

Carver County Board of Commissioners  
 October 12, 2010  
 Regular Session  
 County Board Room  
 Carver County Government Center  
 Human Services Building  
 Chaska, Minnesota

PAGE

9:15 a.m.	1.	<ul style="list-style-type: none"> <li>a) <b>CONVENE</b></li> <li>b) <i>Pledge of Allegiance</i></li> <li>c) <i>Public participation (comments limited to five minutes)</i></li> <li>d) <i>Introduction of New Employees</i></li> </ul>	
	2.	Agenda review and adoption	
	3.	Approve minutes of October 5, 2010 Regular Session .....	1-5
	4.	Community announcements	
9:15 a.m.	5.	<b>CONSENT AGENDA</b>	
	5.1	Payment of emergency claim .....	6
	5.2	CCWMO cost share funding for Benton Lake Stormwater Treatment.....	7-10
	5.3	Retainage reduction on ARRA funded Project SP 10-596-41 (City of Watertown) .....	11
	5.4	Approval of out of state travel – Broadband Conference.....	12
	5.5	Renewal application for off sale, on sale and Sunday liquor License for Hollywood Sports LLC d/b/a Hollywood Sports Complex.....	13
	5.6	Community Social Services’ warrants .....	NO ATT
	5.7	Commissioners’ warrants.....	SEE ATT
9:20 a.m.	6.	<b>ADMINISTRATIVE SERVICES</b>	
	6.1	PWHQ Cologne – underground storage tank monitoring repairs .....	14-18
9:40 a.m.		<b>ADJOURN REGULAR SESSION AND CONVENE AS CARVER COUNTY REGIONAL RAIL AUTHORITY</b>	
9:40 a.m.	7.	<b>PUBLIC WORKS/PARKS</b>	
	7.1	<i>Closed Session</i> – Union Pacific Rail Line Chaska Industrial Lead.....	19
10:00 a.m.		<b>ADJOURN AS REGIONAL RAIL AUTHORITY</b>	

**WORK SESSION AGENDA**

- 10:00 a.m.            A.    **PUBLIC WORKS/PARKS**
- 1.     Dakota Rail Regional Trail Snowmobile permit  
       Request update..... 20
- 10:25 a.m.            **BOARD REPORTS**
- 1.     Chair
  - 2.     Board Members
  - 3.     Administrator
- 10:50 a.m.            4.     Adjourn

David Hemze  
County Administrator

**UPCOMING MEETINGS**

- |                  |                                     |
|------------------|-------------------------------------|
| October 19, 2010 | 3:00 p.m. County Board Work Session |
| October 26, 2010 | 9:15 a.m. County Board Meeting      |
| November 2, 2010 | 9:15 a.m. County Board Meeting      |
| November 9, 2010 | 9:15 a.m. County Board Meeting      |

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on October 5, 2010. Vice Chair Gayle Degler convened the session at 9:15 a.m.

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

Members absent: James Ische.

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

Maluchnik moved, Lynch seconded, to approve the minutes of the September 28, 2010, Regular Session. Motion carried unanimously.

Community announcements were made by the Board.

Lynch moved, Maluchnik, Workman seconded, to approve the following consent agenda items. Lynch moved, Maluchnik seconded, to amend the motion approving the consent agenda by moving 5.8 to 7.2. Motion to amend carried.

Payment of emergency claims in the amounts of \$940.52; \$150 and \$300.

Authorized the Sheriff's Office acceptance of \$60 donation.

Resolution #46-10, Conveyance by Deeds of County Owned Property to the City of Carver.

Approved grant modification with HIRED and CSS budget amendment increasing Federal Dislocated Worker Revenue \$41,271 and increasing client expenditures \$41,271 and extending the time period of the grant through March 31, 2011.

Approved the following abatements:

02-002-0620	John Vinkemeier
02-002-0800	John Vinkemeier
25-283-0032	Bloomberg Company
75-522-0210	Thomas Johnson
07-540-0030	Jeffrey Helstrom
75-106-0360	Thomas Carlisle (2008, 2009, 2010)
25-081-0095	Auto Motoplex Association
25-081-0069	Auto Motoplex Association (2009, 2010)

Adopted the Findings of Fact and Order #PZ20100015 for the issuance of Conditional Use Permit #PZ20100015, Kelly A. McGuire, Camden Township.

Resolution #47-10, Revoking County Highway 110 (Klein Drive)

Resolution #48-10, Establishing a Portion of Laketown Road as a County Road.

