

Carver County Board of Commissioners
 October 26, 2010
 Regular Session
 County Board Room
 Carver County Government Center
 Human Services Building
 Chaska, Minnesota

PAGE

9:15 a.m.	1.	a)	CONVENE		
		b)	<i>Pledge of Allegiance</i>		
		c)	<i>Public participation (comments limited to five minutes)</i>		
		d)	<i>Introduction of New Employees</i>		
	2.		Agenda review and adoption		
	3.		Approve minutes of October 12, 2010 Regular Session	1-2	
	4.		Community announcements		
9:15 a.m.	5.		CONSENT AGENDA		
	5.1		Library material and fee recovery service update.....	3	
	5.2		Library courier service.....	4-6	
	5.3		Benton Township lease.....	7	
	5.4		Approval of records retention schedule changes and submission to State Review Panel	8-10	
	5.5		Professional service agreement for Water Resources Design and Engineering for the CSAH 11 SP 10-611-0 project.....	11	
	5.6		Administrative permit for special event-Central Raiders Wrestling Winter Splash	12-16	
	5.7		Approval of joint powers agreement between Carver County and Minnesota DOC.....	17	
	5.8		Approval of home and community based services waiver contract with Home Care Connections.....	18	
	5.9		Approval of home and community based services waiver contract with Health Touch Home Care, Inc.	19	
	5.10		Approval of Hazard mitigation grant program-Mitigation Planning Grant.....	20-21	

	5.11	Approval of District #112 grant application for metro wide Youth Chemical Dependency Prevention.....	22
	5.12	Professional service agreement with Bonestroo, Inc. for Bridge safety inspections	23
	5.13	Joint powers agreement between Carver County and City of Carver for the replacement of Bridge No. 2783 (CSAH 40-Main Street).....	24
	5.14	Renewal application for on sale and Sunday liquor license for Blue Bell Enterprises, Inc., dba Lancer Catering at the Waconia Event Center	25
	5.15	Community Social Services' warrants	NO ATT
	5.16	Commissioners' warrants.....	SEE ATT
9:15 a.m.	6.	TAXPAYER SERVICES	
	6.1	Approval of Old Republic lawsuit agreements	26-27
9:30 a.m.	7.	PUBLIC HEALTH AND ENVIRONMENT	
	7.1	Adoption of the 2010 Carver County Water Management Plan	28-30
10:00 a.m.		ADJOURN REGULAR SESSION	
10:00 a.m.		BOARD REPORTS	
	1.	Chair	
	2.	Board Members	
	3.	Administrator	
10:30 a.m.	4.	Adjourn	

David Hemze
County Administrator

UPCOMING MEETINGS

November 2, 2010	9:15 a.m. County Board Meeting
November 4, 2010	7:00 p.m. ACCEL Meeting, Cologne Community Center
November 9, 2010	9:15 a.m. County Board Meeting
November 16, 2010	4:00 p.m. County Board Meeting
November 23, 2010	9:15 a.m. County Board Meeting

REGULAR SESSION
October 12, 2010

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on October 12, 2010. Chair James Ische convened the session at 9:15 a.m.

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

Members absent: None.

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

Maluchnik moved, Workman seconded, to approve the minutes of the October 5, 2010, Regular Session. Degler, Lynch, Maluchnik, Workman voted aye. Ische abstained as he did not attend the meeting. Motion carried.

Community announcements were made by the Board.

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

Payment of emergency claims in the amount of \$45,000 and \$6,405.42.

Authorized the expenditure of \$10,500 of Carver Creek capital funds to fund the Benton Lake Stormwater Treatment rain garden project along with conditions that the applicant provide final approved plans using bio-engineering, as built, a maintenance plan, and cooperation with educational/demonstration materials prior to release of funds.

Approved reducing the retainage to \$4,386.71 allowing the release of the corresponding retainage amount of \$39,480.35 to Wm. Mueller & Sons for Project SP 10-596-04, 10-610-41 (City of Watertown).

Approved out of state travel to allow Randy Lehs to travel to Herdon, Virginia to attend the Broadband Technology Opportunities Program Round Two Recipient Workshop November 8-10, 2010.

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

Community Social Services' actions.

Approved payment of the following Commissioners' warrants:

INSERT

Motion carried unanimously.

Steve Taylor, Administrative Services, requested the Board approve contracts for the underground storage tank monitoring work at the Public Works Headquarters. He noted the Board's request from last week to obtain further information on the MPCA rule changes.

He explained the work would address three issues. Taylor stated the work will allow them to improve monitoring to maintain compliance with rules; would address deferred maintenance issues and address violation issues identified by the MPCA.

Taylor highlighted the cost for each of the repairs and the work to be done. He indicated they were not required to add the new hardware or software but they were recommending this be done as the original equipment operator is no longer in business; the technology was ten years old and this would allow them to comply with the new rules effective in 2011. He stated the alternative would be to have staff physically check the equipment. Taylor explained the conduit needed to be replaced due to high water and clay soils and the majority of the cost was labor.

The Board questioned if the correct material was installed originally and if the material installed passed inspection at the time. They recognized the work needed to be done but requested that further research be done on past practices and if that should change in the future.

Lynch moved, Workman seconded, to approve contracts with Pumper & Meter Service, Inc. in the amount of \$23,940.37, contract with H & J Electric in the amount of \$17,444.23 and related Facilities budget amendment transferring \$25,000 from emergency repairs and \$21,385 from Public Works equipment fund to USTP repairs. Motion carried unanimously.

Lynch moved, Maluchnik seconded, to adjourn the Regular Session at 9:42 a.m. and reconvene as the Carver County Regional Rail Authority. Motion carried unanimously.

