

Carver County Board of Commissioners
 July 27, 2010
 Regular Session
 County Board Room
 Carver County Government Center
 Human Services Building
 Chaska, Minnesota

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9:15 a.m.	1.	<ul style="list-style-type: none"> a) CONVENE b) <i>Pledge of Allegiance</i> c) <i>Public participation (comments limited to five minutes)</i> d) <i>Introduction of New Employees</i> 	
	2.	Agenda review and adoption	
	3.	Approve minutes of July 20, 2010 Regular Session	1
	4.	Community announcements	
9:15 a.m.	5.	CONSENT AGENDA	
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	5.7	Approval of Modified Language for Contract Police Service Plan	9-27
	5.8	Community Social Services' warrants.....	NO ATT
	5.9	Commissioners' warrants.....	SEE ATT
9:15 a.m.	6.	PUBLIC HEALTH AND ENVIRONMENTAL	
	6.1	Public Hearing – Consider Approval of the Revised DRAFT CCWMO Water Management Plan for State Review	28-53
9:45 a.m.	7.	COMMUNITY SOCIAL SERVICES	
	7.1	Create a Therapist for the School Linked Mental Health Grant.....	54

10:00 a.m.	8. ADMINISTRATIVE SERVICES 8.1 Best Value Procurement – Courthouse Water Conservation 55-58 8.2 Closed Session – Chanhassen Service Center sewer back-up issue 59
10:30 a.m.	ADJOURN REGULAR SESSION
10:30 a.m.	BOARD REPORTS
	1. Chair 2. Board Members 3. Administrator 4. Adjourn

Dave Hemze
County Administrator

UPCOMING MEETINGS

July 27, 2010	7:30 p.m. Carver County Township Association Meeting – Waconia Legion
August 3, 2010	9:15 a.m. County Board Meeting
August 5, 2010	7:00 p.m. ACCEL Meeting – Cologne Community Center
August 6, 2010	10:00 a.m. Welcoming Ceremony - Carver County Day at the Minnesota Landscape Arboretum
August 10, 2010	9:15 a.m. County Board Meeting
August 17, 2010	4:00 p.m. County Board Work Session
August 24, 2010	9:15 a.m. County Board Meeting

REGULAR SESSION
July 20, 2010

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on July 20, 2010. Chair James Ische convened the session at 4:05 p.m.

Members present: James Ische, Chair, Gayle Degler, Vice Chair and Tim Lynch.

Members absent: Randy Maluchnik and Tom Workman.

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

Lynch moved, Degler seconded, to approve the minutes of the July 6, 2010, Regular Session. Motion carried unanimously.

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

Payment of emergency claim in the amount of \$125.

Awarded Carver County Project No. 1014, furnishing bituminous material, to Flint Hill Resources in the amount of \$184,287.23.

Authorized reducing the retainage to \$500 allowing the release of the corresponding retainage amount of \$20,749.75 to Safety Signs for Project SAP 10-070-02.

Contract with Dynamic Recycling to collect, transport and recycle electronic materials.

Community Social Services' actions.

Approved payment of the following Commissioners' warrants:

INSERT

Motion carried unanimously.

Degler moved, Lynch seconded, to adjourn the Regular Session at 4:07 p.m. to go into a work session with Public Works, Financial Services and Sheriff. Motion carried unanimously.

David Hemze
County Administrator



REQUEST FOR BOARD ACTION

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

Originating Division: Property Records Taxpayer Services

Meeting Date: July 27, 2010

Amount of Time Requested: 0 minutes

Attachments for packet: Yes No X

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

BACKGROUND/EXPLANATION OF AGENDA ITEM: *Augusta Ball Club, 5950 Hampshire Road, Chaska, is planning an event on September 18, 2010 in which they are requesting a Temporary On-Sale Liquor License. The board members are Mark Hesse, President, Keith Wickenhauser, Vice-President, Julie Eiden, Secretary, April Wichterman, Treasurer. This parcel is exempt from taxes.*

ACTION REQUESTED:

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

September 18, 2010

FUNDING

County Dollars = \$

Other Sources & Amounts = \$

=

TOTAL = \$

FISCAL IMPACT

X None

Included in current budget

Budget amendment requested

Other: Not Budgeted

Related Financial Comments:

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

Reviewed by Taxpayer Services Manager

Date: 7-19-10



REQUEST FOR BOARD ACTION

AGENDA ITEM : Tobacco License

Originating Division: Property Records Taxpayer Services Meeting Date: 7/27/10
 Amount of Time Requested: Attachments for packet: Yes No
 Item Type: Consent Regular Session Closed Session Work Session Ditch/Rail Authority

BACKGROUND/EXPLANATION OF AGENDA ITEM: The following business has applied for a Tobacco License in compliance with the Carver County Tobacco Ordinance. The owners are requesting Carver County Board of Commissioners approval to sell tobacco products. There are no delinquent taxes on this parcel.

License #10-631
Crossroads Liquor Victoria LLC dba Crossroads Liquor
 Paul Schindler, President
 7999 Victoria Drive, Suite A
 Victoria, MN 55386

ACTION REQUESTED:

Approval

FUNDING

County Dollars = \$
 Other Sources & Amounts =
 =

TOTAL = \$

FISCAL IMPACT

- None
- Included in current budget
- Budget amendment requested
- Other:

Related Financial Comments:

Reviewed by Taxpayer Services Manager


Date: 7-19-10



REQUEST FOR BOARD ACTION

AGENDA ITEM : Abatements/Additions

Originating Division: Property Records Taxpayer Services Meeting Date: 7/27/2010
 Amount of Time Requested: 0 minutes Attachments for packet: Yes No
 Item Type: Consent Regular Session Closed Session Work Session Ditch/Rail Authority

BACKGROUND/EXPLANATION OF AGENDA ITEM: See Attached.

ACTION REQUESTED:

Recommend to approve.

FUNDING

County Dollars = \$ -4,095.37
 Other Sources & Amounts = \$ -6,541.63
 =
TOTAL = \$ -10,637.00

FISCAL IMPACT

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

Related Financial Comments:

Reviewed by Taxpayer Services Manager

Date:



REQUEST FOR BOARD ACTION

AGENDA ITEM : Approval of the realignment Full Time Equivalents in Crisis Program

Originating Division: **Community Social Services**

Meeting Date: 7/27/2010

Amount of Time Requested: 0 minutes

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM:

The Crisis Team Unit of the Behavioral Health Department has 8.7 FTE's for Crisis Therapist. This split between eight (8) Permanent Full Time Employees (7.6 FTE's from .8 to 1.0 FTE) and 1.1 FTE for numerous casual intermittent On-Call Crisis Therapists.

A current long-term employee, Mike Tanguay, has requested to decrease his assigned fulltime equivalent from .9 FTE to a .8 FTE.

The Crisis Unit budget has a 1.1 FTE assigned to the On Call Crisis Therapist pool. The request is to transfer .4 FTE's from this designation, combine it with the .1 FTE from the employee identified above to create a .5 FTE permanent part-time position. Staffing of the 24/7 mental health crisis unit requires this number of permanent FTE employees. Developing and offering the part-time permanent position enhances staff retention and avoids cost.

ACTION REQUESTED:

Approve the reduction of a .9 FTE Crisis Therapist to a .8 FTE Crisis Therapist.

Approve the creation of a .5 FTE Crisis Therapist.

Approve the reduction of the On-Call Crisis Therapist pool from 1.1 FTE to .7 FTE.

FUNDING

County Dollars = \$

Other Sources & Amounts = \$

= \$

TOTAL = \$

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Related Financial Comments:

There is no fiscal impact to this FTE realignment.

Reviewed by Division Director

Date: 7/19/2010



REQUEST FOR BOARD ACTION

AGENDA ITEM : Approval of Home and Community Based Services Waiver Contract

Originating Division: Community Social Services

Meeting Date:

Amount of Time Requested: 05 minutes

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

Recommended approval of host county contract with Home Care Connections PCA, Inc for services provided to clients in Carver County that are funded with MA funding for clients that are on Home and Community Based Waiver Services Programs.

ACTION REQUESTED:

Provide Consent and authorize contract

FUNDING

County Dollars = \$0.00
 Other Sources & Amounts =
 MA Waiver Programs = \$250,000 annually
TOTAL = \$250,000 annually

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments: There is no fiscal impact to the county. All funding for this contract is provided through MA Home and Community Based Waiver Programs.

 Reviewed by Division Director

Date:



REQUEST FOR BOARD ACTION

AGENDA ITEM : Approval of Home and Community Based Services Waiver Contract

Originating Division: Community Social Services

Meeting Date:

Amount of Time Requested: 05 minutes

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

Recommended approval of host county contract with HealthTouch Home Care, Inc for services provided to clients in Carver County that are funded with MA funding for clients that are on Home and Community Based Waiver Services Programs.

ACTION REQUESTED:

Provide Consent and authorize contract

FUNDING

County Dollars = \$0.00
 Other Sources & Amounts =
 MA Waiver Programs = \$250,000 annually
TOTAL = \$250,000 annually

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments: There is no fiscal impact to the county. All funding for this contract is provided through MA Home and Community Based Waiver Programs.

 Reviewed by Division Director

Date:



REQUEST FOR BOARD ACTION

AGENDA ITEM : Approval of Modified Language for Contract Police Service Plan

Originating Division: Sheriff's Office

Meeting Date: July 27, 2010

Amount of Time Requested: 00 minutes

Attachments for packet: X Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM: In April 2004 the County Board Adopted 5 resolutions related to the Sheriff's Office Contract Police Service Plan. As the phases of the 2004 resolutions have been implemented there has been a need identified to revisit the definitions of base and contract level service. As part of an agreement with the City of Chaska substantive changes to the Contract Police Service Plan must allow for the City of Chaska to comment on these changes. In a letter dated June 8, 2010 the City of Chaska has met with County Administration and the County Sheriff and is comfortable with the proposed changes to Resolution 2. Sheriff's staff met with our contracting communities to discuss the proposed language changes as well. There were no concerns from our contracting communities either. The new Resolution 2 discusses and outlines the definitions of base level and contract level police service.

ACTION REQUESTED: Motion to adopt the new language for base level and contract level services for the Contract Police Service Plan as presented on pages 11 and 12(Bolded) of the plan document.

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 Sheriff Byron 'Bud' Olson

Date: 7/21/2010

Vision 2005:
Contract Policing in Carver County
Project Recommendations

Prepared by:

Sheriff's Contract Committee (SCC)

City of Carver
City of Chanhassen
City of Cologne
City of Hamburg
Township of Laketown
City of Mayer
City of New Germany
City of Norwood Young America
City of Victoria
City of Waconia
City of Watertown
County of Carver

March 18, 2004

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I. Introduction

The Office of Sheriff was established in Carver County in 1855. To say the Office is unique in comparison to other Sheriff's Offices is to recognize the dreams of our past Sheriffs' and local government leaders. Countywide leadership in creating our contract policing model is one of the most unique features of our mission. Today, our challenge is to sustain these services, in times of great county growth and stronger demands of accountability for governmental spending. If the Sheriff's Office chooses to be a service provider the contracting model must be reviewed and enhanced or risk the experiences of other Sheriffs', that being the loss of providing policing services to local communities.

This project is really a study of 38 years of evolution. It was designed to review our current contracting model, to evaluate its effectiveness in meeting local concerns of the contract communities, and make recommendations for improving and/or enhancing the contract police model.

This model of policing has had studies done, court challenges initiated and public criticism voiced over what services the Sheriff must provide and those that are contractual in nature. The current project has worked hard to answer some of the most difficult questions of all; what are county wide/base level police services and what are contract level police services?

In an effort to answer these questions, the county and sheriff contracted with outside consultants, met with county, township, city officials and office employees, past and present, to define what services the Sheriff provides. The examination and recommendations that follow are the culmination of 11 months of diligent work and laborious struggle by the members of the Sheriff's Contracting Community (SCC) in an attempt to define something that has no quick reference or historical guide. These recommendations outline the process and create a vision for contract law enforcement services in the year 2005 and beyond.

By no means does this examination represent a complete guide to understanding how best to police a county, city or township. The dream of a Sheriff 38 years ago was to offer an alternative to cities and townships in providing public safety services. The goals were to be cost efficient and effective in providing these services. Today, these goals are still our vision, understanding the need to be accountable to the people who fund local government, our taxpayers.

II. History of Contract Policing

The Past

Since 1966 the Sheriff's Office has provided contract policing to our communities and townships in the county. By 1969, 11 cities (Norwood Young America were two separate cities at the time) and 11 townships were contracting for some level of policing. Why did they do this? It was to meet the cities statutory obligations, and to improve the patrol services of the Sheriff in the townships of the county. Through this model the sheriff provided hourly patrol response services to cover the local needs of the community and improve the coverage in the townships.

In 1972 Sheriff Melchert and the County Board consulted with Springsted Incorporated, Municipal Consultants to conduct "an evaluation of law enforcement in Carver County." From this study came the recommendation of a "single department" concept of offering law enforcement services to Carver County residents. The report stated that "we feel these responsibilities (law enforcement) have been met successfully. However, as the County continues to expand in an urbanized manner, these responsibilities will increase and some changes in personnel policies and management priorities will require prompt attention." (See Appendix A)

In 1976 the City of Chaska raised concerns the funding formula for contract policing was not adequately capturing the cost of providing contract services. It was argued the county was not fully recovering the cost of contract policing which resulted in a property tax subsidy to those communities that participated in the program. An agreement was reached in which the county was to properly charge any community, whether township or city, with the actual costs of providing law enforcement services. It was at this time the Wright County Sheriff's model of cost recovery was adopted. Without exception, this model has been used every year with some minor adjustments.

