

Carver County Board of Commissioners
 Regular Session
 April 28, 2009
 County Board Room
 Carver County Government Center
 Human Services Building
 Chaska, Minnesota

PAGE

9:15 a.m.	1.	<ul style="list-style-type: none"> a) CONVENE b) <i>Pledge of Allegiance</i> c) <i>Public participation (comments limited to five minutes)</i> d) <i>Introduction of New Employees</i> 	
	2.	Agenda review and adoption	
	3.	Approve minutes of April 14, 2009 Regular Session	1-4
	4.	Community announcements	
9:15 a.m.	5.	CONSENT AGENDA	
	5.1	Payment of emergency claim	5
	5.2	CCWMO cost share program for 2009	6-9
	5.3	Resolution to request extension of time to complete review and amendment of the 2030 Comprehensive Plan.....	10-11
	5.4	Agreement for lifeguard services at County Parks	12-12A
	5.5	Community Social Services' warrants	NO ATT
	5.6	Commissioners' warrants.....	SEE ATT
9:20 a.m.	6.	SHERIFF	
	6.1	Approval of Sheriff's Office police service contract staffing changes	13
9:30 a.m.	7.	FINANCIAL SERVICES	
	7.1	2009-10 Budget update/voluntary unpaid time off Personnel Policy change	14-19
10:00 a.m.	8.	EMPLOYEE RELATIONS	
	8.1	<i>Closed Session</i> -Labor negotiations strategy	20
10:30 a.m.	9.	PUBLIC WORKS	
	9.1	<i>Closed Session</i> -Land acquisition Lake Waconia Regional Park.....	21

10:50 a.m.		ADJOURN REGULAR SESSION AND CONVENE AS CARVER COUNTY REGIONAL RAIL AUTHORITY	
10:50 a.m.	10.	PUBLIC WORKS	
	10.1	<i>Closed Session</i> -Union Pacific Rail Line Chaska Industrial	
		Lead	22
11:15 a.m.		ADJOURN CARVER COUNTY REGIONAL RAIL AUTHORITY	
		BOARD REPORTS	
11:15 a.m.	1.	Chair	
	2.	Board Members	
	3.	Administrator	
11:30 a.m.	4.	Adjourn	

David Hemze
County Administrator

Work Session Agenda

11:30 a.m.	A.	LAND AND WATER SERVICES	
	1.	Discussion of water plan update	23-25

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on April 14, 2009. Chair Gayle Degler convened the session at 9:23 a.m.

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

Members absent: None.

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

Ische moved, Workman seconded, to approve the minutes of the April 7, Regular Session. Motion carried unanimously.

Community announcements were made by the Board.

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

Payment of emergency claim in the amount of \$1,500.

Approved the transfer of 2.0 jail health nurse FTEs from Public Health to the Sheriff's Office, effective for the pay period ending 4/26/09, for the continued delivery of jail health services and related Sheriff's Office/Public Health budget amendment transferring \$122,326 from Public Health staffing to Sheriff's Office staffing.

Resolution #25-09, Certificate of County Board of Classification of Forfeited Lands.

Approved the following abatements/additions:

30-951-0261	Santos Salgado
30-952-0345	Misty Diaz
30-952-0538	Danilo Alberto (2008, 2009)
30-951-0043	Ronald Benjamin
30-951-0272	Oscar Esparza
85-502-0050	Gary Stender
30-111-0060	Clover Field Homes, LLC
25-417-0400	Timothy Arland
25-245-0010	Theresa Watt (2008, 2009)
58-611-0004	Team 316 Properties & Cons.
11-003-1400	Daniel Tober
04-027-0600	Steven Sommerville
25-426-2103	Todd Riebe

Resolution #26-09, Agreement between Carver County and the State of Minnesota.

Approved service agreement between Carver County and Precision Sealcoating and authorized the Chair and County Administrator to sign the agreement.

Awarded bid for Project SAP 10-070-02, Township Sign Replacement, to Safety Signs in the amount of \$424,995.

Approved Carver County Veterans Service Office request to increase to \$300 the stipend paid to County Veterans Service organizations to defray Memorial Day expenses and related Veterans Service Office budget amendment transferring \$3,000 from Commissioners contingency to Veterans Service Office.

Authorized Employee Relations acceptance of QRae 4 Gas Air Monitor from Clarey's Safety Equipment.

Community Social Services' actions.

Approved payment of the following Commissioners' warrants:

INSERT

Motion carried unanimously.

Paul Moline, Land and Water Services, requested the Board adopt a Resolution to establish the ISTS direct discharge incentive program for 2009. He pointed out the success of the 2008 program in the way of implementation and participation. Moline reviewed a summary of the program and indicated 59 participants used some portion of the program. He referenced the TMDL study that was done and indicated the implementation plan tries to remove systems that flow directly into a creek or ditch.