Resolution #49-10, Dedicating Property for the Construction of the Judge Davies Memorial Garden and Accepting Donations and In Kind Services and related Facilities budget amendment increasing private donations \$4,615 and increasing Judge Davies Memorial expenditure account \$4,615.

Resolution #50-10, accepting County Veterans Service Officer Operational Improvement Grant in the amount of \$4,200 and related Veteran Services budget amendment increasing VSO Operational Improvement Grant revenue \$4,200 and increasing computer, training, etc. \$4,200.

Resolution #51-10, Agreement for Cultural Resources/Archaeological Investigation.

Community Social Services' actions.

Approved payment of the following Commissioners' warrants:

INSERT

Motion to approve the consent agenda, as amended, carried unanimously.

Workman moved, Lynch seconded, to recognize the 2010 retirees as part of Employee Recognition Week. Motion carried unanimously.

Joan Schwarz, Employee Relations, extended her thanks to the Employee Club for their work in planning and coordinating the Recognition Week events. She pointed out the combined years of service of the 20 retirees to be recognized.

Retirees Kelly Hanson, Bonnie Buesgens, Avelyne Wasser, Janet Kinney, Rowena Lauterbach, Marion Mackenthun, Sue Ohnsorg, Ken Jacobs, Mary Schuler, Dave Drealan, Jannette Healy, Luba Schulz, Ginni Klein, Gordon Winter, Neal Burandt, Jay Molnau, David Randt, Larry Schmakel, Elton Anderson and Karen Schuler were recognized individually by their Division Directors or Manager.

A moment of silence was observed for all Carver County ailing employees.

Vice Chair Degler, on behalf of the Board, thanked all the retirees for their years of service to the County.

Steve Taylor, Administrative Services, requested the Board accept the Broadband Technology Opportunities Program funds for the County's open fiber initiative.

He noted the grant obtained in August and pointed out the benefits of fiber included security, stability, connections to metro rings and speed. Taylor reviewed the County's history in pursuit of

fiber and the purposes of the Broadband Technology Opportunities Program. He stated the initiative included 89 miles of base ring and 32 miles of laterals to 55 locations to be funded by the \$6 million grant and \$1.5 million required match. Taylor indicated they were looking at a five year payback for the project through T1 savings. He highlighted requirements for broadband service providers.

Taylor explained locations would need to be further defined and they would be looking at obtaining bids again. He stated they would need to further define open access to ensure a good mix of private service providers. He noted the three year maximum construction schedule and stated a task force would be set up consisting of city representatives, school districts and someone from the private sector.

He explained the anticipated time frame for bids and indicated they were looking at construction taking place late spring or summer, 2011. He clarified the loop would allow for full redundancy. Taylor stated, when they negotiated with Jaguar, they negotiated that Jaguar would pick up maintenance costs and their goal is to have the service provider look at something similar.

The Board discussed the benefits if there were already service providers and the opportunities for economic development.

Maluchnik moved, Lynch seconded, to formally accept the Broadband Technology Opportunities Program funds of \$5,995,600 in addition to the County providing the required project match of \$1,498,900 for a total project cost of \$7,494,500 and related Administrative Services budget amendment to reflect the same amounts. Degler, Lynch, Maluchnik voted aye. Workman voted nay. Motion carried.

Taylor requested the Board approve contracts for underground storage tank monitoring repairs at the Public Works Headquarters. He explained this had nothing to do with the underground storage tank and was related to the monitoring equipment that is associated with the tanks. He stated MPCA rules were changed in 2008 and MPCA raised the compliance issue during an inspection.

The Board requested that further information be obtained on the MPCA rule change and requirements considering the equipment was installed less than eight years ago.

Workman moved, Maluchnik seconded, to table approval of the contracts for underground storage tank monitoring repairs for one week. Motion carried unanimously.

Randy Wolf, Public Health and Environment, appeared before the Board with an update on the organics composting project. He stated the project was in partnership with the Minnesota Landscape Arboretum and requested approval of the grant contract. He noted this had been brought forward last fall and since then MPCA had a delay in approving the grant.

He reviewed the background of the project and the proposed new site at the Arboretum. Wolf pointed out what would be done differently at the new site and that material would be limited to

12,000 cubic feet annually. He outlined the project budget and indicated the grant would run through June, 2012.