In 1984 the City of Chaska again raised concerns about the cost recovery of providing contract services. The county board requested a review of the contracting system by the State Auditor's Office. From this report the county was to determine contract policing costs and hours of service based on the demand for services. Because of the broad nature of services the Sheriff provides the county board and sheriff were to "make a management decision" about what were base level services and those that were municipal contract police services. The report stated, "The hours of service purchased could vary by a city depending on the population, the types of business in the city, the city's area, and its crime environment." (See Appendix B)

In 1987, as a result of legal action the county and city reached a stipulated agreement that resulted in an Order for Judgment and permanent injunction being issued by the court. In the agreement it states; "This order recognized the sheriff renders two types of service: base level service and municipal police service under contract. They also recognize the difficulty of putting definitions in words and the partial overlap." (See Appendix C)

In 2001 the police contracting system was studied internally. The findings of this study indicated:

1. The contract hours had not kept pace with the growth in population or calls for service.
2. The contract formula had not been updated with current scheduling or human resource costs.
3. The hourly formula recommended no additional hours, beyond one hour, to townships even if they grew larger than cities in population and calls for service.
4. There was no detailed definition of base or contract level police services.
5. There was no cost accounting system in place to document the number of calls and the time spent on the contract calls.

Based on this information a recommendation was made by the sheriff to the County Board in early 2002 to request an external review of the police contracting model. Maximus, Inc completed this study in November 2002.

The Present

Through the Maximus consultant's study it was documented that as of 2000 the Sheriff's Office was under staffed by 2.1 or 9.0 employees, depending on which staffing model was used. The study forecasted by 2010 staffing shortfalls of 19 employees on a population forecast or 34.5 employees on a crime rate forecast. These forecasts were built on an estimate based on the statistics provided by the Sheriff's Office and benchmarks established by the work Maximus has done with similar management studies.

In March 2003 the contract communities and Sheriff's Office staff began meeting to work on this project. The committee reviewed the recommendations of the Maximus study, the court stipulation, the order for judgment, the state auditor's report, and City of Chaska letter sent in March of 2003. The committee examined this information in order to understand the issues and create this modern vision for contract police services.

The Sheriff's Contracting Committee (SCC) has spent hours examining the statutory duties of the county, sheriff, cities and townships in providing public safety services. It has also labored over defining the services the sheriff's office is required to provide, those that overlap, and those that can be defined as contract level services. Based on the work of the committee, specific recommendations are being offered to the County Board, City of Chaska, Township Boards, and City Councils for improvements and enhancement to the contract policing model.

III. Recommendation 1

The discussion of what law enforcement services every resident and every community receives with their county general taxes must begin with defining the statutory powers of each governmental unit to police their respective community.

Duties of the County

The Office of Sheriff is an elected office created by the state legislature. The definition of the duties of the Sheriff are defined in statute 387.03

The sheriff shall keep and preserve the peace of his county, for which purpose he may call to his aid such persons or power of his county as he deems necessary. He shall also pursue and apprehend all felons, execute all process, writs, precepts; and orders issued or made by lawful authority and to him delivered, attend upon the terms of the district court, and perform all of the duties pertaining to his office, including searching and dragging for drowned bodies and searching and looking for lost persons and when authorized by the board of the county commissioners of his county he may purchase boats and other equipment including the hiring of airplanes for such purposes.

Duties of a City

Once created, a city has the responsibility to manage the affairs of their community. Minnesota statute defines the powers of a city in several Chapters. Chapters 412 and 436 specifically deal with city powers to manage their affairs. They state:

412.111 Departments, Board

“The council may create departments and advisory boards and appoint officers, employees, and agents for the city as deemed necessary for the proper management and operation of city affairs....”

412.671 Creation of departments; divisions and bureaus

“The council may create such departments, divisions and bureaus for the administration of the affairs of the city as may seem necessary, and from time to time may alter their powers and organizations...”

436.05 Police service to city, town by sheriff

“Any home rule charter or statutory city, town or the sheriff of any county may contract for the furnishing of police service to any other home rule charter or statutory city or town...”

Duties of a Town (Township)

Townships have powers similar to Cities in regulating the affairs of their township. Minnesota statute defines the duties of a town (township) in several chapters. Specifically chapters 365, 366 and 367 define certain regulatory provisions:

- 365.10 What electors may do at annual town meetings
Regulate animals at large, establish pounds, repair roads and bridges, build community halls, control dogs and cats, suppress vice and immorality, prevent crime, protect public and private property, and adopt ordinances.
- 365.18 Board levy for police, fire gear, and protection
“A town board may annually levy the tax it decides is necessary for police and fire protection and apparatus, and to operate and keep up the apparatus...”
- 366.01 Town board powers listed; formal name
“The supervisors shall have charge of all town affairs not committed to other officers by law...”
- 367.401 Law enforcement officers; appointment; constables
“The town, by majority vote at its annual meeting, may decide to authorize the town board to form a law enforcement agency and appoint law enforcement officers...”

County Wide Police Services

The SCC first reviewed services the Sheriff’s Office provides. The committee formed recommendations for county wide general law enforcement services. (See Attachment 1’) These services were divided by the division or function within the Sheriff’s Office. Some of the services are statutory, such as civil process others are policy decisions made by the County Board of Commissioners, such as supporting the 9-1-1 emergency dispatching system for all communities and townships in the county, others are “overlapping” as discussed in the Order for Judgment and the Maximus study. Even though the overlapping calls or services were identified in the county wide analysis, it would be impossible to include all of them as contract services. Thus, the county and contract community will have to evaluate the overlapping services to determine if it will be provided county wide or be contracted for.

Next, the SCC evaluated the types of patrol services, activity and calls the Sheriff’s Office responds to. The committee evaluated all calls for services over a 9 month period from November 1, 2002 through June 30, 2003 to determine whether the service, activity or call would fall under the statutory duties of the Sheriff or would be considered a non-mandated service, activity or call thus a contract level service. The SCC found the Sheriff provided more county wide services responding to emergencies and keeping the peace than responding to contract level calls. (See Attachment 2) The committee also reviewed 2003 calls for service to determine if there was a statistical relationship to the 9 month analysis. (See Attachment 3) It was noted the analysis was consistent between the two study periods.

This suggests the Sheriff Office is adequately addressing the concern of taxpayers in one city subsidizing policing in another.

The limitation of this type of analysis was recognized in the 1987 order for judgment and in the 2002 Maximus study. The Sheriff's duties are broad in nature and can be widely interpreted. It is also recognized many calls are answered by multiple deputies but the record management system only documents one deputy assigned to report the call and the amount of time spent. It was further recognized the time deputies spend on report writing should be captured as a work load measure for determining adequate staffing. To properly account for all responding personnel and their time on the call would require significant improvements to the software and to call procedures. It would turn "cops into accountants" and take them away from their primary mission of keeping the peace. Also Sheriff's Office staff would have to be adequately trained or retrained to understand and implement practices to interpret each call for service. The labor time alone would result in the addition of staff to support this type of detailed analysis.

Overlapping Services

The most difficult types of calls to categorize in the SCC study are calls which "could" be considered overlapping. They are calls that until the deputy investigates them, it is not clear if the call would be a general county wide call or a contract call. An example may offer clarity in how difficult it has been to build a detailed analysis of the work law enforcement performs.

You are a dispatcher working the Friday over night shift Memorial Day Weekend. The night has been very busy. An alarm company calls in and says they have a home burglary alarm in the City of Waconia. The dispatcher takes the alarm information and hangs up with the alarm company. She/He turns to the other dispatcher working and says "now what do I do with the call?" Should I send the two deputies being paid for by the City or do I send the county general patrol deputy in the district because we are uncertain if this is a contract policing call or a county general call all taxpayers pay for. What if someone is breaking into the house right now? What if it is just "another" faulty burglar alarm going off, "just like all the rest of them!" She makes a frustrated remark to her coworker, "I wish the Sheriff would just tell us what we are supposed to do!" The dispatcher heads for the shelf where the 3 ring binders are kept for each city and township so she/he can check what services the City is paying for. "Where is that manual with the list of calls each township or city are paying for?" she/he asks of her partner. Let me see, alarm response...Oh yea, since it is a burglar alarm the Sheriff does not need to respond unless they are paying for contract police services. It is now 10 minutes since the alarm company called. The dispatcher determines we have a contract with the City and they have agreed to pay for this call so she/he dispatches the local deputies.

Even though this is a hypothetical situation it occurred one thousand seven hundred and ninety (1790) times in 2003. From law enforcement's experience the vast majority (up to 90%) are false alarms. When the SCC examined this type of call, the Sheriff's statutory duty to keep the peace and respond to emergencies, the Order for Judgment with the City

of Chaska, and the statutory powers of the cities, it was determined alarm response falls into both a base level service and a contract level service. If the alarm was a hold up alarm at the local bank that was pushed by a teller would this not be a county wide service every resident would fund through their tax dollars because of the threat to public safety? What about the home burglary alarm that has gone off 4 times a month since the homeowner installed it? Is that an emergency? Does that require every taxpayer to pay for the police response?

This is just one example of detailed work the SCC performed in order to develop a model of contracting that will satisfy all the stakeholders in this project. (See Attachment 4) The impacts managing a contract policing system with this level of documentation and accountability are staggering. The services performed by law enforcement are difficult to quantify and categorize. Instead, statutory language gives counties, cities and townships the authority to levy for police services in order to “manage the affairs” of their local communities.

Overlapping services have been very difficult to make policy decisions on in this study. The amount of time and work that would be necessary to create a contracting model to track these types of calls and categorize them would be significant. It is the recommendations of the SCC that patrol calls of this nature would be handled by the county wide general deputies on a priority basis. When a community decides to enhance their local policing through contracting these overlapping patrol calls would be factored into the police coverage plan for the community.

It should be noted some of the overlapping activities, such as administrative and support services type activities are already included in the cost recovery formula. These services are listed as overlapping because the Sheriff’s Office also needs these activities in order to perform the county wide general services.

County Wide Patrol Services

The Sheriff provides county wide patrol services. This service is at the heart of the discussion of county wide general policing and contract policing services. The committee chose to use the 2000 census to determine the number of deputies available for county general patrol. In 2000 there were 34 deputies assigned to the patrol division. Supervisors are included in this number, except for the Chanhassen Sergeant, who is funded 100% with local dollars. By subtracting out the 18 deputies funded through contract policing that left 16 deputies funded through county general tax revenues.

To determine future county wide patrol services the SCC is recommending the county adopt a minimum ratio. The Sheriff, through the budget process, could make higher recommendations based on the demand for services and changes in the crime environment of the county.

As 2005 approaches the Sheriff will define the county wide general patrol districts and the numbers of deputies needed to provide 24/7/365 response to every citizen of the county. General patrol districts will cover all county wide (base level) and overlapping patrol calls for service under the statutory authority of the Sheriff to “keep and preserve

the peace and to pursue and apprehend all felons.” The exception will be those calls that have been defined solely as contract calls for service. This does not presume there will be a timely response to these types of calls. The Sheriff’s Office will have limited resources to respond to the calls creating the need to define the types of calls and the priorities they will receive for response.

IV. Recommendation 2

Contract Policing Services

Community leaders, through their constituents, decide when the Sheriff's general county wide services are not adequate coverage to satisfy the local demand for public safety services. What factors do citizens and local leaders look at when making these decisions? How long does it take a deputy to answer a call in town? How many deputies work our area of the county? Do we get a say in how our community is policed? Can we choose when our services are provided? Do we get to have a marked squad that easily identifies our local police? Do we get any say who works our community? How big does our city or township have to get before we need our own police department? (Attachment 6 provides a list of the most common factors used to determine how much policing is adequate.)

The SCC has made a recommendation on services the Sheriff's Office provides that would be considered contract services. (See Attachment 5) The committee has discussed what would happen with a call that is not funded by the local authority. The governmental unit will have to make a policy decision to "fund it," pay a "fee for it," or "forget it." This means the county board and township boards, or city councils will need to make a policy decision as to how the call will be handled. After 5 years of meetings and forthright attempts at trying to implement the base level and contract level services it is the Sheriff's recommendation that several modification be made to the definition of base level and contract level services. These recommendations will not diminish the basic premise in the dispute between the City of Chaska, County Board and Sheriff from 1987. That agreement set forth the following:

Base Level Services

1. Enforce State Statutes and County Ordinances
2. Respond to calls for service as resources and call loads allow
 - a. Refer Local Ordinances to the appropriate city or township official.
3. Receive reports and investigate crimes as resources allow.