Lynch moved, Workman seconded, to go into closed session to pursuant to MSA 12D.05 in order to discuss confidential information of offers or counter offers for the purchase of the Union Pacific Rail Line Chaska Industrial Lead. Motion carried unanimously.

The Rail Authority adjourned the closed session and as the Carver County Rail Authority and went into a work session with Public Works.

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.)



REQUEST FOR BOARD ACTION

AGENDA ITEM : Library material and fee recovery service update

Originating Division: Administrative Services

Meeting Date: October 26, 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:

This spring, the Carver County Board approved a 90 day trial agreement with Unique Management Services (UMS) to recover overdue library materials, fines and fees. The trial period is expiring in November.

UMS is a materials recovery vendor that works exclusively with libraries. With almost 15 years experience, UMS currently works with over 1,200 libraries throughout the United States, Canada, U.K., and Australia. They use a "Gentle Nudge" approach to recovering overdue materials, fines and fees. Their emphasis on material recovery and customer goodwill sets them apart from traditional collection agencies.

From 8/10/2010 to 9/30/2010, the library sent 43 accounts to UMS for collection. Of those, 21 patrons (about 50%) have responded by reducing their balance by returning materials and/or paying fines. A total of 11 patrons had cleared their balances completely as of 9/30/2010. During the 51 days included on the latest report, UMS recovered \$1,679.13 in returned material, service fees, fines on returned material and material payments. Carver County has been charged \$385 for the 43 accounts sent to UMS (fixed fee of \$8.95 per account) with a net value to the County of \$1,294.13.

UMS states that the Carver County recovery rate is already much higher than what they normally anticipate this early in the process. In fact, it's 2 times higher than what UMS typically see during the trial. Recovery is anticipated to continue to grow as UMS follows the remainder of the 120-day process.

The library hasn't received any complaints about the collections service. The County continues to take a proactive approach from an in house standpoint by reminding accounts that their items are due including e-mailing patrons of items due two days before the due date and two overdue notices sent if materials are not returned. These reminders result in over 95% of patrons returning their material before they are forwarded to UMS.

Accounts are forwarded to UMS after the material (books, CDs, DVDs etc.) is 40-50 days past due or if they owe more than \$50 in library fines. Accounts are assessed a \$10 service fee when the account is forwarded to UMS. So far, no accounts have met the \$50 in library fines threshold. All 43 accounts sent to UMS have been for overdue material.

Contract language allows us to, if approved, continue the service for two years. The Library will also start cleaning-up older accounts that are on the books.

The Library Board unanimously supported continuing this service with the current \$50 threshold on 10/12/10.

ACTION REQUESTED:

Continue contract with Unique Management Services for two years.

FUNDING

County Dollars = \$

Other Sources & Amounts =

= \$

TOTAL = \$

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Related Financial Comments: Based on original UMS estimates, Carver County would net about \$15,000-20,000 in returned items and paid fines.

Reviewed by Division Director

Date: 10/15/10



REQUEST FOR BOARD ACTION

AGENDA ITEM : Library Courier Service

Originating Division: Administrative Services

Meeting Date: October 26, 2010

Amount of Time Requested: NA

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

The Carver County Library System transports about 30 book tubs or approximately 900 library items each day. The driver logs about 70 miles delivering material between the libraries five days per week.

Following the announcement from the van driver about her intention to retire, staff reviewed delivery options and at this point, staff is recommending that a private courier service be utilized for the following reasons:

- Carver County will save approximately \$850 per year (see attachment for details).
- Avoid risk of employee liability.
- Vehicle storage space could be used for other purposes.

The current van is two years old and has about 32,000 miles. If the service is contracted out, the van would be sold by public auction. The useful life of the van is about 5-6 years. In the past 12 years the county has replaced two vans.

The Metropolitan Library Service Agency (MELSA) currently contracts with Alliance Courier for the delivery of library material. This service is also used by Dakota, Washington, Ramsey, St. Paul, Anoka and Hennepin County Libraries. Alliance currently delivers MELSA material on a daily basis to the Chanhassen Library.

Since the van driver is an AFSCME Union position, the Library Director and Employee Relations staff held a meet and confer with Union Representatives. The Union did not express an objection to the contracting of service. The current library van driver is retiring at the end of the October.

Staff is recommending that an agreement with Alliance start of November 1, 2010 and expire on December 31, 2012.

ACTION REQUESTED: Motion to enter into a contract with Alliance Courier for the delivery of library material.**FUNDING**

County Dollars = \$66,549

Other Sources & Amounts =

= \$

TOTAL

= \$66,549

FISCAL IMPACT None Included in current budget Budget amendment requested Other:

Related Financial Comments: The \$66,549 agreement is for two years and two months:

- 11/1/10 to 12/31/10 = \$5,119
- 1/1/11 to 12/31/11 = \$30,715
- 1/1/12 to 12/31/12 = \$30,715

The annual cost for the courier will be offset by salary and benefits, vehicle maintenance expenses and capital costs associated with purchasing the van. The county anticipates a net saving of approximately \$850 per year.

 Reviewed by Division Director

Date: October 14, 2010

**Cost Comparison
Library Delivery Van Driver verses Courier Service**

Current Annual Costs to Provide Service		\$31,570
County Employee Costs		
Salary (.50 FTE)	\$19,656	
Benefit costs	\$3,027	
Substitute Drivers - 10 days/year	\$720	
	\$23,403	
Vehicle Costs		
Gas, annual cost	\$3,645	
Maintenance and repair fees	\$292	
Auto insurance	\$230	
Vehicle replacement (Every 5-6yrs @\$20-25k)	\$4,000	
	\$8,167	
Annual Costs to Contract with Courier Service		\$30,715
Courier Service	\$30,715	
Daily Rate (\$40/hr at 3hrs/day) = \$120		
Annual Costs (21.33 days per month) = \$30,715		

BUDGET AMENDMENT REQUEST FORM

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

Division: Administrative - Library Services

Date of County Board Session: 10/26/10

Fund: 01

Description of Account to be Adjusted:	Debit Amount	Credit Amount
Library courier service - 2010	\$ 5,119	
Bus driver wages and benefits - 2010		\$ 5,119
TOTAL:	\$ 5,119	\$ 5,119

A. Reason for Request:

See Board Action.

