# Carver County Board of Commissioners Regular Session February 2, 2010 County Board Room Carver County Government Center Human Services Building

Chaska, Minnesota

**PAGE** 

9:15 a.m.	1.	a)	CONVENE	
		b)	Pledge of Allegiance	
		c)	Public participation (comments limited to five minutes)	
		d)	Introduction of New Employees	
	2.	Agen	da review and adoption	
	3.	Appr	ove minutes of January 26, 2010 Regular Session 1-5	
	4.	Com	munity announcements	
9:15 a.m.	5.	CON	SENT AGENDA	
		5.1	Establishing an OPEB trust with PERA6	
		5.2	Resolution approving the entry of parcels of less than 40 acres	
			into ag preserve 7-8	
		5.3	Traffic control signal agreement #87681M with the State of	
			Minnesota9-10	
		5.4	Approval of final payment of construction projects	
			CP 09-43-8630, CP 09-50-8631, CP 09-50-8632 and	
			CP 09-SHEET 11-12	
		5.5	Teamsters Local 320 labor agreement: Detention Deputies,	
			911 Dispatchers and TAC Officer	
		5.6	Community Social Services' warrants NO ATT	
		5.7	Commissioners' warrants SEE ATT	
9:20 a.m.	6.	ADMINISTRATIVE SERVICES		
		6.1	Update on Veterans Service Office	
9:45 a.m.		ADJO	OURN REGULAR SESSION	
		BOA	RD REPORTS	
9:45 a.m.		1.	Chair	
		2.	Board Members	
		3.	Administrator	
10:15 a.m.		4.	Adjourn	

#### **UPCOMING MEETINGS**

February 4, 2010 7:00 p.m. ACCEL Meeting, Cologne Community Center

February 9, 2010 9:15 a.m. Board Meeting

February 16, 2010 4:00 p.m. Work Session

February 23, 2010 9:15 a.m. Board Meeting

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on January 26, 2010. Chair James Ische convened the session at 9:15 a.m.

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

Members absent: None.

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

Workman moved, Maluchnik seconded, to approve the minutes of the January 12, 2009, Regular Session. Motion carried unanimously.

Community announcements were made by the Board.

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

Payment of emergency claims in the amounts of \$500, \$250, \$500, \$19 and \$200.

Agreement with SRF Consulting Group, Inc. for traffic engineering services.

Authorized the Chair to sign the completed 2010 Pay Equity Implementation Report and have Employee Relations send the signed report to the State of Minnesota and post the Notice for 90 days.

Authorized the Parks Director or designee to use up to but not more than five shelter rentals, fifteen weekend campground reservations and thirty annual parking passes for promotional and marketing purposes and up to \$300 from existing park funds to purchase items such as shirts, mugs, cups, pens and other like items for recognition of those who volunteered with the park system.

Approved the following abatements/additions:

30-951-0485	Robert Hunt
30-951-0154	Douglas Ewalt
30-952-0561	Brakemeier Homes
30-951-0324	Robert Harris
30-951-0417	Dwight Pearson
32-951-0397	John Paulson
85-951-0019	Karen Paul and Green Tree Financial
30-952-0564	Jesse Cermak
09-026-2211	Waconia City
65-318-1120	Laketown Community
30-951-0448	Raymond Amundson (2008, 2009)
02-013-0410	Frederick Gongoll (2007, 2008, 2009)

Resolution #04-10, Charitable Gambling Application for Waconia Lions Club.

Authorized Public Health Manager to attend the Multi-State Learning Collaborative site visit in Tallahassee, Florida, February 25-26, 2010.

Community Social Services' actions.

Approved payment of the following Commissioners' warrants:

#### INSERT

Motion carried unanimously.

Dave Drealan, Land and Water Services, requested the Board adopt a Resolution to develop a contract with the Adult Training and Habilitation Center (ATHC) to provide funding for the operation of the Douglas Kogler Eco Site. He explained ATHC was proposing to operate a full service recycling center in Watertown. He pointed out the current \$15,000 spent to operate the current Watertown site and the proposal to direct these funds to the new site. Drealan explained issues they have encountered with the current drop off site located in Watertown.