Contract Police Services

The following is a list of the services the SCC recommended as contract policing services. If a township or city does not choose to police their own community they will be covered by the Sheriff's Office county wide general patrol deputies. The services which would require a contract to provide a response are:

Local Control/Local Identity

1. "Town Deputy" model establishes a police identity with the jurisdiction
2. Local officials participate in liaison deputy selection
3. Dedicated deputies are familiar with local citizens and local concerns
4. Liaison Deputy works with city officials to develop a police work plan to meet the current needs and anticipate the future needs of the community

Traffic Safety Education

1. Preventative patrol on local roads
2. Traffic control/Special events (i.e. Community Celebrations, Parades, etc)
3. Traffic surveys and Radar Displays
4. Target hardening for problem areas

Communication/Coordination

1. Dedicated deputies identify and resolve issues before they become bigger concerns (i.e. problem oriented policing)
2. Liaison Deputy assists in resource allocation and coordination of policing matters for local events
3. Liaison Deputy is available to attend city and township meetings and maintain direct/regular contact with the city/township employees to enhance inter-agency communications and coordination

Call Response and Enforcement

1. Dedicated deputies gives the community a quicker response to calls for service
2. Dedicated deputies gives the community a quicker follow up on crimes
3. Local Ordinance Enforcement
4. Vacation House and Business Checks

Administrative Services

1. Development of annual police contract, detailing costs and obligations
2. Development of annual police service plan
3. Development and distribution of monthly activity reports
4. Development and web posting of quarterly reports
5. Coordination of citizen feedback surveys
6. Development and analysis of crime trends
7. Statistical analysis to identify problem areas and target specific activities
8. State aid refund
9. Processing and disbursement of alarm response fees
10. Receipt of percentage of citation fees
11. Participation in the Sheriff's Contract Committee (SCC)

Community Outreach

1. Crime prevention services
2. Development of neighborhood watch programs
3. "Town Deputy" attendance at local events (i.e. National Night Out)
4. School Based Programs (Restorative Practices, Anti-Drug, SRO)

V. Recommendation 3

Recovering the Contracting Costs

The current funding formula was adopted by the county in 1976. It was first applied by pencil and paper each year. In 1987 the formula was copied to an excel spreadsheet and reproduced electronically each year. The first formal review of this formula was in 1984 by the State Auditors office. Several recommendations were made regarding improving the documentation of actual cost recovery. These recommendations were attached to the 1987 Order for Judgment and permanent injunction.

In 2002 Maximus reviewed the formula and made recommendations for updating the spreadsheet formula to meet current practices. The Sheriff's staff made some necessary adjustments and submitted them to the SCC. The adjustments included adding more staff time to the administrative costs, changing the shift relief factor for determining staffing, adding records staff time, removing the Chief Deputy from the formula, adding patrol scheduling time and developing fixed costs for the vehicle and equipment expenses.

There has been much debate in previous studies about the need to have contract services provided by an hourly formula. The Police Operations study of 1977 stated:

“charging by the hours of patrol or hours of on call should be abandoned. It is meaningless and confusing and creates scheduling problems.” (See Appendix C)

The 1984 State Auditor's report states:

“The contracting cities and the County have also been concerned about the method of charging the cost of contract services to the contracting cities. The County originally charged a per hour rate and then changed to a per capita rate. Thus, current charges depend on the population of the city. The County Sheriff's Department, however, converts the total bills for a city into hours of service using an internally estimated per hour rate. These hours of service for a city are then used for scheduling the patrol cars. The contracting cities try to verify that they are getting the actual hours of service that they are entitled to. As long as contract services exist, the County needs the per hour rate of contract service in order to budget the required manpower and to schedule the service for each contracting city.” (See Appendix B)

In examining other contracting models different funding formulas are used. Consistent among all of them is detailed cost accounting of the personnel expense, vehicle and equipment expense and administrative overhead. More advanced contracting models use a “menu of service” style of contracting. They have listed all the services the Sheriff's Office has available for contracting and detail the cost of each service so a particular community can chose the types of service and the level at which they wish to contract for the services.

The SCC has recommended the adoption of the menu of service model for determining types of local police services. The list of services is outlined in recommendation 4.

VI. Recommendation 4

Menu of Services

The SCC project has identified the services contract communities may fund through the contract policing model. These services are designed to enhance, improve, or expand public safety services to the citizens of the community (township or city). The community and Sheriff will identify the need for these services and a plan for implementation and coordination of the program or service. The services available for additional funding are:

1. Patrol Response Units
2. Traffic Safety Units
3. Corporal
4. Sergeant
5. Lieutenant
6. Criminal Investigation
7. Narcotics Investigation
8. Crime Prevention / Neighborhood Watch
9. Community Service Officer/Animal Control (CSO)
10. K-9
11. Recreation Services (Water/Snowmobile/Park Patrol)
12. School Resource Deputy
13. Record Clerk

The menu can be found listed on Attachment 8.

VII. Recommendation 5

City of Chaska Settlement

In March 2003 Chaska City Administrator Dave Pokorney sent a letter to the Sheriff outlining the concerns the City had with the recovering of costs from contract policing. The city states in the letter it may be necessary to modify the details of the stipulation agreement. Administrator Pokorney also states the city will be flexible and support changes in the system, provided they meet the general intent of the 1987 agreement and are fair.

Through the review process the SCC has conducted a detailed evaluation of the City of Chaska concerns. The committee spent considerable time in discussing the issues of the stipulation agreement and the permanent injunction. It is the recommendation of the committee that the improvements and enhancements being recommended are consistent with the 1987 agreement and will treat each community fairly. Further the SCC recommends the County and City modify the stipulation agreement and remove the permanent injunction.

VIII. 2005 – The Future of Law Enforcement Contracting

Best Practices in Community Policing

Having a Say in Local Policing

For a many years contract communities have been asking for better accountability in the contract policing model formula. The City of Chanhassen was one of the first cities calling for improvement to their local policing plan. Over the past 5 years the cities and Sheriff's Office have reviewed many models of contract policing in the state and nation. From the review it is clear many Sheriffs have wrestled with the issues of local control and local identity. As a community grows and the ability to fund a local police department becomes more feasible the need for a more local presence becomes very important. When community leaders can fund police services locally they have a say in who polices them, when they are policed and how they are policed. Many cities understand the limitation of receiving services using the Sheriff's model. They know they have little say in the delivery of the service(s). In states and counties where Sheriff's Offices have been responsive to the local community needs the model has become very successful. Successful from the tax payer perspective, successful in having a local police presence, and successful in having a say in the level and types of services the community needs and is willing to fund.

Over time, there have been several cities in the county that have looked at providing their policing locally or asking the Sheriff's Office for improvement to the contract policing. In most cases, the cities have experienced continuous growth in their communities. This growth has resulted in more public demand for service and more opportunities to consider funding their local government services, including policing. Through the city's own initiatives they have examined the need for their own police departments. In one case, Norwood Young America, the city surveyed their community to determine the public opinion in providing their police services locally. The results of this survey indicated the desire to have improved local police services. The concern this survey raised was the cost of providing these services. The city council made a decision to work with the Sheriff's Office in building a policing plan that includes a dedicated patrol and a service work plan that identifies the policing priorities the city is interested in achieving.

The entire discussion of policing revolves around two basic principles. The communities desire for local control of their policing resources and local identity of those resources. The future of the Sheriff's Office contract policing system is dependent on the ability of the Office and it's employees to recognize the unique nature of the services they provide and to respect the communities desire to build policing models that address their local concerns. By enhancing this partnership, the cities and county achieve a very important concept of modern policing, best practices in community policing.

Defining Local Policing for Patrol Services

Contract communities will have several choices in planning for their local policing mission. These models offer them the opportunity to “start small” and grow as their local policing needs change. The following alternatives only describe funding patrol services:

Base Level Services

1. Enforce State Statutes and County Ordinances
2. Respond to calls for service as resources and call loads allow
 - a. Refer Local Ordinances to the appropriate city or township official.
3. Receive reports and investigate crimes as resources allow.

Contract Police Services

The following is a list of the services the SCC recommended as contract policing services. If a township or city does not choose to police their own community they will be covered by the Sheriff’s Office county wide general patrol deputies. The services which would require a contract to provide a response are:

Local Control/Local Identity

5. “Town Deputy” model establishes a police identity with the jurisdiction
6. Local officials participate in liaison deputy selection
7. Dedicated deputies are familiar with local citizens and local concerns
8. Liaison Deputy works with city officials to develop a police work plan to meet the current needs and anticipate the future needs of the community

Traffic Safety Education

5. Preventative patrol on local roads
6. Traffic control/Special events (i.e. Community Celebrations, Parades, etc)
7. Traffic surveys and Radar Displays
8. Target hardening for problem areas

Communication/Coordination

4. Dedicated deputies identify and resolve issues before they become bigger concerns (i.e. problem oriented policing)
5. Liaison Deputy assists in resource allocation and coordination of policing matters for local events
6. Liaison Deputy is available to attend city and township meetings and maintain direct/regular contact with the city/township employees to enhance inter-agency communications and coordination

Call Response and Enforcement

5. Dedicated deputies gives the community a quicker response to calls for service
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7. Local Ordinance Enforcement
8. Vacation House and Business Checks

Administrative Services

12. Development of annual police contract, detailing costs and obligations
13. Development of annual police service plan
14. Development and distribution of monthly activity reports
15. Development and web posting of quarterly reports
16. Coordination of citizen feedback surveys
17. Development and analysis of crime trends
18. Statistical analysis to identify problem areas and target specific activities
19. State aid refund
20. Processing and disbursement of alarm response fees
21. Receipt of percentage of citation fees
22. Participation in the Sheriff's Contract Committee (SCC)

Community Outreach

5. Crime prevention services
6. Development of neighborhood watch programs
7. "Town Deputy" attendance at local events (i.e. National Night Out)
8. School Based Programs (Restorative Practices, Anti-Drug, SRO)

Creating Community Work Plans

The community will also have choices through a menu of service to enhance their local policing model over and above the patrol service plans listed above. These services are typical law enforcement functions most communities fund in order to manage a full service policing model locally. Each community will work closely with the Sheriff in building and creating a community work plan that best defines their needs and expectations within their local policing model. (See Attachment 9)

Every community leader will be challenged to define the adequate and necessary level of policing their citizens will expect and demand. By offering a police contracting model our community expectations can be easily managed and efficiently funded.



REQUEST FOR BOARD ACTION

AGENDA ITEM : Public Hearing to Consider Approval of the Revised DRAFT CCWMO Water Management Plan for State Review

Originating Division: Public Health & Environment

Meeting Date: July 27, 2010

Amount of Time Requested: 25 minutes

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM:

A DRAFT of the updated 2010 Carver County Water Management Organization (CCWMO) Water Management Plan was released by the Board in April 2010 for official 60-day review and input from residents, townships, cities and state agencies. The CCWMO has received and responded to several comments on the draft plan. Per Minnesota Statute 103B.231, the CCWMO is required to hold a public hearing prior to sending a revised draft to the Board of Soil & Water Resources (BWSR) for final review.

See Attached memo for comments received and staff recommended responses.

ACTION REQUESTED:

Motion to open public hearing; motion to close public hearing; motion to authorize release of the DRAFT 2010 CCWMO Water Management Plan to the Board of Soil & Water Resources (BWSR), the Metropolitan Council and the State Agencies for 45-day review, and subsequent BWSR 90-day review.

FUNDING

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

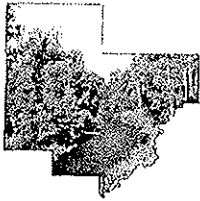
FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments:

Reviewed by Division Director

Date: July 19, 2010



Carver County Water Management Organization

Planning and Water Mgmt Dept
Government Center - Administration Building
600 East 4th Street
Chaska, Minnesota 55318
Phone: (952)361-1820
Fax: (952)361-1828
www.co.carver.mn.us/water

Memo

To: County Commissioners
From: Paul Moline, Carver County Water Management
Date: 07/16/10
Re: Approval of CCWMO Draft Water Management Plan for State Review
cc. Randy Wolf
Dave Hemze

Enclosures: None

At previous County Board meeting in April 2010, the DRAFT Carver County Water Management Organization (CCWMO) water management plan update was authorized to release for a 60-day public and agency review period. The comment period closed on June 23, 2010, and staff has responded to the comments with proposed revisions to the draft plan. The comments and plan changes are attached and together with the full DRAFT CCWMO PLAN sent in April, make up the revised draft for consideration for the next review stage.

Comment Summary

During the 60-day review period, the following steps occurred:

- Copy of the DRAFT plan sent to all cities & townships in the CCWMO, adjacent watershed jurisdictions, state agencies, the Water, Environment, and Natural Resource (WENR) Committee, as well as the County Board.
- Copy of the DRAFT plan posted on the County Website and sent directly to citizens per any request.
- Open House held on May 13 at the Cologne Public Works Facility (advertised in the local community newspapers).
- Township meeting held May 4 for all township supervisors.
- City and State Agency meeting held April 30.
- Individual Township and city meeting attendance was offered. No requests were received.
- Discussions with the WENR committee on plan review status on May 25, and with the Carver SWCD Board on May 20.
- Follow up meeting with Board of Water & Soil Resources (BWSR) staff to discuss comments on July 8.

Comments were received from the following: (see attachment for full comments)

- Three citizens
- City of Carver
- City of Victoria
- Bolton Menk Inc. (engineering firm)
- Lower MN Watershed District
- Metropolitan Council
- BWSR
- MNDOT

Next Steps

According to State statute, the next steps in the process are as follows:

- Submit revised draft to the Metropolitan Council, the state review agencies, and the Board of Water and Soil Resources for final review. The state review agencies shall forward their comments within 45 days after they receive the final review draft of the plan to BWSR.
- BWSR review and approval of the plan within 90 days.
- CCWMO adoption within 120 days after approval of the plan by BWSR.

The maximum timeframe described in the above steps would extend the process into 2011, however in discussions with BWSR staff, it appears that the state review period could be shortened significantly with an October adoption date being possible.