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

C. Contingency Acct. Beginning Bal.:

D. Contingency Acct. Current Bal.:

E. Current Balance After Adj.:

F. Requested By:

Melissa Brechon - Library Services

G. Recommend Approval:

Finance Director

H. County Board Decision:

Approval/Disapproval



REQUEST FOR BOARD ACTION

AGENDA ITEM : Benton Township Space Lease

Originating Division: Administrative Services

Meeting Date: October 26, 2010

Amount of Time Requested: NA

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

Benton Township approached Carver County about leasing space at the Public Works Headquarters located in Cologne. The Township expressed a need for space due to issues with their current location. Carver County reviewed the space at Public Works and determined that they can make accommodations for the Township.

If approved, Benton Township will utilize a 115 square foot area for the purpose of storing important Township files, historical documents, a safe, election ballot machines and other miscellaneous Township items. In addition the Township will utilize conference room number 1 for monthly Township business meetings and for elections. The Township currently meets on the second Thursday of the month plus an annual meeting.

Under the proposed lease agreement, Benton Township would pay the County an annual payment of \$1,260 in January of each year. Included in this payment amount is an allowance for utilities. This portion of the payment will be reviewed annually to reflect changes in utility rates. The agreement is proposed to start on January 1, 2011 and expires on December 31, 2020, on a year-to-year basis after that.

Staff communicated with a commercial leasing agent to help determine an appropriate lease rate for the Township. The information indicated that the current commercial market base rate is in the range of \$9.00 to \$12.00 per square foot which excludes utilities and such things as custodial services. The Township lease as proposed is about \$11.00 per square foot for the storage room including energy costs. Because the conference room is used so infrequently, it was not added into the lease rate calculation.

The Benton Township board approved the terms of the lease agreement. The County Attorney's Office and Risk Management have completed an initial review of the lease.

ACTION REQUESTED: Motion to approve the lease agreement with Benton Township for space at the Carver County Public Headquarters located in Cologne.

FUNDING

County Dollars = \$

Other Sources & Amounts =

= \$

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

Related Financial Comments: This agreement will result in the County receiving an additional \$1,260 in revenue per year.

 Reviewed by Division Director

Date: October 15, 2010



REQUEST FOR BOARD ACTION

AGENDA ITEM : Approval of Records Retention Schedule changes and submission to State Review Panel.

Originating Division: Administrative Services

Meeting Date: October 26, 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: A new video recording system, obtained through a NHTSA Section 1906 Racial Profiling Grant, is being implemented in sixteen Carver County Sheriff's squad cars to record public safety incidents. The electronic record created by this system necessitates a revision to our county records retention schedule. Discussion between the Sheriff, County Attorney, Project Management and Records Management determined the proper retention period for this newly created media record is 60 days, based upon legal requirements in the grant. Pending signature of the County Board Chair, the document needed to amend our retention schedule is ready to be sent to the State Records Review Panel for approval. The State Records Review Panel consisting of the State Auditor, Attorney General and Minnesota Historical Society Director must review and approve all proposed changes to our county retention schedule for historical, legal and fiscal value.

ACTION REQUESTED: Approval authorizing County Board Chair to sign four amended record retention schedule sections and authorize Records Management to forward the documents to the State Records Review Panel for approval.

FUNDING

County Dollars = \$0

Other Sources & Amounts = 0

=\$

TOTAL =\$0

Related Financial Comments:

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Reviewed by Division Director

Date: October 13, 2010

1. Schedule Number	Date	2. New Retention Schedule for Counties	MINNESOTA RECORDS RETENTION SCHEDULE
3. Agency Carver County Government Center	4. Division/Section Sheriff	Revision of General Retention Schedule for Counties	6. Page 1 of
5. Address 600 E 4 th St Chaska, Minnesota			
7. For Use By Records Panel Only			
AUTHORIZATION: Under the authority of M.S. 138.17, it is hereby ordered that the records listed on this application be disposed per approved schedule.		Notice: This retention schedule has been reviewed by the State Records Disposition Panel in accordance with Minnesota Statutes 138.17. The records listed on this schedule have been reviewed for their historical, fiscal, and legal value.	
8. Agency Records Management Officer (signature)	Date	11. Minnesota Historical Society, Director	Date
9. Type Name / Phone		12. Legislative or State Auditor	Date
10. Agency Head or Designee (signature)	Date	13. Attorney General	Date

Original-State Records Disposition Panel

Copy 1-Agency (after approval)

1. Schedule No. 17	3. Agency Carver County	4. Division/Section: Sheriff	6. Page 1 of 1
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14. Item No.	15. Record Series Title and Description	16. Retention Instructions	17. SM*	18. Statute	19. Vital? (Yes/no)	20. Archival? (Yes/no)
17-01-30	Law Enforcement Video recordings captured from camera with squad vehicles during patrol.	All squad car videos will be saved for 60 days after creation and then purged from the network server. If a video has evidentiary value, such media will be duplicated or copied to disk prior to the 60 day period and then retained for the retention period assigned per the case file type.	E	MS 13.82; MS 13.87 MS 626.9517	no	

* SM = Storage Medium
P=Paper (including maps, blueprints, plans, cards, checks/warrants), M=Microfilm (not COM), C=Computer Output Microfilm (COM), E=Electronic (including tapes, disks), A=Other (including photographs, computer cards, X-Rays, slides, exhibits)