Richard Schimmel, ATHC representative, stated they are proposing that the new site be staffed with individuals who have physical or learning difficulties. He reviewed the location and appearance of the building to be constructed. Schimmel pointed out the materials that would be accepted at the site and hours of operation. He stated the Watertown Boy Scouts and Ecology Club would continue to be involved. He stressed this would make it easier and more convenient for residents who are currently using the drop off site.

Sarah Wabbe, ATHC representative, reviewed the history of ATHC and the number of individuals served. She pointed out the partnerships they have formed and current recycling programs they are involved with.

Schimmel clarified they are asking that the funds currently being used for the Watertown drop off site be transferred to the Kogler Eco Site. He indicated the funds would be used to assist with costs associated with the recycling program.

Mike Lein, Environmental Services, stressed the benefits to the County. He noted the increased use of the Chaska site and stated the Watertown site would take the pressure off the Chaska site.

Jim Keeler, County Attorney, acknowledged there were liability issues for the activity the County currently is involved with and they would need to have assurances that regulations are met and individuals are trained.

Lein concurred they would cover liability issues with the County Attorney's office but, at this time, they were asking for preliminary approval of the proposal.

Susan Burke, market manager for Bremer Bank, explained the Bremer Foundation approved a grant for ATHC to purchase equipment. She stated they believed in them and they were a great attribute to the community.

Lynch offered the following Resolution, seconded by Degler:

Resolution #05-10
Regarding Funding for the Douglas Kogler Eco-Site

On vote taken, all voted aye.

Steve Taylor, Administrative Services, requested the Board approve the communication tower lease with Hollywood Township.

He explained the tower was constructed in 1999 and Northern Lights Broadcasting currently owns the tower but no longer transmits from the structure. He stated there was a desire of the current owner to transfer ownership of the structure. Taylor explained the County currently has several communication components on the tower.

Taylor indicated they were looking at reducing the height of the tower to something less than 349 feet and the station has agreed to pay \$35,000 to remove or lower the structure. He explained that Hollywood Township expressed interest in owning the tower and has accepted transfer of the tower from the radio company. In addition, the Township also approved entering into a lease between the County and the Township.

He explained the agreement would replace the current agreements in place. Taylor pointed out the Township did agree to a ten year term with automatic renewals of five year terms. He indicated the lease rental terms will remain the same and the County will assume some of the maintenance obligations. In addition, the Township is committed to transferring the \$35,000 it will receive from the radio station to defray the costs for lowering the tower and the tower is to be lowered within eight months. The Township's CUP and related co-location will remain the same and the County and the Township will hold each other harmless.

Taylor reviewed County costs and funding sources. He indicated, on an ongoing basis, they were looking an increase of approximately \$23,000. Taylor added, if the tower is no longer needed at some point in the future, the County was obligated to remove the tower completely.

Bob VanDenBroeke, Sheriff's Office, stated the radio tower site serves Carver County as part of a bigger system and allows them to communicate with State, regional and local partners. He pointed out the County partnered with the State to become part of their system. He noted, while the State designed the system to cover the entire area to meet the State's needs, the County needs were different. He stated the County needed to add equipment to the Hollywood site to allow them to communicate to first responders inside buildings.

Troy Gilchristt, Esq., representing Hollywood Township, stated the Township Board desired to work collaboratively with the County with the extension of the lease agreement. He added the Township recognized the County had made an investment and the Town Board decided not to change the dollar amount.

Lynch moved, Maluchnik seconded, to approve a ten year communication tower lease between Carver County and Hollywood Township. Motion carried unanimously.

Lyndon Robjent, Public Works, requested the Board consider adopting a Resolution in support of funding for Highway 212 and Highway 5. He stated this relates to the appropriation process that allows agencies to submit projects for federal funds to federal legislators. He added the Southwest Transportation Coalition long advocated for funding for Highways 5 and 212 which were key truck highway corridors within Carver County. He indicated the Resolution supports the appropriations requested to fund upgrades to 5 and 212 as well as supports funding these projects through the next six year authorization bill.