2010 CCWMO Water Plan Update - 60 Day Comment Summary

#	Name/ Organization	Comment Date	Plan Area	Comment	Response <small>(NOTE: pages referenced in the responses below refer to the July draft of the Plan)</small>
1	Metropolitan Council	6/8/2010	General	The plan is consistent with the Council's 2030 Water Resources Management Policy Plan. Overall, the plan provides an excellent framework to protect water resources in the County.	Noted.
2	Minnesota Pollution Control Agency	6/9/2010	Impaired Waters Table 3B-1 Table 3B-2	Overall, the focus is on known impaired lakes. It would make sense to provide a table inventorying all the lakes and major streams in the CCWMO jurisdiction and their general status. The status should include whether the water body is known to be impaired or not; and whether TMDLs are not yet planned, planned but not started, started, etc. In addition, it may be appropriate to identify those lakes within the drainage areas of other lakes with TMDLs. These upstream lakes are worth distinguishing from other unmonitored lakes because they are generally suspected of being impaired and, as such, warrant attention in terms of implementation efforts in order to improve downstream water bodies.	Tables 3B-1 and Table 3B-2 have been revised to include all lakes and major streams, their impaired status, target TMDL completion date, and the name of related TMDLs (see p. 3B.2-4).
3	Minnesota Pollution Control Agency	6/9/2010	Impaired Waters Table 3B-3	The section on Status of TMDL Studies and Implementation Plans should be updated with regard to which water bodies are combined into which projects and what their status is.	Table 3B-3 summarizes the status of approved and underway TMDL Studies (p. 3B.6). The first column in the table lists the waterbodies included in each study.
4	Minnesota Pollution Control Agency (MPCA)	6/9/2010	Wetland Management p. 3D.10	Please note that some wetlands do get listed on the 303(d) list. Currently, which wetlands are assessed for impairment is limited and we have not yet developed an approach to conducting these TMDLs. Therefore, the CCWMO should focus on protection and restoration strategies within the context of other TMDLs or outside the TMDL framework altogether.	Noted. As indicated in Imp Strategy WM-3, the CCWMO will work to restore wetlands both within the TMDL context and outside the TMDL framework all together (see p. 3D.14).

2010 CCWMO Water Plan Update - 60 Day Comment Summary

#	Name/ Organization	Comment Date	Plan Area	Comment	Response (NOTE: pages referenced in the responses below refer to the July draft of the Plan)
5	Minnesota Department of Transportation (MnDOT)	6/21/2010	Figures	1. Figures in general: The information source for all the resources identified in the figures should be noted. For example Figure 2-5 Hydric Soils (NRCS) shows wetlands. Where are the wetland designations from – the NRCS Hydric soil maps? In addition, and in particular, the wetland designation varies from figure to figure. Sometimes lakes (e.g. Waconia) are identified as lakes (e.g. Figures 2-5, 2-6, etc.) and other times they are identified as wetlands (Figures 2-18, 2-19, 3D-1, 3D-2, etc.). The wetlands and waters classification and designation should be clear and consistent throughout the document	Wetland areas have been removed from Figure 2.5 to more clearly show the extent of hydric soils in the CCWMO (see p. 2.10). Deepwater habitats (i.e. lakes) are considered wetland habitats in the National Wetland Inventory (NWI). As a result, maps displaying NWI data or data based on the NWI (e.g. the CCWMO Wetland Function and Value Assessment and the Wetland Restoration Assessment) include water resources that many may regard as lakes. Figure 2-37 and Figure 3D-1 have been updated to show wetlands at the "system" level of the Cowardin classification system. This more clearly indicates which wetlands have deepwater habitat. Elsewhere in the plan, the depiction of wetlands and lakes is consistent.
6	Minnesota Department of Transportation (MnDOT)	6/21/2010	Figure 2-12, 2-13	2. Figures 2-12, 2-13, etc: The State and county highways are not clearly shown in the figures. Please add the route numbers.	Noted.
7	Minnesota Department of Transportation (MnDOT)	6/21/2010	Land & Water Resource Inventory Table 2-7	3. Table 2-7: Please provide an explanation for the decrease in "Roadway Rights-of-Way" between 2008 and 2030.	Table 2-7 and Figures 2-13 have been updated using recently released planned land use data from the Metropolitan Council. Table 2-7 no longer shows a decrease in Roadway Rights-of-Way.
8	Minnesota Department of Transportation (MnDOT)	6/21/2010	Impaired Waters p. 2.43, p. 3B.9	4. Page 2-43 and page 3B.9 Strategy IMP IW-1: Does Carver County WMO plan to lead all the TMDL's in Carver County? If so, please state in plan.	The CCWMO does not plan to lead all TMDLs in Carver County (e.g. Minnesota River TMDLs and Crow River TMDLs). Table 3B-3 has been updated to include the status of all TMDLs within CCWMO boundaries being undertaken by other entities. Implementation Strategy IMP IW-1 has been changed to reflect this (see p. 3B.9).
9	Minnesota Department of Transportation (MnDOT)	6/21/2010	Land & Water Resource inventory p. 2.54, p. 2.55	5. Page 2.54 and 2.55 (Figure 2-25), Wellhead Protection: This section talks about the public water supply program. However, Figure 2-15 on page 2.29 shows that there are numerous private water supplies in Carver County. What data exists on the depth of private wells and the susceptibility to contamination for private wells? What protection is provided for private drinking water supplies?	Data on private wells is available in the County Well Index; a searchable database is available on the Minnesota Department of Health Website. Information on susceptibility of groundwater drinking supplies to contamination will be available when the Part B of the Carver County Geologic Atlas is complete. Protection for private drinking supplies is provided through a variety of programs described in the plan including, the well sealing cost share program, the feedlot program, the solid and hazardous waste program, and the SSTS program.

2010 CCWMO Water Plan Update - 60 Day Comment Summary

#	Name/ Organization	Comment Date	Plan Area	Comment	Response <small>(NOTE: pages referenced in the responses below refer to the July draft of the Plan)</small>
10	Minnesota Department of Transportation (MnDOT)	6/21/2010	Surface Water Management p. 3A.4, p. 3A.12	6. Page 3A.4 Stream Setbacks and Page 3A.12 Policy SW-5: It is not possible for road authorities to implement stream setbacks in most instances. This should be recognized in this plan.	The following sentence has been added to the section on Stream Setbacks in order to reflect the difficulty road projects can have in meeting setbacks, "Most linear projects should be exempt from the stream setbacks based on site specific criteria that will be developed as part of the CCWMO Rules update" (see p. 3A.5).
11	Minnesota Department of Transportation (MnDOT)	6/21/2010	Surface Water Management p. 3A.6	7. Page 3A.6 Channel Obstructions: Road authorities need to make timely decisions on debris removal to protect public safety and property. This should be recognized in this plan.	Noted.
12	Minnesota Department of Transportation (MnDOT)	6/21/2010	Surface Water Management p. 3A.7	8. Page 3A.7, Buffer Requirement: It isn't clear that this requirement applies to the Public Ditch Systems listed in Table 2.8. Please clarify.	This section has been rewritten as follows to more clearly indicate that the requirement applies to the public ditch system, "Buffer Requirements. Buffers along newly constructed public ditches have been required by Minnesota Statute 103E.021 since the 1970s. Since many public ditches in the county were constructed prior to the 1970s, the requirement to install permanent grass buffer strips is most often triggered when there is a petition for a public drainage ditch improvement or a redetermination of benefits. The CCWMO supports and encourages the use of grass buffer strips along the public drainage system as required by Minnesota Statute 103E" (see p. 3A.7).
13	Minnesota Department of Transportation (MnDOT)	6/21/2010	Urban Stormwater Management p. 3C.2	9. Page 3C.2 MS4's: Mn/DOT is an MS4 in the east urbanized area portion of Carver County, near Shakopee and Victoria. Mn/DOT should be listed in this section of the report.	Mn/DOT has been added to the list of MS4s within the CCWMO (see p. 3C.2).

2010 CCWMO Water Plan Update - 60 Day Comment Summary

#	Name/ Organization	Comment Date	Plan Area	Comment	Response <small>(NOTE: pages referenced in the responses below refer to the July draft of the Plan)</small>
14	Minnesota Department of Transportation (MnDOT)	6/21/2010	Urban Stormwater Management p. 3C.5	10. Page 3C.5, Water Quality, last paragraph: There should be a reference to the EPA/MPCA TMDL program.	Additional text has been added to this paragraph in order to clarify the role of the EPA, MPCA, and CCWMO in the development of the impaired waters list, TMDL Studies, and Implementation Plans. The paragraph now reads, "Section 303(d) of the Clean Water Act requires states to publish and update a list of waters that are not meeting one or more water quality standards. The MPCA updates the 303(d) TMDL list every two years; waters on this list are considered impaired. The CCWMO address surface water quality impairments through its Total Maximum Daily Load (TMDL) program which develops TMDL studies and implementation plans. TMDL studies and implementation plans are submitted to the MPCA and EPA for review and approval. See Chapter 3B: Impaired Waters and TMDL Approach for additional information" (see p. 3C.5)
15	Minnesota Department of Transportation (MnDOT)	6/21/2010	Urban Stormwater Management p. 3C.6-7	11. Page 3C.6-7 Part 3.2.3 Infiltration and Filtration: Glad to see that Carver County WMO will have flexibility built into the new Rules and will allow the stormwater manager to select appropriate BMP's based on site conditions. Under part 4b, please add that the NPDES program has 1" requirement for treatment of runoff when TMDL waters are involved.	The following footnote has been added to part 4b, "As indicated in the current NPDES general permit, for projects within 1 mile of an impaired water, the water quality volume that must be treated by the project's permanent stormwater management system shall be one (1) inch of runoff from the new impervious surfaces created by the project. Where site conditions allow, at least ½ inch of the water quality volume must be infiltrated."
16	Minnesota Department of Transportation (MnDOT)	6/21/2010	Urban Stormwater Management p. 3C.12	12. Page 3C.12, Part 7 Urban Stormwater Management Implementation, IMP Strategy USM-3 and IMP Strategy USM-8: Are these things that the Carver County WMO will be doing? Please clarify in the plan.	IMP Strategy USM-8 has been changed to indicate that the CCWMO relies on Carver County Public Works for implementation of these strategies. The strategy now reads, "Work with Carver County Public Works to develop and adopt a road maintenance and operation plan using the practices described in this section. CCWMO relies on Carver County Public Works for implementation of these strategies" (see p. 3C.12-13).
17	Minnesota Department of Transportation (MnDOT)	6/21/2010	Wetland Management p. 3D.6	13. Page 3D.6, Part 3.2 Wetland Protection: MS 103G and MN Rules 8420 direct state agencies to be the WCA LGU on lands they administer. Mn/DOT is the LGU and follows MS 103G and MN Rules 8420 in implementing WCA on lands it administers. Please add to this section.	A footnote has been added to p. 3D.6 that reads, "MS 103G and MN Rules 8420 direct state agencies to be the WCA LGU on lands they administer. Mn/DOT is the LGU on lands it administers and follows MS 103G and MN Rules 8420 in implementing WCA."

2010 CCWMO Water Plan Update - 60 Day Comment Summary

#	Name/ Organization	Comment Date	Plan Area	Comment	Response (NOTE: pages referenced in the responses below refer to the July draft of the Plan)
18	Minnesota Department of Transportation {MnDOT}	6/21/2010	Wetland Management p. 3D.8	14. Page 3D.8, Wetland Transition Setbacks: Agree with point 9 that linear project should be exempt. Please include Mn/DOT Metro WRE and Office of Environmental Services as the existing Rules are updated.	Noted.
19	City of Carver	6/23/2010	Impaired Waters Table 3B-3	Section 3B, Table 3B-3: The MPCA's website indicates that the Implementation Plan for the Carver, Bevens and Silver Creeks Fecal Coliform TMDL was approved by the MPCA in March 2007. The "TMDL Status" column for this TMDL should be updated.	Table 3B-3 has been revised to more clearly indicate that the TMDL and Implementation Plan for Silver Creek have been approved.
20	City of Carver	6/23/2010	Urban Stormwater Management p. 3C.5	Section 3C, Subsection 3.1: The Section references in the "Floodplain Alteration" and "Creek and Stream Protection" bullets for additional information are incorrect.	Section references have been updated and now direct the reader to the correct section of the chapter for additional information (see p. 3C.4).
21	City of Carver	6/23/2010	Urban Stormwater Management p. 3C.6	Section 3C, Subsection 3.2.2 and 3.2.3: Please clarify whether the Water Quality Ponding requirement (60% phosphorus removal) and the Infiltration and Filtration requirement (0.5 - 1.0 inches off impervious surface) overlap. Can the benefit achieved by meeting the infiltration/filtration requirement be applied to meeting the water quality ponding requirement?	The County will develop this approach under a Rules implementation following adoption of the Plan. Typically new development sites have met the 60% (NURP) TP removal although existing Rules require 50% TP removal. This is occurring through the standard BMP of wet volume treatment since a pond is being constructed to control discharge rates from the site. County intends to apply flexibility in its rules to account for varying treatment BMP's but typically maintaining the position that the wet volume TP removal be documented separately from filtration.
22	City of Carver	6/23/2010	Urban Stormwater Management p. 3C.6	Section 3C, Subsection 3.2.3: Past practice for Carver County has allowed the flood storage located within a infiltration/filtration feature to also be used to meet the rate control requirement (e.g. a filtration bench within a rate control pond). Please confirm that this practice will continue to be allowed by the County.	The existing Rules require sites flood storage to exclude the filtration component, however some designs have efficiently constructed the filtration basins within the footprint of the pond, which is used also for "live volume" or rate control. Although the filtration component is constructed within the pond, the pond's hydraulic modeling submitted with applications removes the filtration from the calculations. The practical support for not including the filtration volume is the goal of filtration is for 24 to 72 hour detention, some plant uptake and volume reduction component Therefore this flood storage volume is not available for "back to back" or frequent storms where the filtration basin is "full".

