Paving aggregate shoulders on CSAH 92 was from CR 155 to the Hennepin Co. Line.

The original project contract amount was \$1,428,294.56. The total of all work done by Wm. Mueller & Sons is \$1,403,403.86. All work and warranty work for this project was completed by fall 2011.

The county has made payment for all work done, but per the contract has retained 5% in the amount of \$70,170.19.

Wm. Mueller & Sons has requested all retainage be released and the contract between them and Carver County be closed. Staff has reviewed the work done for this project and sees it as complete and is recommending to finalize it.

Since this is a federal project it requires a final inspection and approval by State Aid office. This final inspection and approval was done on 10/17/2011.

Final payment consists of releasing the \$70,170.19 retainage to Wm. Mueller & Sons. Board Action is needed to release all retainage and finalize the contract.

**ACTION REQUESTED:**

Approve the project as complete and authorize final payment of \$70,170.19 to Wm. Mueller & Sons.

**FISCAL IMPACT:** Included in current budget

*If "Other", specify:*

**FTE IMPACT:** None

**FUNDING**

County Dollars =	<b>\$0.00</b>
Federal Funds =	\$750,000.00
County State Aid (gas t...	\$653,403.86
<b>Total</b>	<b>\$1,403,403.86</b>

Related Financial/FTE Comments:

*Office use only:*  
RBA 2011 - 855

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Appointment of County Surveyor**

Primary Originating Division/Dept: <u>Public Works</u>	Meeting Date: <u>11/15/2011</u>
Contact: <u>Lyndon Robjent</u> Title: <u>Public Works Director</u>	Item Type: <u>Consent</u>
Amount of Time Requested: <input type="text"/> minutes	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Presenter: <input type="text"/> Title: <input type="text"/>	

**Strategic Initiative:**

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

**BACKGROUND/JUSTIFICATION:**

The County Surveyor is appointed by the Board of County Commissioners in accordance to Minnesota Statutes 389.011 for a term not to exceed four years. The appointment of the current County Surveyor (John Freemyer) expires December 31, 2011. To continue the services of a County Surveyor, it is recommended that Mr. Freemyer be re-appointed to a four-year term commencing on January 1, 2012.

**ACTION REQUESTED:**

Motion to re-appoint John Freemyer as County Surveyor for a four-year term commencing January 1, 2012.

**FISCAL IMPACT:** Included in current budget

*If "Other", specify:*

**FUNDING**

County Dollars =	<input style="width: 100%;" type="text"/>
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>
<b>Total</b>	<b>\$0.00</b>

**FTE IMPACT:** None

Related Financial/FTE Comments:

*Office use only:*  
RBA 2011- 838



# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Joint Powers Agreement w Internet Crimes Against Children**

Primary Originating Division/Dept: <u>Sheriff</u>	Meeting Date: <u>11/15/2011</u>
Contact: <u>David M. Williams</u> Title: <u>Lieutenant</u>	Item Type: <u>Consent</u>
Amount of Time Requested: <input type="text"/> minutes	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Presenter: <input type="text"/> Title: <input type="text"/>	

**Strategic Initiative:**

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

**BACKGROUND/JUSTIFICATION:**

This is a replacement agreement that we previously had with the Saint Paul Police Department and now is with the Bureau of Criminal Apprehension. This agreement allows us to receive free computer forensic training and equipment in exchange for our office investigating assigned cases of internet child pornography in Carver County.

**ACTION REQUESTED:**

Approval of the JPA

**FISCAL IMPACT:** None

*If "Other", specify:*

**FUNDING**

County Dollars =	<input style="width: 100%;" type="text"/>
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>
<b>Total</b>	<b>\$0.00</b>

**FTE IMPACT:** None

**Related Financial/FTE Comments:**

Position is currently funded as a detective in the CCSO.

*Office use only:*  
RBA 2011- 851

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Approval of Out-of-State Travel for Dan Koziolk**

Primary Originating Division/Dept: <u>Community Social Services</u>	Meeting Date: <u>11/15/2011</u>
Contact: <u>Dan Koziolk</u> Title: <u>Child and Family Manager</u>	Item Type: <u>Consent</u>
Amount of Time Requested: <u>        </u> minutes	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Presenter: <u>                                </u> Title: <u>                                </u>	

Strategic Initiative:  
Culture: Provide an organizational culture which fosters individual accountability to achieve goals and sustain public trust and confidence in County government.