REQUEST FOR BOARD ACTION

AGENDA ITEM : Professional Services Agreement for Water Resources Design and Engineering for the CSAH 11 – SP 10-611-06 Project

Originating Division: Public Works

Meeting Date: October 26, 2010

Amount of Time Requested: n/a

Attachments for packet: Yes No

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

Project SP 10-611-06 includes the reconstruction and construction on new alignment of CSAH 11 from CSAH 61 (Chaska Blvd) to CSAH 10 (Engler Blvd). The roadway alignment passes through a large wetland/shoreland area. A hydrology/hydraulic study needs to be completed to determine impacts to the wetlands and mitigation needed for completion of the project. The contract work will also include applications for the wetlands, conditional use, and other permits needed for project. The information developed through this work is also needed for completion of the Environmental Assessment needed for the project. Due to the complexity of the work and the time needed to complete the work it is necessary to have this work completed by a consultant.

ACTION REQUESTED: It is requested that the County Board authorize the Board Chair and the County Administrator to sign this agreement.

FUNDING

County Dollars = \$70,900.00

Other Sources & Amounts =\$

=\$

TOTAL =\$70,900.00

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Related Financial Comments:

Reviewed by Division Director

Date: 10/14/10

S:\Projects\SP 10-611-06\PSA-SRF Water Resources Engineering rba 101310



REQUEST FOR BOARD ACTION

AGENDA ITEM: Administrative Permit for Special Event – Central Raiders Wrestling Winter Splash

Originating Division: Public Health & Environment

Meeting Date: October 26, 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 #A20100479. This request is for an Administrative Special Event Permit for the Central Raiders Wrestling Winter Splash to be held on March 12, 2011. The event is being coordinated by Joel Kidrowski on behalf of the Central Wrestling Club which is made up of parents, coaches, and past wrestlers and promotes the sport of wrestling in grades K-12 throughout the communities of NYA, Hamburg, and Cologne. The event is being conducted as a fundraiser to assist families with a variety of sport related expenses not covered by the schools.

The one-day Winter Splash event will be held at Baylor Park. As a result, the Carver County Parks Department will be issuing a Special Event Permit that covers the items typically addressed in our Administrative Permit including review by Risk Management and the County Attorney's Office.

The event is proposed to begin at 11:00 a.m. with a food vendor at the site. The jumping is scheduled to begin at 1:00p.m. All activities are scheduled to be completed by late afternoon. Approximately 250-500 individuals are anticipated to attend with roughly 100 of those individuals registered to jump into the water. The water in the location for the proposed jump is approximately three feet deep. A majority of the parking for the event will be at Central High School with a bus transporting attendees from the school to Baylor Park. Parking at Baylor Park will be primarily for volunteers and emergency personnel. The event coordinator has a verbal commitment from Ridgeview Medical, the Carver County Dive Team and EMT's from Hamburg, Cologne and NYA Fire Departments.

The conditions on the permit are: that the permit is only issued to Joel Kidrowski/Central Raiders Wrestling Club for a one-day event on March 12, 2011; and the applicant shall obtain and comply with the Special Event Permit from the Carver County Parks Department.

ACTION REQUESTED: A motion authorizing the issuance of a Certificate of Zoning Compliance (#A20100479) for the Central Raiders Wrestling Winter Splash.

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: 10/18/2010

COUNTY OF CARVER
CERTIFICATE OF ZONING COMPLIANCE

FILE/CERTIFICATE # A20100479

DATE ISSUED: October 26, 2010

TYPE OF CERTIFICATE: ONE TIME SPECIAL EVENT – Central Raiders Wrestling Winter Splash

This permit certificate is issued for the Central Raiders Wrestling Winter Splash to be held on March 12, 2010. The event is being coordinated by Joel Kidrowski on behalf of the Central Wrestling Club and will be held at Baylor Park. Activities for the event include a food vendor, costume contest, and jumping into the water.

The one-day event will begin at 11:00 a.m. with jumping anticipated to start at 1:00 p.m. The event will be concluded by late afternoon. Approximately 250-500 individuals are anticipated to attend with roughly 100 of those individuals registered to jump into the water. This event is allowed with a Certificate of Zoning Compliance, pursuant to Chapter 152, section 152.074 B6 of the Carver County Code. **This certificate is issued to:**

Joel Kidrowski/Central Wrestling Club
14610 County Road 53
Cologne, MN 55322

And is not transferable to another person or to another parcel of property.

Purpose of Certificate: To certify that the permittee and/or organization to which this certificate is issued is permitted and authorized to hold the Central Raiders Wrestling Winter Splash event on March 12, 2010 at the property described in Exhibit A. The event shall take place in Camden Township in accordance with the conditions listed on this permit and in accordance with Chapter 152, Section 152.074 B6 of the Carver County Code.

THE FOLLOWING CONDITIONS ARE ATTACHED AND MUST BE COMPLIED WITH:

1. The Permit is valid only for March 12, 2010.
2. The permittee shall obtain and comply with the Special Event Permit from Carver County Parks Department.

Amanda Schwabe
Associate Planner

THIS CERTIFICATE IS ISSUED FOR MARCH 12, 2011, AND IS NOT EFFECTIVE UNTIL SIGNED:

I HAVE READ THE ABOVE CONDITIONS AND AGREE TO FOLLOW THEM. I REALIZE THAT FAILURE TO ABIDE BY THE CONDITIONS IS A VIOLATION OF THE ZONING ORDINANCE. I AGREE THAT THE ZONING ADMINISTRATOR OR A DESIGNATED REPRESENTATIVE MAY ENTER UPON THE SUBJECT PROPERTY TO CHECK FOR COMPLIANCE OR FOR REVIEW PURPOSES. I AGREE THAT BY SIGNING BELOW I AM RESPONSIBLE TO OBTAIN COMPLIANCE WITH BUILDING AND FIRE CODES, FOOD HANDLING REQUIREMENTS AND LIQUOR LICENSURE REQUIREMENTS FROM ANY AND ALL LOCAL AND STATE AGENCIES. I ALSO UNDERSTAND THAT THIS IS NOT A BUILDING PERMIT AND THAT OTHER PERMITS MAY BE REQUIRED.