2010 CCWMO Water Plan Update - 60 Day Comment Summary

#	Name/ Organization	Comment Date	Plan Area	Comment	Response <small>(NOTE: pages referenced in the responses below refer to the July draft of the Plan)</small>
23	City of Carver	6/23/2010	Urban Stormwater Management p. 3C.7	Section 3C, Subsection 3.3: "If a decrease in flood storage is demonstrated, the lost volume must be replaced. If a LGU has adopted a floodplain ordinance that prescribes an allowable degree of floodplain encroachment, that ordinance governs the allowable degree of encroachment and County permission is not required." Carver has a floodplain ordinance that allows fill within the floodplain as a Conditional Use as long as the fill causes no increase in the 100-year Base Flood Elevation (BFE) or cause an increase in flood damages in the reach or reaches affected. However, the City's ordinance does not require mitigation for fill volume placed in the floodplain. Carver is requesting clarification with the above quoted statement. Please confirm that a project proposing fill in the floodplain that satisfies the requirements as a Conditional Use would not be required to mitigate for the floodplain fill volume.	Per Minnesota Statute 103B, local ordinances will have to match the updated CCWMO plan and any rules that are revised as a result of the plan. To be consistent with state statute, the sentence, "If a LGU has adopted a floodplain ordinance that prescribes an allowable degree of floodplain encroachment, that ordinance governs the allowable degree of encroachment and County permission is not required" has been deleted.
24	City of Carver	6/23/2010	Urban Stormwater Management p. 3C.7	Section 3C, Subsection 3.4: What technical information will need to be submitted to show compliance with the County's extended detention requirement?	The submittal requirements will be further developed in the Rules, however the goal is not to increase significantly from the existing submittal requirements; some options include modeling output with an added component such as a graph, or short separate text discussion supported by model output on how the extended detention is achieved. The filtration component is likely a viable way to assist with meeting the extended detention requirement, since the goal of filtration is a 24 to 72 hour drawdown, or a "slower release" from the site.
25	City of Carver	6/23/2010	Urban Stormwater Management p. 3C.7	Section 3C, Subsection 3.4: Please define the stream segments considered "natural streams", where the extended detention requirement would apply.	This will be determined as part of the rule making process. It is likely that most streams within the City of Carver will fit into the category of "natural streams."

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26	City of Carver	6/23/2010	Urban Stormwater Management p. 3C.12	Section 3C, Subsection 7: Carver understands that the City's SWMP must be amended to be consistent with the Plan within two years of the date of the Plan's approval. However, the City is concerned that Carver County's Rules will not be amended to include the revised policies in the Plan within this two year timeframe. So as to be fiscally responsible, Carver requests that the two year timeframe be flexible if the County's Rules are not updated within one year (to allow the City sufficient lead time to update their SWMP) of the approval of the Plan.	Implementation Strategy AD-3 has been added to chapter 5 (see p. 5.15). It states that "Local Water Plan updates must be completed and approved by the CCWMO within two years of approval of the CCWMO Plan by the BWSR Board. The CCWMO will consider alternative local plan amendment and update schedule requests from LGUs and will try to be flexible on due dates to accommodate the update schedules of other WMOs when LGUs are within the jurisdiction of more than one WMO. All plan updates must be submitted to the WMO at least 120 days prior to the due date in order to provide time for review and approval. LGUs will not be eligible for WMO Cost Share Funds if a local plan is determined to be expired."
27	City of Carver	6/23/2010	Wetland Management p. 3D.6	Section 3D, Subsection 3.2: The Plan uses the term "Wetland Transition Setback" to describe what appears to be a wetland buffer. Please provide clarification as to the differentiation between a wetland transition setback and a wetland buffer.	The CCWMO feels that the transitional area between wetland and upland areas provides a variety of benefits and merits protection. The benefits of transitional areas between wetland and upland are described in the plan on p. 3D-6-7. The purpose of the transition setback is to protect this transitional area from impacts from stormwater and other activities, and further clarifies that transition areas vary based on the factors listed on pages 3D7 and 3D8. The setback indicates that a construction setback is the goal and not an unusable strict buffer line.
28	City of Carver	6/23/2010	Appendix B: Infiltration Data	Appendix B, Subsection 1: Please clarify the last sentence in the second paragraph, "Areas above the NWL can be used if infiltration/filtration/bioretention requirements through a separate outlet can be demonstrated."	To clarify the natural (undisturbed soil) infiltration the following sentence will be removed. "Areas above the NWL can be used if infiltration/filtration/bioretention requirements through a separate outlet can be demonstrated." The intent of the Appendix was to utilize County Geologic data, allow a designer a benchmark of surficial geologic data utilizing undisturbed soils only to begin laying out a site using natural infiltration. The County is supportive of this approach, however most areas of the County have heavier soils that do not support infiltration and therefore the separate outlet and "filtration" have been successfully incorporated and included in this text.

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29	Board of Water & Soil Resources	6/23/2010	Self Assessment	We are aware that the self assesment of the previous plan was not completed in time for this plan draft. We anticipate this self assessment will highlight successes and an opportunity to idenfify any weaknesses or barriers encountered and the subsequent means to overcome them in this plan. It also becomes an important historical log for future Commission and advisory committee members and watershed residents. We appreciate the inclusion of this document in the 45-day draft.	Noted. The self-assessment of the 2001 Plan is included in the 45-day draft in Appendix D and is referenced and summarized on p. 5.14 of Chpater 5, Administration. The evaluation lists each implementation activity/project listed in the 2001 plan, the status of the activity or project (completed, partially completed, not completed, or ongoing), and a description of the accomplishments regarding each activity. A general discussion of the effectiveness of implementing the 2001 plan is also included.
30	Board of Water & Soil Resources	6/23/2010	Groundwater Management	We are also aware that the 2001 Carver County Groundwater Plan will not be updated as part of this draft in anticipation of the release of the Carver County Geologic Atlas. Furthermore, the Groundwater Plan may or may not be amended to this plan upon completion of an update. Please be aware that the 2001 Groundwater Plan is considered expired for eligibility of state grants.	Noted.
31	Board of Water & Soil Resources	6/23/2010	Groundwater Management	Note that there are 4 goals identified under "Groundwater Management" in the executive summary but no goals listed in Chapter 3H. Please explain the discrepancy.	The goals listed in the April draft of the Plan have been condensed into one goal, "Protect groundwater quality and groundwater supplies." This goal has been added to Chapter 3H along with supporting policies and implementation strategies (see p. 3H.2). The executive summary has been updated with the new goal (see p. 1.5)
32	Board of Water & Soil Resources	6/23/2010	Implementation Plan	It is obvious that the number of approved TMDL implementation plans as well as necessary protection strategies that implementation costs far exceed the proposed budget. Therefore, it would be prudent for CCWMO to better document its overall implementation priorities in this Plan in order to make the greatest water quality improvements, explain the rationale for the best use of available funding, and ensure all types of grant funding are properly targeted. Strategy USM-13 and other prioritization actions should be completed as part of this plan revision. Some suggested prioritization approachs could include a combination of the following: by waterbody (lakes and streams), by subwatershed (hot spots), by tasks/management strategies as listed in TMDL implementation/lake management plans, and by project/program cost effectives (\$/lb).	Prioritization of activities in the plan is based on completed and approved TMDLs. The CCWMO views prioritization as an ongoing process. As additional TMDLs are approved, implementation activities will be reviewed and prioritized again, as necessary. Policy AD-5 has been added to Chapter 5, it states that, "Prioritization of activities in the plan is based on completed and approved TMDLs. The CCWMO views prioritization as an ongoing process. As additional TMDLs are approved, implementation activities will be reviewed and prioritized again, as necessary" (see p. 5.14).

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33	Board of Water & Soil Resources	6/23/2010	Surface Water Management p. 3A.11	Related to the comment above, does Goal SW-1 apply to all "surface water resources of the CCWMO" or a select number of waters of concern? How will achievement of this goal be evaluated?	
34	Board of Water & Soil Resources	6/23/2010	Implementation Plan	One of the "organization purposes" is to avoid "duplication of effort by government agencies." As such, please include a summary of the gap analysis or inventory of LGU activities completed during the planning process to identify who is currently doing what, identify potential conflicts, and determine if the standards are adequate.	Table 5.1 has been added to the Administration Chapter outlining the roles and responsibilities of the CCWMO and LGUs in regards to the implementation of stormwater management standards, erosion and sediment control standards, shoreland management standards, floodplain management standards, the Wetland Conservation Act, the SSTS program, and the MS4 program (see p. 5.3-4).
35	Board of Water & Soil Resources	6/23/2010	Implementation Plan	We understand the CCWMO will undertake periodic self-assessments to evaluate and measure success as described in Strategy USM-12. We recommend outlining how this will be accomplished. When and how will CCWMO assess whether implementation strategies are meeting the water quality/quantity goals of the Plan? One example to use as a model is Scott WMO's "long and short term metrics to measure progress" as described in the Scott WMO Plan (Strategies 7.6.1 and 7.6.2). Be able to show what the expenditure of tax dollars is accomplishing.	Three implementation strategies (AD-4 - AD-6) have been added to Chapter 5 that outline how plan success will be evaluated (see p. 5.16-18). Plan evaluation will be part of the CCWMO Annual Report, the Annual Water Quality Report, and periodic Progress Reports.
36	Board of Water & Soil Resources	6/23/2010	Implementation Plan	Clearly indicate and separate out those implementation actions (either in Chapter 3 and 4) that are dependent on grant funding to be completed.	Table 4-3 has been separated into two tables, "CCWMO Projects" (Table 4-3) and "CCWMO Potential Projects" (Table 4-4). The projects in Table 4-4 rely on some amount of outside funding in order to complete. Table 4-4 also includes the portion of the project that will be funded by the CCWMO.
37	Board of Water & Soil Resources	6/23/2010	Major Issues	A number of policies and implementation strategies utilize passive verbs such as encourage/support. Still others are not measurable and difficult to determine if successfully implemented. Our board expects goals and actions to be outcome based and clear enough to be able to measure the WMO's success in reaching them.	The CCWMO intends to evaluate implementation strategy success through the CCWMO Annual Report. For example, the WMO encourages the replacement of failing and direct discharge septic systems through the use of incentives like loans and grants. The number of systems replaced using this approach is currently, and will continue to be, evaluated and reported in the CCWMO Annual Report. In addition, Implementation Strategy AD-5 includes a list of short and long term metrics that will help evaluate overall progress towards meeting the goals outlined in the plan.

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38	Board of Water & Soil Resources	6/23/2010	Major Issues	The results or maps of any gully/unstable area inventory of the bluffs along the Minnesota Rive and tributaries of the Crow River could be summarized in Chapter 3 or in an appendix. There should be a systematic plan to correct these problem areas.	The CCWMO intends to inventory and address streambank erosion as part of the implementation of this plan update. As indicated in the plan, some information on the condition of streambanks was collected as part of the Crow River Corridor Study and the Ravine and Bluff Study. However, due to the scale and complexity of streambank erosion across the watershed, the CCWMO feels that a complete inventory and prioritization is needed before a systematic plan can be implemented.
39	Board of Water & Soil Resources	6/23/2010	Surface Water Management	It is unclear why there is little mention about the management of CCWMO lakes in this section. We realize many of them are on the 303d list; however it seems reasonable to include general management strategies that would support a more robust capital improvement program.	Add section on Lake Management to Chapter 3A (similar to Stream Management section). In section reference TMDL Chapter and lake management approach.
40	Board of Water & Soil Resources	6/23/2010	Surface Water Management	Strategy SW-8. This strategy appears to provide funding to install BMPs yet there is no budgeted dollars. Does the CCWMO intend to systematically complete ditch inspections/assessments to inventory for potential conservation drainage projects or BMPs that prevent sediment from entering the ditch systems?	The CCWMO relies on the Carver SWCD to implement this strategy. Strategy SW-8 has been revised to more clearly indicate this. Technical assistance and funding for ditch BMPs is funneled through the SWCD Cost Share Program. Projects that meet the qualifications of the CCWMO Low Cost Landowner Cost Share program may be eligible for funding through that program. In addition, Table 4-# has been added to the plan, summarazing the CCWMO budget and funding sources.
41	Board of Water & Soil Resources	6/23/2010	Surface Water Management	To further your runoff volume management strategies, consider a landlocked basin policy. Refer to Valley Branch WD's landlocked basin standards that give specific technical guidance as well as Scott WMO's.	Noted. The CCWMO may consider land locked basin standards during the Rules Revision process.
42	Board of Water & Soil Resources	6/23/2010	Surface Water Management	Per MR 8410.0100 Subp 3, the Plan must list target in-lake concentrations for sediment and nutrients.	Table 3A-3 Lake Water Quailty Standards has been added to Chapter 3A Surface Water Management (see p. 3A.4-5). Water quality standards are based on state standards unless an approved TMDL or implementation Plan dictate a different standard.