Maluchnik offered the following Resolution, seconded by Degler:

Resolution #06-10
In Support of Funding for Highways 212 and 5

On vote taken, all voted ave.

Robjent requested approval of a purchase agreement for property located at 9950 Paradise Lane and the grant agreement with the Met Council to reimburse 75% of the cost to acquire. He pointed out the Regional Park Master Plan that was previously adopted and that they have been acquiring land to develop the park. He stated they have been negotiating with the owners for the past few years and they have now reached an agreement with the property owner.

He reviewed the purchase price and the appraised value. Robjent referenced legislation related to the eminent domain process and the impact of that on the purchase price. He explained the requirement that public agencies account for minimum compensation and business re-establishment under Statutes. He noted they do not condemn for Park purposes and have worked with property owners on friendly acquisition.

Keeler stated, in a traditional eminent domain process, there was the possibility the cost of the property could be much higher. He stated the proposed purchase prices takes into account what the law requires.

Robjent stated he was requesting authority for the issuance of a check and to close on the property January 28<sup>th</sup>. He stated they planned on abandoning the well and disabling the septic system. He pointed out they would be reimbursed by the Met Council within a month. Thereafter a Phase II environmental assessment would be completed, followed by the demolition of buildings.

The Board discussed the responsibility of clean up costs related to the Phase II assessment if hazardous materials are found at the site.

Marty Walsh, Parks, clarified there would be cost participation by the Met Council. He stated if there is a known hazardous condition the property owner must disclose and this is included in the purchase agreement. He added the attorneys prepared the closing documents and they have covered that.

Lynch moved, Maluchnik seconded, to approve the purchase agreement to acquire Parcel 070181100 located at 9550 Paradise Lane with Randy and Avis Hammers; to approve grant agreement SG-2009-075 and accompanying restrictive covenant with the Metropolitan Council; authorized the Chair of the County Board and County Administrator to sign the agreements; authorized issuance of a check for the amount of \$820,000; and authorized staff to go to closing with the owners of the parcel on January 28, 2010, and sign documents pertaining to the transfer of ownership of the parcel to Carver County. Degler, Ische, Lynch, Maluchnik voted aye. Workman voted nay. Motion carried.

The Board considered a second appointment to the MICA Board of Directors.

Maluchnik moved, Lynch seconded, to appoint Gayle Degler as the County's representative on the MICA Board of Directors. Motion carried unanimously.

Degler moved, Maluchnik seconded, to adjourn the Regular Session at 10:55 a.m. to go into a work session with Public Works. 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.)



AGENDA ITEM: Establishing an OPEB Trust with PERA				
Originating Division: Financial Services	Meeting Date: 2/2/10			
Amount of Time Requested: None	Attachments for packet: ☐Yes ☒ No			
ltem Type: ⊠Consent □Regular Session □Closed Sessi	ion			
BACKGROUND/EXPLANATION OF AGENDA ITEM:				
Governmental Accounting Standards Board now requires that go actuarially determined liability from Other than Pension Employe government entities, including Carver County, have developed for their OPEB liability. Currently, these assets are being held in the investments. Starting in 2008, State Statutes gives OPEB assets than the rest of the County's investment pool because assets de a longer time period.	ee Benefits ("OPEB"). While not required, most funding strategies to accumulate assets to offset e same investment pool as the rest of the County's s that are held in a trust more investment options			
County staff contacted Klein Bank, US Bank and Public Employees Retirement Association ("PERA") about providing a trust for the County's OPEB assets. These banks and a number of other MN counties, cities and school districts who are already using PERA's OPEB Trust recommended the PERA Trust as the best option for this relatively new service. PERA contracts with the State Board of Investment to manage all of PERA's funds including OPEB Trust funds. The County's Investment Manager, Tom Kerber, will be responsible for investing the County's OPEB assets with the PERA Trust. He recommends allocating the OPEB Trust contributions as follows:				
- 40% Fixed Income Fund - Annual Rebalance at Year-End				
ACTION REQUESTED: Motion authorizing Board Chair and County Administrator to sign the OPEB Trust Agreement with PERA.				
	FISCAL IMPACT ⊠None □ Included in current budget □ Budget amendment requested □ Other:			
☑Reviewed by Division Director D	Pate: 1/25/10			



