

Carver County Board of Commissioners  
 October 5, 2010  
 Regular Session  
 County Board Room  
 Carver County Government Center  
 Human Services Building  
 Chaska, Minnesota

			PAGE
9:15 a.m.	1.	<ul style="list-style-type: none"> <li>a) <b>CONVENE</b></li> <li>b) <i>Pledge of Allegiance</i></li> <li>c) <i>Public participation (comments limited to five minutes)</i></li> <li>d) <i>Introduction of New Employees</i></li> </ul>	
	2.	Agenda review and adoption	
	3.	Approve minutes of September 28, 2010 Regular Session .....	1-4
	4.	Community announcements	
9:15 a.m.	5.	<b>CONSENT AGENDA</b>	
	5.1	Payment of emergency claims .....	5-7
	5.2	Sheriff's Office donation .....	8-9
	5.3	Approval of conveyance by deed of County owned property .....	10-15
	5.4	Seagate Dislocated Worker contract modification with HIRED .....	16-17
	5.5	Abatements/additions .....	18-19
	5.6	Kelly McGuire-request for an equestrian facility .....	20-24
	5.7	Establishment of Laketown Road as a County Road and revoking Klein Drive to Laketown Township .....	25-30
	5.8	PWHQ Cologne – underground storage tank monitoring repairs .....	31-33
	5.9	Accept donations and authorize construction on County property .....	34-42
	5.10	Veterans Service Office, MNDVA Operational Grant for FY 2011 .....	43-44
	5.11	Agreement for cultural resources/archaeological investigation .....	45-46
	5.12	Community Social Services' warrants .....	NO ATT
	5.13	Commissioners' warrants.....	SEE ATT

9:15 a.m.	<b>6.</b>	<b>EMPLOYEE RELATONS</b>	
	6.1	2010 Retiree recognition.....	47
9:30 a.m.	<b>7.</b>	<b>ADMINISTRATIVE SERVICES</b>	
	7.1	Acceptance of BTOP funds for the Carver County Open Fiber initiative .....	48-49
9:45 a.m.	<b>8.</b>	<b>PUBLIC HEALTH AND ENVIRONMENT</b>	
	8.1	Approval of MPCA co-collected organics composting project grant.....	50-51
10:10 a.m.	<b>9.</b>	<b>PUBLIC WORKS</b>	
	9.1	Carver County comments to the Metropolitan Council's 2030 Transportation Policy Plan .....	52-60
10:30 a.m.		<b>ADJOURN AS COUNTY BOARD AND RECONVENE AS CARVER COUNTY RAIL AUTHORITY</b>	
	9.2	Lease termination for buildings on CCRRA property.....	61
	9.3	<i>Closed Session</i> – appraisal of garage building in New Germany .....	62
11:15 a.m.		<b>ADJOURN AS CARVER COUNTY REGIONAL RAIL AUTHORITY</b>	
11:15 a.m.		<b>BOARD REPORTS</b>	
	1.	Chair	
	2.	Board Members	
	3.	Administrator	
11:45 a.m.	4.	Adjourn	

David Hemze  
County Administrator

<b>UPCOMING MEETINGS</b>
--------------------------

October 7, 2010	7:00 p.m. <i>ACCEL Meeting Canceled</i>
October 12, 2010	9:15 a.m. County Board Meeting
October 19, 2010	4:00 p.m. County Board Work Session
October 26, 2010	9:15 a.m. County Board Meeting

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on September 28, 2010. Chair James Ische convened the session at 9:16 a.m.

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

Members absent: None.

The following amendments were made to the agenda:

Add:

5.12 Resolution supporting an application by the Waconia Chamber of Commerce to host the 2012 Governor's Fishing Opener

8.1 Resolution to approve declaration of State of Emergency for Carver County due to potential flooding of Minnesota River and South Ford of the Crow River.

Degler moved, Maluchnik seconded, to approve the agenda as amended. Motion carried unanimously.

Workman moved, Maluchnik seconded, to approve the minutes of the September 14, 2010, Regular Session. Motion carried unanimously.

Community announcements were made by the Board.

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

Contract amendment with Kraus Anderson in the amount of \$69,259.

Reappointed David Priem as Carver County's Veteran Service Office, effective October 2, 2010, for a four year term expiring on October 2, 2014, per Minnesota Statute 197.60.

Approved the second amendment to the Public Health Preparedness and Cities Readiness Initiative grant award from the Minnesota Department of Health, as the Community Health Board, and related Public Health & Environment budget amendment increasing 2010 revenue \$42,543 and increasing 2010 expenditures \$42,543.

Approved renewal of on sale and Sunday liquor license for Timber Creek Golf Course.

Approved renewal of on sale and Sunday liquor license for B's on the River.

Resolution #42-10 County Board Acknowledgement That SP 10-070-03 is Complete and Ready to Finalize Contract.

Approved extending the temporary employment counselor through December 31, 2010.

Reduced the Sheriff's Office FTE count by one licensed position effective September 1, 2010.

Reduced the Sheriff's Office FTE count by one licensed position effective January 1, 2011.

Resolution #43-10, Supporting an Application by the Waconia Chamber of Commerce to Host the 2012 Governor's Fishing Opener.

Community Social Services' actions.

Approved payment of the following Commissioners' warrants:

INSERT

Motion carried unanimously.

Tim Walsh, representing the County's Fire Chiefs, explained Fire Prevention Week would be observed throughout the State and United States next week. He stated several Fire Departments would be hosting open houses starting Saturday and throughout the week and they were inviting the public to attend.

Chair Ische read into the record the Resolution proclaiming October 3-9, 2010, as Fire Prevention Week throughout the County. The Resolution urged residents to protect their homes and families by heeding the life saving messages of Fire Prevention Week and recognized the hard work and dedication of the local firefighters throughout the County.

Fire Chiefs Tim Walsh, Randy Sorenson, Roger Smallbeck, Brent Aretz and Brad Droege introduced themselves, the Departments they represented and the activities they planned for Fire Prevention Week.

The Board thanked the Fire Chiefs and Departments for the work they do and time they volunteer.

Degler offered the following Resolution, seconded by Lynch:

Resolution #44-10  
Declaring Carver County  
Fire Prevention Week

On vote taken, all voted aye.

The Board considered an appointment to the Minnehaha Creek Watershed District Board of Managers and recognized two excellent individuals had applied for this position.

Maluchnik moved, Degler seconded, to appoint William Olson to the Minnehaha Creek Watershed District Board of Managers to fill an unexpired term. Motion carried unanimously.

Joan Schwarz, Employee Relations, appeared before the Board to request approval of insurance rates and providers.

She explained they were required to go through a rfp process every five years for long term disability and life insurance. Schwarz indicated ten companies submitted proposals and good bids were received. She reviewed the bid received for short term disability and indicated there was a three year rate guarantee.

Lynch moved, Maluchnik seconded, to approve providing employee short term disability insurance through NJPA Sunlife at an annual cost of \$15,000 per year for 2011-2013. Motion carried unanimously.

Schwarz requested approval of the 2011 long term disability insurance rates and provider. She reviewed the coverage provided and the projected savings with the new provider.

Workman moved, Lynch seconded, to approve providing long term disability insurance through NJPA Sunlife at an annual cost of \$100,000 per year for 2011-2013. Motion carried unanimously.

Schwarz requested approval of the 2011 life insurance rates and provider. She stated this was part of the rfp process and twenty companies submitted proposals. She reviewed the coverage level provided and the option for the employee to buy additional coverage.

Degler moved, Maluchnik seconded, to approve providing life insurance through NJPA Sunlife at an annual cost of \$42,000 per year for 2011-2013. Motion carried unanimously.

Schwarz requested approval of the 2011 health insurance rates and provider. She indicated they would go through a rfp process next year and she was asking the Board to set the rates and establish the County contribution.

She explained there was an aggregate rate increase of 2.19% and pointed out the changes made in plan design and wellness efforts during the past year. She stated the Insurance Management Committee reviewed the information and were recommending that rates for Plans B, C and D remain the same for 2011 and have the rate increased added to Plan A due to Plan A utilization. She reviewed County cafeteria contribution rates for single and family coverage and asked the Board to approve those contributions.

Maluchnik moved, Workman seconded, to set the monthly 2011 health insurance premiums at the rates as listed for Plans A, B, C and D, with annual HRA and HSA contributions \$750.00 and \$1,000.00 for singles and \$1,500.00 and 2,000.00 for families respectively, and set the monthly cafeteria contributions for non-bargaining staff at \$1,150.00 for employees selecting family insurance, \$650.00 for employees selecting single health insurance, \$150.00 for employees waiving health insurance and \$250.00 toward the cost of single health insurance for part time employees. Motion carried unanimously.

Schwarz requested the Board approve the 2011 employer costs for certain retiree health insurance. She noted the policy in place that allows retirees to continue their health insurance

under certain conditions. She explained with the transfer to the cafeteria plan, they believed it was important to bring this forward to set forth the dollars to be designated.

Degler moved, Lynch seconded, to approve the County's monthly contribution to health insurance for retirees age 60 – 65 and meeting the qualifications in the Personnel Policy at \$1,150.00 for those continuing family health insurance, and the actual cost of the insurance, not to exceed \$650.00, for those selecting single health insurance in 2011. Motion carried unanimously.

Ken Carlson, Emergency Management, requested the Board approve a Resolution declaring Carver County in a State of Emergency due to potential flooding for the Minnesota River and the South Ford of the Crow River. He stated this was a significant flooding event and the flooding was more than what was experienced during the spring floods. Carlson noted sandbags were available if they needed them.

Lyndon Robjent, County Engineer, updated the Board on road closures in the County.

Carlson stated the adopted Resolution will allow them to act quickly and allow them to help someone or get help. He stated it also opens up doors for State or Federal assistance.

Maluchnik offered the following Resolution, seconded by Lynch:

Resolution #45-10  
Declaring Carver County in a State of Emergency  
Due to Potential Flooding of the Minnesota River  
and the South Fork of the Crow River

On vote taken, all voted aye.

Degler moved, Workman seconded, to adjourn the Regular Session at 10:25 a.m. Motion carried unanimously.

David Hemze  
County Administrator

(These proceedings contain summaries of resolutions. The full text of the resolutions are available for public inspection in the office of the county administrator.)

314863



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

**AUTHORIZATION**

**PAYMENT OF EMERGENCY CLAIM**

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

VENDOR: Optum Health Financial\_\_\_\_

ACCOUNT: 11-420-650-4401-6020\_\_

AMOUNT: \$940.52\_\_\_\_\_

REASON: \_Payment of COBRA coverage for Health Care Recipient

Department Head Signature:

*[Handwritten signature]*

Chairman of County Board

James Ische

County Administrator

Dave Hemze

County Attorney

James Keeler Jr

Date: \_09/22/10

314864



**Office of Finance Director**  
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AUTHORIZATION

PAYMENT OF EMERGENCY CLAIM

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

VENDOR: North Suburban Towing

ACCOUNT: 01-090-000-1101-6379

AMOUNT: \$150.00

REASON: Impound fees for victim

Department Head Signature: [Signature]

Chairman of County Board

[Signature]  
James Ische

County Administrator

[Signature]  
Dave Hemze

County Attorney

[Signature]  
James Keeler Jr.

Date: 9/23/10



314593



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

AUTHORIZATION

PAYMENT OF EMERGENCY CLAIM

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

VENDOR: Rick Rossing - landlord

ACCOUNT: 01-090-000-1101-6379

AMOUNT: \$300.00

REASON: rent for crime victim

Department Head Signature: Approved for Jim Keeler

Chairman of County Board

James Ische

County Administrator

Dorethy  
Dave Hemze

County Attorney

Approved for Jim Keeler  
James Keeler Jr

Date: 9/21/2010



# REQUEST FOR BOARD ACTION

**AGENDA ITEM : Approval of Donation**

Originating Division: Sheriff's Office

Meeting Date: October 5, 2010

Amount of Time Requested:

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

Donation of \$60.00 by Ms. Gloria Ware to the Sheriff's Office.

**ACTION REQUESTED:**

Motion to approve \$60.00 donation to the Sheriff's Office.

**FUNDING**

County Dollars = \$

Other Sources &amp; Amounts =

= \$

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

01-201-201-0000-5756 Gifts Restricted

 Reviewed by Division Director

Date: September 23, 2010



**CARVER COUNTY SHERIFF'S OFFICE  
DONATION FORM**

606 E. 4<sup>th</sup> Street  
Chaska, MN 55318  
952-361-1212

I would like to donate the following item(s) to the Carver County Sheriff's Office. I am aware that all donated items become the property of the Sheriff's and will not be returned.

Please list donated item(s):

- 1) \$60<sup>00</sup> DONATION
- 2) \_\_\_\_\_
- 3) \_\_\_\_\_
- 4) \_\_\_\_\_
- 5) \_\_\_\_\_

If you are interested in a specific use for this donation please let us know:

SHERIFF'S DISCRETION

Signature: Picked up by Deputy Date: 9-24-10

Your Address:  
GLORIA WARE  
325 S. SPRUCE #102  
WACONIA MN 55387

**Thank you for your donation to the Carver County Sheriff's Office.**



# REQUEST FOR BOARD ACTION

**AGENDA ITEM : Approval of Conveyance by Deed of County owned property**

Originating Division: Administrative Services

Meeting Date: October 5, 2010

Amount of Time Requested: N/A

Attachments for packet:  Yes  NoItem Type:  Consent  Regular Session  Closed Session  Work Session  Ditch/Rail Authority**BACKGROUND/EXPLANATION OF AGENDA ITEM:** The County owns a 6.26 acre parcel in the NW portion of CSAH 40 upon entering the City of Carver (PID 20.0180100)

On November 24, 2009, the County Board granted temporary and permanent easements to the Metropolitan Council Environmental Services ("MCES") division to accommodate a joint MCES/City of Carver regional wastewater service project.

Subsequently, the City of Carver requested the option to purchase the parcel from the County in order to support expansion and parking for its historic water tower park. Based on an appraisal of the property, the City of Carver agreed to pay the County \$6,300 for the parcel. The County Board approved the sale and entered into a purchase agreement with the City of Carver on May 25, 2010.

At this time, staff is requesting approval of the Limited Warranty Deed conveying PID 20.0180100 to the City of Carver.

In addition, the title commitment that was prepared in anticipation of this sale flagged the County's GIS map which shows additional land (outside of the legal description) included as part of PID 20.0180100. This additional land appears to be public right-of-way on Ramsey Avenue, Seventh Street and a portion of an alley in the City of Carver. Despite the inclusion of this land in the County's GIS map for PID 20.0180100, a review of the records provides no indication that the County owns the land. Nonetheless, staff is recommending approval of a Quit Claim Deed from the County to the City of Carver to convey any interest that the County may have claimed in this additional land. (A street exhibit showing the additional land and a legal description are attached).

**ACTION REQUESTED: Motion to adopt a resolution approving the conveyance by deeds of County owned property to the City of Carver.****FUNDING**

County Dollars = \$

Other Sources &amp; Amounts =

= \$

**TOTAL** = \$**FISCAL IMPACT** None Included in current budget Budget amendment requested Other: Revenue

*Related Financial Comments:* This final step in the conveyance of land will result in the County receiving \$6,300 for the property.

 Reviewed by Division Director

Date: September 26, 2010



# BOARD OF COUNTY COMMISSIONERS CARVER COUNTY, MINNESOTA

Date: October 5, 2010

Resolution No.: \_\_\_\_\_

Motion by Commissioner: \_\_\_\_\_

Seconded by Commissioner: \_\_\_\_\_

**WHEREAS**, the County of Carver (County) owns certain property situated adjacent to CSAH 40 and entering the City of Carver (City), which is legally described in Exhibit A, attached and incorporated herein by reference ("PID 20.0180100"); and

**WHEREAS**, the County may also have a title interest in additional land situated within PID 20.0180100 which is legally described separately in Exhibit B, attached and incorporated herein by reference ("Additional Land"); and

**WHEREAS**, the City has offered to purchase the property described in Exhibits A and B from the County for Six Thousand, Three Hundred Dollars (\$6,300) to use the property for park expansion and parking at the City's Historic Water Tower Park; and

**WHEREAS**, the property legally described in PID 20.0180100 and the Additional Land is property that the Carver County Board of Commissioners hereby finds is no longer needed for County purposes; and

**WHEREAS**, it would be in the best interests of the public for the County to convey PID 20.0180100 and the Additional Land to the City for city park purposes.