Maluchnik moved, Workman seconded, to approve the Minnesota Pollution Control Agency grant contact for a commercial and residential co-collected organics composting project in the amount of \$100,000 and related budget amendment increasing Organic Waste Compost Grant revenue \$100,000 and increasing part-time salaries and wages \$31,517, professional and technical fees \$62,483 and non capital equipment and supplies \$6,000. Motion carried unanimously.

Lyndon Robjnt, Public Works, requested the Board approve the County's comments to the Metropolitan Council's 2030 Transportation Policy Plan. He stated the Plan falls short in a number of areas. He explained it does not identify all of the needs of the region and does not show future projects that are regionally significant. Robjnt added it under estimated assumed funding levels and the Plan does not align with the local comp plan.

He highlighted comments to the mobility, highway, transit and freight chapters. He stated there were significant issues on TH 5, 212, 101, 5 and 7 within the County and no attention was given to these highways in the Plan. Robjnt noted the TH 41 river crossing was proposed to be reassessed and recommended that the TH 101 river crossing also be reviewed.

The Board asked that copies of the letter be sent to Craig Peterson, the County's Met Council representative, as well as to the cities in Carver County, the Counties of Dakota, Scott, Anoka, Washington and to the Transportation Alliance.

Workman moved, Lynch seconded, to approve the comments to the proposed 2030 Transportation Policy Plan and authorize the Chair to submit comment letter to the Metropolitan Council on behalf of the County Board. Motion carried unanimously.

Lynch moved, Maluchnik seconded, to adjourn as the County Board and convene as the Carver County Regional Rail Authority. Motion carried unanimously.

Marty Walsh, Parks Director, requested the Rail Authority to approve the lease terminations for buildings on the Rail Authority property. He reviewed the letters sent previously and asked the Rail Authority to ratify those actions.

Lynch moved, Workman seconded, to approve the termination of the feed mill building lease effective July 9, 2010, to approve the termination of the coal storage lease, effective July 19, 2010, to adopt a no value determination with respect to the remaining property and improvements at both the Feed Mill and Coal Shed properties and direct staff to proceed with the steps necessary to prepare the site for demolition. Degler, Lynch, Workman voted aye. Maluchnik absent. Motion carried.

Lynch moved, Workman seconded, to go into closed session at 11:55 a.m. according to MSA 13D.05 to discuss confidential appraisal data for property along the Dakota Rail corridor. Motion carried.

The Rail Authority adjourned the closed session and Rail Authority meeting at 12:20 p.m.

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.)

315102



**Office of Finance Director**  
Carver County Government Center  
Administration Building  
600 East Fourth Street  
Chaska, MN 55318-1202  
Phone: 952 361-1509  
Fax: 952 361-1308

**AUTHORIZATION**

**PAYMENT OF EMERGENCY CLAIM**

Motion passed by the Board of County Commissioners at their February 24, 1987 meeting has authorized the issuance of a check upon the consensus of the Chairman of the Board, County Administrator and the County Attorney (with minimum of two).

VENDOR:       Igel Properties, Inc.      

ACCOUNT:       01-000-000-0000-2270 & 01-045-000-0000-5701      

AMOUNT:   \$45,000 & \$6405.42  

REASON:   Release of Financial Security/Escrow with City of Chaska guarantee to complete work. Release needed 9/30 or 10/1 due to financial situation with developer and previous understandings with the city.  

Department Head Signature: \_\_\_\_\_

Chairman of County Board

James Ische

County Administrator

Dave Henze

County Attorney

James Keeler Jr

Date:   9/30/2010





# REQUEST FOR BOARD ACTION

## AGENDA ITEM : CCWMO Cost Share Funding for Benton Lake Stormwater Treatment

Originating Division: Public Health and Environment

Meeting Date: 10/12/10

Amount of Time Requested: NA

Attachments for packet:  Yes  No

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

### BACKGROUND/EXPLANATION OF AGENDA ITEM:

The Carver County WMO has received a request from the St. Bernard Catholic Church in Cologne for cost sharing on a stormwater treatment rain garden. The project would create a rain garden feature in the existing Cologne Community garden at Hwy 284 and Benton St. The site would treat approximately 4 acres of runoff which currently flows untreated to Benton Lake. Benton lake is on the state impaired waters list and the draft TMDL for the lake has identified installation of practices such as rain gardens as key to eliminating the external pollutant loading to the lake. The request is for \$9,937.13, with cost support of \$5,449.40 coming from the St Bernard Church, the Benton Lake Conservancy, the Cologne Lions Club, and the Carver County Horticultural Society. A copy of the request letter is attached and contains more information. Construction is scheduled for fall of 2010.