Signature of Certificate Holder

Date

Central Wrestling Winter Splash at Baylor Park

Fund raiser on March 12th 2011 from 11:00 am to 5:00pm

Central Wrestling Club is an organization that is made up of parents, coaches, and past wrestlers. The wrestling club promotes the sport of wrestling in grades K-12 throughout the communities of Norwood Young America, Hamburg and Cologne.

The club provides senior scholarships, wrestling equipment, mats, wrestling uniforms, warm up clothing, tournaments, and youth programs within the communities. The club does various fundraisers throughout the year including ditch cleanup, salt sales, bean bag tournament and working concessions at various events. This year we want to do the Winter Splash. Modeling the event after the Special Olympics Polar Plunge.

With school budgets getting cut every year. It puts more financial responsibility on the parents, students, and clubs to promote the sport. Our goal is to keep cuts down to encourage all students to stay involved with sports regardless of financial situation at home. Athletes have to keep good grades and stay away from other influences.

Estimated attendance: 250 to 500 with 100 jumping into the 3 foot water depth

Medical : Ridgeview Medical has given verbal commitment to rig and staff

Derrick Lee has given verbal commitment on Caver County Dive Team and staff

Verbal commitment of EMTs from Hamburg, Cologne and NYA Fire Depts.

Traffic Control: Main Parking at Central High School Parking lot

Run a bus from school to park to reduce parking issues

Parking at Baylor Park for volunteers and response personal

Carver County contacts: Working with Lenny Schmitz and Martin Walsh on the parks, Amanda Schwabe on permitting, and Derrick Lee on safety and traffic control issues.

Garbage Disposal: Rent County Park Dumpster

Bathrooms: Talked to three vendors on Mini buff's and wash stations

All disposal taken care of by vendor

Insurance: Debner Agency in Norwood forwarded copy to Amanda Schwabe

Waiver: All jumpers must sign a waiver.

Food: One of our members is a Licensed food vendor with the county. All proceeds go to the club.

No raffles or alcohol allowed promoting as family event

Signage: The majority of the advertising will be at the school or local businesses. Signage at Baylor Park only the day of the event. Still working on signage with sponsors.