**NOW, THEREFORE BE IT RESOLVED**, the Carver County Board of Commissioners hereby authorizes and directs the County Board Chair and the County Administrator to execute the necessary documents to convey PID 20.0180100 by Limited Warranty Deed and the Additional Land by Quit Claim Deed to the City.

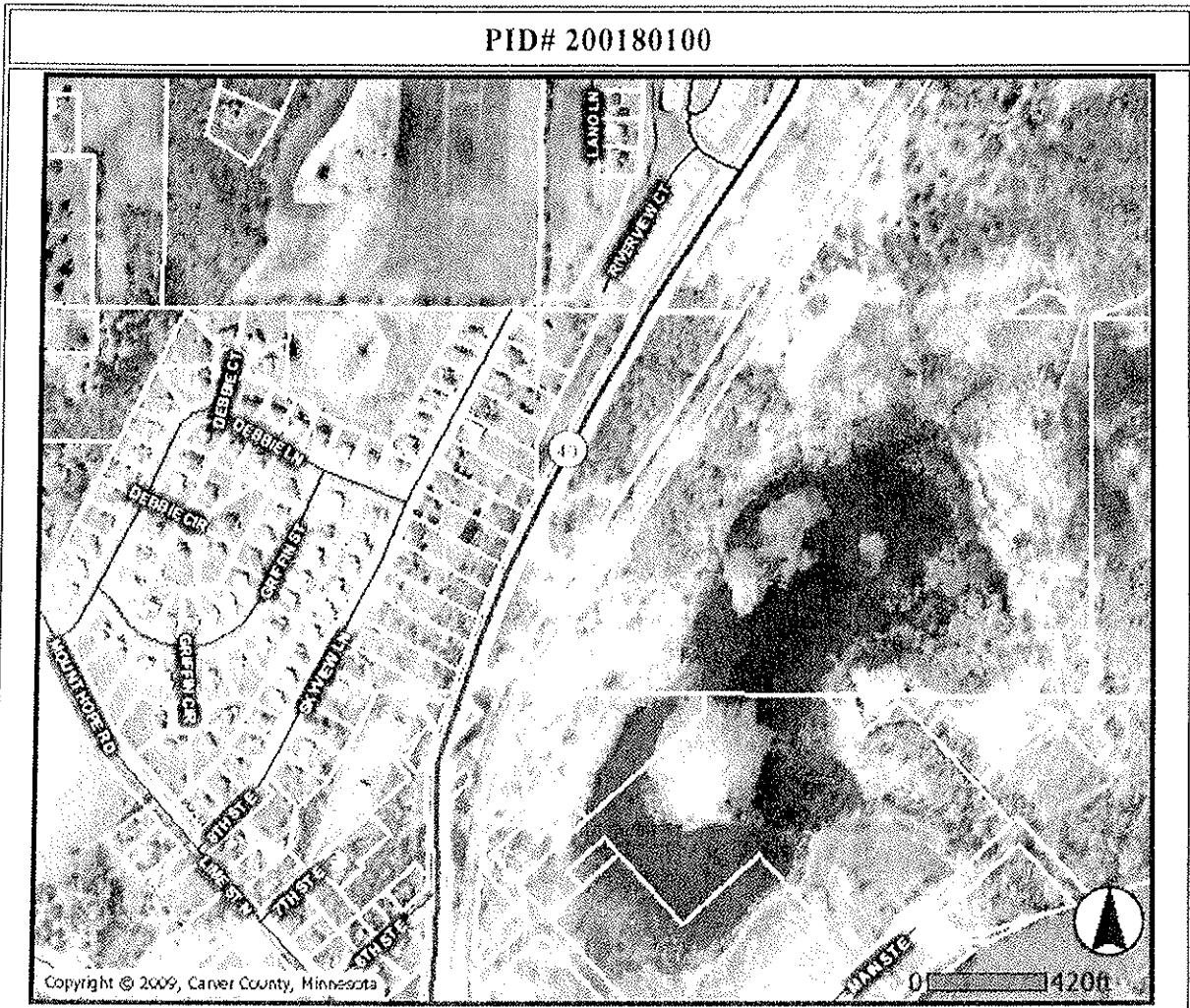
YES	ABSENT	NO
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**STATE OF MINNESOTA  
COUNTY OF CARVER**

I, Dave Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the \_\_\_\_ day of \_\_\_\_\_, 2010, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
County Administrator



**Legend**

- Carver Roads
- 24' Right-of-Way
- 44' Right-of-Way
- 66' Right-of-Way
- County Roads
- Forest & Trees
- City Roads
- Private Roads
- Lakes
- Parcels
- Color 2008

Map Created: 6-17-2010

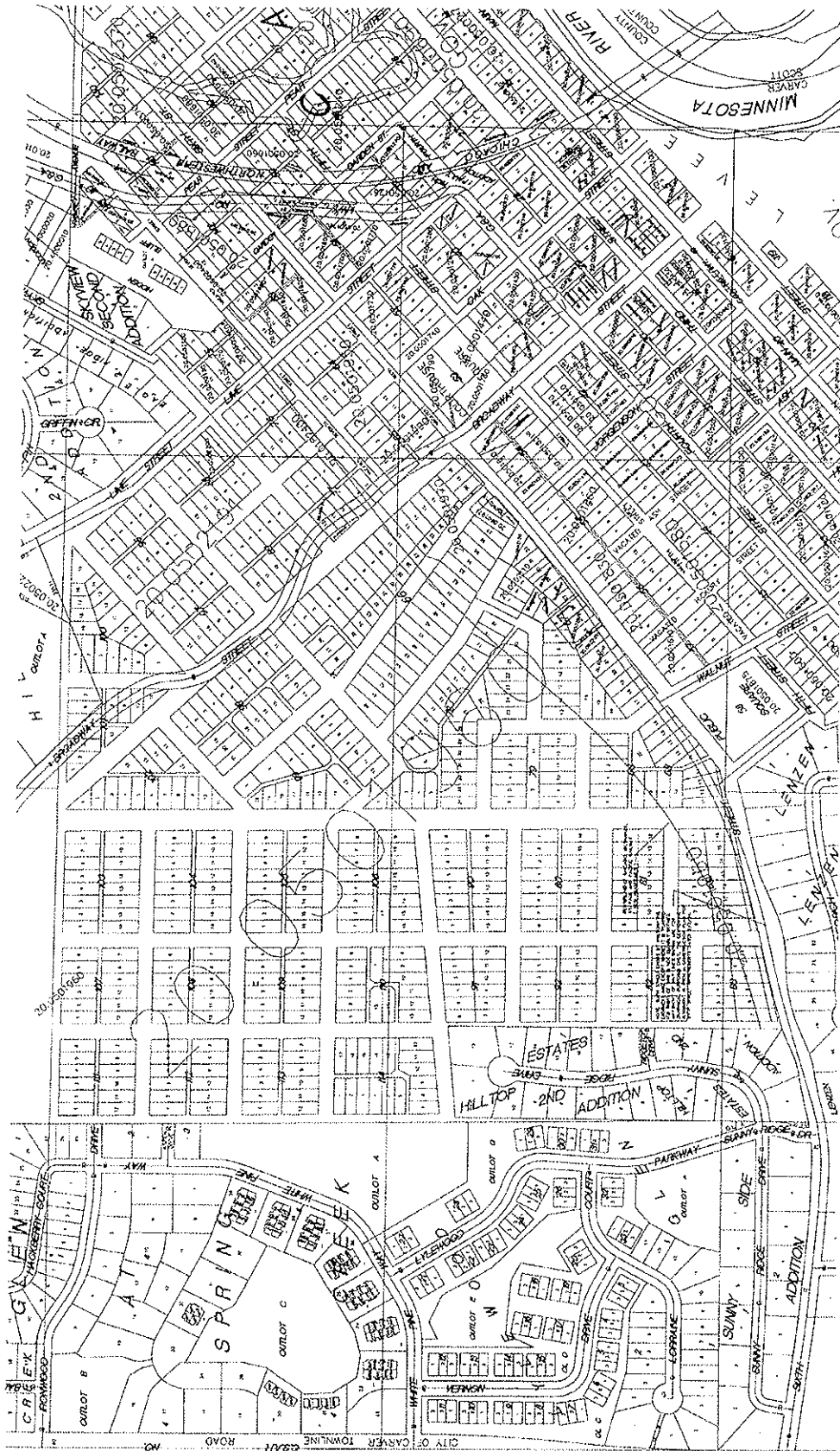
<b>Parcel Information</b>	
Property Address: NOT ON FILE	Taxpayer Information: CARVER COUNTY CARVER COUNTY GOVT CTR-ADMIN 600 4TH ST E CHASKA, MN 55318
<b>Parcel Properties</b>	
Tax Acres: 6.26	
Homestead: N	
School District: 011	
<b>Parcel Location</b>	
Section: 18	
Township: 115	
Range: 023	
<b>Payable Year 2011</b>	<b>Last Sale Information</b>
Est. Market Value Land: \$13700	Last Sale: NOT ON FILE
Est. Market Value Building: \$0	
Est. Market Value Total: \$13700	

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

Plat System Services  
 2550 University Ave. W # 2595  
 St. Paul, MN 55114  
 ph 651-251-5156  
 info@platsystems.com

S 1/2 SEC 18, T115 R23

CARVER COUNTY

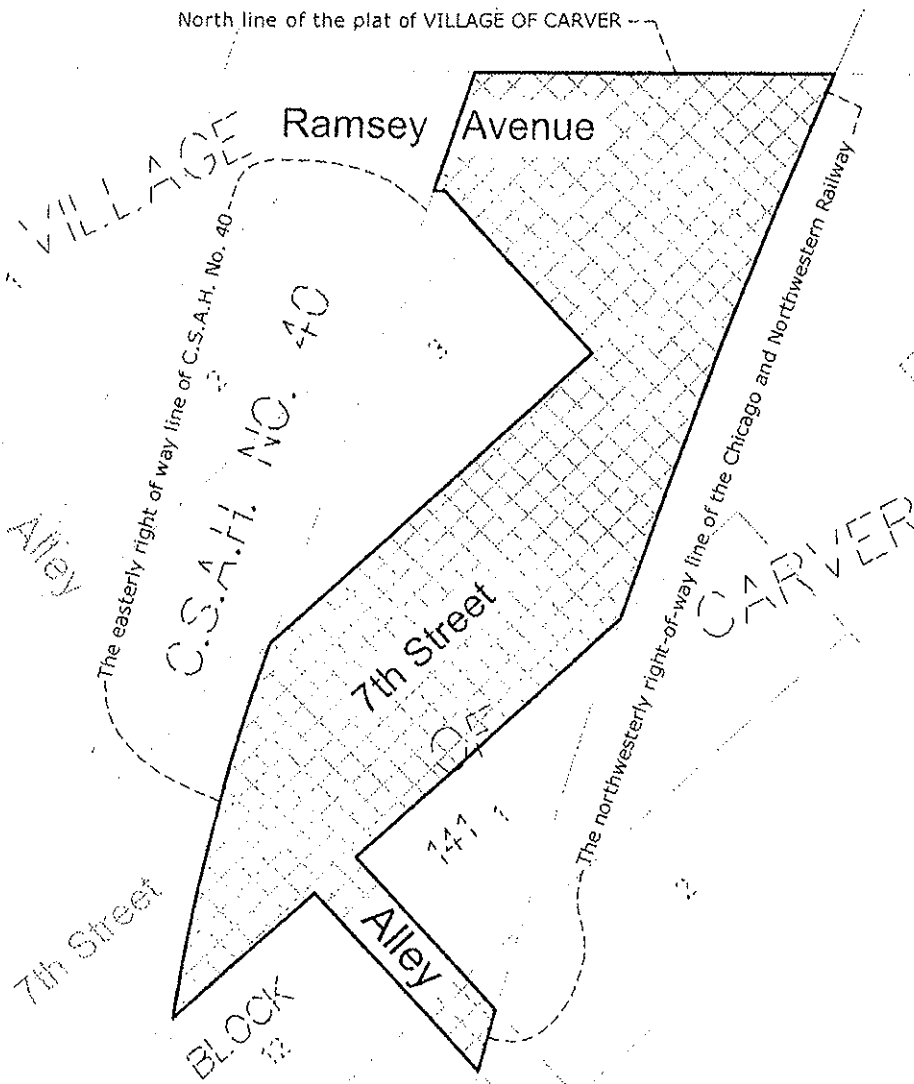


THIS DRAWING IS THE RESULT OF A COORDINATION AND SURVEY FIELD AND IS NOT TO BE USED AS A BASIS FOR ANY OTHER SURVEY OR AS EVIDENCE IN ANY COURT OF LAW. THE DRAWING SHOWS THE RESULTS OF A SURVEY AND DOES NOT REPRESENT ANY LIABILITY ON THE PART OF PLAT SYSTEMS SERVICES.

SCALE: 1 INCH EQUALS 400 FEET


REVISED DATE: DECEMBER 2009

# STREET EXHIBIT CITY OF CARVER



### Legal Description

That part of Ramsey Avenue, 7th Street and the Alley located in Block 141, all dedicated in the plat of VILLAGE OF CARVER, according to the recorded plat thereof, Carver County, Minnesota lying southeasterly of the southeasterly right-of-way of County State Aid Highway No. 40 and lying northwesterly of the northwesterly right-of-way line of the Chicago and Northwestern Railway.

LEGEND:  
 Area Being Described

REVISED: 07/16/2010

NO FIELD WORK WAS COMPLETED  
FOR THIS DESCRIPTION & SKETCH

FILE NAME	47510000_7thSt.dwg	PROJ. NO.	47510000	DRAWN	DJR	SURVEY
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I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

PRINT NAME: DANIEL J. ROEBER

SIGNATURE:  3

DATE: 07/15/2010 LIC. NO. 43133



**Bonestroo**

**St. Paul Office**  
 2335 West Highway 36  
 St. Paul, MN 55113  
 Phone: 651-636-4600  
 Fax: 651-636-1311  
 www.bonestroo.com



47510000\_7thSt.dwg  
July 15, 2010

**Legal Description**

That part of Ramsey Avenue, 7th Street and the Alley located in Block 141, all dedicated in the plat of VILLAGE OF CARVER, according to the recorded plat thereof, Carver County, Minnesota lying southeasterly of the southeasterly right-of-way of County State Aid Highway No. 40 and lying northwesterly of the northwesterly right-of-way line of the Chicago and Northwestern Railway.



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : SEAGATE Dislocated Worker Contract Modification with HIRED

Originating Division: Community Social Services

Meeting Date:

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:** In 2009 the County Board approved a dislocated worker contract with HIRED to serve residents of Carver County laid off from Seagate, a maker of computer disk drives with facilities in Shakopee and Bloomington. Special dislocated worker funds were made available from the Department of Employment and Economic Development (DEED) to assist these individuals in becoming retrained & re-employed. A competitive grant selection process was held to determine who would assist these workers. HIRED, a provider of dislocated worker services in the metropolitan area, along with Scott County & Carver County were selected to operate collaboratively the dislocated worker program by a committee of former Seagate employees. HIRED received the grant directly from DEED & subcontracted to Carver county its portion (\$56,145) to provide services. An additional \$41,271 has become available to assist more workers who have been laid off from Seagate. This contract modification increases the grant amount from \$56,145 to \$97,416 and extends the period of the grant though March 31, 2011. A minimum of 23 dislocated workers will be served with these funds.