**BACKGROUND/JUSTIFICATION:**

Casey Family Programs has scheduled a one-day work session on measuring quality and fidelity to the Signs of Safety and Structured Decision Making practice models. They are paying all expenses to bring selected people from various sites in North America that are involved with these practice models to Chicago for their meeting on December 19<sup>th</sup>. Dan Koziolk, Child and Family Manager, has been invited to participate. This meeting provides an opportunity to learn more about how we can continue to improve our effectiveness and efficiency within the practice models we have adopted in the Child and Family Department.

**ACTION REQUESTED:**

***Motion to approve out-of-state travel for Dan Koziolk to attend a one day work session on Signs of Safety and Structured Decision Making in Chicago at Casey Family Program's expense.***

<p><b>FISCAL IMPACT:</b> <u>None</u>  <i>If "Other", specify:</i>  <u>  </u></p>	<p><b>FUNDING</b></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">County Dollars =</td> <td style="width: 30%; text-align: right;"><b>\$0.00</b></td> </tr> <tr> <td>Casey Family Programs</td> <td style="text-align: right;">\$275.00</td> </tr> <tr> <td><b>Total</b></td> <td style="text-align: right;"><b>\$275.00</b></td> </tr> </table>	County Dollars =	<b>\$0.00</b>	Casey Family Programs	\$275.00	<b>Total</b>	<b>\$275.00</b>
County Dollars =	<b>\$0.00</b>						
Casey Family Programs	\$275.00						
<b>Total</b>	<b>\$275.00</b>						
<p><b>FTE IMPACT:</b> <u>None</u></p>							

Related Financial/FTE Comments:  
All expenses will be paid by Casey Family Programs.

*Office use only:*  
RBA 2011- 850

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Abatements/Additions**

Primary Originating Division/Dept: <u>PRTS - Property Taxation</u>	Meeting Date: <u>11/15/2011</u>
Contact: <u>Teri Spencer</u> Title: <u>Settlement Tech</u>	Item Type: <u>Consent</u>
Amount of Time Requested: <input type="text"/> minutes	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
Presenter: <input type="text"/> Title: <input type="text"/>	

**Strategic Initiative:**

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

**BACKGROUND/JUSTIFICATION:**

Abatements requested by taxpayers. See attached listing.

**ACTION REQUESTED:**

Recommend to approve.

**FISCAL IMPACT: Other**

*If "Other", specify:*

Not Budgeted

**FUNDING**

County Dollars =	<b>(\$791.39)</b>
Other	(\$1,639.61)
<b>Total</b>	<b>(\$2,431.00)</b>

**FTE IMPACT: None**

Related Financial/FTE Comments:

*Office use only:*  
RBA 2011- 853



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  
 November 15, 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	55.9980100	New Germany-Mayer Feed Mill	Refund of taxes paid/building removed.	316.00	0.00	-54.00	-316.00
2011	75.0233300	Paulette Erhard	Homestead	2,066.00	1,830.00	-82.03	-236.00
2011	58.6510120	Timothy & Melissa Mueller	Homestead	3,808.00	3,706.00	-38.33	-102.00
2010	25.6710010	Barbara Solum	Fire Disaster	2,808.00	1,935.00	-306.78	-873.00
2011	25.6710010	Barbara Solum	Fire Disaster	2,884.00	1,980.00	-310.25	-904.00
<b>Grand Total</b>				<b>\$11,882.00</b>	<b>\$9,451.00</b>	<b>-\$791.39</b>	<b>-\$2,431.00</b>

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Energy Consulting Contract - Energy Management Solutions, Inc.**

Primary Originating Division/Dept: <u>Administrative Services - Facilities</u>	Meeting Date: <u>11/15/2011</u>
Contact: <u>Kevin Maas</u> Title: <u>Facilities Services Manager</u>	Item Type: <u>Consent</u>
Amount of Time Requested: <u>    </u> minutes	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Presenter: <u>                    </u> Title: <u>                    </u>	

**Strategic Initiative:**

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

**BACKGROUND/JUSTIFICATION:**

Energy Management Solutions, Inc. is a Chanhasen based company that played a significant role in the Central Plant Engineering and deferred maintenance solutions. EMS has identified over \$900,000 in energy conservation and efficiency projects for the County. EMS obtained \$121,342 in utility rebates through their original County contract. This was an increase of \$53,000 over what was originally budgeted.