If you have any questions please give us a call,

Thanks,

Winter Splash Coordinators

Joel Kidrowski

(H) (952) 466-2630

(C) (320)894-6284

joelkidrowski@yahoo.com

John Hendel

(H) (952) 466-2626

(W) (952) 224-8540

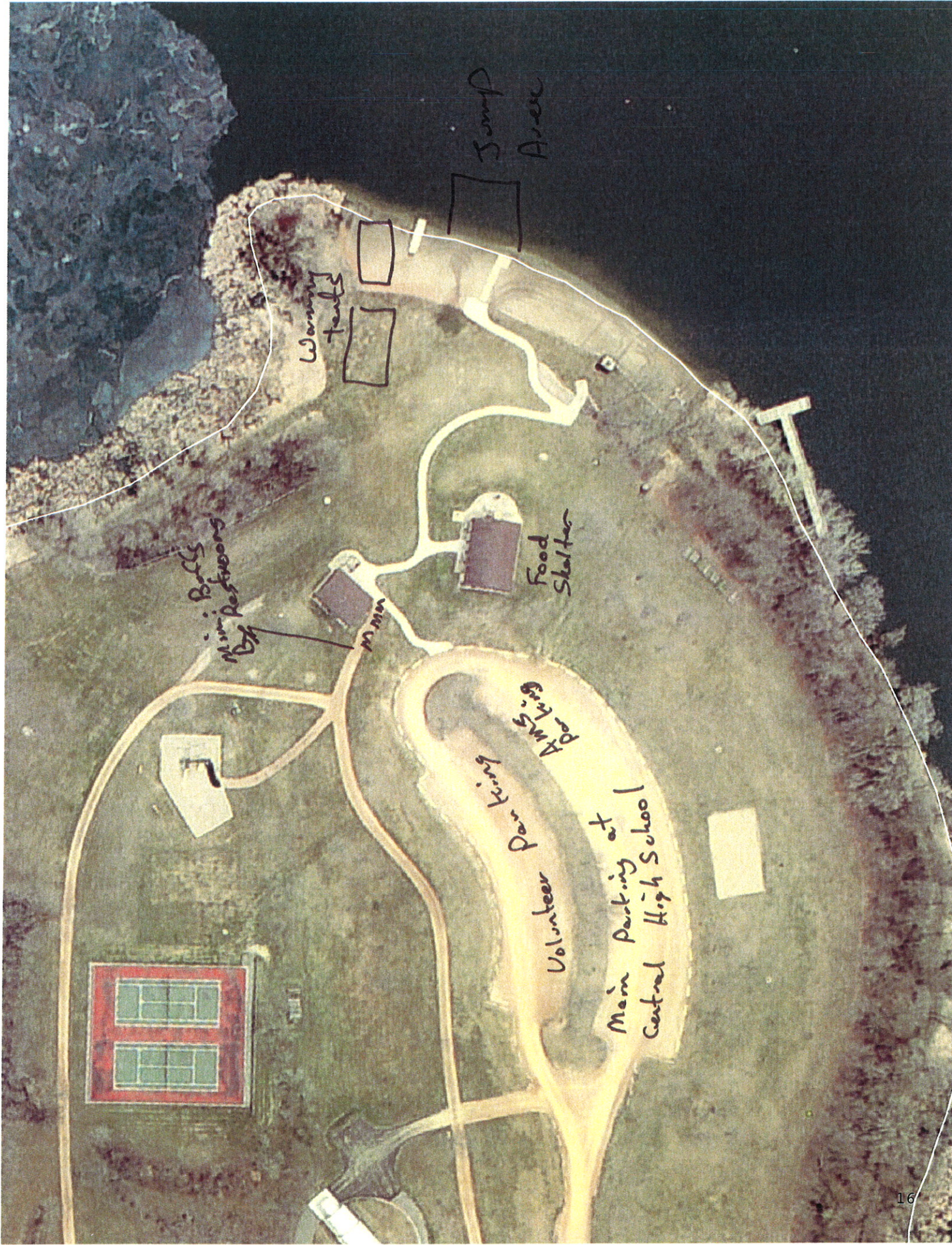
jhendel@agxchanges.com

Coach Darrin Fox

(H) (952) 467-3914

(W) (952) 467-7134

dfox@central.k12.mn.us





REQUEST FOR BOARD ACTION

AGENDA ITEM: Approval of Joint Powers Agreement Between Carver County and Minnesota DOC

Originating Division: Sheriff

Meeting Date: October 26, 2010

Amount of Time Requested: XX minutes

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM:

The Minnesota DOC has a need to board release violators at local jails. They expect to have a population from 0-10. The bed space will be offered on a space available basis.

ACTION REQUESTED: Approve a motion for the Carver County Sheriff to board release violators from the Minnesota DOC at a rate of \$55.00 per day.

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

Reed Ashpole

Date: 10-11-2010



REQUEST FOR BOARD ACTION

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

Originating Division: Community Social Services

Meeting Date:

Amount of Time Requested: 05 minutes

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

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

ACTION REQUESTED:

Provide Consent and authorize contract

FUNDING

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

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

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

 Reviewed by Division Director

Date:



REQUEST FOR BOARD ACTION

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

Originating Division: Community Social Services

Meeting Date:

Amount of Time Requested: 05 minutes

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

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

ACTION REQUESTED:

Provide Consent and authorize contract

FUNDING

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

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

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

 Reviewed by Division Director

Date:



REQUEST FOR BOARD ACTION

AGENDA ITEM: Approval of Hazard Mitigation Grant Program – Mitigation Planning Grant

Originating Division: Public Health and Environment

Meeting Date: 10/26/10

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:**

The Federal Emergency Management Agency (FEMA) requires Carver County to update our All-Hazard Mitigation Plan (from 2005) to comply with State standards, which were revised in 2009. Last year, FEMA contacted Carver County Emergency Management to suggest that we apply for the Hazard Mitigation Grant Program (HMGP) to assist our County in getting this All-Hazard Mitigation Plan (5-year plan) updated. The updates require creating an entirely new Plan, which is beyond the current department workload capacity. Therefore, development of this new Plan will require hiring a contractor to complete the project and the HMGP will fund the contractor agreement.

Federal funds for this grant contract are provided from the U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA), up to \$56,700. The County is required to match up to \$18,900 of "in kind" work, which may include staff time from everyone who works on the Plan, but is not limited to work done by County employees. It can include City, Township, and other employees in Carver County, who may be contributing to the completion of the Plan. If the County does not accept this grant funding, the Division staff will not have the resources to update the Carver County Hazard Mitigation Plan, the County will not be in compliance and our County will not be eligible for FEMA mitigation funding.

This grant contract is effective through August 18, 2013.

ACTION REQUESTED: Approval of Hazard Mitigation Grant Program funding up to \$56,700.**FUNDING**

County Dollars = \$
 Other Sources & Amounts = \$56,700
 (Hazard Mitigation Grant Program)

TOTAL = \$56,700

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments: See attached Budget Amendment Request form.

Reviewed by Division Director

Date: 10/14/10

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: 10/26/10

Fund: 01

Description of Revenue Account funds are to Increased/(Decreased):	2010 Amount	Description of Expenditure Account funds are to Increased/(Decreased):	2010 Amount
Hazard Mitigation Planning Grant 01-280-280-1901-5420	\$ 56,700	Professional & Technical Fees for Service 01-280-280-1901-6260	\$ 56,700
TOTAL:	\$ 56,700	TOTAL:	\$ 56,700

A. Reason for Request: See accompanying Board Action.

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

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

D. Prior Contingency Adjustment: \$ -

E. Current Contingency Adjustment: \$ -

F. Remaining Balance: \$ 300,000

G. Requested By: Ken Carlson

H. Recommend Approval: Finance Director

I. County Board Decision: Approval/Disapproval

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



REQUEST FOR BOARD ACTION

AGENDA ITEM : Approval of District 112 Grant Application for Metro wide Youth Chemical Dependency Prevention

Originating Division: Community Social Services

Meeting Date: October 26,2010

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: Schools of Eastern Carver County, District 112, Community Education is applying to the Minnesota Department of Human Services for a Chemical Dependency Prevention Grant targeting youth. The project is Metro CARES (Coalition Addressing Responsive, Engaged, Solutions). The grant application seeks to develop community collaboration models across the metro area to partner with positive youth programs in communities to develop positive approaches to Alcohol, Tobacco, and Other Drug (ATOD) prevention. The grant application is for four years and a total of \$503,500.

Minnesota Statutes 254.07, 2006 Coordination of Local Programs requires County Boards to coordinate all alcohol and other drug abuse services conducted by local agencies, and review all proposed agreements, contracts, plans and programs in relation to alcohol and other drug abuse prepared by any such local agencies for funding from any local, state or federal sources. District 112 is the local agency and Donald Heywood, Behavioral Health Manager for Community Social Services has reviewed the grant application.