**ACTION REQUESTED:** Motion to approve grant modification and attached budget amendment with HIRED increasing the grant amount by \$41,271, from \$56,145 to \$97,416, and extending the time period of the grant through March 31, 2011.

### FUNDING

County Dollars =	
Other Sources & Amounts =	
Federal funds	= \$41,271
<b>TOTAL</b>	<b>= \$41,271</b>

### FISCAL IMPACT

None  
 Included in current budget  
 Budget amendment requested  
 Other:

*Related Financial Comments:* 100% of these funds are non-county funds. \$20,635 of these funds will be budgeted and expended in 2010. The remaining \$20,636 will be budgeted in 2011.

Reviewed by Division Director

Date:

# BUDGET AMENDMENT REQUEST FORM

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

**DEPARTMENT:** Community Social Services

**DATE of County Board Session:** \_\_\_\_\_

**Fund:** 11

Description of Account funds are to be transferred from:	Amount	Description of Account funds are to be transferred to:	Amount
Federal Dislocated Worker Revenue	\$ 41,271	Client Expenditures	\$ 41,271
<b>TOTAL:</b>	<b>\$ 41,271</b>	<b>TOTAL:</b>	<b>\$ 41,271</b>

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

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

**C. Contingency Beginning of the Year Balance:** \$ 300,000

**D. Prior Contingency Adjustment:** \_\_\_\_\_

**E. Current Contingency Adjustment:** \$ -

**F. Remaining Balance:** \$ 300,000

**G. Requested By:** Gary Bork - Director of Community Social Services

**H. Recommend Approval:** Finance Director

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



# REQUEST FOR BOARD ACTION

**AGENDA ITEM : Abatements/Additions**

Originating Division: Property Records Taxpayer Services Meeting Date: 10/5/2010  
 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 = \$ -2,763.81  
 Other Sources & Amounts = \$ -5,780.19  
 =  
**TOTAL** = \$ -8,544.00

**FISCAL IMPACT**

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

*Related Financial Comments:*

Reviewed by Taxpayer Services Manager

Date:



CARVER  
COUNTY

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

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

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

Abatements presented to the  
Carver County Board of Commissioners  
October 5, 2010

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

Payable Year	Parcel Number	Name	Reason for Abatement	Original Tax Amount	Adjusted Tax Amount	County Dollars Abated	Total Amount of Adjustment
2010	02-002-0620	John Vinkemeier	Homestead	234.00	64.00	-62.38	-170.00
2010	02-002-0800	John Vinkemeier	Homestead	4,906.00	4,856.00	-17.71	-50.00
2010	25-283-0032	Bloomberg Co.	Taxed in error, now Tax Exempt	54.00	0.00	-1.01	-54.00
2010	75-522-0210	Thomas Johnson	Moved value to new construction category	3,780.00	3,780.00	0.00	0.00
2010	07-540-0030	Jeffrey Helstrom	Remove PTR flag on 2nd value group	9,050.00	9,050.00	0.00	0.00
2010	75-106-0360	Thomas Carlise	Homestead	2,440.00	2,250.00	-70.49	-190.00
2009	75-106-0360	Thomas Carlisle	Homestead	2,406.00	2,220.00	-70.43	-186.00
2008	75-106-0360	Thomas Carlisle	Homestead	2,646.00	2,476.00	-61.59	-170.00
2010	25-081-0095	Auto Motorplex Assoc.	Tax Exempt - Common Area	68.00	0.00	-21.54	-68.00
2009	25-081-0069	Auto Motorplex Assoc.	Tax Exempt - Common Area	1,090.00	0.00	-347.23	-1,090.00
2010	25-081-0069	Auto Motorplex Assoc.	Tax Exempt - Common Area	6,566.00	0.00	-2,111.43	-6,566.00
<b>Grand Total</b>				<b>\$33,240.00</b>	<b>\$24,696.00</b>	<b>-\$2,763.81</b>	<b>-\$8,544.00</b>



# REQUEST FOR BOARD ACTION

## AGENDA ITEM: Kelly McGuire - Request for an Equestrian Facility

Originating Division: Public Health & Environment

Meeting Date: October 5, 2010

Amount of Time Requested: None

Attachments for packet:  Yes  No

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

### BACKGROUND/EXPLANATION OF AGENDA ITEM:

File #PZ20100015. The Planning Commission recommended approval of the Conditional Use Permit (CUP) for Kelly McGuire. Her request is to operate a commercial boarding facility on her 38.75 acre parcel located in Section 15, Camden Township. The operation will consist of boarding up to 12 horses (including the seven horses that she owns) and constructing an approximately 80' x 120' indoor arena and an addition to the arena that would include ten horse stalls to house the animals in inclement weather. Any future buildings will require discussion with Land Management to determine whether a new CUP will be required. The permittee has been working with Environmental Services regarding feedlot management. The facility does not have any employees and she will submit an affidavit regarding workers' compensation. There are no set hours of operation; however, customer access is expected to be sporadic. All structures utilized accessed by the public will meet State Building Code requirements. A letter of support dated September 12, 2010 was received from the property owner to the west, William & DelRae Swanson, 8380 Vega Avenue, New Germany. The Camden Town Board recommended approval with comments requiring traffic to be directed to County Road 32 and that the applicant provides dust control.

### ACTION REQUESTED:

A motion to adopt the findings of fact and order #PZ20100015 for the issuance of a Conditional Use Permit.

### FUNDING

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

### FISCAL IMPACT

None  
 Included in current budget  
 Budget amendment requested  
 Other:

Related Financial Comments:

Reviewed by Division Director

Date: 9/27/10

COUNTY OF CARVER  
*PLANNING COMMISSION RESOLUTION*

**FILE #: PZ20100015**

**RESOLUTION #: 10-03**

**WHEREAS**, the following application for a Conditional Use Permit has been submitted and accepted:

**FILE #:** PZ20100015  
**APPLICANT:** Kelly A. McGuire  
**OWNER:** David C. McGuire  
**SITE ADDRESS:** 8485 Vega Avenue, New Germany  
**PERMIT TYPE:** Equestrian Facility  
**PURSUANT TO:** County Code, Chapter 152, Section(s) 152.079 C5  
**LEGAL DESCRIPTION:** See attached Exhibit "A"  
**PARCEL #:** 02-015-0800

**WHEREAS**, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meeting of September 21, 2010; and,

**WHEREAS**, the Carver County Planning Commission finds as follows:

1. David McGuire owns 38.75 acres located in the W ½ of the SW ¼ of Section 15 of Camden Township. The property is improved with an existing home, pole barn and several small outbuildings, and grazing pasture. The site is located within the Agriculture Zoning District, Shoreland District, 100-year Floodplain and the CCWRMA – Crow River watershed.
2. The applicant is requesting a Conditional Use Permit (CUP) for an equestrian facility which will be utilized as a commercial boarding facility which also offers therapeutic horseback riding on a part-time basis pursuant to Section 152.079 C5 of the Carver County Code.
3. According to the submitted operational plan (dated: 8/16/10) the operation would consist of twelve (12) horses including the seven (7) horses she owns. Ms. McGuire, a daughter of the owner, resides in the home and will be the primary caretaker of any horses on the property. She is currently working to obtain relative homestead status for the property.
4. The operational and site plans identify the existing structures on the property as a pole barn that is used for horse stalls and hay storage, four (4) smaller outbuildings for some tack storage as well as personal storage. The applicant is proposing to construct an approximate 80' x 120' indoor riding arena that would be insulated and heated. The applicant is also considering constructing an addition to the arena that would include ten (10) horse stalls to house the animals in inclement weather. Any future buildings will require discussion with Land Management to determine whether a new CUP will be required.
5. The applicant is requesting the indoor riding arena for personal use, commercial boarding, and potentially for use as a therapeutic horseback riding location thru the We Can Ride non-profit organization. According to the applicant, boarding would be necessary to supplement her income and justify the construction of an addition to the arena with

stalls.

6. The applicant is in the process of becoming a Certified Riding Instructor for We Can Ride. The organization may use the proposed arena to hold a class two (2) evenings a week as a “satellite” location. Each session of classes lasts eight (8) weeks. Classes include a total of four (4) developmentally disable students. Each student requires three (3) volunteers.
7. A total of twelve (12) volunteers and four (4) clients would be accessing the property for classes between the hours of 6:00 p.m. – 9:00 p.m. All volunteers and clients would be directed to travel down Vega Avenue and would park on the parking area adjacent to the proposed arena. The applicant anticipates up to sixteen (16) or less vehicle trips in and out of the site each evening that classes are conducted.
8. The southerly portion of the property is in Shoreland and Floodplain District; however the proposed building is not.
9. The applicant has been working with the Environmental Services Department regarding compliance with Chapter 54 – Feedlot Management. According to the submitted operational plan (dated: 8/16/10) the operation would consist of twelve (12) horses including the 7 (seven) horses she owns. Any additional horses on the site must be approved by the feedlot administrator. The site must comply with the requirements in the letter from Lori Brinkman, Assistant Feedlot Administrator dated 9/14/10 (see attached).
10. The Carver County Building Official, MNSPECT (formerly called Waldron & Assoc.), should inspect any existing buildings proposed to be utilized as part of the operation. All buildings on the property accessed by the public will need to meet Minnesota State Building Code to continue to be utilized by the public.
11. There will be one (1) family member working at the facility. The applicant will be required to submit an affidavit concerning Workers Compensation stating that they do not have any employees.
12. Boarders riding on private property would be prohibited unless written agreements are provided to Land Management.
13. The applicant is not proposing any signage for the facility other than handicapped parking signage where appropriate.
14. The applicant is working with Environmental Services related to providing one (1) handicapped accessible restroom at the property.
15. The Camden Town Board has reviewed the request at their August 12, 2010, Town Board meeting and recommended approval with two (2) comments stating that traffic should be directed to County Road 32 and dust control needs to be provided.

**THEREFORE, BE IT RESOLVED,** THAT The Carver County Planning Commission hereby recommends the issuance of Conditional Use Permit #PZ20100015 for an Equestrian Facility on the land described in Exhibit “A” of the permit application. The Planning Commission further recommends that the following conditions be attached to the permit:

1. The permit is subject to administrative review. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners/operators are encouraged to contact Land Management as early on in the timeline of the proposed change as possible.
2. The Equestrian Facility shall operate in accordance with the operation and site plans (dated 8/16/10). These plans shall be attached to and become part of this permit. The applicant currently owns seven (7) horses and is requesting approval of the proposed indoor riding arena and addition which would allow for the creation of ten (10) horse stalls to house the animals in inclement weather, and commercial boarding. Commercial boarding may be conducted in accordance with Chapter 54 – Feedlot Management requirements. Any future buildings will require discussion with



Land Management for a determination as to whether an application for amendment or similar consideration is necessary.

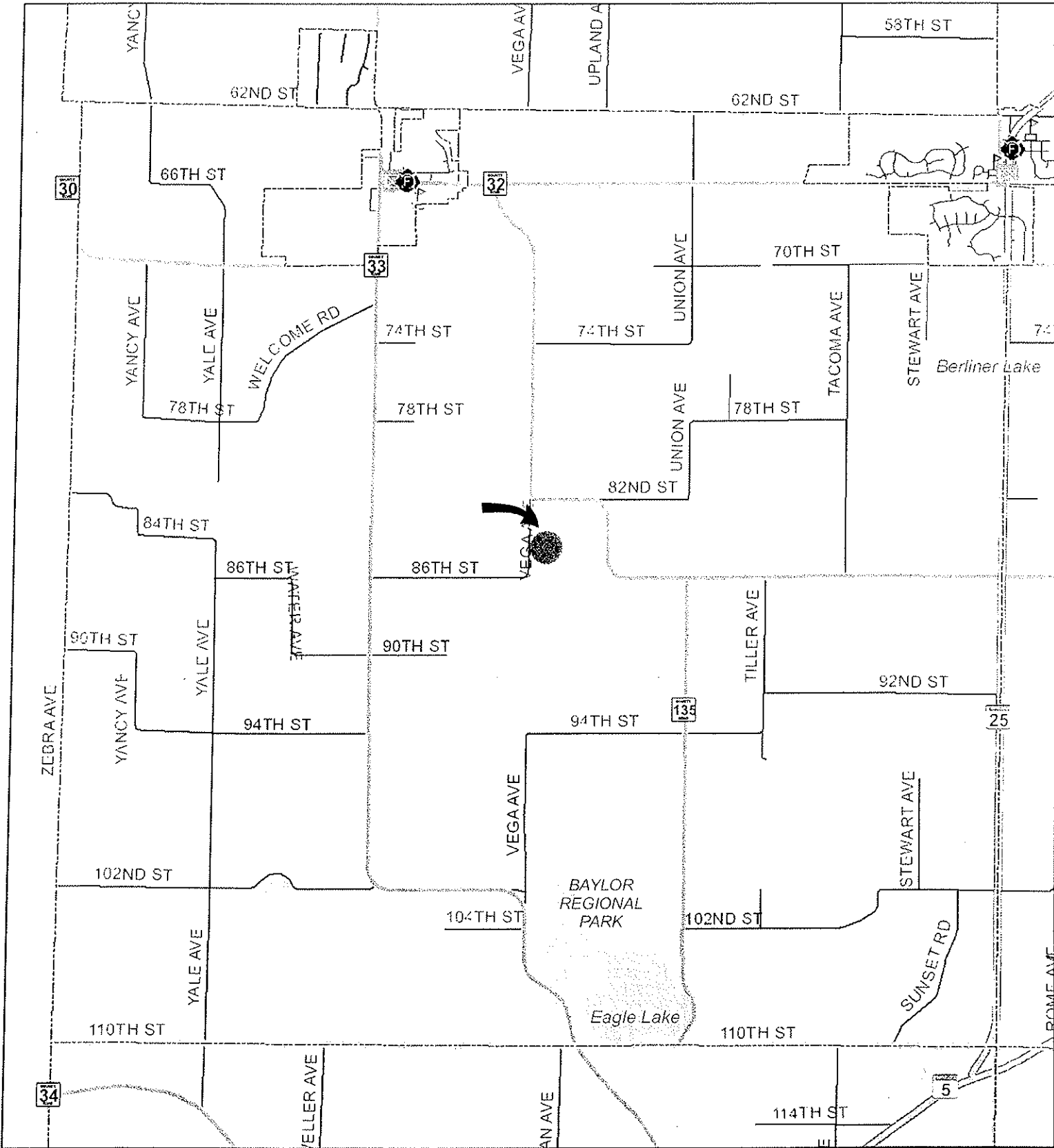
3. The Permittee shall comply at all times with the County standards as detailed in Chapter 54 – Feedlot Management requirements and/or appropriate permit(s) as well as the letter from Environmental Services dated 9/14/10.
4. The Permittee shall comply at all times with the County standards as detailed in Chapter 152 – Zoning Code and Chapter 154 – Sign Regulations.
5. All structures utilized as part of the operation in which public (volunteers/boarders) have access shall meet the applicable State Building Code requirements.
6. The Permittee shall comply at all times with the County standards as detailed in Chapter 52 – Sewage Treatment Systems or submit a copy of the agreement annually for the placement and maintenance of one (1) handicapped accessible portable restroom facility.
7. Riding on private property would be prohibited unless written agreements are provided to Land Management.
8. The Permittee shall obtain relative homestead status on the property.
9. The Permittee shall submit an affidavit concerning Workers Compensation stating that they do not have any employees.
10. The Permittee shall comply at all times with the comments from Camden Township to direct traffic onto County Road 32 and provide dust control. Prior to intensification of the operations, Permittee shall provide written approval from Camden Township to Land Management.