The (JAM) Joint Agency staff group has reviewed this project request and is recommending funding based on its high ranking for water quality/quantity benefit to Benton Lake, the location and the local partners involved. Based on WENR advisory committee and staff rankings of other projects, there are funds available from the existing 2010 CarverCreek capital fund.

Staff is proposing that the CCWMO approve funding of this project along with conditions that the applicant provide commitment to construct, final approved plans using bio-engineering, as-builts, a maintenance plan, cooperation with educational/demonstration materials prior to release of funds. Staff also recommends that additional funds be allocated from the Carver Creek fund to cover engineering review of the final plans and as-builts.

### ACTION REQUESTED:

Motion to authorize the expenditure of \$10,500 of Carver Creek capital funds to fund the Benton Lake Stormwater Treatment Rain Garden Project along with conditions that the applicant provide final approved plans using bio-engineering, as-builts, a maintenance plan, cooperation with educational/demonstration materials prior to release of funds.

### FUNDING

County Dollars =	\$0
CCWMO Carver Creek Funds =	\$10,500.00
Other Sources & Amounts = (Applicant and Local Partners)	\$ 5,449.40
<b>TOTAL</b>	<b>= \$15,949.40</b>

### FISCAL IMPACT

None  
 Included in current budget  
 Budget amendment requested  
 Other:

### Related Financial Comments:

The \$10,500 is drawn from existing 2010 Carver Creek Watershed Capital/Project Funds

Reviewed by Division Director

Date: 9/27/10

September 23, 2010  
7510 Dahlgren Road  
Chaska, MN. 55322

Mr. Tim Sundby  
Carver County Planning & Water Management  
600 East Forth Street  
Chaska, MN 55318

Subject: Rain Garden at Benton Lake Community Garden  
Cologne, Minnesota 55322

Dear Tim:

Attached is the application form for "Capital Improvement & Water Stewardship cost-share projects" that I have been working on with you, Will Forbord, Urban Conservation Technician, with the Carver County Soil and Water Conservation District, and the Benton Lake Improvement Association. Approximately 4 acres of compacted lawn, black top and roof surfaces drain through Benton Lake Garden. The goal of the rain garden project is to filter this run off before it enters Benton Lake.

Benton Lake Garden is on land owned by St. Bernard Catholic Church, 212 Church Street East, Cologne Minn 55322. I am a member of St. Bernard and approval has been given to create a community garden on property owned by the church. The Garden has wide public support from organizations such as Cologne Lions Club, Carver County Horticultural Society, and interested individual community members who have contributed to a fund to have the USA Flag and flag pole displayed.

The St. Bernard Catholic Church, Parish Pastoral Council has given its approval to permit the installation of a Rain Garden in the Benton Lake Garden. They have also approved that Roger Storms is the project manager of the rain garden project representing St. Bernard Catholic Church.

The rain garden and plantings has been designed by Metro Conservation District in Association with Carver County. Enclosed with this letter is a copy of this plan.

The total project cost is estimated at \$15,386.43. I have received the pledged donation of expertise, equipment and labor from Wickenhauser Excavating in the amount of \$1,502.50. I have received the pledge of donated labor for the installation assistance of the drainage system from members of the Cologne Lions Club, and plant installation labor help from members of the Carver County Horticultural Society. This donated labor has an estimated value by the designers of \$3,946.80.

The benefits from the rain garden installation are to improve the quality of water entering Benton Lake. The high visibility of this site and the public nature of this site will help with public understanding of Rain Gardens. We also will be able to invite local schools to visit the site and visual presentations on Rain Gardens.

The installation plan is to install the drainage system this fall before the ground freezes with plants to be installed next spring.

The project needs your cost-sharing help in the amount of \$9,937.13. We will give our best efforts to reduce the cost through the use of donated plants and additional installation labor.

Sincerely,

A handwritten signature in cursive script that reads "Roger Storms".

Roger Storms

© 612-618-8365





# REQUEST FOR BOARD ACTION

**AGENDA ITEM :** Retainage Reduction on ARRA Funded Project SP 10-596-04, 10-610-41 (City of Watertown)

Originating Division: Public Works Meeting Date: October 12, 2010  
 Amount of Time Requested: NA Attachments for packet:  Yes  No  
 Item Type:  Consent  Regular Session  Closed Session  Work Session  Ditch/Rail Authority

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** Project SP 10-596-04, 10-610-41 is an ARRA Funded project that includes the reconstruction of TH 25 from Territorial St. to State St. in the City of Watertown. This project also included improvements at the intersections of TH 25 and CSAH 10.