AGENDA ITEM: A resolution approving the o	entry of parcels of less than 40 acres into ag preserve.			
Originating Division: Land & Water Services	Meeting Date: February 2, 2010			
Amount of Time Requested: N/A  Item Type: ⊠Consent □Regular Session	Attachments for packet: Yes No			
BACKGROUND/EXPLANATION OF AGENDA ITEM:  The Kenneth & Irene Siegle family (including 3 sons) owns a 160 acre farming operation, located in Section 15 of Hancock Township. The farm was split into a number of separate tax parcels for estate planning purposes, which resulted in 3 parcels ranging in size between 36.85 and 38.27 acres. Siegel's are requesting renewal of the ag preserve covenant(s), but the individual parcels no longer meet the 40 acre size requirement for administrative entry into the program. The statute includes provisions for the entry of parcels of 20 to 39 acres into the program if the parcel(s) meet certain criteria. Some of the criteria are stated in the law, the other criteria "that the land be an important part of the agricultural area" is left to the county to determine. In 1994 the Board adopted a resolution establishing criteria on which to make that determination. Any applications are judged against both the state and county criteria and can only be entered with Board approval.  The Board has previously adopted standards (Resolution #45-94) for the approval of ag preserve for parcels of 20 to 39.9 acres as provided by MS 473H.03, Subd. 4. In general, the land must be at least 75% ag production and at least 60% prime or good farmland. These parcels meet and exceed the standards the Board has set for entry into the program. The farmland in Hancock Twp is some of the best land in the County.				
ACTION REQUESTED: Adoption of attached resolution approving designation of PID's, 05.0150740, 05.0150750 and 05.0150760 as Agricultural Preserve(s).				
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: January 20, 2010			

## BOARD OF COUNTY COMMISSIONERS CARVER COUNTY, MINNESOTA

Date: February 2, 2010	Resolution &
Date: February 2, 2010	Resolution

Motion by Commissioner Seconded by Commissioner

#### A RESOLUTION APPROVING THE DESIGNATION OF PARCELS IN AG PRESERVE

WHEREAS, MS 473H.03 provides for the entry of parcels of at least 20 acres and less than 40 acres into the Agricultural Preserve Program provided: the land is predominately SCS Class 1, 2, 3, or irrigated Class 4; the land was at least 20 acres of record on 1 January 1980 or was part of an Agricultural Preserve; the land is considered by the County Board to be an essential part of the agricultural region; the County Board approves by resolution the entry of the parcel(s) into the program, and;

WHEREAS, the County Board has adopted by resolution certain standards for determining whether a parcel is an "essential part of the agricultural region", and;

WHEREAS, The Siegle family has requested that the following individual parcels be declared eligible for designation as Agricultural Preserve(s):

TOWNSHIP	PID#	OWNER	# of Acres	% Farmed	% Class 1-3 Soils
Hancock	050150740	Tim Siegle	36.85	100%	88%
	050150750	Jeff Siegle	38.27	88%	100%
	050150760	Bruce Siegle	38.19	97%	92%

WHEREAS, the above referenced parcels meet the requirements for entry into the Agricultural Preserve Program;

THEREFORE BE IT RESOLVED, the above referenced parcels are hereby approved for entry into the Agricultural Preserve program pursuant to MS 473H.03.

YES	NO	ABSENT

Dated this 2<sup>nd</sup> day of February 2010

County Administrator

I, Dave Hemze, 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 February 2, 2010 now on file in the Administration office, and have found the same to be a true and correct copy thereof.