**ADOPTED** by the Carver County Planning Commission this 21<sup>st</sup> day of September, 2010.

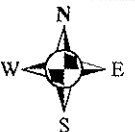
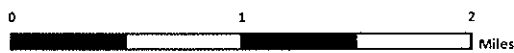
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Ted Beise  
Planning Commission Chair

# CAMDEN TOWNSHIP



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





# REQUEST FOR BOARD ACTION

**AGENDA ITEM : ESTABLISHMENT OF LAKETOWN RD AS A COUNTY ROAD AND REVOKING KLEIN DRIVE TO LAKETOWN TWP**

Originating Division: Public Works

Meeting Date: October 5, 2010

Amount of Time Requested: NA

Attachments for packet:  Yes  No

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

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** On September 22, 2009 Carver County entered into a Joint Powers Agreement with Laketown Township that included the understanding and conditions for (1.) Carver County to complete a bituminous paving project on Laketown Road from CSAH 10 to TH 5; (2.) Carver County to take over the jurisdiction and maintenance of Laketown Road from CSAH 10 to TH 5 after completion of said project; and (3.) Laketown Township to take over the jurisdiction and maintenance of Klein Drive (Co. Rd. 110) in Laketown Township after the County completed the Laketown Road project and placed a sealcoat on Klein Drive.

The Laketown Road project has been completed and a sealcoat has been placed on Klein Drive.

The attached resolutions establish Laketown Road as a County Road and revokes Klein Drive back to Laketown Township.

**ACTION REQUESTED:** We would request that the County Board pass these two resolutions.

**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: September 27, 2010

S:\Projects\Laketown Road\Roadway Jurisdiction Exchange with Laketown Township -9-27-10 - baf

**BOARD OF COUNTY COMMISSIONERS  
CARVER COUNTY, MINNESOTA**

Date: \_\_\_\_\_  
Motion by Commissioner: \_\_\_\_\_

Resolution No: \_\_\_\_\_  
Seconded by Commissioner: \_\_\_\_\_

**RESOLUTION REVOKING COUNTY HIGHWAY 110 (KLEIN DRIVE)**

WHEREAS, on September 22, 2009 Carver County (County) and Laketown Township (Township) entered into a Joint Powers Agreement, that among other things, included a provision for the transfer of jurisdiction of County Highway 110 (Klein Drive) to the Township, and

WHEREAS, it appears to the County Board of the County of Carver that County Highway 110 (Klein Drive) should be revoked as a County Highway under the provisions of Minnesota Law,

NOW THEREFORE, BE IT RESOLVED, by the County Board of the County of Carver that the road described as follows, to wit:

That part of County Road No. 110 lying northerly and northeasterly of the northerly and northeasterly right-of-way of County State Aid Highway No. 10 as depicted on the Carver County Right of Way Plat No. 11. Said County Road No. 110 being part of the following described land.

Northwest Quarter Section 29, Township 116, Range 24;

Northeast Quarter Section 30, Township 116, Range 24;

Northwest Quarter Section 30, Township 116, Range 24;

Southwest Quarter Section 19, Township 116, Range 24;

Southeast Quarter Section 19, Township 116, Range 24.

BE, AND HEREBY IS, REVOKED as a County Highway and all right, title, and interest to the roadway, roadway support structure and rights of way shall revert to the jurisdictional responsibility of Laketown Township effective upon the adoption of this resolution.

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

STATE OF MINNESOTA  
COUNTY OF CARVER

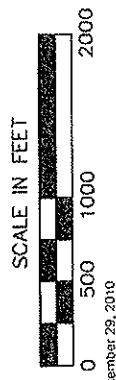
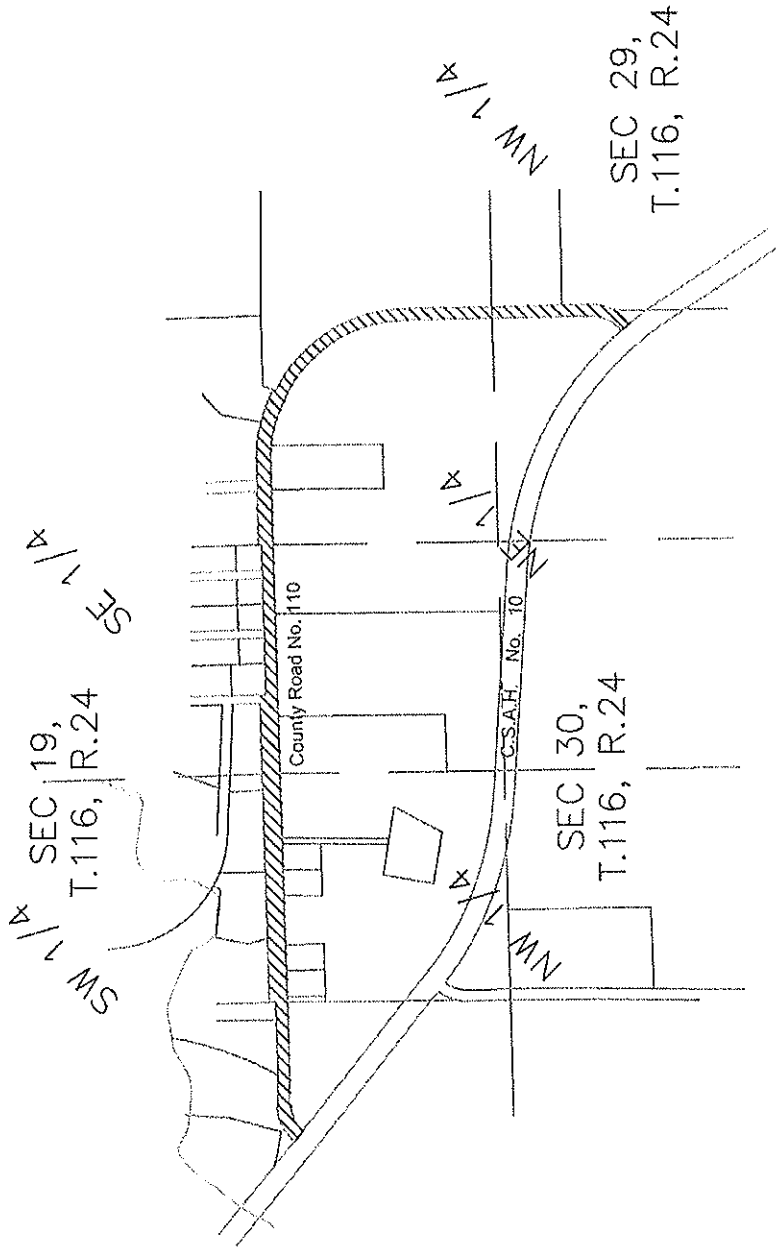
I, David Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 5<sup>th</sup> day of October, 2010, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 5<sup>th</sup> day of October, 2010.

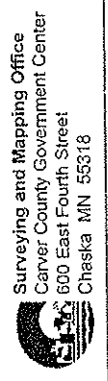
\_\_\_\_\_  
David Hemze                      County Administrator

# CARVER COUNTY SURVEYOR EXHIBIT

County Road No. 110 through Sections 19, 29 and 30, Township 116, Range 24



September 29, 2010



**BOARD OF COUNTY COMMISSIONERS  
CARVER COUNTY, MINNESOTA**

Date: \_\_\_\_\_ Resolution No: \_\_\_\_\_  
Motion by Commissioner: \_\_\_\_\_ Seconded by Commissioner: \_\_\_\_\_

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**RESOLUTION ESTABLISHING A PORTION OF LAKETOWN ROAD  
AS A COUNTY ROAD**

WHEREAS, the portion of Laketown Road located between Carver County State Aid Highway (CSAH) 10 and Minnesota State Highway No. 5 is presently under the jurisdiction of Laketown Township, and

WHEREAS, the portion of Laketown Road between CSAH 10 and TH 5 has been identified in the 2030 Carver County Roadway System Plan as a candidate for jurisdictional transfer from Laketown Township (Township) to Carver County (County), and

WHEREAS, on September 22, 2010 the County and Township entered into a Joint Powers Agreement whereby the County would complete a bituminous pavement project on this portion of Laketown Road and after completion this project would assume jurisdiction of this portion of Laketown Road, and

WHEREAS, the bituminous pavement project is complete, and

WHEREAS, Minnesota Statute 163.11 Subdivision I states:

County highways may be established, altered, vacated, or revoked by resolution of the county board. Any public highway within the county, other than a trunk highway, municipal state-aid street, or county state-aid highway, may be taken over as a county highway by resolution of the county board, and

WHEREAS, the Carver County Board of Commissioners has determined that it would be mutually beneficial to the County and the Township to make this jurisdictional change at this time.

NOW THEREFORE BE IT RESOLVED, by the County Board of the County of Carver, that the road described as follows, to-wit:

PORTION OF LAKETOWN ROAD

Located in Sections 16, 21, and 28 in Laketown Township between CSAH 10 and TH 5 described as follows-

That part of County Road No. 141 (Laketown Road) lying northerly of the northerly of the northerly right of way of County State Highway No. 10 and southerly of the southerly right of way of Truck Highway No. 5. Said County Road No. 141 being part of the following described land.

Southeast Quarter and Northeast Quarter, all in Section 28, Township 116, Range 24;

Government Lot 2, Southwest Quarter and Northwest Quarter of the Southeast, all in Section 21, Township 116, Range 24;

Southeast Quarter, Southwest Quarter, Northwest Quarter and Northeast Quarter, all in Section 16, Township 116, Range 24;

BE, AND HEREBY IS ESTABLISHED as Carver County Road No. 141.

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

---

STATE OF MINNESOTA  
COUNTY OF CARVER

I, David Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 5<sup>th</sup> day of October, 2010, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 5<sup>th</sup> day of October, 2010.

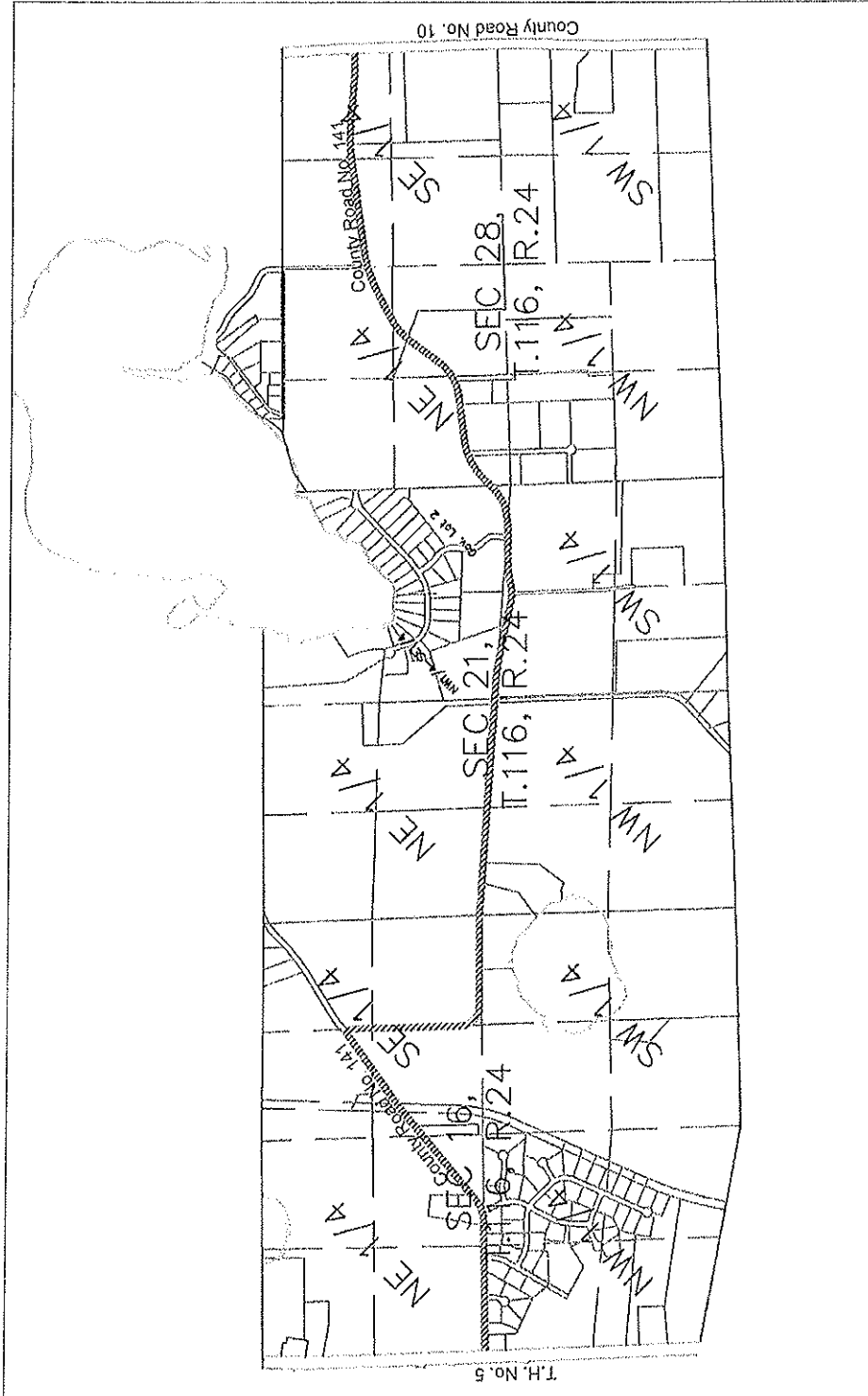
\_\_\_\_\_  
County Administrator

\_\_\_\_\_  
Date

S:\Projects\Laketown Road\Laketown Road to County Road-resol-092710

# CARVER COUNTY SURVEYOR EXHIBIT

County Road No. 141 (Laketown Road) through Sections 16, 21 and 28, Township 116, Range 24



September 29, 2010

Surveying and Mapping Office  
Carver County Government Center  
600 East Fourth Street  
Chaska MN 55318





# REQUEST FOR BOARD ACTION

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

Originating Division: Administrative Services

Meeting Date:

Amount of Time Requested: 0

Attachments for packet:  Yes  No

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

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** The purpose of this action is to correct monitoring deficiencies and meet new code/rules administered by the MPCA. The existing monitoring equipment and spill containment systems at PWHQ is not in compliance with MPCA Rules 7150.0100. Much of the cost associated with the upgraded UST monitoring system and site improvements is the electrical trenching and installation of all new conduit and electrical wire serving the all of the equipment. Staff is recommending installing new monitoring hardware and software that will allow for remote access from our computer network that was not available at the time of original installation.

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

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

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

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

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

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

**FUNDING**

County Dollars = \$46,384.60

Other Sources &amp; Amounts = \$

**TOTAL** = \$46,384.60**FISCAL IMPACT** None Included in current budget Budget amendment requested Other:

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

 Reviewed by Division Director

Date:

# BUDGET AMENDMENT REQUEST FORM

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

Division: Administrative - Facilities

Date of County Board Session: 10/05/10

Fund: 01

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

A. Reason for Request: See Board Action.

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

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

D. Contingency Acct. Current Bal.:

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

F. Requested By: Facilities and Public Works

G. Recommend Approval: Finance Director

H. County Board Decision: Approval/Disapproval



# REQUEST FOR BOARD ACTION

**AGENDA ITEM:** Accept Donations and Authorize Construction on County Property – Resolution 10-XXX

Originating Division: Administrative Services

Meeting Date: October 5, 2010

Amount of Time Requested: 0

Attachments for packet:  Yes  No

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

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** The purpose of this action is to accept donations and approve construction of a Memorial on County Property for the Honorable Judge Jean Davies. The First Judicial District administration staff and Judges are requesting construction of a memorial garden honoring Judge Davies.

Wold Architects and Engineers donated their time to complete the design and site location grading plan. Prior to and after Wold completed the design, the First District Judges were active in soliciting donations for the memorial. \$4,615.00 has been raised and two local contractors are willing to construct the infrastructure for \$4,839.00. Request for donations will continue to be pursued to make up the \$224.00 difference and the Davies family is prepared to make up the difference if necessary.