The original project contract amount was \$832,077.34. The total of all work completed to date by Wm. Muellers & Sons is \$877,341.24 and according to the project specifications, Carver County retains 5% (\$43,867.06) of this total. Presently, the total amount paid to Wm. Mueller & Sons for work done by them is \$833,474.18 (this total is after reducing the total of all work completed by the 5% retainage).

The work for this project was completed during the 2010 construction season. The issues left are minor punchlist items and warranty items. The warranty items include trees and shrubs at a total cost of \$1503.20. (The warranty for these items run until July 9, 2012.)

Wm. Mueller & Sons is requesting to reduce the 5% retainage to 0.50%. The request to reduce and release retainage is appropriate and based on the project specifications and staffs evaluation; it is staff's recommendation to lower the 5% (\$43,867.06) retainage to 0.50% (\$4,386.71). The City of Watertown concurs with this reduction and has approved the release of retainage to 0.50% at their Tuesday, September 21, 2010, council meeting.

**ACTION REQUESTED:** It is requested that the Board pass a motion reducing the retainage to \$4,386.71 allowing the release of the corresponding retainage amount of \$39,480.35 to Wm. Muellers & Sons for Project SP 10-596-04, 10-610-41.

**FUNDING**

County Dollars = \$ 22,886.44  
 ARRA = \$704,000.00  
 Watertown = \$150,454.80  
**TOTAL = \$ 877,341.24**

**FISCAL IMPACT**

None  
 Included in current budget  
 Budget amendment requested  
 Other:

*Related Financial Comments:* ARRA Federal Stimulous Money is the Funding Source

Reviewed by Division Director

Date: 10/04/2010



# REQUEST FOR BOARD ACTION

**AGENDA ITEM : Approval of out of state travel – Broadband Conference, Washington DC**

Originating Division: Administrative Services

Meeting Date: October 12, 2010

Amount of Time Requested: N/A

Attachments for packet:  Yes  NoItem Type:  Consent  Regular Session  Closed Session  Work Session  Ditch/Rail Authority

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** The U.S. Department of Commerce National Telecommunications and Information Administration is sponsoring a Broadband Technology Opportunities Program (BTOP) Round Two Recipient Workshop in Herndon, VA from November 8-10, 2010 and is grant funded.

Participation in the workshop is strongly recommended for individuals responsible for project management associated with a BTOP award and it is requested that Randy Lehs of the Information Systems Department attend this event. The workshop will include presentations and panel discussions designed to highlight programmatic keys to success and best practices and to provide guidance and training for awardees concerning the Federal laws and regulations governing BTOP-funded awards. Invited speakers include Larry Strickling, Assistant Secretary of Commerce and Aneesh Chopra, Chief Technology Officer for the United States.

**ACTION REQUESTED:** Motion to approve out of state travel to allow Randy Lehs to travel to Herndon, Virginia to attend the Broadband Technology Opportunities Program (BTOP) Round Two Recipient Workshop (November 8-10, 2010).

**FUNDING**

County Dollars =	\$0
Grant Funded Amounts =	\$1,300
<b>TOTAL</b>	<b>= \$1,300</b>

**FISCAL IMPACT**

None  
 Included in current budget  
 Budget amendment requested  
 Other:

*Related Financial Comments:* Grant funding will pay for travel and lodging

 Reviewed by Division Director

Date: October 6, 2010



# REQUEST FOR BOARD ACTION

**AGENDA ITEM:** Renewal Application for Off-Sale, On-Sale and Sunday Liquor License for Hollywood Sports LLC DBA Hollywood Sports Complex

Originating Division: Property Records Taxpayer Services

Meeting Date: 10-12-10

Amount of Time Requested: 0 minutes

Attachments for packet: Yes X No

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

**BACKGROUND/EXPLANATION OF AGENDA ITEM:**

Joseph Swartzter Jr. owner of Hollywood Sports Complex has applied for renewal of their Off-Sale, On-Sale and Sunday Liquor License. Hollywood Sports Complex is located at 15950 Co Rd 122, Watertown, MN 55388. There are no delinquent real estate taxes on this property.