ACTION REQUESTED:

Motion to support the District 112 grant application for Metro CARES for ATOD prevention.

FUNDING

County Dollars = \$0
Other Sources & Amounts = \$503,500
TOTAL = \$503,500

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments: The Grant Application is for \$503,500 over four years. There is no County tax levy in the grant.

Reviewed by Division Director

Date: 10/18/2010



REQUEST FOR BOARD ACTION

AGENDA ITEM : Professional Services Agmt. with Bonestroo, Inc. for Bridge Safety Inspections

Originating Division: Public Works

Meeting Date: October 26, 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: Carver County Engineering is the responsible agency for completing annual bridge inspections on bridges located on County, Township and City Streets (cities under 5000 population) throughout the county. In past years, these inspections were completed by a County Engineering staff person who was certified to complete these inspections. Carver County Engineering no longer has in-house staff available that has the required certifications for these inspections. The engineering consulting firm Bonestroo, Inc. completed these inspections in 2007, 2008, and 2010 for the County and has been selected to provide this required bridge inspection service again in 2010. This agreement with Bonestroo, Inc. provides for completion of these services along with completion of Scour Plan of Action reports required on 13 bridges in the County.

ACTION REQUESTED: It is recommended that the Carver County Board of Commissioners approve the agreement with Bonestroo, Inc. to perform the required bridge safety inspections and authorize the County Board Chair and County Administrator to sign this agreement.

FUNDING

County Dollars = \$52,000.00

Other Sources & Amounts =

=\$

TOTAL =\$52,000.00

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Related Financial Comments:

Reviewed by Division Director

Date: October 5, 2010

S:\Bridge Inspections\2010\PSA with Bonestroo, Inc. - 2010 - baf



REQUEST FOR BOARD ACTION

AGENDA ITEM : Joint Powers Agreement between Carver County and City of Carver for the Replacement of Bridge No. 2783 (CSAH 40 - Main St.)

Originating Division: Public Works

Meeting Date: October 26, 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: The City of Carver has secured Metropolitan Sewer funds for construction of a sewer forcemain that will provide Metro Sewer Service to the City of Carver. Construction of this sewer intercept will require reconstruction of a substantial portion of CSAH 40 within the City of Carver and replacement of the bridge on Main Street. A previous Joint Powers Agreement was approved for the street reconstruction. This agreement establishes the City of Carver as the lead agency for the bridge project and provides the terms and conditions for reconstruction of the bridge on Main St.

ACTION REQUESTED: It is requested that the County Board authorize signing of the agreement by the County Board Chair and the County Administrator.

FUNDING

County	= \$ 300,000.00
County SAM	= \$ 100,000.00
City of Carver	= \$ 40,000.00
Other Bridge Bonds	= \$ 300,000.00
TOTAL	= \$ 740,000.00

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments: These are budgeted funds for the total project costs including engineering, construction and right of way.

Reviewed by Division Director

Date: October 8, 2010

S:\Projects\Bridge No. 2783 City of Carver\JPA with City of Carver - 100810 - baf



REQUEST FOR BOARD ACTION

AGENDA ITEM: Renewal Application for On-Sale and Sunday Liquor License for Blue Bell Enterprises Inc DBA Lancer Catering at The Waconia Event Center

Originating Division: Property Records Taxpayer Services Meeting Date: 10-26-10
Amount of Time Requested: 0 minutes Attachments for packet: Yes X No
Item Type: Consent Regular Session Closed Session Work Session Ditch/Rail Authority

BACKGROUND/EXPLANATION OF AGENDA ITEM: Stephen Craver, Treasurer of Blue Bell Enterprises, Inc., DBA Lancer Catering at Lake Waconia Event Center has applied for renewal of their On-Sale and Sunday Liquor License. Lake Waconia Event Center is located at 8155 Paradise Lane Waconia MN 55387. There are no delinquent real estate taxes on this property.

ACTION REQUESTED:

Approval of the Request for renewal of On-Sale and Sunday Liquor License for Blue Bell Enterprises Inc DBA Lancer Catering at Lake Waconia Event Center.

FUNDING

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

FISCAL IMPACT

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

Related Financial Comments:

The License Fee for Blue Bell Enterprises Inc. is as follows:
On-Sale Liquor License \$1,750.00
Sunday Liquor License \$ 200.00

Reviewed by Laurie Engelen Taxpayer Services Manager

Date:

10-12-10



REQUEST FOR BOARD ACTION

AGENDA ITEM : Approval of Old Republic Title lawsuit agreements

Originating Division: Property Records

Meeting Date: October 26, 2010

Amount of Time Requested: 15 minutes

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

See attached.

ACTION REQUESTED:

Approve and sign:

1. Settlement Agreement and Release of Claims form which formalizes the parties intent to settle the lawsuit and directs the parties to seek dismissal of the court action without further costs to either party.
2. Bulk Purchase Agreement which is a five year contractual arrangement whereby the County will be providing bulk data transfers to Old Republic Title.

FUNDING

County Dollars = \$

Other Sources & Amounts = \$

= \$

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

Potential deductible costs to M.C.I.T.

 Reviewed by Division Director

Date: October 18, 2010

On November 5, 2009, Carver and Scott Counties were jointly sued by Old Republic National Title Insurance Company (“ORT”). Essentially, ORT alleged that:

- (1) Carver County violated the Minnesota Government Data Practices Act (“MGDPA”) by charging users for remote access to public government data through the online property records system, LandShark;
- (2) Carver County unlawfully refused to provide copies of electronically stored data to ORT for the “actual costs” of providing such electronic data.