Facilities plans to project manage the construction and they have obtained the low quotes from Kusske Construction (\$1,075.00) and Michaels Masonry (\$3,764.00) of Cologne to provide the excavation and stamped concrete flatwork and concrete planters. First Judicial District staff and the Davies family will provide the two benches, an engraved rock and has accepted responsibility for the landscaping planting (to include ongoing maintenance of those plantings) and stone memorial centerpiece to the proposed reflection area located at the southern intersection of the Courthouse Trail.

The list of individual donors, in kind contributions and plans are attached. Future financial and in-kind donations will take place including benches, plant material and the engraved rock. The contracts will follow the typical administrative approval process.

**ACTION REQUESTED:** Move approval of Resolution 10-XX approving the donations and in kind contributions in order to construct a memorial on County Owned Property.

**FUNDING**

County Dollars =	\$
Other Sources & Amounts	
Donated funds	=\$4,615.00
<b>TOTAL</b>	<b>= \$4,615.00</b>

**FISCAL IMPACT**

None  
 Included in current budget  
 Budget amendment requested  
 Other:

*Related Financial Comments:*

Reviewed by Division Director

Date: September 26, 2010

**BOARD OF COUNTY COMMISSIONERS  
CARVER COUNTY, MINNESOTA**

DATE October 5, 2010

RESOLUTION NO. \_\_\_\_\_

MOTION BY COMMISSIONER \_\_\_\_\_

SECONDED BY COMMISSIONER \_\_\_\_\_

**A RESOLUTION DEDICATING PROPERTY FOR THE CONSTRUCTION OF THE JUDGE  
DAVIES MEMORIAL GARDEN AND ACCEPTING DONATIONS AND IN KIND SERVICES**

**WHEREAS**, Jean Davies served the Public and the residents of Carver County for 28 years; and

**WHEREAS**, on February 18, 1993, was sworn into the duties as the Carver County's First Female Judge; and

**WHEREAS**, Carver County recognizes the Honorable Judge Jean Davies and as a promoter of fairness and the highest Judicial Standards; and

**WHEREAS**, Carver County not only recognizes Judge Davies tremendous contributions and achievements to Carver County and her Service to the Residents of Carver County but also to the enjoyment of Parks and Open Space; Song Birds Nature; and the General Welfare of the Environment; and

**WHEREAS**, consistent with County's Parks and Open Space Plans and commitment to preserve the History and Environment of the County; and

**WHEREAS**, the following donated sums of money for the construction of a Judge Davies Memorial Garden: Stanley V. Tabor, Kathryn D. Messerich, M. Michael Baxter, Thomas M. Murphy & Marianne T. Murphy, Eighth District Bar Association, Patricia A. O'Gorman, Judge Philip Kanning & Marianne Kanning, Richard G. Spicer, Edward Lynch, Lou Ann Jacobs, Janet L. Barke-Cain, Timothy J. Oltmann & Sara J. Mace, Shannon McDermott-Strunk, Edward A. or Connie Hjermstad, Patricia M. Johnson, Kimberly J. Herrmann, LouAnn McVeigh, Robert W. or Patricia G. Lahl, Dennis N. Or Debra A. Buesgens, David or Lisa Traver, Julie Salfer, cash, Wold Architects and Engineers; and

**WHEREAS**, The Carver County Board of Commissioners has reviewed the property and plan for the Memorial; and

**THEREFORE, BE IT RESOLVED**, THAT The Carver County Board of Commissioners hereby dedicates 360 square feet of County Property for the Construction of the Judge Jean Davies Memorial Garden and hereby accepts all donations for the construction of a Memorial Garden at Courthouse Lake.

YES

ABSENT

NO

YES

ABSENT

NO

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

STATE OF MINNESOTA  
COUNTY OF CARVER

I, David Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 5<sup>th</sup> day of October, 2010, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 5<sup>th</sup> day of October, 2010.

\_\_\_\_\_  
County Administrator

# BUDGET AMENDMENT REQUEST FORM

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

**Division:** Administrative Services

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

**Fund:** 75

Description of Expenditure Account funds are to Increased/(Decreased):	Amount	Description of Expenditure Account funds are to Increased/(Decreased):	Amount
Private Donations	\$ 4,615	Judge Davies Memorial	\$ 4,615
<b>TOTAL:</b>	<b>\$ 4,615</b>	<b>TOTAL:</b>	<b>\$ 4,615</b>

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

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

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

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

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

**F. Requested By:** Steve Taylor

**G. Recommend Approval:** Finance Director

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

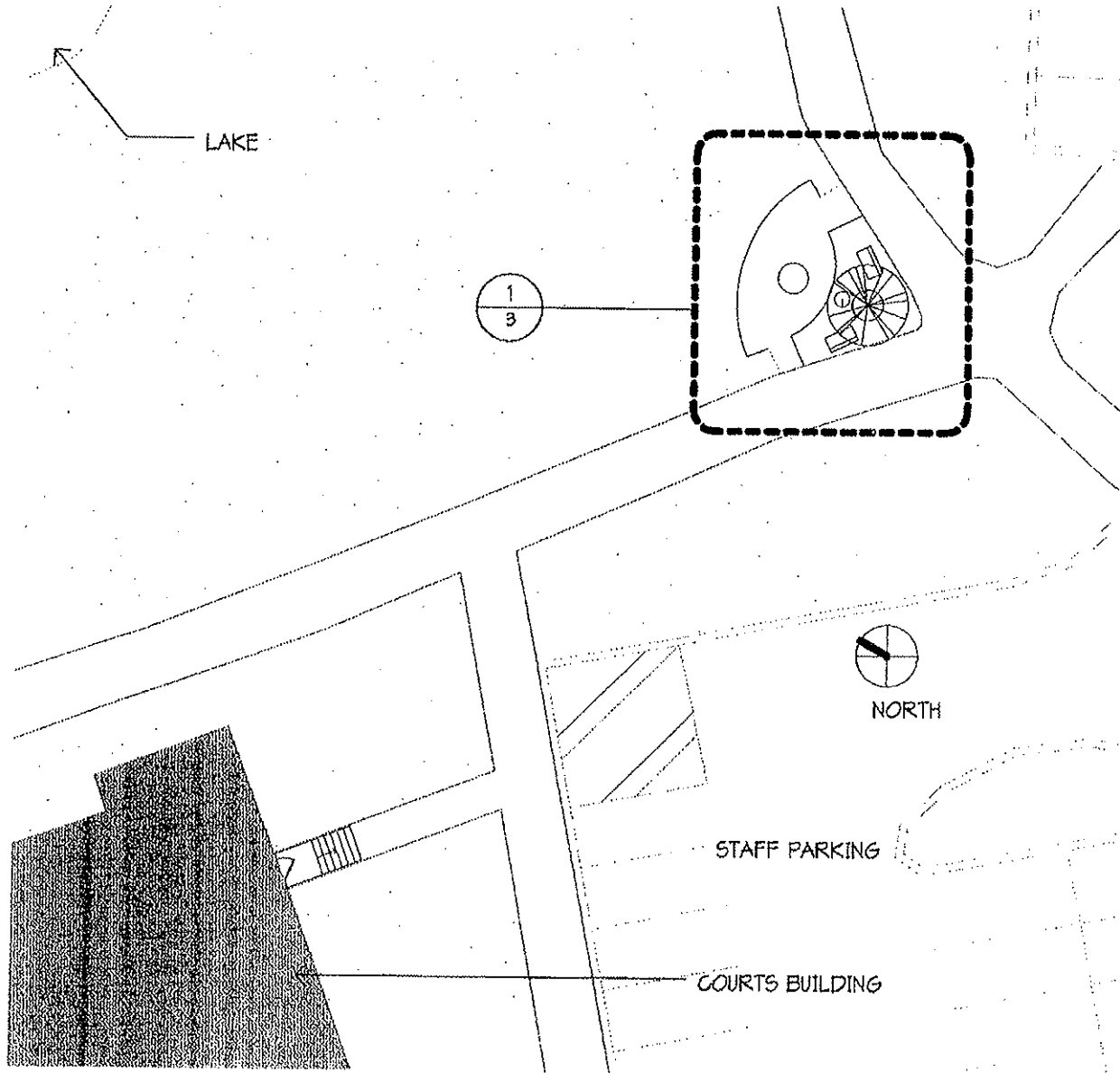
S:\Excel\SHELLS\[Budget Amendment Forms.xls]Expenditure Form

# DETAIL OF CONSTRUCTION



MINNESOTA  
ILLINOIS  
MICHIGAN  
COLORADO

WOLD ARCHITECTS AND ENGINEERS  
305 ST. PETER ST ST. PAUL, MN  
55102 651-227-7773



**1 LOCATION MAP**  
1" = 20'-0"

PROJECT: Judge Davies Memorial Garden

DATE: 6/14/2010

REVISIONS:

COMMISSION NO: 072181

REV. DATE:

1

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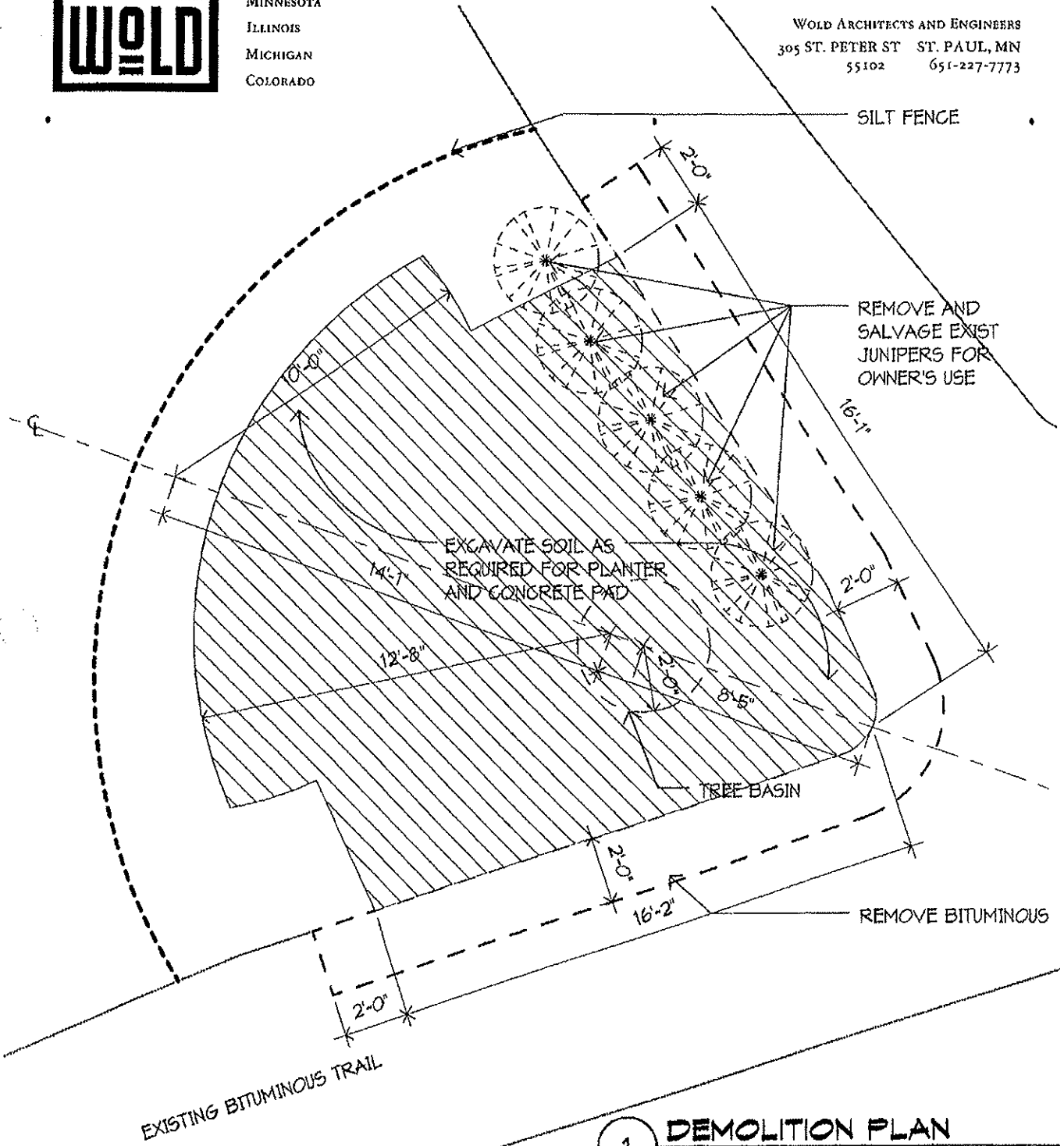


# DETAIL OF CONSTRUCTION



MINNESOTA  
ILLINOIS  
MICHIGAN  
COLORADO

WOLD ARCHITECTS AND ENGINEERS  
305 ST. PETER ST ST. PAUL, MN  
55102 651-227-7773



**1** DEMOLITION PLAN  
1/4" = 1'-0"

PROJECT: Judge Davies Memorial Garden

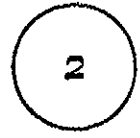
DATE: 6/14/2010

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COMMISSION NO: 072181

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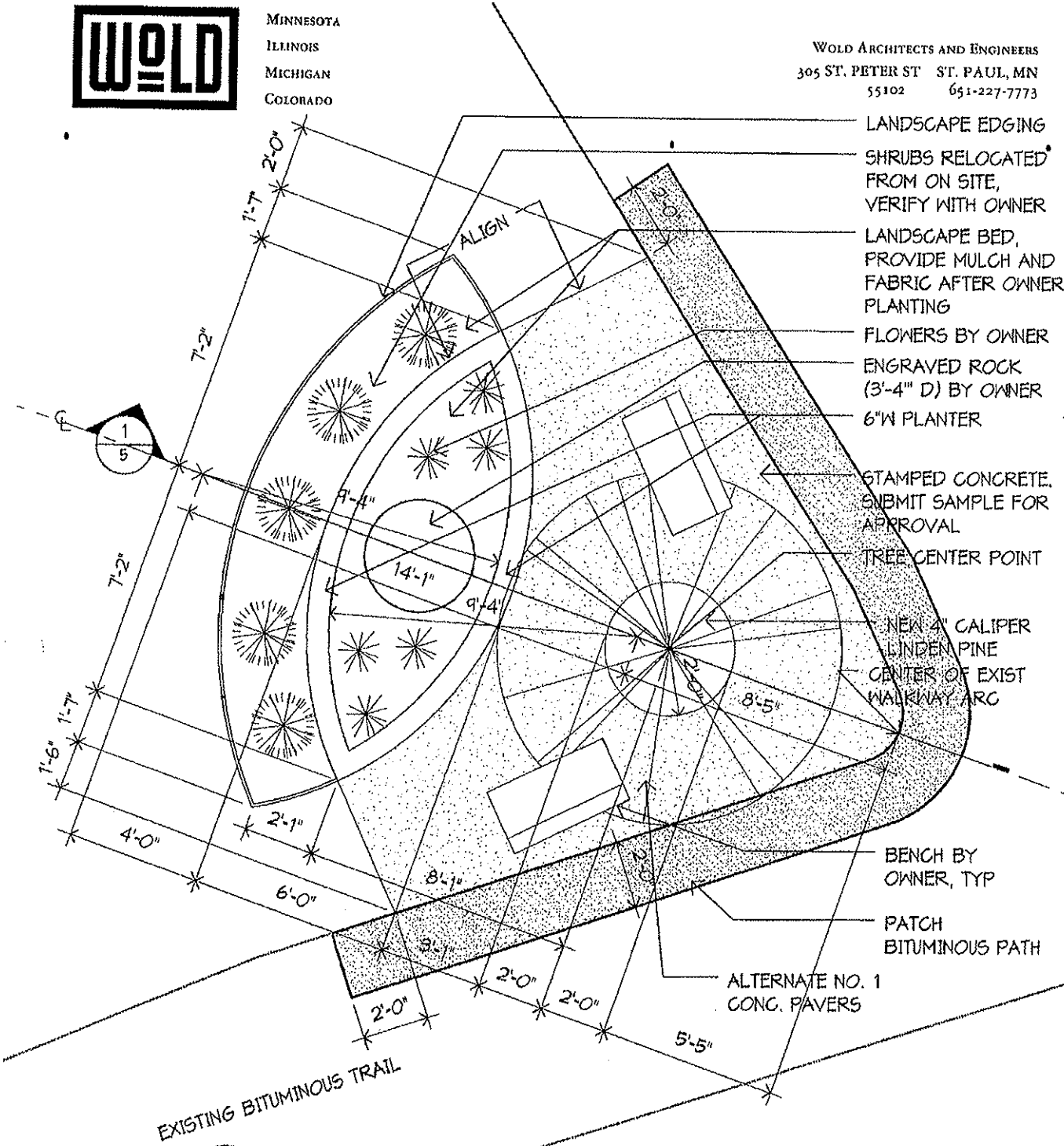