This contract is proposed to allow for a three year retainer to continue energy services. Services include professional engineering, data entry, benchmarking, capital project consulting, energy audits, and rebate management.

The purpose for Board approval is the three year amount and that EMS has proposed an incentive based system of payment for rebate applications/payments to the County. Staff is recommending the incentive contract to return 25% of rebates paid to EMS with the County retaining 75% of the paid rebate. In summary, this is a three year contract at \$24,000 per year for professional engineering services, plus 25% of rebates paid to the County that EMS manages through Facilities. This contract has approval of the County Attorney and Risk Management.

Depending on the number and dollar value of future rebates, the proposed contract with EMS may be cost neutral.

**ACTION REQUESTED:**

Move approval of the Contract with Energy Management Solutions, Inc.

**FISCAL IMPACT:** Included in current budget

*If "Other", specify:*

Incentive Based Rebate

**FUNDING**

County Dollars =	<b>\$72,000.00</b>
<b>Total</b>	<b>\$72,000.00</b>

**FTE IMPACT:** None

**Related Financial/FTE Comments:**

\$24k per year, \$72K three year contract; Unknown incentive based upon 25% split of Utility Rebate Applications.

*Office use only:*  
RBA 2011- 846

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Parks and Trail CIP**

Primary Originating Division/Dept: <u>Public Works - Parks</u>	Meeting Date: <u>11/15/2011</u>
Contact: <u>Marty Walsh</u> Title: <u>Parks Director</u>	Item Type: <u>Work Session</u>
Amount of Time Requested: <u>30</u> minutes	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Presenter: <u>Marty Walsh</u> Title: <u>Parks Director</u>	

**Strategic Initiative:**

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

**BACKGROUND/JUSTIFICATION:**

Staff will review with the Board CIP projects planned and possible future CIP projects as they pertain to the regional parks and trails of the County as outlined in the comprehensive plan. Staff will be seeking direction to prioritize planning , future grant application submittals, Park development/redevelopment, and land acquisition.

CIP projects and future parks and tails priorities and strategies will be incorporated in to the County Long Term Financial Plan.

**ACTION REQUESTED:**

No Action is requested.

**FISCAL IMPACT:** None

*If "Other", specify:*

**FUNDING**

County Dollars =	<b>\$0.00</b>
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>
<b>Total</b>	<b>\$0.00</b>

**FTE IMPACT:** None

Related Financial/FTE Comments:

*Office use only:*

RBA 2011- 845

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

Road and Bridge CIP

Primary Originating Division/Dept: Public Works

Meeting Date: 11/15/2011

Contact: Lyndon Robjent

Title: Public Works Director

Item Type: Work Session

Amount of Time Requested: 15 minutes

Attachments:  Yes  No

Presenter: Lyndon Robjent

Title: Public Works Director

**Strategic Initiative:**

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

**BACKGROUND/JUSTIFICATION:**

Staff will present the draft 2012 Road and Bridge Construction Program and the draft 2013-2017 CIP which will be incorporated into the County Long Term Financial Plan update.

**ACTION REQUESTED:**

No Action is requested.

**FISCAL IMPACT:** None

*If "Other", specify:*

**FUNDING**

County Dollars =

**\$0.00**

**FTE IMPACT:** None

**Total**

**\$0.00**

**Related Financial/FTE Comments:**

*Office use only:*

RBA 2011- 852

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**2012 Legislative Priorities**

Primary Originating Division/Dept: <u>Administration (County)</u>	Meeting Date: <u>11/15/2011</u>
Contact: <u>Nick Koltavy</u> Title: <u>Management Analyst</u>	Item Type: <u>Work Session</u>
Amount of Time Requested: <u>15</u> minutes	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
Presenter: <u>Dave Hemze</u> Title: <u>County Administrator</u>	

**Strategic Initiative:**

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

**BACKGROUND/JUSTIFICATION:**

Staff has drafted a list of eight legislative priorities for 2012:

1. TH 101 Minnesota River Crossing Bridge
2. Lake Waconia Regional Park Land Acquisition
3. AIS/Zebra Mussel Control
4. Management of Cormorant Population on Lake Waconia
5. County Program Aid
6. Fund or Eliminate Unfunded Mandates and Maintenance of Efforts
7. Fund Local Bridge Repair and Replacement Program
8. Legacy Funding Grant Law Changes.