AGENDA ITEM: TRAFFIC CONTROL SIGN	NAL AGMT #87681M WITH THE STATE OF MN			
Originating Division: Public Works	Meeting Date: February 2, 2010			
Amount of Time Requested: n/a	Attachments for packet: ⊠Yes ☐ No			
Item Type: ⊠Consent □Regular Session □	Closed Session			
BACKGROUND/EXPLANATION OF AGENDA ITEM: This segment of what was TH 101 from CSAH 18 (Lyman Blvd) to TH 5 is now under the jurisdiction of Carver County and is now CR 101. There are three (3) traffic signal systems that exist on this segment of CSAH 101. This agreement provides for the maintenance of the permanent traffic control signals that are located on CSAH 101 at TH 5 and TH 212 North and South Ramps in the City of Chanhassen. The City of Chanhassen will supply electrical power to the signal. This is a maintenance agreement that will remain in effect until terminated by written agreement of the parties.  Maintenance responsibilities are the same on all three signals and include:  * The County will, at its cost and expense: (1) replace the new signal system L.E.D. indications, (2) clean and paint the new traffic control signal, and (3) clean the controller and service cabinets.  * The City will, at its cost and expense: (1) maintain the new luminaires and all their components, including replacement of the luminaire if necessary, (2) relamp the new street lights, and (3) clean and paint the new luminaire mast arm extensions, and  * The State will maintain the signing and interconnect, and perform all other traffic control signal and street light maintenance.				
<b>ACTION REQUESTED:</b> We would request the authorizing signing of the agreement.	nat the County Board approve the attached 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: /- / 3 - 10			

S:\R&B\GRM\CR\101\Agmt. No. 87681M with State of MN - baf

# BOARD OF COUNTY COMMISSIONERS CARVER COUNTY, MINNESOTA

Date: February 2, 2010	Res	olution No:	
Motion by Commissioner: Seconded by Commissioner:			nmissioner:
TRAFFI	C CONTROL SIGNAI WITH STATE OF M	THE	87681M
BE IT RESOLVED that the C Department of Transportation	County of Carver enter on for the following pu	into an agreement v poses, to wit:	vith the State of Minnesota,
To provide Maintenance Street Lights, Emerger Highway 5 (Arboretum Highway No. 101)/Mark the new Traffic Contro Signing, and Interconn County State Aid Highw South Ramps at County Project No. 1017-12 (T.K BE IT FURTHER RESOLVED execute such agreement an County all of the contractual of	ncy Vehicle Pre-emp Boulevard) at Coun ket Boulevard and Pro of Signals with Stree ect on Trunk Highwa ay No. 101 (Old Trunl y State Aid Highway H. 101=187), within the that the proper Co d any amendments,	tion, Signing, and Introduction, Signing, and Introduced Maintenance and Lights, Emergency 212, North Ramps (Highway 101) and control (Old Trunk Highway 101) of Chanty officers be and and thereby assume	nterconnect on Trunk y No. 101 (Old Trunk ad Electrical Energy for y Vehicle Pre-emption, s/Lake Susan Drive at on Trunk Highway 212, away 101) under State hanhassen limits.
YES	ABSENT		NO
TATE OF MINNESOTA COUNTY OF CARVER I, Dave Hemze, duly appointed an ertify that I have compared the foregoing commissioners, Carver County, Minnesota, fice, and have found the same to be a true	copy of this resolution with at its session held on the	h the original minutes of	
ated this 2 <sup>nd</sup> day of February, 2010.			
R&B\GRM\CR\101\Agmt. No. 87681M with State	of MN - resol	Dave Hemze	County Administrator
Subscribed and sworn to before me the	nis		
day of	, 2010.		
Notary Public			