# DETAIL OF CONSTRUCTION



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55102 651-227-7773



1
**JUDGES DAVIES MEMORIAL GARDEN**  
 1/4" = 1'-0"

PROJECT: Judge Davies Memorial Garden

DATE: 6/14/2010

REVISIONS:

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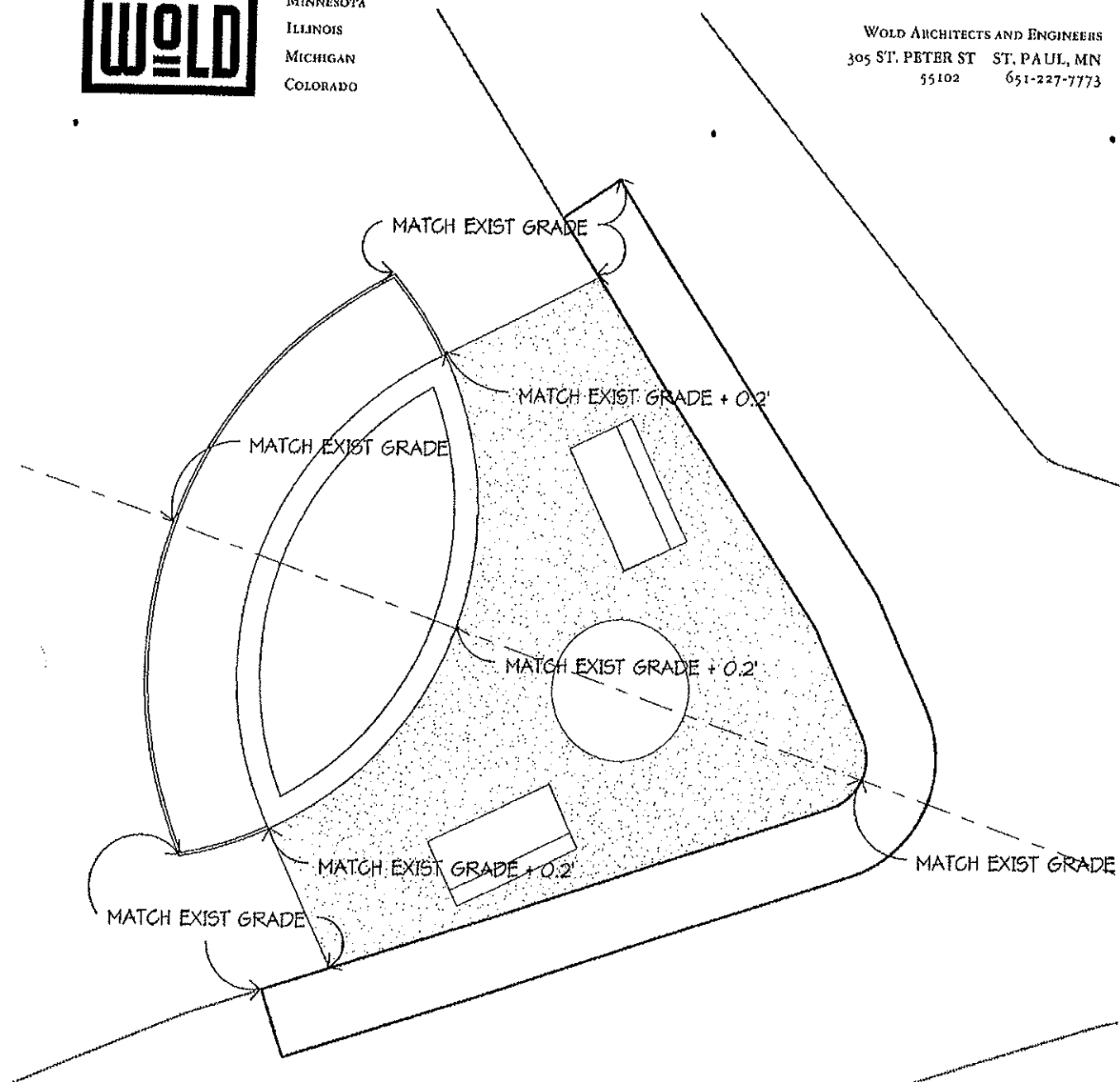
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# DETAIL OF CONSTRUCTION



MINNESOTA  
ILLINOIS  
MICHIGAN  
COLORADO

WOLD ARCHITECTS AND ENGINEERS  
305 ST. PETER ST ST. PAUL, MN  
55102 651-227-7773



EXISTING BITUMINOUS TRAIL

1 GRADING PLAN  
1/4" = 1'-0"

PROJECT: Judge Davies Memorial Garden

DATE: 6/14/2010

REVISIONS:

COMMISSION NO: 072181

REV. DATE:

4

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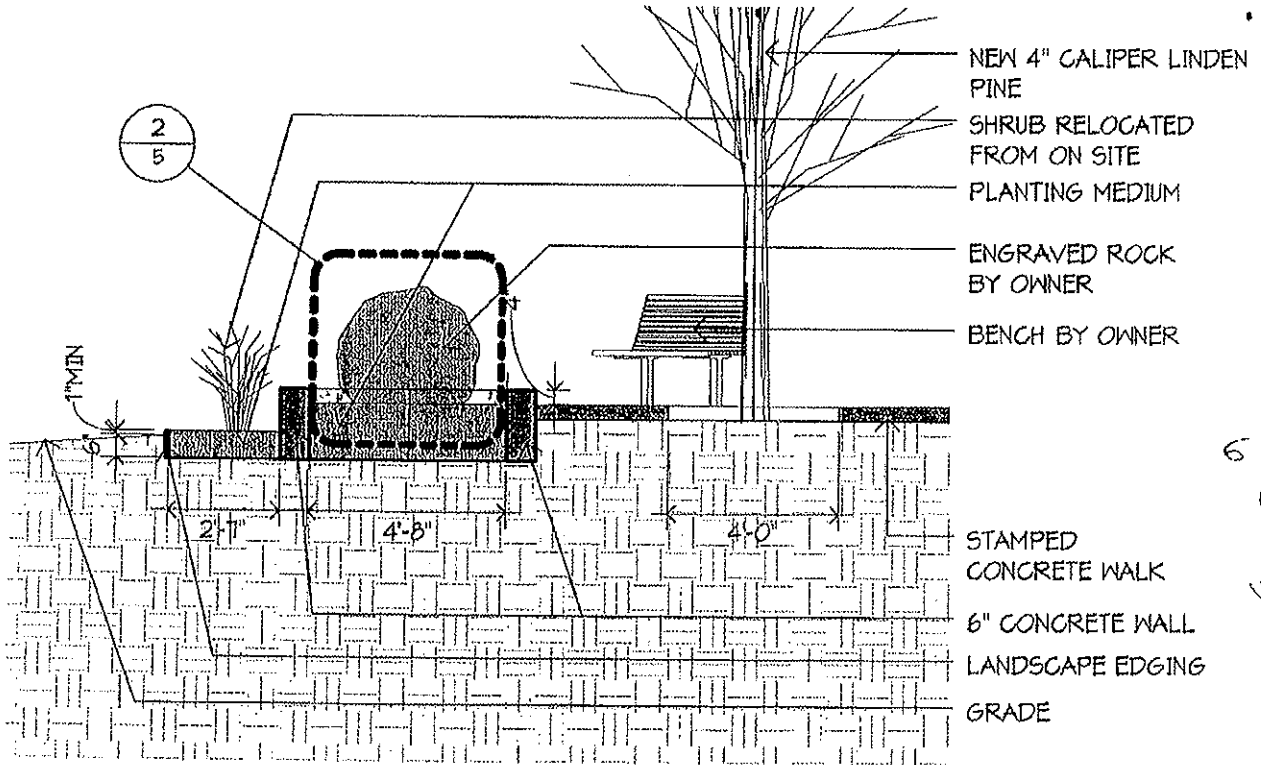
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# DETAIL OF CONSTRUCTION

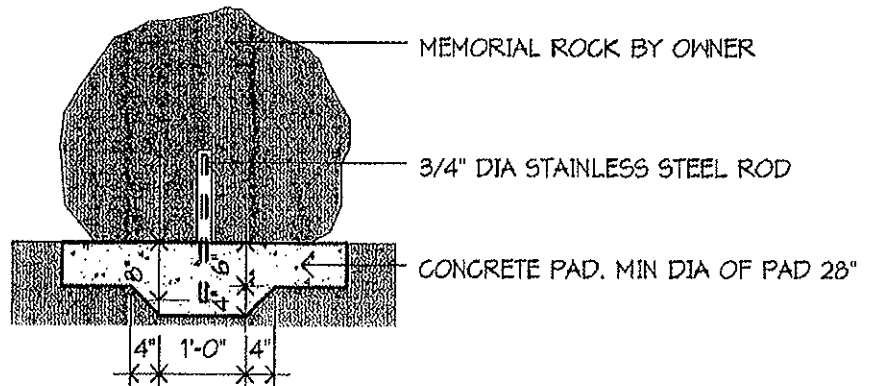


MINNESOTA  
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55102 651-227-7773



**1 SECTION @ CENTERLINE OF GARDEN**  
1/4" = 1'-0"



**2 DETAIL OF ROCK ANCHORING**  
1/2" = 1'-0"

PROJECT: Judge Davies Memorial Garden

DATE: 6/14/2010

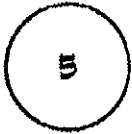
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COMMISSION NO: 072181

REV. DATE:

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# REQUEST FOR BOARD ACTION

**AGENDA ITEM : Veterans Service Office, MNDVA Operational Grant for FY 2011**

Originating Division: Administrative Services

Meeting Date: October 5, 2010

Amount of Time Requested: N/A

Attachments for packet:  Yes  No

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

**BACKGROUND/EXPLANATION OF AGENDA ITEM:**

The Carver County Veterans Service Officer has maintained certification through the Department of Veterans Affairs and is thereby eligible to receive a County Veterans Service Officer Operational Improvement Grant for this fiscal year in the amount of \$4,200.00. The amount is based on the current veteran population of Carver County as reported by the United States Department of Veteran Affairs.

The Veterans Service Office intends to utilize grant funds for the purchase of Dell Laptop Computers (Per IT specifications) Software licensing of VetraSpec Information Management Software, Publicity Items, Reference materials, and training per the MNDVA authorized items list.

**ACTION REQUESTED:**

Motion to accept County Veterans Service Officer Operational Improvement Grant for this fiscal year in the amount of \$4,200.00, pending County Attorney/Risk Management approval.

**FUNDING**

County Dollars = \$

Other Sources & Amounts = \$

**TOTAL** = \$

*Related Financial Comments:*

**FISCAL IMPACT**

None

Included in current budget

Budget amendment requested

Other:

Reviewed by Division Director

Date: September 20, 2010

# BUDGET AMENDMENT REQUEST FORM

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

**Division:** Administrative - Veteran Services

**Date of County Board Session:** 9/28/10

**Fund:** 01

Description of Revenue Account funds are to Increased/(Decreased):	Amount	Description of Revenue Account funds are to Increased/(Decreased):	Amount
VSO Operational Improvement Grant	\$ 4,200	Computer, training, etc.	\$ 4,200
<b>TOTAL:</b>	<b>\$ 4,200</b>	<b>TOTAL:</b>	<b>\$ 4,200</b>

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

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

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

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

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

**F. Requested By:** Dave Priem - Veteran's Services

**G. Recommend Approval:** Finance Director

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

S:\Excel\SHELLS[Budget Amendment Forms.xls]Expenditure Form



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Agreement for Cultural Resources/Archaeological Investigation

Originating Division: Public Works/Parks

Meeting Date: October 5<sup>th</sup>, 2010

Amount of Time Requested: None

Attachments for packet:  Yes  No

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

### BACKGROUND/EXPLANATION OF AGENDA ITEM:

In 2007, Carver County was awarded \$1,000,000 in Federal Transportation Enhancement Funds to construct a trail and underpass along TH 41 and within Lake Minnewashta Regional Park for Federal Fiscal Year 2011. SRF consulting was awarded the contract for design and engineering.

Related to the design work and proposed trail alignment is the need for the state to determine if there are any significant cultural resources in the project area and conduct an archeological survey of the area to be compliant with federal regulation for the project.

The state subcontracts the archeological investigation and administers the contract directly with the subcontractor. The state has received a proposal for the work from Summit Envirosolutions in the amount of \$24,527.04. The State and the County are to enter into agreement to cost share in the archeological work. The County's is required to provide the local share of 20% of the cost for the work. The County's share would equal \$4,905 the remaining balance of \$19,622.04 is paid with federal funds that the state gets for cultural resource studies for the project. Carver County's portion of the funds will come from the park's budget for professional and consulting services.

Because the contract amount of \$24,527.04 is less than \$25,000, County policy allows the County Administrator to sign the contract. Allowing the Administrator to sign the contract also streamlines the agreement process by reducing the amount of time needed to execute the contract. Work needs to be done before the ground freezes to maintain the project schedule.

However, the State requires the Board to pass resolution agreeing to provide the local share of the cost for the archeological work.

**ACTION REQUESTED:** *It is requested that the Board pass resolution agreeing to provide the local share of 20% estimated to be \$4,905 for the archeological investigation for the Lake Minnewashta Regional Park and TH 41 trail and underpass project SP 010-090-03.*

### FUNDING

County Dollars =	\$4,905
Other Sources & Amounts =	\$
Federal Funds	=\$19,622.04
<b>TOTAL</b>	<b>=\$24,527.04</b>

### FISCAL IMPACT

None  
 Included in current budget  
 Budget amendment requested  
 Other:

Related Financial Comments:

Reviewed by Division Director

Date: 9/24/2010

S:Parks\BA-RES\LMP\Trail and Underpass\BA-RES Cultural Resources

**BOARD OF COUNTY COMMISSIONERS  
CARVER COUNTY, MINNESOTA**

Date: 10/5/10  
Motion by Commissioner: \_\_\_\_\_

Resolution No: \_\_\_\_\_  
Seconded by Commissioner: \_\_\_\_\_

---

**RESOLUTION**

**Agreement for Cultural Resources/Archaeological Investigation  
Lake Minnewashta Regional Park TH 41 Underpass and Trail Project  
S.P. 10-090-03**

WHEREAS, Carver County has agreed to act as sponsoring agency for a "Transportation Enhancements" project identified as the Lake Minnewashta Regional Park Trail, TH 41 Trail and Underpass S.P 10-90-03, and

WHEREAS, Sponsorship includes a willingness to secure and guarantee the local share of costs associated with this project and responsibility for seeing this project through to its completion, with compliance of all applicable laws, rules and regulations

WHEREAS, the Mn/DOT Cultural Resources Unit has given notice that an archaeological investigation will be needed for assessment of impacts and completion of environmental documentation for the proposed project, and

WHEREAS, the proposed budget amount for aforementioned archaeological investigation is \$24,527.04 and

WHEREAS, the local share of subject budget is 20%.