Staff will be reviewing the issues and looking for Board input and direction during this work session.

**ACTION REQUESTED:**

Provide input and direction on the County's 2012 Legislative Priorities.

**FISCAL IMPACT:** None

*If "Other", specify:*

**FUNDING**

County Dollars =	<input style="width: 90%;" type="text"/>
	<input style="width: 90%;" type="text"/>
<b>Total</b>	<b>\$0.00</b>

**FTE IMPACT:** None

Related Financial/FTE Comments:

*Office use only:*  
RBA 2011- 856





CARVER  
COUNTY

**2012**

# **Legislative Platform**

*Item numbering is not a priority listing*

## **Top priorities:**

### A. Capital Projects within Carver County:

- Issue #1: TH101 Minnesota River Crossing Bridge
- Issue #2: Lake Waconia Regional Park Land Acquisition

### B. Control and Management of Invasive Species:

- Issue #3: Preventing the Spread of Aquatic Invasive Species
- Issue #4: Management of Cormorant Population on Lake Waconia

### C. Protect/Increase County Revenue Sources:

- Issue #5: County Program Aid
- Issue #6: Fund or Eliminate Unfunded Mandates and Maintenance of Efforts
- Issue #7: Fund Local Bridge Repair and Replacement Program
- Issue #8: Legacy Funding Grant Law Changes



## **Issue #1: Fund the TH 101 Minnesota River Crossing Bridge**

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### **Background**

Flooding from snow melt and rainfall often closes the Trunk Highway (“TH”) 101, TH 41 and County State Aid Highway (“CSAH”) 11 Minnesota River crossings, which has a detrimental effect on traffic in the region. Closures of these roadways affects approximately 40,000 vehicle trips every day, and detouring these vehicles puts a massive burden on the area’s economy by increasing congestion on TH 169 and TH 494 and other highways and significantly extending the commute for many travelers. Having these roads impassable is also a severe strain on emergency response access between Scott and Carver Counties.

The Minnesota of Transportation (MnDOT) has completed a Minnesota River Flood Mitigation Study (“Study”) which identifies flood mitigation solutions at TH 101 and TH 41 for the majority of flood events. The Study estimates the costs of closing TH 101 and TH 41 due to flooding is \$670,000 per day for existing traffic and \$1,675,000 for 2030 traffic. The Study recommends construction of new bridges at TH 101 and TH 41 and calculates the cost benefit of constructing each bridge. The benefit to cost ratio (“B/C”) ratio to construct the TH 101 Bridge is 3.81 the B/C to construct the TH 41 Bridge is 3.06.

In 2009, MnDOT budgeted \$50,000,000 for trunk highway flood mitigation projects throughout the state, of which a portion has already been allocated. MnDOT will be soliciting for flood mitigation projects in the Fall/Winter of 2011 to utilize the remaining funding.

Carver County has requested the State fund and construct the TH 101 Bridge first. Scott County as well as the Cities of Chanhassen, Shakopee and Chaska have all expressed support. MnDOT Metro District intends to submit the TH 101 Bridge for flood mitigation funding consideration, however there is likely to be a funding shortfall

### **Requested Position**

Carver County requests that the TH 101 Bridge construction project be fully funded utilizing the state flood mitigation funding and additional state bonding as appropriate.



## **Issue #2: Lake Waconia Regional Park Land Acquisition**

### **Background**

Lake Waconia at 3000 acres is the second largest lake in the metropolitan area and a regional attraction for water based recreation activities. The existing public boat access on the northeast side of the lake is overwhelmed with use. Frequently long lines of vehicles with trailers park along the busy County Road 92 between St. Bonifacius and Waconia.

Carver County has an approved Regional Park Master Plan for Lake Waconia Regional Park. This master plan includes the creation of public boat access within the park boundary. Funding is requested to purchase land for the boat access and related property for Lake Waconia Regional Park. The proposed acquisition would improve public access to a regionally significant body of water, increase recreational opportunities and user satisfaction at an existing regional park. Additionally, funding is requested to develop the boat access entrance drive, aquatic invasive species inspection/removal station, launch and parking for 40 vehicles with trailers and 20 additional vehicle water access parking stalls.

The State has a long history in providing outdoor recreation and access to public bodies of water. Land need for the public boat access on Lake Waconia is available by a willing seller. Carver County has an approved park master plan which includes the land identified for the public boat access and related park activities. Legislative assistance is requested for this acquisition and development of the site.