**ACTION REQUESTED:**

Approval of the Request for Renewal of Off-Sale, On-Sale and Sunday Liquor License for Hollywood Sports LLC

**FUNDING**

County Dollars = \$

Other Sources & Amounts = \$

=

**TOTAL** = \$

**FISCAL IMPACT**

X None

Included in current budget

Budget amendment requested

Other: Not Budgeted

**Related Financial Comments:**

The License Fee for Hollywood Sports LLC is as follows:

Off-Sale Liquor License \$ 100.00

On-Sale Liquor License \$1,125.00

Sunday Liquor License \$ 200.00

Reviewed by Laurie Engelen, Taxpayer Services Manager

Date:

10-4-10



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : PWHQ Cologne – Underground Storage Tank Monitoring (UST) Repairs

Originating Division: Administrative Services

Meeting Date: October 12, 2010

Amount of Time Requested: 5 Minutes

Attachments for packet:  Yes  No

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

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** The Board requested further information regarding the MNPCA Statute and Rules affecting the proposed PWHQ UST repair. Staff continues to recommend approval of the budget and contracts as presented on October 5, 2010. The repairs will address three significant issues; first it will allow improved monitoring to maintain compliance with MPCA rules; second, it will address deferred/preventative maintenance, third it will address violation warnings issued to the County by the MPCA.

In Minnesota, there are about 18,000 regulated underground storage tanks (USTs) currently in use. The Underground Storage Tank Program was created to help prevent contamination caused by leaking tanks. The program focuses on technical assistance and compliance to achieve this objective. The PCA designates Inspectors by County to enforce their rules.

**Rules:** New UST rules became effective on March 24, 2008. Portions of the new rules pertaining to the requirement and certification of UST Class A, B, and C operators became effective in 2009 and 2010. All UST program forms and fact sheets were recently revised to reflect the new rules. **Statutory History:** The enabling legislation is found in Minnesota Statute 116.49—which was passed in special session by the state legislature in 1985 and requires the MPCA to adopt rules applicable to all owners and operators of USTs. These rules must establish the safeguards necessary to protect human health and the environment.

In 2003 the PWHQ was operational with a total cost of the underground tank systems attributable to the installer, MN Petroleum, of \$182,512.53. Since that time, approximately \$23,000 has been spent on maintenance, testing and equipment for the fuel tanks, dispensing and monitoring equipment. MN Petroleum installed and maintained the equipment for the County and staff relied on MN Petroleum to conduct annual inspections and testing. In 2010, staff obtained competitive quotes for the services and has engaged Pump and Meter Service to conduct the 2010 inspections and testing after receiving violation warnings.

On April 19, 2010 Jeff Brandon, M PCA tank inspector for Carver County inspected the PWHQ underground storage tanks. Two field citation warnings included failure to maintain spill containment free of storm water and failure to keep sumps/catchment basins free of storm water and or debris. Staff contracted with Pump and Meter to correct all violations that we could not self-perform including required annual pressure testing of the tanks and lines. All equipment and basins were found to be in compliance and the record of the tests was submitted.

Currently, all of the County's original tank and dispensing equipment installed with the original construction is operational and meets MPCA requirements. However, to meet those requirements, we are currently performing manual leak inspections in connection with the pumps, sumps and floats. Electronic monitoring is operational in connection with the tank levels and the current electronic hardware prints out the results.

In February of 2007 an electrical line was replaced that runs from the main facility to the pumps. At that time staff and our Contractor's discovered that the steel conduit serving the dispensing equipment began to break or did not allow for new replacement wire to be pulled through it. Previous and subsequent excavations at the facility has further encountered degraded conduit. The cause appears to be high water tables and high clay soil PH prematurely breaking down the conduit to an unusable form.



Based upon attempted repair action, we believe the low voltage wires connected to the sumps and pumps no longer are operational and it is feared that the conduit is degraded within the 50 yard run from the tanks to the PWHQ monitoring equipment. This low voltage wire is believed to have experienced the same circumstances that required the electric repair in 2007. No new additional conduits exist to pull new wire runs and it is a matter of time before we experience a complete power failure serving the pumps.

In addition to completing the repairs to the electrical and monitoring equipment, staff recommends raising the tank fills and gauge risers (\$5,144.05) and updating the probes kits that come with the Veeder Root TLS-450 Plus Tank Monitor system. These modifications will bring the County's USTs into compliance with current PCA rules and will help alleviate any future violations for spill containment and/or storm water and debris in the sumps/catch basins.