NOW THEREFORE BE IT RESOLVED, that Carver County does hereby agree to provide the local share of the proposed budget for the stated archaeological investigation, currently estimated at \$4,905.

BE IT FURTHER RESOLVED, the Board Chair and County Administrator are hereby authorized and directed for and on behalf of the County to execute and enter into an agreement with the Commissioner of Transportation.

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

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STATE OF MINNESOTA  
COUNTY OF CARVER

I, David Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 5<sup>th</sup> day of October, 2010, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 5<sup>th</sup> day of October, 2010.

\_\_\_\_\_  
County Administrator

S:\Parks\BA and RES\Resol - LMP\ Trail and Underpass\Cultural Resources Agreement





# REQUEST FOR BOARD ACTION

**AGENDA ITEM : 2010 Retiree Recognition**

Originating Division: Employee Relations

Meeting Date: October 5, 2010

Amount of Time Requested: 45 minutes

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

The following employees have retired during 2010 or announced their intention to do so over the next few weeks.

Carl "Kelly" Hanson Jr. 1979 - 2010

Bonnie Buesgens 1987 - 2010

Avelyne Wasser 1990 - 2010

Janet Kinney 2006 - 2010

Rowena Lauterbach 1980 - 2010

Marion Mackenthun 1990 - 2010

Sue Ohnsorg 1995 - 2010

Kenneth Jacobs 2004 - 2010

Mary Schuler 1979 - 2010

David Drealan 1977 - 2010

Jannette Healy 2000 - 2010

Luba Schulz 1973 - 2010

Ginni Klein 1995 - 2010

Gordon Winter 2001 - 2010

Neal Burandt 1973 - 2010

Jay Molnau 1978 - 2010

David Randt 1997 - 2010

Larry Schmakel 1978 - 2010

Elton Anderson 1980 - 2010

Karen Schuler 1994 - 2010

**ACTION REQUESTED:**

Motion to recognize the careers of the retirees by inviting their managers to highlight their contributions to the County.

**FUNDING**

County Dollars = \$

Other Sources &amp; Amounts = \$

(Employee portion of costs)

**TOTAL = \$****FISCAL IMPACT** None Included in current budget Budget amendment requested Other: will be included in the Administrator's 2011 Budget Recommendation*Related Financial Comments:*

The funds to pay for the retirement recognition items are included in the 2010 budget.

 Reviewed by Division Director

Date: 9/27/2010

Doris M. Krogman



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Acceptance of BTOP funds for the Carver County Open Fiber Initiative

Originating Division: Administrative Services

Meeting Date: October 5, 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:** On March 23, 2010 the Carver County Board approved the submission of an American Recovery and Reinvestment Act round two application for Carver County's base fiber backbone and laterals project.

The application included an 89 mile long fiber optic ring that directly runs through every city in the County and an additional 32 miles in lateral connections. The fiber is planned to connect 55 sites including city, county and township governments, schools, fire departments, public safety towers, law enforcement agencies, community support organizations and healthcare providers.

On August 18, 2010, the National Telecommunication and Information Administration (NTIA) formally announced that Carver County will receive \$5,995,600 in federal funds for the fiber optic project titled "Carver County Open Fiber Initiative." The total budget for the project is \$7,494,500 with the County providing the required project match of \$1,498,900 and the grant covering the remaining \$5,995,600.

While the location of the fiber optic ring will be substantially the same as when the County entered into an agreement with Jaguar Communications in December 2008.

**ACTION REQUESTED:** Formally accept the Broadband Technology Opportunities Program funds of \$5,995,600 in addition to the County providing the required project match of \$1,498,900 for a total project cost of \$7,494,500.

### FUNDING

County Dollars = \$ 1,498,900

Other Sources & Amounts = \$ 5,995,600

= \$

**TOTAL** = \$ 7,494,500

### FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

*Related Financial Comments:* The County project match of \$1,498,900 is proposed to come from the working capital cash reserve per the County Administrator's 2011 Budget recommendation.

Reviewed by Division Director

Date: 9/27/10

# BUDGET AMENDMENT REQUEST FORM

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

Division: Administrative Services

Date of County Board Session: 10/05/10

Fund: 30

Description of Expenditure Account funds are to Increased/(Decreased):	Amount	Description of Expenditure Account funds are to Increased/(Decreased):	Amount
Federal Fiber Grant	\$ 5,995,600	Fiber Optic Ring w/ Laterals	\$ 7,494,500
20% Local Contribution - County	\$ 1,498,900		
<b>TOTAL:</b>	<b>\$ 7,494,500</b>	<b>TOTAL:</b>	<b>\$ 7,494,500</b>

A. Reason for Request: See Board Action.

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

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

D. Contingency Acct. Current Bal.:

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

F. Requested By: Steve Taylor

G. Recommend Approval: Finance Director

H. County Board Decision: Approval/Disapproval



# REQUEST FOR BOARD ACTION

## AGENDA ITEM: Approval of MPCA Co-Collected Organics Composting Project Grant

Originating Division: Public Health and Environment Meeting Date: 10/5/10  
 Amount of Time Requested: 20 minutes Attachments for packet:  Yes  No  
 Item Type:  Consent  Regular Session  Closed Session  Work Session  Ditch/Rail Authority

### BACKGROUND/EXPLANATION OF AGENDA ITEM:

On 11/24/09, the Carver County Board of Commissioners adopted a Resolution approving the application by the Public Health & Environment Division for a Minnesota Pollution Control Agency (MPCA) 2010 Environmental Assistance Grant. The grant application proposed to develop a new yard waste and organic waste composting site in cooperation with the MN Landscape Arboretum and Specialized Environmental Technologies (SET) – a private company that operates composting sites. This new site would allow for the continuation of the established co-collected residential yard waste and organics collection program that the County, the Arboretum, and other partners started in 2007. The grant would fund site preparation, purchase of equipment to assist in controlling the composting process, and research needed by the MPCA to develop new organic waste composting regulations. The grant is effective through June 30, 2012.

The grant application was reviewed in late 2009 but not approved by the MPCA until summer of 2010 due to State budgetary concerns. The 2010 Legislature affirmed funding for the grant and it was ultimately approved by the MPCA. The PH&E Division is reviewing the project with the County Board due to the long time period since the initial approval.

As discussed previously with the Board, this operation will have many differences from the former site which generated complaints from nearby residents. It is located over 1,500 feet from non-Arboretum residences and businesses, will manage smaller amounts of waste, and will not accept the commercial organic waste that generated odor complaints. It will also use a more intensive composting process including blowing air into the compost piles to speed the composting process and limit the generation of odors.

More detailed information will be provided via Power Point presentation at this Board meeting.

### ACTION REQUESTED:

Approve the Minnesota Pollution Control Agency (MPCA) Grant Contract for a commercial and residential co-collected organics composting project in the amount of \$100,000.

#### FUNDING

County Dollars = \$30,953 (in-kind)  
 Other Sources & Amounts = \$100,000  
 (MPCA Grant)  
**TOTAL = \$130,953**

#### FISCAL IMPACT

None  
 Included in current budget  
 Budget amendment requested  
 Other:

**Related Financial Comments:** See attached Budget Amendment Request form for the \$100,000 amount. The \$30,953 in-kind amount represents staff costs included in current budget and during the grant period.

Reviewed by Division Director

Date: 9/27/10

# BUDGET AMENDMENT REQUEST FORM

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

DEPARTMENT: Public Health and Environment

Date of County Board Session: 10/5/10

Fund: 01

Description of Revenue Account funds are to Increased/(Decreased):	2010 Amount	Description of Expenditure Account funds are to Increased/(Decreased):	2010 Amount
Organic Waste Compost Grant 01-123-130-1549-5320	\$ 100,000	Part-time Salaries & Wages 01-123-130-1549-6112	\$ 31,517
		Professional & Technical Fees 01-123-130-1549-6260	\$ 62,483
		Non-capital Equipment & Supplies 01-123-130-1549-6480	\$ 6,000
<b>TOTAL:</b>	<b>\$ 100,000</b>	<b>TOTAL:</b>	<b>\$ 100,000</b>

A. Reason for Request: See accompanying Board Action.

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

C. Contingency Acct. Beginning Bal.:

D. Prior Contingency Adjustment: \$ \_\_\_\_\_ -

E. Current Contingency Adjustment: \$ \_\_\_\_\_ -

F. Remaining Balance:

G. Requested By: Mike Lein

H. Recommend Approval: Finance Director

I. County Board Decision: Approval/Disapproval

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# REQUEST FOR BOARD ACTION

**AGENDA ITEM : Carver County Comments to the Metropolitan Council's 2030 Transportation Policy Plan**

Originating Division: Public Works

Meeting Date: October 5, 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:**

The region's 2030 Transportation Policy Plan (TPP) contains policies and plans to guide development of the transportation system in the Twin Cities metro area to the year 2030.

The draft plan, prepared by the Metropolitan Council, addresses problems and issues in preserving the region's mobility and describes actions that will be undertaken to preserve, improve, and expand the region's highways, transit, and other transportation modes.

The update to this plan includes new policy direction particularly for highway investment which has a significant effect on developing counties. The essence of the changes is to focus the anticipated \$900 million for mobility investment on managing the congestion of the regional highway system by implementing a large system of "managed lanes" (high occupancy toll (HOT) lanes and priced or non priced dynamic shoulder lanes). The majority of the system is planned within the 494/694 beltway. Other priorities include aggressively expanding transit to double ridership by 2030 and implement active traffic management (ATM) systems and lower cost/high benefit fixes to improve traffic flow on existing highways. The proposed plan has virtually no mobility investment in Carver County and fails to identify regionally significant projects in the county like the expansion of TH 212, TH 5, TH 101, and TH 41.

The proposed Update of the TPP is currently out for public comment with written comments due to the Metropolitan Council by October 7, 2010.

Comments to the proposed TPP have been prepared and will be reviewed with the county board. A draft comment letter is attached.

**ACTION REQUESTED:**

Approve the comments to the proposed 2030 Transportation Policy Plan and authorize the Chair of the County Board to submit a letter comments to the Metropolitan Council on behalf of the County Board.

**FUNDING**

County Dollars = 0

Other Sources & Amounts =

= \$

**TOTAL** = 0

*Related Financial Comments:*

**FISCAL IMPACT**

None

Included in current budget

Budget amendment requested

Other:

Reviewed by Division Director

Date: 9-27-10

October 5, 2010

Peter Bell  
Chair, Metropolitan Council  
Metropolitan Council Data Center  
390 Robert Street N.  
St. Paul, MN 55101

Re: 2030 Transportation Policy Plan (TPP) Update  
Carver County Comments

Dear Chairman Bell:

Thank you for the opportunity to review and comment on the draft 2030 Transportation Policy Plan (TPP) Update. Please accept this letter of comments on behalf of the Carver County Board of Commissioners.

### **Comments to the overall approach of the TPP Update**

Minnesota Statute 473.146 requires the Metropolitan Council adopt a long-range comprehensive policy plan for transportation and wastewater treatment. Among other things, the statute requires the policy plans to account for population, household and employment growth and the problems, issues and opportunities that go along with them. The Council is required to create goals, objectives and priorities for the transportation system to support the region's areas and population as well as policies to effectuate the goals, objectives and priorities. The plan must show and prioritize the improvements needed to meet the goals and objectives along with their implementation cost and funding sources. The plan has to show the unmet needs and the additional resources required to meet them as well as any changes in fiscal policy on regional revenue and intergovernmental aid that have occurred or that the Council recommends.

This Update falls short in that it states it can only plan for financial resources or be "fiscally constrained" and fails to clearly show where shortfalls and unmet needs exist. The Update chooses long range policy based on fiscal constraint and not on what should be done to support the needs of the entire region. It is clear the main focus of the proposed policies is to preserve the system and manage congestion since that is all that is affordable for the next 20 years. The Update lacks vision to the extent that it only shows projects that meet a narrow focus and does not identify all the projects that should be implemented to meet current and future needs. There are numerous known and previously studied regionally significant projects that fail to be mentioned in the plan.

Policy 1 of the proposed Update is to "Ensure Adequate Resources for Transportation System Investments" The word "ensure" is misleading and unachievable as the plan goes on to correctly state that there is a huge funding shortfall to adequately address the needs of the transportation system. The word "ensure" should be replaced with "seek" or "identify and pursue".

The Update shows approximately \$2.4 billion will be available to the Region for highway investments between 2011 and 2014. This includes \$1.13 billion in one time Chapter 152 Bridge Funds and ARRA funds. Assuming \$2 billion out of the \$2.4 billion is available for the MnDOT highway system the average investment will be \$500 million per year. The entire 2015-2030 program is estimated at \$3.8 billion or approximately \$250 million per year, half the 2011-2014 average annual investments. The point is it seems likely that there will be a boost in funding at some point in the next twenty years as has been the history of the previous twenty years. The increase will likely occur with a new federal transportation act, additional one time federal grants, and additional state bonding. It is suggested that the TPP account for additional funding scenarios by showing possible project investments if additional revenue becomes a reality. The plan should show what could be done with incremental increases in funding and it should show potential investments for the entire regional system and not just increase allocation to managed lanes, ATM etc.

The Update does not have adequate connection to local comprehensive plans. Like the Council, cities and the counties within the Region are in a fiscally constrained environment; however, the Land Planning Act requires cities and counties to develop a full plan that addresses all the various future needs of the community. These comprehensive plans are not required to be fiscally constrained but do require implementation strategies. The strategies are implemented and modified in short term fiscally constrained Capital Improvement Plans (CIP) and annual budgets.

The Update is not compatible with the 2030 Regional Development Framework (RDF) particularly when it comes to development flexibility and traffic congestion and mobility. The RDF states that 60 percent of the new households (291,000 of 485,000) from 2000 to 2030 will be in the developing areas which are predominantly the counties outside the 494/694 beltway. Of the 291,000 new households, over 53,000 or 18% are projected to be in Carver County. It is clear that the RDF needs to be updated to account for the 2010 census and the economic downturn, but that being said the majority of the growth will occur in the developing counties and, according to the RDF's Regional Benchmarks, employment growth continues to occur in the developing counties whereas employment has dramatically decreased in the developed area. Again, according to the RDF, the population of Carver County will increase by more than 87,000 from 2010 to 2030 which will add more than 2.2 million vehicle miles traveled (VMT) in the county, approximately double today's number. The proposed TTP Update does little to nothing to account for the projected population and employment growth in the developing counties.

### **General Comments to the Highways Chapter**

The Update puts most of the Region's mobility investment into the category of managed lanes and congestion pricing. The TH 394 MnPASS corridor is effective at managing congestion and significantly reducing it for those who choose to pay but that does not mean that the majority of the revenue (\$500M out of \$900M) allocated to mobility in the Region should go to building managed lane projects only. MnDOT and the Council have embraced the idea of lower cost high benefit solutions to highway projects and the Update states that lower cost high benefit funds will be used on principal and A-minor arterials but the only projects identified to use these funds are on the metropolitan highway system (principal arterials). The entire regional highway system including A-minor arterials should be analyzed in the same manner and a portion of the mobility investment should be set aside for these roadways which are typically much less costly to reconstruct or widen than freeways.



The minor arterials serve as relievers to the principal arterial system and it is very important for the Region to invest in these roadways. The Council and MnDOT should reevaluate the A-Minor and Non-Freeway Principal Arterial System of the Region to identify safety, capacity and operational issues. All necessary improvement projects should be identified and prioritized by their cost to benefit ratio. The Arterial study or plan should become part of the TPP. With the projected increases in VMT expanding these roadways will be even more important given the lack of proposed investment on expanding the principal arterial system. The Regional Solicitation process and criteria should continue to fund expansion and safety improvements on these roadways. The TPP Update should be looked at closely so as not to implement policy that could disqualify good expansion and safety projects on the A-minor system from receiving federal funds.