ORT sought equitable relief and monetary damages. In terms of equitable relief, ORT requested the court to order Carver County to produce the data in the format ORT requested. For monetary damages, ORT cited to the penalty provisions of the MGDPA and sought payment for every asserted violation of the MGDPA. In addition, where it is proven that an entity has violated the MGDPA, the court can order payment of attorneys’ fees that are incurred by a litigant in proving the MGDPA violation. It should be noted, during litigation, MCIT advised both counties that it was providing defense counsel to the counties. MCIT advised, however, that it was not contractually obligated to insure the counties for damages attributable to collection of revenue in violation of the MGDPA. Furthermore, MCIT would not insure the counties against any award of attorneys’ fees. In other words, there was a relatively large exposure to damages that could have come directly out of County funds.

After the lawsuit was filed, several months of discovery ensued, including the production of documents, Requests for Admissions, Interrogatories and Depositions taken by all parties. On August 16, 2010, Hennepin County District Court Judge Tanya Bransford heard cross motions for summary judgment. In those motions, each party sought to convince the judge that there were no factual issues in dispute and that the law was on its side. Judge Bransford had not ruled on the motions prior to the parties entering court-ordered mediation.

Mediation took place on September 1, 2010. Both parties provided *confidential* communications to the mediator prior to mediation. As indicated above, ORT included a substantial request for monetary damages. At the mediation, at least 4 offers and 4 counter-offers were presented and deliberated upon by each party. After significant negotiation, the counties were successful in convincing ORT to drop all requests for monetary damages and attorneys’ fees. In exchange, each county agreed to enter into a Bulk Purchase Agreement whereby the County would provide weekly transfers of recorder’s office data to an FTP site (File Transfer Protocol—a web-based site). The county has agreed to start providing this bulk data by November 1, 2010.

The county will be charging ORT \$0.50/document. this Bulk Purchase agreement is consistent with agreements that most metro counties (Hennepin, Anoka, Dakota, Washington, and Scott—pursuant to mediated settlement) have in place with ORT. Most counties charge \$0.10/page and the average document is 4-5 pages. Carver County opted to charge per document because our system does not have the necessary page-counter to allow us to charge per page.

The Bulk Purchase Agreement is a 5-year agreement, with a duty to negotiate any contract extensions in good faith.



REQUEST FOR BOARD ACTION

AGENDA ITEM : Adoption of the 2010 Carver County Water Management Plan

Originating Division: Public Health & Environment

Meeting Date: October 26, 2010

Amount of Time Requested: 20 minutes

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

BACKGROUND/EXPLANATION OF AGENDA ITEM: A DRAFT of the updated Carver County Water Management Organization (CCWMO) Water Management Plan was developed during a process involving staff, the County Board, the Water, Environment, Natural Resource Committee, township boards, municipal representatives, citizens and other parties from 2008 to 2010. The DRAFT was approved for review consideration by the County Board April 2010, and a subsequent, revised DRAFT was authorized by the Board on July 27, 2010 for final review by the Board of Soil and Water Resources (BWSR). The plan has now completed the statutory review requirements and staff is requesting that the County Board (acting as the WMO authority) authorize final approval of the plan. The most recent DRAFT will be sent to Commissioners separately, and is available on the County Website. A draft resolution is attached which adopts the Plan.

ACTION REQUESTED: Motion to adopt a resolution adopting the 2010 update to the Carver County Water Management Organization Water Management Plan.

FUNDING

County Dollars = \$

Other Sources & Amounts =

= \$

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

Related Financial Comments: Implementation of the CCWMO water management plan is funded largely through the CCWMO levy, and external state, federal, and other grants. General levy dollars which fund existing programs are also used to implement a significant portion of the plan.

 Reviewed by Division Director

Date: October 18, 2010

BOARD OF COUNTY COMMISSIONERS CARVER COUNTY, MINNESOTA

DATE October 26, 2010

RESOLUTION NO. _____

MOTION BY COMMISSIONER _____

SECONDED BY COMMISSIONER _____

A RESOLUTION ADOPTING THE CARVER COUNTY WATER MANAGEMENT ORGANIZATION 2010 WATER MANAGEMENT PLAN

WHEREAS, Minnesota Statutes section 103B requires each water management organization (WMO) to update its water management plan at a minimum of every 10 years and to submit the plan to the State Board of Water & Soil Resources for review and approval; and

WHEREAS, Pursuant to MN Statute Sec. 103B. 231 and 103B.255, the Carver County Board is the water management authority for the Carver County Water Management Organization (CCWMO); and

WHEREAS, Carver County has prepared an updated Water Management Plan, including goals and policies & implementation strategies regarding Surface Water Mgmt, Impaired Waters, Total Maximum Daily Load (TMDL) requirements, Urban Stormwater Management, Wetland Management, Agricultural Practices, Sanitary Sewer Discharge, Upland Natural Resources, Solid and Hazardous Waste, Education and Monitoring and Assessment; and

WHEREAS, this plan replaces the CCWMO plan adopted in 2001; and

WHEREAS, The plan was prepared with guiding input from the County Board, the Water, Environment, Natural Resource Committee, as well as each township board, municipal representatives, citizens, state agencies and other stakeholders; and

WHEREAS, Several public hearings and open houses have been held to consider the Carver County Comprehensive Plan, a 60-day community review has been held, a 45 and 90 day state agency review period has been completed and the Carver County Board approved this DRAFT plan on July 27, 2010; and

WHEREAS, The State Board of Water and Soil Resources (BWSR) has reviewed the DRAFT 2010 Update to the CCWMO Water Management Plan, and on October 27, 2010 will recommend that the CCWMO place the plan into effect; and

THEREFORE, BE IT RESOLVED, THAT The Carver County Board of Commissioners hereby adopts the 2010 Update to the Carver County Water Management Organization Water Management Plan contingent upon State BWSR approval on October 27, 2010,

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 26th 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 _____ day of _____, 2010.

County Administrator