While not required to be replaced, the new monitoring software and hardware is recommended for several reasons. First, the original equipment manufacturer (Emco Wheaton) has gone out of business. While parts are available, the technology is 10 years old. Second, the new equipment allows the County to better comply with the new PCA monitoring rules because the new equipment has Continuous Statistical Line Leak Detection and will allow the County to avoid third-party testing costs. The new TLS-450 system will have a three year 24/7 monitor record. Alternatively staff could check the spill buckets, tank sumps and dispenser sumps manually and submit the manual inspection reports as is current practice. However, the new equipment allows all three designated compliance personnel (Class A, B, and C, as required by PCA rules) to monitor the software/devices more efficiently.

Staff is recommending a scope of work that includes all new underground electric service and low voltage, UST monitoring, and deferred maintenance such as painting, concrete and grade improvement. The scope of work was determined by both Facilities and Public Works. Two UST service firms were contacted for quotes and asked to provide separate electrical quotes. The scope included itemized options that would virtually replace everything but the underground tanks and sump basins (which are in good condition). Both UST service firms selected the same electrician to provide them the electrical quote. Staff requested a local County contracted Electrician to quote the project and was \$400 under the UST subcontractor. The Results are recommended as follows:

Tank Islands – Monitoring Equipment & Grade Improvements:	\$10,529.64
UST Monitoring – Equipment Hardware/Software – Probe Kits:	\$12,660.73
Paint Bollards and Trim	\$ 750.00
Underground Electric Trench & Install:	\$17,444.23
Contingency & General Conditions:	\$ 5,000.00
<b>Total</b>	<b>\$46,384.60</b>

Sources of funding are proposed to be Facilities Emergency Repairs \$25,000 and \$21,385 PW equipment line item.

Construction is expected to last 15 business days with appropriate weather conditions. The parking lot and driveways shall be disrupted during construction. Fuel dispensing shall also be limited at times and will require fills for the County Fleet at our contracted retail outlets. Staff is exploring value engineering alternatives prior to construction.

No breach of any tank has been found nor has the catchment basins been found to be noncompliant. Monthly manual monitoring occurs by either PW or Facilities staff.

**ACTION REQUESTED:** Move approval of two contracts with two low quote contractors: Pump & Meter Service, Inc in the amount of \$23,940.37 and H&J Electric in the amount of \$17,444.23 and approve the appropriate fund transfers and expenditures with a budget amount of \$46,384.60.

<b>FUNDING</b>		<b>FISCAL IMPACT</b>
County Dollars =	\$46,384.60	<input type="checkbox"/> None

Other Sources & Amounts

= \$

TOTAL

= \$46,384.60

Included in current budget

Budget amendment requested

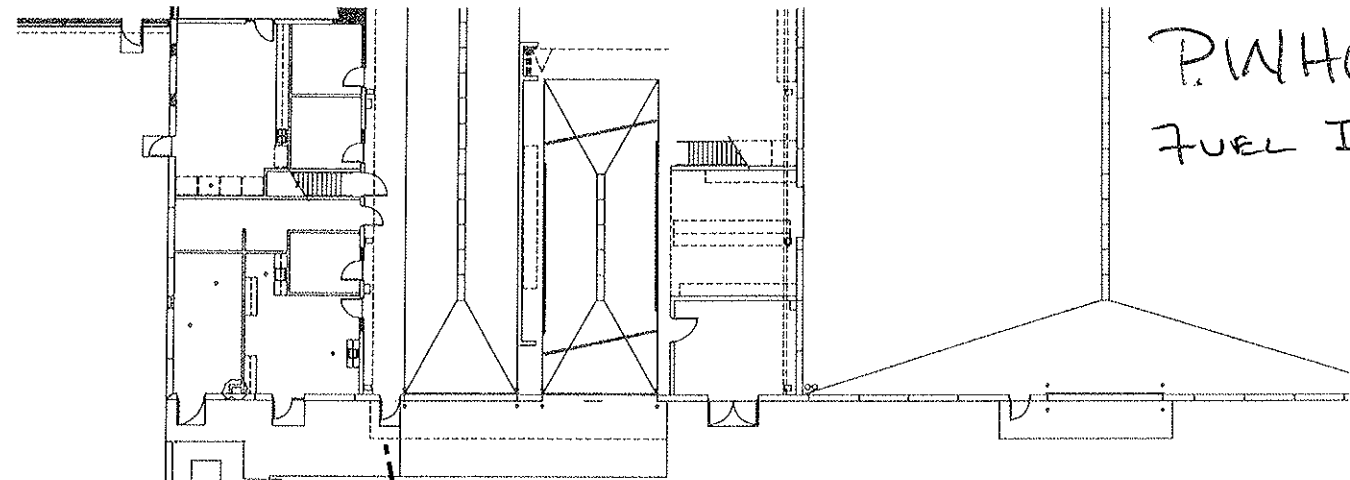
Other:

Related Financial Comments: While Emergency Repairs are a budgeted item PWHQ and Facilities are proposing to split the cost of installation.