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43	Board of Water & Soil Resources	6/23/2010	Surface Water Management	Maintenance Program - It is unclear whether the CCWMO has a plan, schedule, and an appropriate budget for maintenance of installed BMPs, outlet structures, and other water related infrastructure.	Implementation Strategy AD-8 has been added to Chapter 5 (see p. 5-18). It states that "Properly maintain BMPs, outlet structures, and other water related infrastructure owned and operated by the CCWMO. BMP maintenance is included in the operational portion of the CCWMO Budget (see Table 4-2). The CCWMO will utilize the MS4 Permit framework to inventory and assess infrastructure." In addition, many of the BMPs that will be installed during the implementation of the updated plan are the result of cost share programs or regulation; maintenance for these BMPs is therefore the responsibility of other entities.
44	Board of Water & Soil Resources	6/23/2010	Agricultural Practices	Agricultural Practices. CCWMO's approach to addressing agricultural runoff is a set of incentive-based programs and education. We recommend a periodic assessment of the success of this approach and consideration of other approaches.	Program implementation and success will be evaluated annually as part of the CCWMO Annual Report. Changes to approaches outlined in the updated plan may be considered based on these assessments. Additional information on the plan evaluation process has been added to the Administration Chapter (see p. 5.13).
45	Board of Water & Soil Resources	6/23/2010	Impaired Waters	In order to cue the LGUs for LWP updates, include a schedule of future TMDLs (MPCA's schedule) that the CCWMO will take the lead on and those they will not. Describe the intended CCWMO role(s) and list the financial and other resources available for TMDL development.	The MPCA's target date for TMDL implementation and the party responsible for TMDL development has been added to Table 3B-1 and 3B-2 (see p. 3B.2-4). For those TMDLs developed by the CCWMO, the CCWMO is committed to funding a staff position in order to complete the TMDLs.
46	Board of Water & Soil Resources	6/23/2010	Impaired Waters	This section states that "TMDL studies and implementation plans are adopted by reference." What does this precisely mean and how does this statement affect the CCWMO implementation plan and budget?	This statement indicates that the CCWMO is committed to implementing TMDL Studies and Implementation Plans that have been developed and approved by the CCWMO. Impaired Water Policy IW-1 has been amended to indicate which TMDLs are adopted by reference (see p. 3B.10). It now reads, "Policy IW-1 TMDL Approval & Adoption. This water management plan adopts by reference the approved TMDL Studies listed below. This policy may be amended from periodically to incorporate TMDL Studies completed and approved in the future. Carver, Bevens and Silver Creeks Fecal Coliform TMDL; Burandt Lake Excess Nutrients TMDL." In addition, implementation strategies from approved IPs were incorporated into Table 4-3 in the 60-day draft of the plan. The plan may be amended as additional TMDLs are completed and projects are identified.

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47	Board of Water & Soil Resources	6/23/2010	Monitoring & Assessment	The plan must specify the annual budget for implementing the monitoring program and Section 3K.5 must provide an action item for data analyses, frequency of summary reports to be published, and how they will be available to the public.	Implementation Strategy MON-6 "Prepare an annual monitoring water quality monitoring report." has been added to Chapter 3K (see p. 3K-6). Table 4-1 includes information on the CCWMO Annual Budget.
48	Board of Water & Soil Resources	6/23/2010	Implementation Plan	The budget outlined in the Implementation Chapter does not accurately reflect the multitude of actions and programs proposed by the CCWMO. Section 5.6 appears to confuse the role of the County Board with the role of the WMO. The ten year plan requires a commitment from the WMO for undertaking and completing certain programs. It is not sufficient for the plan to state that the "County Board will determine funding for these programs on an annual basis through the levy and budget process." The Plan must show cost estimates and revenue sources for projects and programs adequate to meet the requirements of MR8410 and 103B. Questions to consider are: What activities are the CCWMO fully committed to completing and what will the CCWMO rely on/delegate to the County to complete. What would not get accomplished without the CCWMO? Cost estimates and funding source(s) for Program Activities in Table 4-1 would likely bring this issue in to compliance. This may have an impact on the roles and responsibilities of the County and WMO in Table 4-1. BWSR staff are will to discuss this issue further to seek acceptable solutions.	Table 4-2 includes information on the CCWMO Annual Budget and sources of other revenue.
49	Board of Water & Soil Resources	6/23/2010	Implementation Plan	Various strategies in Table 4-1 need more "timeframe" specificity than stating "ongoing." This can be accomplished by providing a start and end date or frequency of the action. It makes sense that implementation of a program would be listed as "ongoing," however specific actions such as develop and maintain a database for stormwater related data requires a specific schedule. Several strategies on the first page of Table 4-1 are missing timeframes altogether.	The timeframes in Table 4-1 have been updated to include a start and end date for one-time tasks or frequency of action for recurring tasks. Timeframes for activities relating to general program implementation continue to be listed as ongoing. All strategies now have a timeframe listed.

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50	Board of Water & Soil Resources	6/23/2010	Implementation Plan	If Table 4-3 is intended to be the Capital Improvement Program, only those projects that the WMO commits to undertaking can be listed, per the definition in MS103B.205 Subd. 3. The definition also states that it must extend for a minimum prospective of 5 years. Other projects, such as those relying on grant funds, must be listed in a separate table as "potential" or "contemplated" projects. Given the number of completed and pending TMDLs as well as other past water quality modeling efforts/inventories/reconnaissance efforts, BWSR expects a more robust Capital Improvement Program in addition to the Cost Share Programs in Table 4-2. A CIP that is identified in the plan must contain a short description of the need, which appears to be missing for the majority of projects in Table 4-3.	Table 4-3 has been separated into two tables, "CCWMO Projects" (Table 4-3) and "CCWMO Potential Projects" (Table 4-4) which rely on some amount of outside funding in order to complete. Table 4-4 also includes the portion of the project that will be funded by the CCWMO. Information on the project need has been added to the project description in Table 4-3 and Table 4-4.
51	Board of Water & Soil Resources	6/23/2010	Implementation Plan	Cost Share Programs vs. CIPs. BWSR understands the CCWMO's desire to maintain maximum flexibility in Plan implementation by creating cost share programs in order to take advantage of timely, unplanned opportunities as they arise. BWSR interprets rule and statute to allow for the existence of these programs, but only to a certain degree. Cost-share program expenditures cannot exceed 25% of the CIP budget annually or estimated over the life of the Plan. New cost share programs will require a plan amendment.	Based on discussion with BWSR staff, it is the CCWMO's understanding that Capital Improvement Projects are considered to those projects that consist of structural, "in the ground" solutions. Based on this definition, two of the programs originally listed in Table 4-2 should be considered capital projects, the LGU/Organization Cost Share Fund (now referred to as LGU/Organization Partnerships) and the SSTS Direct Discharge Incentive program. These programs are now listed in Table 4-3 and described as capital projects in Chapter 5 (see p. 5.14)
52	Board of Water & Soil Resources	6/23/2010	Implementation Plan	Cost Share Programs. Regarding the cost share programs we strongly recommend that the Plan more definitely describe targeted methodologies/strategies to be utilized annually to identify and solicit projects, i.e. modeling, landowner visits in high priority subwatersheds, small group meetings, etc. - this can be generally described in Section 5.6.	A variety of methodologies/strategies are currently used to identify and solicit cost-share programs including TMDLs, Local Water Plan priorities, landowner workshops in priority subwatersheds, city or organization requests, etc. Additional information on how these methodologies are used to solicit and identify cost share projects has been added to Chapter 5, Section 6 (see p. 5.12-13).

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53	Board of Water & Soil Resources	6/23/2010	Implementation Plan	Cost Share Programs. We agree that various administrative details and processes of the cost share programs can be determined outside of the Plan. However, the priority areas and criteria for selecting projects for all cost share programs must either be included in the plan or the plan must state that the selection criteria will be posted annually to the District website. If CCWMO chooses the website option, the criteria must be posted to the website prior to submitting the final 90-day draft.	The CCWMO has criteria for selecting projects for each of the cost share programs described in Chapter 5. A brief summary of these criteria are included in Chapter 5, Section 6 (see p. 5.12-13) and the complete selection criteria are included in Appendix D.
54	Board of Water & Soil Resources	6/23/2010	Implementation Plan	Cost Share Programs. Further, the Plan should include an evaluation process that will be used to measure the effectiveness of each cost share program.	Implementation Strategies AD-4 has been added to Chapter 5. It states that, "Assess and review CCWMO programs (including cost share programs), implementation strategies, and proposed Capital Improvement projects through the CCWMO Annual Report and the Annual Water Quality Report. The CCWMO intends to use these reports to identify any necessary changes to the Plan. If the reports identify needed changes, the WMO will address the change through a plan amendment as described in Chapter 5, Section 4.2. The CCWMO anticipates completing plan amendments periodically during the life of the Plan." (see p. 5.16).
55	Board of Water & Soil Resources	6/23/2010	Implementation Plan	The Implementation Plan must state that the WMO will review the Capital Improvement Program minimally every 2 years for adjustments and potential amendments per MS 103B.205 subd 3.	Implementation Strategy AD-5 has been added to Chapter 5. It states that the CCWMO will "Review the CCWMO Project list (Table 4.3) and CCWMO Potential Project list (Table 4.4) periodically for adjustments and potential amendments. As TMDL Studies, Implementation Plans, and other studies are completed, the CCWMO anticipates updating the project and potential project lists through a plan amendment." (see p. 5-14).
56	Board of Water & Soil Resources	6/23/2010	Implementation Plan	Clarify whether funding is allocated for the next generation plan development.	Implementation Strategy AD-7 has been added to Chapter 5. It states that the CCWMO will "allocate staff resources and funding as needed to develop the next generation Comprehensive Watershed Management Plan" (see p. 5.18). Historically, the CCWMO has primarily used staff resources to develop the plan.

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57	Board of Water & Soil Resources	6/23/2010	Administration	A correction must be made to the "Administration" section on page 1.7 and a statement added to Section 5 that local water plans must be approved by the CCWMO and adopted by the LGUs within two years of BWSR's approval of the CCWMO Watershed Management Plan per MR 8410.0160. It is therefore strongly recommended that there be a schedule dictated to give LGUs adequate notice and give the WMO time to review, comment, and approve.	Implementation Strategy AD-3 has been added to chapter 5 (see p. 5.15). It states that "Local Water Plan updates must be completed and approved by the CCWMO within two years of approval of the CCWMO Plan by the BWSR Board. The CCWMO will consider alternative local plan amendment and update schedule requests from LGUs and will try to be flexible on due dates to accommodate the update schedules of other WMOs when LGUs are within the jurisdiction of more than one WMO. All plan updates must be submitted to the WMO at least 120 days prior to the due date in order to provide time for review and approval. LGUs will not be eligible for WMO Cost Share Funds if a local plan is determined to be expired."
58	Board of Water & Soil Resources	6/23/2010	Administration	It is noted that CCWMO requires LGUs to identify steps to achieve TMDL load reductions. Are there other CCWMO high priority areas that the LGUs should assess more closely, such as Lake Waconia, floodplain lakes, and fens?	TMDL implementation is the main focus of this plan; there are no additional priority areas at this time. If the plan is amended, additional priority areas may be added.
59	Board of Water & Soil Resources	6/23/2010	Administration	The Plan, not solely the MOUs, should specify the LGU roles and responsibilities for reporting, tracking and implementing LWP requirements. The Plan must also describe the annual LWP compliance or auditing process as well as the consequences for LWP non-compliance. BWSR recommends annual report submittals for ease of ensuring and documenting compliance with the WMO plan. Summaries of the annual reports or annual review meetings must be included in the annual WMO activities report in accordance with 8410.0150 Subp 3G.	Table 5-1 "CCWMO & LGU Roles" has been added to Chapter 5 (see p. 5.3 - 5.4). The table summarizes responsibilities for implementing CCWMO Plan/Local Plan requirements. Implementation Strategy AD-2 states that the CCWMO will "meet annually with city representatives and engineers to identify problems and projects that the CCWMO can partner with cities to address and to review local plan implementation" (see p. 5.15). Implementation Strategy AD-3 indicates that "LGUs will not be eligible for WMO Cost Share Funds if a local plan is determined to be expired" (see p. 5.15)
60	Board of Water & Soil Resources	6/23/2010	Administration	Plan Amendments. This Plan cannot extend beyond 10 years after BWSR approval. Section 5.4.2 "Amendments to the Plan" must be changed accordingly.	The following text has been added to the plan, "This Plan cannot extend beyond 10 years after BWSR approval" (see p. 5-7).
61	Board of Water & Soil Resources	6/23/2010	Administration	Plan Amendments. In regards to amending the Plan, we strongly encourage the CCWMO to ask for BWSR review and approval prior to incorporating "insignificant changes" by resolution of the CCWMO. The last paragraph on page 5.8 should be corrected to state "by resolution of the WMO board."	Plan amendments will follow the process outlined in State statute. Chapter 5, Section 2 has been updated to reflect what is in current state statute.