Contact with a representative of the Lessard-Sams Outdoor Heritage Council concerning the eligibility of the boat access project for funding through this program. The County was informed that since with project would not allow hunting to take place on the property that the County would not be eligible for funding through the program.

Representatives of the DNR were contacted for eligibility of the planned boat access project for grant programs or appropriations from within the DNR. The DNR could participate in the acquisition and development of the boat access with funds provided through the DNR's bonding request to the legislature. Representatives of the DNR have stated that the proposed boat access on Lake Waconia is a top priority within the metropolitan area and this planned access could be developed with a new design to incorporate aquatic invasive species inspection/removal.

### **Requested Position**

It is requested that the State bond \$2.8 million for land acquisition and development costs for a public boat access at Lake Waconia Regional Park. State funding is proposed to be matched with \$1.7 million of Metropolitan Council funding provided to Carver County through the Regional Parks Program as well as \$1,100,000 of Carver County funds.



## **Issue #3: Preventing the Spread of Aquatic Invasive Species**

### **Background**

Aquatic Invasive Species (AIS) exist in numerous lakes in Minnesota. AIS presents a threat to the ecosystems of Minnesota Waters out competing native fish and other species, they threaten to impair recreational activities of Minnesota Waters of fishing, swimming and boating. AIS can pose economic hardships to pay for their removal from lakes, watercraft, docks and piers. Additional, local economies can be impacted by AIS when the desirable attributes of lakes such as fish population, beaches, shorelines are impacted by weeds, sharp mussel shells making these lakes less desirable to visit and thus impacting the local economy due to a reduction in user visits to an area. AIS are easily transported by boats, trailers, live wells, docks, boat lifts and bait containers.

### **Requested Position**

It is requested that the Legislature increase the State Department of Natural Resources funding to support aquatic invasive species inspection and approve additional measures to further prevent the spread of aquatic invasive species for the 2012 boating season. It is also requested that the DNR be authorized to develop aquatic invasive species prevention program which could be delegated to a qualifying local units of government to manage AIS. The local unit of government would need to obtain a permit from DNR for an approved AIS control plan.



## **Issue #4: Management of Cormorant population on Lake Waconia**

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### **Background**

The City of Waconia along with local land owners and businesses have been working with the Minnesota DNR, US Fish and Wildlife Service and the US Department of Agriculture to try and manage the increasing Double Crested Cormorant population on Lake Waconia. The Cormorant population is damaging the tree canopy on the 32 acres Coney Island of the West and impacting the natural ecosystem of the lake.

Due to the Migratory Bird Treaty Act of 1918, Minnesota and other states currently have a small role in the control of migratory birds which are damaging natural resources within an ecosystem. Congressman Kline, together with Congressman Peterson, introduced the “Cormorant Management and Natural Resources Protection Act” (H.R. 3074) which would allow states to have a larger role in determining the management of the Cormorant population by creating a plan that is reviewed by the Federal Department of the Interior. This bill would assist the states, and the local communities, in managing the damaging populations of the Double Crested Cormorants in the country.

### **Requested Position**

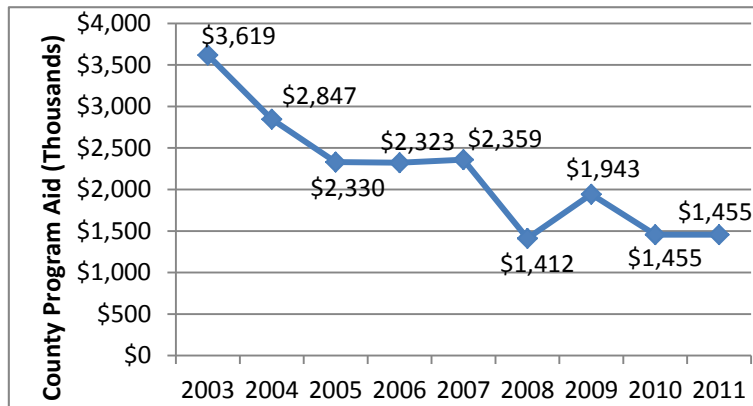
It is requested that the Minnesota Legislature support the “Cormorant Management and Natural Resources Protection Act” (H.R. 3074).