He explained they were proposing to continue the program in 2009 and identified the areas where they would be focusing their efforts. Moline reviewed the WENR Committee's recommendations. He stated they estimated 43 systems with no records of any type of system and indicated they built their cost estimates for the program based on that number.

Moline clarified they were recommending reducing the incentive to a maximum of \$2,000 for systems located both in and outside TMDL priority subwatersheds. He indicated, the incentive along with low interest loans up to a maximum amount of \$15,000, would be offered to individuals that come in voluntarily by July 31, 2009, to upgrade systems that are located in TMDL priority subwatersheds. After July 31st, funds would become available to others outside the TMDL priority subwatersheds. He added some funds would also be available for systems outside the Carver and Bevens Creek Watersheds.

Moline reviewed funding sources within the various watersheds. He clarified the Resolution should be revised to clarify the timeline for the cash incentive within priority watersheds and distributed a copy of the revised Resolution.

Mike Lein, Environmental Services, reviewed the changes in the program they made last year and the incentive that assisted with making the program a success. He added it had been a well received program.

Moline clarified there was some money available for systems outside the priority watersheds and for those who come in voluntarily. Moline stated landowners within the priority watersheds would be receiving a letter advising them of the program and deadline to get their systems fixed or bring in records. He stated the fecal coliform levels and the number of systems are factors they use in determining priority areas.

Ische offered the following Resolution, seconded by Workman:

Resolution #27-09
Establishing a Program to Accelerate the Elimination of Direct Discharge
Individual Sewage Treatment Systems (ISTS) in Carver County

On vote taken, all voted aye.

This motion also approved the related expenditures from the following funds in the program:

\$30,000 from existing BWSR/CCWMO low cost conservation fund to incentive payments in the Carver Creek priority sub-watersheds;

\$2,000 from existing Carver Creek remaining 2008 incentives;

\$54,000 from existing Bevens Creek remaining 2008 incentives and other unallocated project dollars to fund incentive payments in the Bevens Creek priority sub-watersheds;

\$14,000 from unallocated Crow River project dollars to fund incentive payments in the Crow River Watershed; and

\$6,000 from unallocated West Chaska Creek project dollars to fund incentive payments in the West Creek Watershed.

Wendy Bjorn, Historical Society, introduced Ruth Tremblay and explained the work Ms. Tremblay has been doing on the generations project. She pointed out Ms. Tremblay, in addition to her artwork, recently produced a video titled "The Barns of Carver County" and has been working with them to document the lives of people that live on farms in Carver County.

Ms. Tremblay stated she started the project in 2006 as she noticed a barn being taken down in her neighborhood. She explained the purpose of the project and stated, once she started talking to people, felt their stories needed to be documented as well. She stated there were many phases to her project and noted, what started out as an artistic project, has turned into a historical project.

Bjorn pointed out the importance of documenting buildings before they are torn down. She also updated the Board on the other projects the Historical Society has been working on including the Veterans Gallery and upcoming exhibits. She pointed out the increase in museum visits and their upcoming fundraiser.

REGULAR SESSION
April 14, 2009

The Board recognized the volunteer efforts of Ms. Tremblay and thanked Ms. Tremblay and Ms. Bjorn for a job well done.

Workman moved, Lynch seconded, to adjourn the Regular Session at 10:16 a.m. to go into work session with Land and Water Services. 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.)



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

294041

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 a minimum of two).

VENDOR: LANCER CATERING

ACCOUNT: 01-520-000-0000-6810

AMOUNT: \$500.00

REASON: TRANSFER DEPOSITS (5 @ \$100 each)

Interim Division Director

Department Head Signature:

William J. Weckman

Chairman of County Board

Gayle Degler

County Administrator

Steve H. Taylor (As Dir)
David Hemze

County Attorney

James W. Keeler, Jr.
James W. Keeler, Jr.

Date:

4/6/09



REQUEST FOR BOARD ACTION

AGENDA ITEM : CCWMO Cost Share Program for 2009

Originating Division: Land Water Services

Meeting Date: 28 apr 2009

Amount of Time Requested: 0 minutes

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM:

The Carver County Water Management Organization established a low cost conservation fund in 2001 with initial grant funding from BSWR. Since that time, it has become apparent that an update of that program is needed. The proposed 2009 cost-share program is intended to encourage and assist landowners to use innovative Best Management Practices (BMP) to protect and restore the quality of water within Carver County. The attached memo highlights the purpose, process, and funding for the program.

2009 funding for the program is derived from existing CCWMO and BWSR funds. Staff is recommending approval to establish the 2009 CCWMO Cost Share Program and that up to \$35,000 be designated for 2009 cost share use. The Water, Env., Natural Resource Committee recommended the 2009 program at the Mar 31, 2009 meeting.

ACTION REQUESTED: Motion to adopt a resolution which establishes the 2009 Cost Share Program.