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62	Board of Water & Soil Resources	6/23/2010	Administration	Plan Amendments. The last paragraph of Section 5.4.2 "Amendments to the Plan" have components that go beyond statutory requirements, such as a mailed notice at least 30 days prior to the hearing. Also the Plan states that the "30-day notice" is not to be sent to all state review agencies. We question if this is the intent. Please clarify this language or simply refer to the revised statute.	The General Plan Amendment Section has been updated to reflect the current language in MS 103B.231. The General Plan Amendment Section now states, "Per Minnesota Statute 103B.231, all amendments to the adopted plan shall be submitted to the towns, cities, county, the Metropolitan Council, the state review agencies, and the Board of Water and Soil Resources for review in accordance with the provisions of subdivisions 7, 8, and 9. Minor amendments to a plan shall be reviewed in accordance with standards described in the section "CCWMO Minor Plan Amendments" of this Plan" (p. 5-7).
63	Board of Water & Soil Resources	6/23/2010	Administration	Financing. The plan must analyze the financial impact on LGUs of administering the regulatory controls of WMO standards. Further we recommend the Plan discuss the impact of Plan implementation on CCWMO residents.	The following text has been added to p. 5.2, "The CCWMO does not anticipate that LGUs will incur significant financial impacts as a result of the regulatory controls described in the Plan. The CCWMO is the current regulatory authority for implementing stormwater management standards and erosion and sediment control standards for all areas in the watershed. This plan does not require LGUs to take on this role and the choice to do so is at the LGUs discretion (see Section 4.4 for additional information). Other regulatory controls referenced in the plan are based upon existing state or federal standards and requirements to implement these standards do not originate with the CCWMO. The estimated impact of the implementation of the CCWMO plan on an average home will likely be consistent with current 2010 impacts. These indicate that an average home (\$294,000 value) contributes a range of \$20-31 annually. If the CCWMO is combined into one taxing district as identified in this plan, this average cost is estimated at \$26-28 annually. "

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#	Name/ Organization	Comment Date	Plan Area	Comment	Response <small>(NOTE: pages referenced in the responses below refer to the July draft of the Plan)</small>
64	Bolton & Menk	6/22/2010	Urban Stormwater Management p. 3C.7	SS 3.2.3.4.b: This section indicates that the 0.5" infiltration quantity is consistent with the NPDES Construction Permit; however, the NPDES Permit only requires 0.5" of infiltration when a project discharges within an impaired water (impaired for nutrients or turbidity).	Noted. Approximately 56% of the CCWMO is within 1 mile of a listed water impaired for nutrients or turbidity and would therefore be required to meet this standard (this does not include all waters which drain to these impaired water bodies which would increase % significantly). In addition, the CCWMO feels that it is important to take a watershed approach to addressing water quality issues and that water quality standards should be applied uniformly across the CCWMO thereby providing consistency with NPDES.
65	Bolton & Menk	6/22/2010	Urban Stormwater Management p. 3C.7	SS 3.2.3.4.d-e: The sections seem to indicate that minimal, if any, increased cost is associated with the proposed volume requirements. For instance, section e. states that the increase from the currently required infiltration/filtration quantity of 0.3" of runoff from new impervious area up to 0.5" or 1.0" will not reduce the developable land for the vast majority of sites; this may be misleading. While it may be true that the developable space would not have to be reduced, other options could get considerably more costly. In some form the additional volume must be filtered, which will require additional space/land. This could be achieved by increasing the size of a single large treatment area (i.e., using developable space) or by creating multiple smaller, localized treatment areas (no space reduction, but increased costs associated with creating multiple areas. Section d. indicates depth could be increased in the rain gardens, but the maximum depth is governed by drawdown times and is typically maximized and therefore should be considered fixed.	CCWMO experience has shown approaches to addressing volume requirements vary widely. Maximization of depth or treatment area is not always the norm. The text was based on the majority of site developments reviewed by the County to date, which show that filtration basins are constructed within areas not available for structures, parking, etc. due to zoning setbacks, low areas, parking islands, etc. The increase in volume will be managed multiple ways, typically the private sector creates layouts at minimal to zero impact to the developable space. Should multiple areas be utilized, cost for pipe, sand, etc. would increase, however in some situations these have decreased downstream infrastructure costs. Approved plans have had varied depths, and the County accepts a range of depths if viable vegetation is installed and shows establishment at project closeout. Other studies from the twin cities metro have shown minimal cost increases based on increases in treatment volumes.

2010 CCWMO Water Plan Update - 60 Day Comment Summary

#	Name/ Organization	Comment Date	Plan Area	Comment	Response <small>(NOTE: pages referenced in the responses below refer to the July draft of the Plan)</small>
66	Bolton & Menk	6/22/2010	Urban Stormwater Management p. 3C.6-7	Has the WMO done a cost analysis to determine the cost/benefit associated with this new requirement? In addition, this can get particularly costly for linear/city street projects where space is at a premium. Rule revisions should account for this reality and exempt these types of projects as appropriate.	The County has not performed a cost/benefit but would consider this approach under the Rules implementation phase. As indicated in the plan, increasing the treatment requirement will provide the CCWMO additional tools to meet the required load reduction to many area water bodies based on TMDL's. (see p. 3C.7 item b). The CCWMO recognizes that linear projects have more site constraints than other types of development projects and, as stated in the plan, this will be taken into consideration during the rules update process following the adoption of the Plan.
67	Bolton & Menk	6/22/2010	Wetland Management p. 3D.6-8	SS 3.2: This section outlines new wetland buffer requirements (referred to as "transition setbacks"). New buffers are proposed to range from 20 – 50 feet wide depending on the adjacent wetland class. The described intent of these buffers is to protect wetlands from stormwater pollution; however, with development these buffers would not be treating significant runoff since runoff is typically redirected and conveyed to some treatment measure (e.g., pond, filtration area, etc.). Buffers are typically left protecting wetlands from backyard runoff, for which a significantly thinner buffer may be adequate.	As indicated in the plan, site characteristics (e.g. pretreatment of stormwater prior to discharge to a wetland) will be factored into the transition setback required for a given site (see p. 3D.8 item 7 which clearly states this). The intent of the transition setback is to both protect the wetland from stormwater impacts as well as protect the transitional area between wetland and upland. Benefits are described on p. 3D-6. The County will develop the setback widths under a Rules Implementation process. The widths are intended to vary across a project, to allow for flexibility within the rules, and have a mitigation option included. The range of 20 to 50 feet is intended for new development, where County experience has shown this width would not frequently affect developable land. Other categories intended for flexibility include redevelopment projects, where the restoration costs of a buffer would affect the viability of the project. Linear projects also would receive additional flexibility or would be exempted altogether.

2010 CCWMO Water Plan Update - 60 Day Comment Summary

#	Name/ Organization	Comment Date	Plan Area	Comment	Response (NOTE: pages referenced in the responses below refer to the July draft of the Plan)
68	Bolton & Menk	6/22/2010	Wetland Management p. 3D.6-8	Have the buffer subwatershed characteristics been considered in determining the new proposed widths? (a buffer adjacent to agricultural land is different from a buffer adjacent to a back yard with 0% phosphorus)	<p>The wetland transition setbacks will be determined during the rule making process. The plan simply indicates a potential range that the setbacks are likely to fall within. As indicated in the plan, the wetland transition setbacks will only apply to new construction (see p. 3D.7). A variety of factors that will be considered during the development of the setbacks are listed on p. 3D.7-8; however, this list is not exhaustive and additional factors such as watershed characteristics may also be considered.</p> <p>The subwatershed characteristics may be further refined during Rules update and development process. With regard to the quoted land uses, land treatment methods vary, and homeowners yards may export equal or more to an agricultural use, based on practices. These will be taken into consideration during rules development.</p>
69	Bolton & Menk	6/22/2010	Wetland Management Table 3D-1, p. 3D.9	It is recommended that the city's existing required buffer widths (listed in Table 3D-1) be deemed acceptable within the city limits.	<p>Noted. As stated on p. 3D-7, the CCWMO would establish wetland transition setbacks in order to create a uniform standard across the watershed. New wetland transition setbacks are likely to be more flexible than existing city requirements.</p> <p>As WMO one goal of the CCWMO is to have consistent approach to resource protection throughout. rules throughout different entities involved. The experience to date for " buffers" shows cities vary in widths, some haven't implemented quoted widths, or are non-existing. As typical of rules, the setback policy may be that cities can have equal or more stringent rules than the County.</p>
70	Lower Minnesota Watershed District	6/18/2010	Implementation Plan p. 4-19	A description should be provided for the East/West Chaska Creek Urban Stream Restoration project identified in the Implementation Plan table (p. 4.19)	The following description has been added for the East/West Chaska Creek Urban Stream Restoration project, "Restore a degraded section of steeply sloped stream on East or West Chaska Creek. Provide a demonstration of a low-impact alternative to the current practice of regrading and piping water flow to reduce erosion. The project may involve a variety of alternative practices. Need: Mitigate high volumes/flows that are degrading stream channels."

2010 CCWMO Water Plan Update - 60 Day Comment Summary

#	Name/ Organization	Comment Date	Plan Area	Comment	Response <small>(NOTE: pages referenced in the responses below refer to the July draft of the Plan)</small>
71	Lower Minnesota Watershed District	6/18/2010	Implementation Plan p. 4-18	The CCWMO CWRMP proposes an inventory of Carver Creek to identify problems and prioritize projects (p. 4.18). LMRWD should consider cooperation with CCWMO on this project, if possible.	Noted. The "Source" column has been changed to "Project Partners" and the LMRWD has been added as a partner to the Carver Creek Stream Inventory project.
72	Lower Minnesota Watershed District	6/18/2010	Implementation Plan p.3C.13	LMRWD WMP Policy 2.1 proposes using classification categories to manage water resources. The CCWMO CWRMP does not propose the use of classification categories as a basis of water resources management. This policy may not pertain to CCWMO as it pertains to water resources within the LMRWD. Further, CCWMO CWRMP Implementation Strategy USM-13 proposes a subwatershed-based approach to water resources management in terms of project implementation.	Noted.
73	Lower Minnesota Watershed District	6/18/2010	Groundwater Management	LMRWD WMP Policy 3.1 proposes support and assisting intercommunity groundwater management. Specific policies regarding intercommunity groundwater management are not explicitly stated in the CCWMO CWRMP; however, they could be contained in the Groundwater Management Chapter of the 2001 Carver County Water Plan.	Goals, policies, and implementation strategies have been added to Chapter 3H Groundwater Management. Policy GW-1 states that the CCWMO will help "protect water supplies by assisting in the implementation of the MDH Wellhead Protection program" (see p. 3H.2).
74	Lower Minnesota Watershed District	6/18/2010	Groundwater Management	LMRWD WMP Policy 3.3 proposes protection and improvement of groundwater-sensitive water resources. Specific policies regarding protection and improvement of groundwater sensitive water resources are not explicitly stated in the CCWMO CWRMP; however, they could be contained in the Groundwater Management Chapter of the 2001 Carver County Water Plan.	Noted. Although the CCWMO supports the protection and improvement of groundwater-sensitive resources, the plan does not currently contain any specific policy language to this effect. As noted in Implementation Strategy GW-7, the CCWMO may consider updating the groundwater chapter of the plan upon the completion of the Carver County Geologic Atlas. At that time, the CCWMO may consider adding language regarding the protection and improvement of groundwater-sensitive resources.

2010 CCWMO Water Plan Update - 60 Day Comment Summary

#	Name/ Organization	Comment Date	Plan Area	Comment	Response <small>(NOTE: pages referenced in the responses below refer to the July draft of the Plan)</small>
75	Lower Minnesota Watershed District	6/18/2010	Urban Stormwater Management	The CCWMO CWRMP does not contain a specific standard meeting the LMRWD regulation on waste disposal to waters under the Stormwater Management Standard (p. 3-36). LWRWD WMP Strategy 2.1.2, Stormwater Management Standard, states that "Stormwater management must not result in the discharge of any regulated substance, hazardous or biological waste, or petroleum product, whether treated or untreated, to best management practice devices that may have a deleterious effect upon a water of the state (surface and groundwater), unless the discharge is in compliance with Federal, State, and local regulations"	Following language has been added to p. 3C-6. "Stormwater management should not result in the discharge of any regulated substance, hazardous or biological waste, or petroleum product, whether treated or untreated, to best management practice devices that may have a deleterious effect upon a water of the state (surface and groundwater), unless the discharge is in compliance with Federal, State, and local regulations."
76	Lower Minnesota Watershed District	6/18/2010	Surface Water Management	No water appropriations standard is explicitly stated in the CCWMO CWRMP in conformance with the LMRWD WMP standard (p. 3-42). However, it could be contained in the Carver County 2001 Water Plan under the Water Appropriation and Construction Section.	Goals, policies, and implementation strategies have been added to Chapter 3H Groundwater Management. Implementation Strategy GW-4 states that the CCWMO will "Collaborate with the DNR and Metropolitan Council in efforts to plan for and monitor water appropriation and long term demand" (see p. 3H.2).
77	Lower Minnesota Watershed District	6/18/2010	Urban Stormwater Management	No Bluff Standard is stated in the CCWMO CWRMP in conformance with the LMRWD WMP standard (p. 3-42). However, bluffs are defined as "sensitive areas" in the Carver County Ordinance and are subject to more stringent development requirements. CCWMO CWRMP p. 3C-8 also states that "maintaining natural vegetation on bluff lands and steep slopes can reduce erosion and help maintain slope stability."	Noted.

2010 CCWMO Water Plan Update - 60 Day Comment Summary

#	Name/ Organization	Comment Date	Plan Area	Comment	Response <small>(NOTE: pages referenced in the responses below refer to the July draft of the Plan)</small>
78	Bob Burandt	6/28/2010	Wetland Management	The issue I wish to address in the new Carver County Water Plan is "wetland transition setbacks." Although the benefits of wetland buffers are questionable in a residential setting, the real question is, can these easements be established without landowners being compensated? All easements that I know of whether road, utility, or RIM (Reinvest in Minnesota) are purchased. As a citizen representative of Carver County, I would not like to see the taxpayers of this County funding the legality of this issue, the local government unit takes all the legal responsibility.	The benefits of transitional areas between wetland and upland are described in the plan on p. 3D-6-7. The purpose of the transition setback is to protect this area from impacts from stormwater and other activities. The wetland transition setbacks are not an easement. The setbacks are to be applied similar to existing road, property line, bluff and other existing setbacks at the time of development. Setbacks would only go into effect at the time of development and would not be applied retroactively to all wetlands in the watershed or apply to any ag areas. The setbacks will be flexible and will be determined based on site conditions (as described on p. 3D.7-8). If a development plan shows an impact to a portion of the setback transition area, the impacts could be mitigated elsewhere on site. Setbacks will not restrict all use of the area (for example, vegetation management and other non-construction and grading activities will likely be allowed). The setbacks would create a uniform standard for implementation across the watershed. In local water plans, cities could choose to enforce the standard, enforce a current, stricter standard or allow the CCWMO to enforce the standard.
79	City of Victoria	4/30/2010	Urban Stormwater Management	Provide flexibility for linear projects in meeting stormwater requirements based on square footage/acreage of additional square footage.	Noted. As indicated in the plan, both the type of land use (linear, commercial, industrial, etc) and the type of development (new construction vs. redevelopment) will be taken into consideration during the CCWMO rules update process. It is the intent of the CCWMO to allow for flexibility for linear projects in meeting the rules; specific thresholds for when requirements would apply to linear project will be determined through the rules process.
80	City of Victoria	4/30/2010	Surface Water Management	Recommend that the WMO not address shoreland rules but defer to the DNR Rules (as amended) and help cities enforce those rules.	The CCWMO relies on the Carver County Land Management Department to enforce shoreland rules in township areas. Cities are required to adopt a shoreland ordinance based on DNR rules and will continue to enforce shoreland rules within city boundaries.
81	Water Plan Open House	5/13/2010	Education	Industry involvement (landscape contractors, etc.) in education chapters. Contractors can reach 10-20 homeowners.	The CCWMO reaches out to contractors through a variety of educational programs, including the Stormwater Workshop, Stormwater U, and brochures and other information available on Carver County's Water Management website and online newsletter. See p. 3J.5 for additional information on these programs.