The TPP proposes zero investment in mobility projects in Carver County. Furthermore it does not identify any of the regionally significant projects that are required in the county with the exception of the TH 41 River Crossing Study that is shown to be reassessed. Carver County is concerned about the lack of planned investment for mobility and safety improvements on the metropolitan and regional transportation system and the corresponding impacts it will have on our county. Carver County has had a long successful partnership with MnDOT but this new proposal will make it extremely difficult for us and other local agencies to prioritize, seek funding for, and implement projects at a local level.

Carver County is very concerned about the lack of attention given to the Trunk Highway system in the Carver County in the proposed TPP. The plan focuses on managing congestion and lower cost high impact projects in the developed area of the region. Non-freeway Trunk Highways are left with no investment with exception of preservation and spot safety treatments. TH 212, 5, 7, 41, and 101 are all high priority highways in Carver County and carry the majority of the traffic in the county. Trunk highways make up ten (10) percent of the mileage of Carver County roadways but carry fifty-six (56%) of the traffic. TH 212 is a High Priority Interregional Corridor (IRC) and is the only one of its kind in the Metro area that still has segments that are two (2) lanes. These segments along with the other Trunk Highways have significant congestion and safety issues that cannot be addressed by preservation and spot safety improvements alone. Several of these highways need to be expanded but none are identified in the proposed TPP. TH 5, for example, has three times the average crash rate of a typical roadway of its kind and carries nearly 30,000 vehicles per day on segments of two (2) lane roadway with minimal shoulder width. There are several lower cost high impact projects that can be implemented on these roadways to get them up to their minimum standard, however none of the roadways are identified even at a planning level in the proposed TPP. Carver County and its local and regional partners have long advocated and sought federal funding for State Highways and in particular TH 212 and TH 5 and will continue to do so but MnDOT needs to not only continue to support these efforts but provide financial assistance to bring their highways up to standard.

Managed Lane and Active Traffic Management (ATM) projects are reasonable solutions for congested, developed freeway systems and even some arterials systems but these types of solutions are not feasible on two (2) lane high traffic highways that don't meet the basic standard of their function. We are requesting that MnDOT and the Council identify and document the deficient Trunk Highways in the TPP similar to the way counties identify deficient secondary road systems in their comprehensive plans so that they are not eliminated from being considered for funding.

The proposed Update identifies two (2) new River Crossings in the Region including TH 41. The Update shows the TH 41 River Crossing project is proposed to be reassessed but acknowledges the need for additional arterial capacity to serve both Carver and Scott Counties. TH 41 is an important future Principal Arterial connection between TH 169 in Scott County and TH 212 in Carver County and the alignment study and official map should be completed so that the corridor is preserved for the future. If TH 41 is to be reassessed for a lower cost high benefit solution we suggest that MnDOT study not only TH 41 but the TH 101 river crossing also. This is a vital connection between Scott and Carver County and a lower cost high benefit solution is possible to reconstruct the river crossing and expand the roadway. TH 41 and TH 101 along with CSAH 11 are subject to seasonal flooding which forces traffic into massive detours and puts a big burden on commerce and commuting in the area. Lower cost high benefit improvements to raise the TH 101 bridge over the Minnesota River and increase road capacity should be included in the Congestion Management and Safety Plan (CMSP).

### **Specific Comments to the Highways Chapter**

The percentage of total vehicle miles travelled in the Region on A-minors should be shown.

A map similar to Figure 6-2 should be added that shows the amount of through lanes on the Principal and A- minor system. This will highlight obvious deficiencies on the system.

Cost should be added to Table 6-4.

Strategy 9a. "Planning in Context of Congestion" At the end of the first paragraph consider adding a statement that "Congestion should and can also be mitigated by investing in expansion projects on key corridors that have high benefit to cost ratios."

Strategy 9b. Multimodal System strategy should be added to the highway system policies to commit the Council and MnDOT to reevaluating the A Minor and Non-Freeway Principal Arterial System of the Region to identify safety, capacity and operational issues.

Strategy 11g. "Highway Expansion" is not adequate when it states that strategic capacity expansion projects "can" mitigate congestion in the region. This seems like a statement to minimize the importance of expanding highways in reducing or mitigating congestion. The strategy should state "Strategic capacity expansion projects reduce congestion and improve safety in the region. Because of financial constraints highway expansions should be balanced with the need for preservation and corridor management"

A Strategy to "Expedite Turnback Projects" should be added to the policies. Planned jurisdictional transfers of minor arterial roadways like TH 101 from MnDOT to Counties should be accelerated and fully funded. The minor arterial system would benefit greatly and release MnDOT from annual operational and maintenance costs of these corridors. The State should consider bonding for the turnback projects using general obligation bonds to supplement the county turnback fund and allow construction projects on turnback routes to be accelerated.

Figure 6-16 9 (and possibly other maps) shows the TH 41 future river crossing in the wrong location.

The section “A New Highway Investment Strategy” is a system wide management approach to mitigate congestion on the Metropolitan Highway System by implementing: system wide Active Traffic Management (ATM) systems, lower cost/high benefit improvements, a system of managed lanes, strategic capacity expansions, and non-freeway Trunk Highway improvements. The proposed plan calls for implementing these strategies on all highways. ATM systems and managed lanes can only work on roadways that are sufficient to accommodate them. There are many roadways including Trunk Highways that cannot accommodate ATM or managed lanes without being upgraded and expanded first.

To that end the statement in subsection “5. Non-Freeway Trunk Highway Improvements” on page 80 about the TPP supporting cost-effective improvements on non-freeway trunk highways using federal, state and regional funds is critical. However the next statement says that emphasis should be on preservation, safety and ATM applications. The plan would be better served to state that the funding on these highways should focus on safety and mobility to aid in congestion mitigation on the Metropolitan Highway System and that ATM application should be considered where feasible. Also, the next paragraph that describes the funding sources fails to mention that Surface Transportation Program (STP) funds are available for non-freeway trunk highways improvements.

The interchange objectives of subsection 5. state that:

- Conversion of an at-grade intersection to an interchange “must” only occur in the urban area or in the planned MUSA. “Must” makes this objective way too restrictive. There are numerous intersections on Principal Arterials like TH 212 that are outside the urban area and planned MUSA that should ultimately be converted to interchanges. Often times interchanges are needed to mitigate safety issues (rural 2-lane highways are the most dangerous in the nation) as well as provide land access and increase highway capacity.
- Conversion of an at-grade intersection to an interchange “must” be adjacent to an interchange in the urban area or in the planned MUSA. Again “must” is too restrictive as some at grade intersections are more important than others and converting all intersections to get to an adjacent interchange could be cost prohibitive. There are a lot of factors that go into determining whether an interchange is warranted or not. A suggestion to revise this statement is “..an interchange ‘should’ be adjacent.....in the planned MUSA unless there is independent utility showing a high benefit to cost ratio”.
- Interchange spacing outside the 1-494/1-694 ring “must” be 2 miles or more. Again “must” is too restrictive depending on the land use of the area and the need and benefit for access to the highway. A suggestion is to say “should be 2 miles or more unless analysis shows the benefit of the interchange being closer”

The cost estimates in Table 6-25: “Major Highway Project Included in 2011-2014 TIP” should be revised to show current information. The TH 61 Hastings Bridge has been let and costs will be approximately half of the \$265 M shown. In fact many of the projects listed in this table will be let soon and new costs known. With the current favorable bid climate there expects to be considerable savings. The TPP should show what other projects could be implemented with incremental increases in available funding.

The following comments are to the 2015-2030 Highway Investment Plan section:

Table 6-27 shows a Tier 1 bridge replacement on TH 5 for 2013 with a cost estimate of \$4 million. This estimate seems very high for this bridge.

The Safety section on page 89 should identify the STP program of regional solicitation process as a source of capacity safety funding.

The Community Improvements section says MnDOT will focus its Regional Community Improvement Projects (RCIP) investments on noise walls and the highly effective Cooperative Agreements Program. Can noise walls be funded out of the Preservation fund and then increase the funding to the Cooperative Agreements Program. This program has a cap of about \$570,000 of state funds per project and requires the locals to fund project development. Increasing this cap to \$2 million or higher would result in more effective projects.

Table 6-29 of the Congestion Mitigation/Mobility Enhancements section shows \$320 M allocated to lower cost high benefit projects and the description of this program on page 90 says the funds will be used on both principal and A minor arterial projects. This is a good statement but the plan does not show any A-minor projects. How much of this fund will be available for A-minors?

Figure 6-31 shows a planned ATM project on TH 5. Is this project funded in the TPP?

The Lower cost High Benefit Projects section on page 92 mentions the Congestion Management and Safety Plan (CMSP) which defines a process and evaluation criteria to select lower cost high benefit projects. Is the CMSP a published report that is available for review? Does it address non-freeway and A-minor roadways? If so, will the regional solicitation process be affected by these criteria?

The Major Project Reassessment section refers to table 6-38 for major project funding recommendations based on findings and conclusions of the MHSIS and CMSP. Conclusion infers the studies are complete. Is the MHSIS and CMSP finished and available?

The Additional Highway Needs section states that the region does not support attempts at building general purpose capacity to eliminate congestion. Does this imply the Council does not support this or that there is not enough funding in the region to allow this to happen. Please clarify.

The Highway Chapter does not contain an Unmet Needs section or refer to other planning documents that show unmet needs.

### **Comments to the Transit Chapter**

The TPP has a goal of doubling transit ridership by 2030 with a combination of new rail, bus rapid transit and expanded express, arterial and local bus service. This is clearly a measurable goal, which is something that is lacking in the Highway Vision.

The plan states that 40 million riders will use rail of which 20 million riders will shift from bus to rail as new rail line come on line and these will likely be the users who are willing to pay for higher fares. This means that bus use will need to grow by approximately 40 million rides per year with more routes, infrastructure and vehicles. The Finance chapter describes how the rail and BRTs will

be paid for and operated using a combination of federal, state, local, and CTIB revenues even though the federal revenue is not certain. The plan does not adequately show how the remaining bus service will be paid for especially the high subsidy routes. The TPP for transit is not fiscally constrained. Why is the 2030 Highway Plan fiscally constrained and the 2030 Transit Plan is not?

Our main concern is that the implementation of the very high cost rail and BRT service will have an adverse effect on the express bus service to Carver County. The Council does not have an adequate plan on how to pay for operating the bus service and diverting funds from highway investments is detrimental to developing counties.

### **Comments to the Freight Chapter**

The Carver County comprehensive plan shows locations of potential intermodal sites in the county. With the demand for freight movement doubling in Minnesota from 2000 to 2020 it is very important that new intermodal terminals be established in the twin Cities. The County urges the Council to do a comprehensive intermodal plan for the Region to allow potential terminals to compete for federal funding.

### **Comments to Regional Mobility Chapter**

It is clear that the vision for regional mobility in the proposed TPP is to manage congestion and not reduce it. The vision is proposed to be reached using the Congestion Management Process (CMP) of building and operating managed lanes with congestion fees, expanding transit, promoting transit based land use, and incorporating TDM strategies. This may be a reasonable policy for the developed areas of the Region but cannot be the only solution for the whole Region. The core system of roadways in the developing areas has to be expanded to at least an adequate standard to meet the needs of the growing population. There are a multitude of deficient 2-lane roadways where the CMP strategies are impossible to achieve. Mobility goals and strategies for the developing areas need to be added to the TPP.

Under the Policy/Strategy section, Policy 3: “Investments in Regional Mobility” states that congestion will not be eliminated or significantly reduced in the Metropolitan Area. Why not? It would be more accurate to state that “there are not enough financial resources to eliminate or significantly reduce congestion in the Metropolitan Area”.

Strategy 3b “Apply Person Throughput as a Performance Measure” states that the goal for the Regional Highway System (which include all A-minor Arterials) to increase people moving capacity is to maximize the use of existing highway capacity, pavement and right of way. This cannot be the only goal as it prohibits or discourages expansion. Priority can be to maximize the use of the existing highway but this is simply not possible on many highways especially A-minor arterials. Enhancing safety of the regional highway system should be equally as important as managing congestion and often the best way to improve safety is to add lanes. Other goals should be added to include safety and expansion.

Strategy 3c “Provide Alternatives to Congestion” talks about the continued development and implementation of bus-only shoulders and managed lanes. This strategy should be more specific about where these should occur. It cannot be a global solution on all roadways.

Strategy 3h. "Monitor Congestion Mitigation" states that future funding will be geared towards strategies that result in more efficient use of the transportation system and/or create a shift from SOVs to alternative transportation modes. This strategy should be specific to the Metropolitan Highway System (Principal Arterials) and not the entire system as it these goals are not achievable on all roads.

Thank you for your consideration and attention to our concerns.

Sincerely,  
Carver County Board of Commissioners

James Ische  
Chairman



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Lease Termination for Buildings on CCRRA Property

Originating Division: Public Works

Meeting Date: October 5, 2010

Amount of Time Requested: Ten Minutes

Attachments for packet:  Yes  No

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

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** Carver County Regional Railroad Authority acquired the Dakota Railroad property in 2001. Along with the acquisition of the property CCRRA acquired leases pertaining to the occupation of or use of railroad property such as crossing for utilities, roads, driveways and the use of property for business or agricultural purposes.

At recent workshop session's staff has presented to the Board concerns about the feed mill building and the coal storage building located in New Germany. These buildings are in a blighted condition. The feed mill building has not been in use for several years and recently a wall was partially removed from the building and has not been repaired by the property owner.

In letters of intent to terminate leases dated July 9, 2010 to the owner of the buildings, Mr. Bob Gordon of 25265-454<sup>th</sup> Avenue, Montrose, South Dakota 57048, CCRRA provided notice to him that it intended to exercise its right under the lease agreements to terminate the leases pursuant to the terms and obligations in the leases. Additionally, the letters stated that property on the site was determined to be of no value.

A second set of letters was mailed notifying the owner that the leases are to be terminated and any improvements to the site are to be removed by November 21, 2010 and that he agrees to pay CCRRA the cost or expense of removing or destroying improvements or property.

At a later date, staff will request the demotion of the buildings and provide a contract for the removal of buildings.

**ACTION REQUESTED:** It is requested that CCRRA act to terminate the leases pertaining to the feed mill building and coal storage building located in New Germany and owned by Mr. Bob Gordon of 25265- 454<sup>th</sup> Avenue, Montrose, South Dakota 57048.

### FUNDING

County Dollars =	\$
Other Sources & Amounts =	\$
Regional Rail Authority	=\$25,000
<b>TOTAL</b>	<b>=\$25,000</b>

### FISCAL IMPACT

None  
 Included in current budget  
 Budget amendment requested  
 Other:

*Related Financial Comments: Actual demolition costs have not been determined at this time. At a later date a contract for the removal of the buildings will be presented for the Board's consideration.*

Reviewed by Division Director

Date: 9/27/2010

S:Parks/BA-Res/Dakota Rail Line/Buildings/ Feed Mill and Coal Storage Buildings/Termination of leases



# REQUEST FOR BOARD ACTION

**AGENDA ITEM : Appraisal of Garage Building in New Germany**

Originating Division: Public Works/Parks

Meeting Date: October 5<sup>th</sup>, 2010

Amount of Time Requested:

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

On May 25<sup>th</sup> staff made presentation to the County Board about a number of topics concerning the Dakota Rail corridor. One of the recommended directions by the board was to have the old garage building New Germany appraised for possible consideration for acquisition. The address of the building is 151 Broadway Street East, New Germany, MN 55367 with a PID number of 550040100.

The appraisal work has been completed. Staff desires to update the board on the appraisal information.

**ACTION REQUESTED:** Motion to enter into closed session according to Minnesota Statutes Section 13D.05 in order to discuss confidential appraisal data for property along the Dakota Rail corridor.

**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: September 27, 2010

S:\Parks\BA-Res\Dakota Rail\Buildings\Garage\ Closed Session