## Issue #5: County Program Aid

### Background

Carver County's program aid has followed the declining pattern shown on the below chart, with program aid falling from \$3.61 million in 2003 to \$1.45 million in 2011.



After decreasing from 2003 to 2005, County Program Aid (CPA) was stable until the governor unallotted \$761,036 of CPA in December of 2008. Another \$565,646 unallotment of state aid was made in May of 2009, and \$1,148,433 was unallotted in December of 2009. In 2010, the State unallotted \$1.1 million of CPA, and the State also made an unallotment to Market Value Homestead Credit reducing it by \$846,807. The State unallotted \$1.2 million of CPA in 2011 and reduced the MVHC by \$1 million. The elimination of MVHC for 2012 will result in \$1.4 million in lost revenue.

In determining any aids and credits cuts for counties, the cuts that counties suffer in other portions of the budget must be taken into account. Fairness would dictate that any aid and credit cuts be apportioned between several levels of local government including counties, cities, townships and special taxing districts - in proportion to the aids and credits they receive. In addition, any cuts should be followed by a commensurate reduction in mandated programs.

### Requested Position

Carver County urges the Legislature to distribute aid cuts equitably after taking into account the cuts that counties receive in other areas of the budget like Social Services, Court Services and Public Health.



## **Issue #6: Fund or Eliminate Unfunded Mandates and Maintenance of Efforts**

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### **Background**

Over the last eight legislative sessions, counties have been required to pay for state mandates. Examples of unfunded mandates include:

- Increasing County share of civil commitment holds for sex offenders;
- Counsel for indigent parents in children in need of protective services cases; and
- Portions of the health care costs of the developmentally disabled, mentally ill and under 65 individuals.

In the later examples, these are mandated despite having given up state aid to pay for the costs of these services in the early 1990's.

In addition to the mandates, there are at least 12 maintenance of effort requirements in current law dictating how much counties have to spend for particular programs or services. Maintenance of effort (MOE) requirements, where the state literally tells counties how much they must spend for certain programs and sanctions them if they do not, will cost counties and their taxpayers over \$227 million in 2011. In addition, county cost shares for just the health care programs alone will cost another \$203 million in SFY 2012. While counties are grateful for the 10% reduction in the mental health and library MOE's enacted in 2011, they believe MOE's should be totally repealed. The state mandated spending under the mental health, library and child care MOE's will still exceed \$200 million annually in future years. The Legislature cannot have it both ways. Either give counties the legal authority to actually reduce their expenditures or stop criticizing them when they increase expenditures and the property taxes to support them to meet the requirements of state law.

### **Requested Position**

Carver County urges the Legislature to either fund the cost of state mandates and maintenance of efforts or eliminate them.



## **Issue #7: Fund Local Bridge Repair and Replacement Program**

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### **Background**

The state bridge bonding program is a necessary component of funding for bridges. Counties and other local units of government oversee 14,700 bridges – 75% of all bridges in the state. Of these, 1000 have been identified as structurally deficient. Carver County oversees 80 local bridges of which 15 currently need replacement. 6 of the 15 bridges are on the county state aid highway system with a replacement cost of approximately \$7 Million. The state has long provided special funding for local bridges.

Additionally, counties that have experienced significant population growth have bridges that may be structurally sound but are no longer capable of handling increased traffic volume. These operationally deficient bridges should be eligible for funding under the state bridge funding program.

Bridges that are functionally obsolete or structurally deficient and new bridges on new or existing alignment should also be eligible for funding under this program.

### **Requested Position**

Carver County recommends that the Legislature continue to fund the state bridge bonding program at a level sufficient to construct, replace, rehabilitate, or renovate deficient bridges.





## **Issue # 8: Eligibility for the Parks and Trail Legacy Grant Program Administered through the State Department of Natural Resources**

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### **Background**

The 2011 legislation pertaining to the Outdoor Heritage Fund removed Regional Park Implementing Agencies of the seven county metropolitan area from being eligible to compete for Parks and Trail Legacy Grant Program funds administered through the State Department of Natural Resources. This legislation declares that regional park implementing agencies are not eligible to apply for grant funds created by sales tax proceeds that are generated throughout the state.

### **Requested Position**

Regional Park implementing agencies of the seven county metropolitan area be allowed to compete for Parks and Trails Legacy Grant Program funds administered through the State Department of Natural Resources for projects of state or regional significance.