My Commission expires \_\_\_\_\_



AGENDA ITEM: Approval of final payment of construction projects CP 09-43-8630, CP 09-50-8631, CP 09-50-8632, and CP 09-SHEET				
Originating Division: Public Works	Meeting Date: February 02, 2010			
Amount of Time Requested:  Item Type: ⊠Consent □Regular Session □Closed Session	Attachments for packet:			
BACKGROUND/EXPLANATION OF AGENDA ITEM:  Construction Projects CP 09-43-8630, CP 09-50-8631, CP 09-50-8632, and CP 09-SHEET are county road overlay projects in the counties 2009 Overlay Program. These projects are being completed at 103% of contract. Final payment consists of the release of retainage withheld on the contract to Wm. Mueller & Sons. Board Action is needed to release retainage as final payment and finalize the contract.				
ACTION REQUESTED: Approve Board Action and adopt resolution authorizing final payment of \$56,929.15 to Wm Mueller & Sons.	ution accepting the project as complete and			
County Dollars =\$ 56,929.15	FISCAL IMPACT  □ None  ☑ Included in current budget □ Budget amendment requested □ Other:			
Reviewed by Division Director  1 Mulliam J. Wechman for Synden Rohjen	Date: 1/25/2010 .			

## BOARD OF COUNTY COMMISSIONERS CARVER COUNTY, MINNESOTA

Date: <u>02/02/2009</u>	Resolutio	n No:
Motion by Commissioner:	Seconded by Con	nmissioner:
<b>CP 09-43-86</b>	COUNTY BOARD ACKNOWLED 30, CP 09-50-8631, CP 09-50-86 FINAL PAYMENT	
Whereas, the constructi	on projects CP 09-43-8630, CP 09-50-	-8631, CP 09-50-8632, and CP 09-
SHEET, county road ov	verlay projects in the counties 2009 O	Overlay Program, have in all things
been completed, and the	ne County Board being fully advised	f in the premises, now then be it
resolved, that we do he	reby accept said completed project for	or and on behalf of the County of
Carver and authorize fin	al payment to Wm. Mueller & Sons in th	ne amount of \$56,929.15.
YES	ABSENT	NO
FATE OF MINNESOTA		
OUNTY OF CARVER		
I, David Hemze, duly appointed	and qualified County Administrator of the Count	y of Carver, State of Minnesota, do hereby certify th
	held on the 2nd day of February, 2010, now on	proceedings of the Board of County Commissioner file in the Administration office, and have found the
ted this 2nd day of February, 2010.		
	County Admir	nistrator



AGENDA ITEM: Teamsters Local 320 Labor Agreement: Detention Dep Officer	uties, 911 Dispatchers & TAC			
Originating Division: Employee Relations Meeting Date	: 2/2/10			
Amount of Time Requested: Consent Attachments	for packet: ∐Yes ⊠ No			
ltem Type: ⊠Consent ☐ Regular Session ☐ Closed Session ☐ Work Se	ession			
BACKGROUND/EXPLANATION OF AGENDA ITEM: Carver County and Teamsters Local 320, Detention Deputies, 9-1-1 Dispatched negotiations for the Collective Bargaining Agreement (CBA) and associated All Understanding for the period January 1, 2010 - December 31, 2011.  The highlights of the terms agreed to are:				
The highlights of the terms agreed to are: 2010, no wage increases, either general adjustments or within range (step) movement; 2011, 1% increase for employees at the top of the salary range effective 1/1/2011; 2.75% within range (step) movement effective with the employee's anniversary date for those not yet at the top of the pay range. It also includes the movement of some differential pay to base for the 9-1-1 Dispatchers, resulting in no new money paid.  The Cafeteria Model for Employee benefits delivery is also included, with other minor provisions and clarifications.				
The action requested is to approve the terms of the 2010 - 2011 CBA with the	Teamsrters unit.			
ACTION REQUESTED: Motion to approve the Teamsters Local 320, Detention Deputies, 9-1-1 Dispato Bargaining Agreement for 2010 - 2011.	chers and TAC Officer Collective			
	CT current budget endment requested			
Related Financial Comments:				
There is no financial impact in 2010; the 2011 estimated cost is \$90,000.				
☑Reviewed by Division Director Date: 1/28/201 Poris M. Krogman	0			



AGENDA ITEM: Update on Veterans Service Office	
Originating Division: Administrative Services  Amount of Time Requested: 15 minutes  Item Type: □Consent ☑Regular Session □Closed Sess  BACKGROUND/EXPLANATION OF AGENDA ITEM:  Veterans Service Officer would like to update the board on reco	
ACTION REQUESTED:	
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: January 22, 2010