Reviewed by Division Director

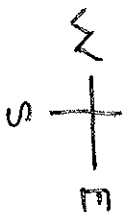
Date: October 7, 2010

P.W.H.Q  
Fuel Island



Existing Electric -  
Replace with New

Dispensers/Pumps



New Concrete  
around sump & fill

Tank/Sumps/Fill

# BUDGET AMENDMENT REQUEST FORM

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

**Division: Administrative - Facilities**

**Date of County Board Session: 10/05/10**

**Fund: 01**

Description of Expenditure Account funds are to Increased/(Decreased):	Amount	Description of Expenditure Account funds are to Increased/(Decreased):	Amount
Facilities Emergency Repairs	\$ 25,000	UST Repairs	\$ 46,385
Public Works Equipment	\$ 21,385		
<b>TOTAL:</b>	<b>\$ 46,385</b>	<b>TOTAL:</b>	<b>\$ 46,385</b>

**A. Reason for Request:** See Board Action.

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

**C. Contingency Acct. Beginning Bal.:** \$ 300,000

**D. Contingency Acct. Current Bal.:**

**E. Current Balance After Adj.:** \$ 300,000

**F. Requested By:** Facilities and Public Works

**G. Recommend Approval:** Finance Director

**H. County Board Decision:** Approval/Disapproval



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Union Pacific Rail Line Chaska Industrial Lead

Originating Division: Public Works/Parks

Meeting Date: 10-12-10

Amount of Time Requested: 20 Minutes

Attachments for packet:  Yes  No

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

### BACKGROUND/EXPLANATION OF AGENDA ITEM

On January 23, 2008, Carver County Regional Rail Authority, Scott County Regional Rail Authority, the City of Chaska and City of Carver entered into a joint powers agreement and formed an entity entitled the Minnesota River Valley Rail Line (MRVL), to consider the possible acquisition of the 5.6 mile stretch of the Union Pacific Rail Line Chaska Industrial Lead which extends from Chaska (Mile post 33.0) to Merriam (Milepost 38.6) in Scott and Carver Counties, Minnesota. This agreement provides the ability for MRVL to enter into negotiations with the Union Pacific to obtain an agreement to acquire the rail right of way for public and/or trail use under federal law, rules and provisions.

In early 2009 an offer was made by MRVL to Union Pacific for the corridor. That offer was rejected. Union Pacific has responded with their opinion of value for the corridor. Another offer to Union Pacific has been made and is being considered by Union Pacific Railroad for property identified as the Chaska Industrial Lead, which extends 5.6 miles from Chaska (Milepost 33.0) to Merriam (Milepost 38.6) in Scott and Carver Counties, Minnesota.

**ACTION REQUESTED:** Motion to enter into closed session according to Minnesota Statutes Section 13D.05 in order to discuss confidential information of offers or counter offers for the purchase of real property.

### FUNDING

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

### FISCAL IMPACT

None  
 Included in current budget  
 Budget amendment requested  
 Other:

Related Financial Comments:

Reviewed by Division Director

Date: October 6, 2010

S:Parks/BA-RES/Union Pacific Railroad Chaska Industrial Lead October 12, 2010



# REQUEST FOR BOARD ACTION

**AGENDA ITEM : Dakota Rail Regional Trail Snowmobile Permit Request Update**

Originating Division: Public Works/Parks

Meeting Date: October 12, 2010

Amount of Time Requested: 20 Minutes

Attachments for packet:  Yes  NoItem Type:  Consent  Regular Session  Closed Session  Work Session  Ditch/Rail Authority

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** Staff desires to update the County Board on the request to allow snowmobiling on the Dakota Rail Regional Trail. Over the last several months meetings have been held at local government units and at the County Park Commission. Information will be presented on what local agencies have recommended. Future meetings are planned at the County Planning Commission and with the County Board.

**ACTION REQUESTED:** No action is requested**FUNDING**

County Dollars = \$

Other Sources &amp; Amounts = \$

= \$

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

Date: October 6, 2010

S:\Parks\BA-Res\Dakota Rail line\Permits\Snowmobile Permit Request