2010 CCWMO Water Plan Update - 60 Day Comment Summary

#	Name/ Organization	Comment Date	Plan Area	Comment	Response <small>(NOTE: pages referenced in the responses below refer to the July draft of the Plan)</small>
82	Water Plan Open House	5/13/2010	Agricultural Practices	Require permits (with fees) for installing any ag. tile line.	Noted. Not seen as a priority for CCWMO resources by staff or the WENR advisory committee at this time.
83	Township Meeting	5/4/2010	Figures	The correct alignment of the new Highway 212 should be shown on Figure 2-13.	Figure 2-13 has been updated to show the current alignment of Highway 212 (see p. 2.26)
84	Township Meeting	5/4/2010	Local Water Plans (Townships)	Will Townships have to amend Comp Plan chapter in order to adopt updated water plan?	Yes, each adopted Township Comp Plan Chapter has a policy that indicates this needs to be done within two years of the WMO plan being adopted by the BWSR Board. The County will assist in this process.
85	Township Meeting	5/4/2010	Local Water Plans (Townships)	Can the plan have a revision number that townships can reference so that it is clear which plan they have adopted and won't have to implement activities in revised versions they haven't adopted?	The plan and any plan updates will include the date the plan or update was adopted by the Board. Townships can reference this date to make it clear which version of the plan they have adopted.
86	Township Meeting	5/4/2010	Groundwater Management	The Groundwater Management Chapter is confusing and hard to follow. Does it have to reference the 2001 Water Plan?	In initial discussions with BWSR Staff, it appeared that the Groundwater Chapter of the 2001 Plan could continue to serve as the County's Groundwater Plan. The draft water plan included a reference to the Groundwater Chapter of the 2001 Water Plan and noted that it would continue to serve as the County's Groundwater Plan. However, in the comments submitted by BWSR on the draft plan, they noted that they considered the groundwater plan expired. The Groundwater Chapter has been updated and references to the 2001 Plan have been removed. The chapter now contains a brief discussion of the groundwater issues facing the county and how the CCWMO will address them. A revised Groundwater Plan may be adopted in the future to incorporate information from the Carver County Geologic Atlas (see p. 3H.1-2 for additional information).

2010 CCWMO Water Plan Update - 60 Day Comment Summary

#	Name/ Organization	Comment Date	Plan Area	Comment	Response <small>(NOTE: pages referenced in the responses below refer to the July draft of the Plan)</small>
87	Township Meeting	5/4/2010	Taxing Districts	Why are there different tax rates between the watersheds?	In October of 1996, the Board of Water & Soil Resources (BWSR) declared the Carver Creek, Bevens Creek, South Fork Crow River, Chaska Creek and Hazeltine Bavaria Creek Joint Powers Water Management Organizations (JPWMO's) "non-implementing", terminated the JPWMO's, and as required by statute, assigned the water management responsibility and authority in these areas to the County. In May 2001, the County Board also assumed control of the portion of the Pioneer-Sarah WMO within Carver County. The result of these decisions was that the former WMO's no longer existed as legal entities. The entire CCWMO is the only "legal" entity. Tax levies for the WMO have been collected based on the former WMO boundaries since 2001. The tax revenues have been used for staff time, engineering, planning, and for projects within each of the watershed areas. Project funds have been collected and spent within each district for the most part since 2001.
88	Township Meeting	5/4/2010	Taxing Districts	Where is the historic lake bed located on Bevens Creek?	The historic lake bed is located west of County Road 41 near an existing stream monitoring station. A feasibility study would be conducted first and would involve contacting landowners in the area to determine their interest in the project.



REQUEST FOR BOARD ACTION

AGENDA ITEM : Create a Therapist for the School Linked Mental Health Grant

Originating Division: Community Social Services

Meeting Date: July 13, 2010

Amount of Time Requested: 10 minutes

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

BACKGROUND/EXPLANATION OF AGENDA ITEM: On September 23, 2008 the Board approved a three year infrastructure grant with the Department of Human Services (DHS) to provide School Linked Mental Health Services. At this time, the grant as originally structured has attained near cost neutrality through increasing third party billings. Additional unmet School Linked Mental Health needs have been identified. DHS has authorized the County to shift grant funding for the remainder of the grant to address these needs. Since all staff are currently committed, it will be necessary to hire an additional Therapist at 1.0FTE at a cost of \$75,357. The cost of this position would be covered completely by grant funds previously approved by the board. The position would be hired for the remainder of the grant term. If at the end of the grant term, the position through third party billings achieves cost neutrality, a request may be made at that time for the position to be made permanent.

ACTION REQUESTED:

Approve creation of a 1.0 FTE Therapist position for the School Linked Mental Health grant for the term of the grant.

FUNDING

County Dollars = \$0
 Other Sources & Amounts = \$85,127
 Third Party Billing = \$36,000
TOTAL = \$121,127

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments: The estimated cost of the Therapist position is \$75,357 which will be covered by the remaining grant funds and third party revenue that will be generated by the position.

 Reviewed by Division Director

Date: 6/18/2010



REQUEST FOR BOARD ACTION

AGENDA ITEM : Best Value Procurement – Courthouse Water Conservation – Contract Approval/Budget Amendment

Originating Division: Administrative Services

Meeting Date: July 27, 2010

Amount of Time Requested: 10 minutes

Attachments for packet: Yes No /Contract

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

BACKGROUND/EXPLANATION OF AGENDA ITEM: Two previous Board Actions have lead up to this request for Board Action. First approval of the Deferred Maintenance Capital Project with a budget amount of \$75,000 for water conservation. The second action on 3/23/10 was the approval to seek proposals based upon the best value method of procurement including the criteria for selection.

State rules allow for the County to complete one project annually or 20% of projects whichever is greater. The budget for this portion of the project represents 1.5% of the \$4.6 million Deferred Maintenance Construction budget. The 20% or one project rule sunsets in 2010. Both Wold Architects and the Administrative Services Director have met the training requirements contained in the Rules for Best Value Procurement.

Wold Architects and Engineers prepared the plans, specifications and criteria for this project. The criteria were listed, weighted and interviews complete. Staff from various divisions reviewed and graded of the proposals. The "low bid" or the monetary sums were not revealed to the review team. A RFP matrix is attached indicating the point summary and total possible cost (bid amount).

Based upon the criteria approved by the Board, staff and Wold Engineering are recommending a contract with Steinkraus Plumbing, Inc. Steinkraus Plumbing was also low bid \$82,665. The difference between the Budget amount and contract award amount is recommended to funded by Deferred Maintenance contingency and is due to added scope compared to the 2 year old estimate. The scope of the project includes reduced flow valves and water controls in restrooms, janitor closets and kitchens/staff break rooms for all five buildings at the Government Center.

This project is expected to save (1) to (1.2) million gallons of water per year. Including savings from sanitary sewer charges, projected savings for the project indicate a 16 year NPV (3% interest) payback. However, at least 15 million gallons of water is saved during that time based on current municipal charges. In 2010, the City of Chaska increased the rates from \$1.17 to 1.51 per thousand gallons (included in the calculation) and additional increases take effect in 2011. The majority of savings are actually in the Sanitary Sewer charges based upon water usage. The current sewer rate is \$3.13 per 1,000 gallons and is also scheduled to go up in 2011.

Administrative Services will provide the Board a brief summary on Best Value procurement and its potential applications for County wide implementation with this contract approval request.

ACTION REQUESTED: Move approval of the Contract between Steinkraus Plumbing, Inc and approval of the budget amendment from \$75,000 to \$82,665 for additional scope of work.

FUNDING

County Dollars = \$82,665
Other Sources & Amounts =
= \$
TOTAL = \$82,665

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments: Project costs paid for by the Deferred Maintenance Project.

Reviewed by Division Director

Date: July 19, 2010

BUDGET AMENDMENT REQUEST FORM

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

Division: Administrative Services

Date of County Board Session: 7/27/10

Fund: 30

Description of Account funds to Increased/(Decreased):	Amount	Description of Account funds to Increased/(Decreased):	Amount
Deferred Maintenance Budget	\$ 75,000	Courthouse Water Conservation Project	\$ 82,665
Deferred Maintenance Contingency	\$ 7,665		
TOTAL:	\$ 82,665	TOTAL:	\$ 82,665

A. Reason for Request: See Board Action.

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

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

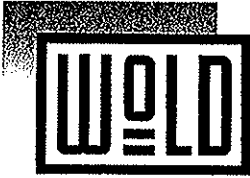
D. Contingency Acct. Current Bal.:

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

F. Requested By: Steve Taylor - Administrative Services Director

G. Recommend Approval: Finance Director

H. County Board Decision: Approval/Disapproval



MINNESOTA
ILLINOIS
MICHIGAN
COLORADO

July 6, 2010

Kevin Maas, Facilities Services Manager
Carver County
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Chaska, Minnesota 55318

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Re: Carver County
Plumbing Fixture Upgrades
Commission No. 082144

Dear Kevin:

On June 10, 2010, proposals were received for the Plumbing Fixture Upgrades for the Carver County Government Center. A total of four proposals were received.

The proposals were evaluated by a selection team from Carver County for best value based upon a scoring system that evaluated each contractors project approach, schedule, contractor and subcontractor experience, staff experience price. A tabulation of the evaluation teams scoring of the proposals is attached.

Upon review of the evaluation teams scoring, the Best Value Contractor was clear without interviews. On July 1, 2010, a Pre-award meeting was held with Steinkraus Plumbing to confirm that all items identified during bidding by all proposing contractors were included in their bid and that they were willing to move forward with the project for the amount of their bid.

Based on the evaluation teams scoring and the Pre-award meeting, we are recommending that you award a contract to Steinkraus Plumbing in the amount of \$82,665. A copy of that contract is attached for County approval.

Sincerely,

WOLD ARCHITECTS AND ENGINEERS

John McNamara, AIA, LEED AP
Associate

Enclosures

cc: Steve Taylor, Carver County
Vaughn Dierks, Wold
Kevin Marshall, Wold

DP/COU_Carver/082144/crsp/jul10

Contractor	Cost Total Possible	Cost Points (30 points)	Project Plan/ Schedule (20 points)	Challenges/ Solutions (15 points)	Value Added Options (5 points)	Team Experience				Total Points (100 points)
						General Contractor (10 points)	Construction Team (10 points)	Location (5 points)	Interviews (5 points)	
Contractor A - Klamm Mechanical										
Evaluator 1										
Evaluator 2	NOT EVALUATED BID AMOUNT EXCEEDS PROJECT BUDGET									
Evaluator 3										
Average	2. \$ 115,000.00	0	0	0	0	0	0		0	0
Contractor B - Steinkraus Plumbing, Inc.										
Evaluator 1		N/A	16	12	3	8	8	N/A		
Evaluator 2		N/A	16	12	4.75	8	8	N/A		
Evaluator 3		N/A	16	12	3	8	8	N/A		
Average	2. \$ 82,665.00	30	16.00	12.00	3.58	8.00	8.00	5.00	0.00	82.58
Contractor C - Wenzel Plymouth Plumbing										
Evaluator 1		N/A	4	6	0	6	4	N/A		
Evaluator 2		N/A	12	9	4	8	8	N/A		
Evaluator 3		N/A	4	6	0	6	6	N/A		
Average	2. \$ 93,500.00	26.5	6.67	7.00	1.33	6.67	6.00	0.00	0.00	54.17
Contractor D - US Mechanical										
Evaluator 1		N/A	16	12	3	6	7	N/A		
Evaluator 2		N/A	16.25	12	4	8	8	N/A		
Evaluator 3		N/A	16	6	3	6	6	N/A		
Average	1. \$ 87,485.00	28.4	16.08	10.00	3.33	6.67	7.00	0.00	0.00	71.48

1. Low bid gets 30 points
2. Low bid cost/bid cost x 30 = point value for other contractors
3. Points = rating scale number (as as percent) x total available points



REQUEST FOR BOARD ACTION

AGENDA ITEM : Closed Session - Chanhassen Service Center sewer back-up issue

Originating Division: County Attorney/Admin Services

Meeting Date: July 27, 2010

Amount of Time Requested: 15 minutes

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM: Staff recommends a closed session with the County Board as permitted by the attorney-client privilege (Minn. Stat. §13D.05, subd. 3(b)) to discuss pending or threatened litigation regarding the June 2, 2010 sewer back-up in the facility located at 7808 Kerber Blvd. Chanhassen, MN 55317.

ACTION REQUESTED: Closed Session according to Minn. Stat. §13D.05, subd. 3 (b) to discuss pending or threatened litigation.

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: July 19, 2010