FUNDING

County Dollars =	0
Other Sources & Amounts =	\$35,000 CCWMO funds
=	
TOTAL	=

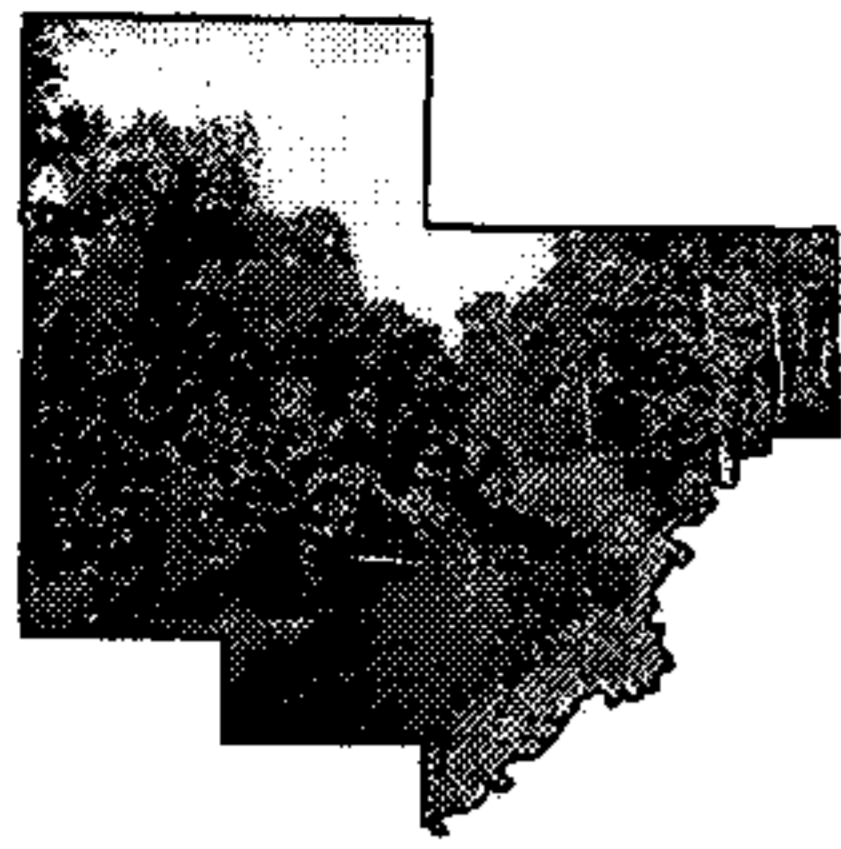
FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments: The \$35,000 amount is derived from 2009 existing CCWMO and BWSR funds

X Reviewed by Division Director

Date: 17 Apr 2009



Carver County Water Management Organization

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

Memo

To: County Commissioners
From: Paul Moline, PWM dept
Date: 4/17/09
Re: CCWMO 2009 Cost Share
cc.

Enclosures: none

Why this program is needed:

The Carver County Water Management Organization established a low cost conservation fund in 2001 with initial grant funding from BSWR. Since that time, it has become apparent that an update of that program is needed due to funding changes, updated practices, focused TMDL areas and more competitive needs. The proposed 2009 cost-share program is intended to encourage and assist landowners to use innovative Best Management Practices (BMP) to protect and restore the quality of water within Carver County.

The attached memo highlights the purpose, process, and funding for the program.

Goal:

Establishment of this program will give Staff the ability to reach out to citizens across the County to aid in innovative BMP installations. In addition to reaching out, the program will provide a stable funding source to aid in TMDL implementation.

BMP Cost Share funds can be used by public or private landowners within Carver County to implement projects that assist in one or all of the following:

- 1) Protect or restore quality of lakes and rivers
- 2) Protect or restore groundwater resources
- 3) Protect or restore native plant communities
- 4) Innovative approaches to treat stormwater at the source

Funding structure:

Funding is a 75% match of eligible expenses with a maximum level of \$2,500 per project. Applications are accepted year round. After all program requirements have been met, approved of, and project completion, funds will be dispersed to program participant(s). Completion of project MUST be within one (1) year of approved and signed agreement, unless a written extension has been granted by Carver County. Labor done by the home owner will be reimbursed at a rate of \$12.00 per hour with a signed form of completed work. In-kind labor cannot exceed amount of materials of the project.

Eligible Applicants in CCWMO:

Landowners
Not-for-profit and religious organizations
Local government agencies
Public and private schools
Private Businesses

Eligible Expenses

Carver County may fund partial or full amounts of the requested cost share amount. Any project that is under construction or completed at the time of approval is not eligible. All matching funds will be awarded to projects

that are above and beyond Carver County Watershed Management Plan requirements. Partial list of eligible projects are below:

- Raingardens
- Shoreline restoration
- Native planting restoration
- Native buffers
- Well Sealing
- Rock Inlets

Evaluation Criteria:

CCWMO Staff will determine the eligibility of a project based upon an established set of criteria. The following are the priorities that are within the criteria and are based upon Carver County's WMP or TMDL plans, in no particular order:

- Volume Control
- Rate Control
- Phosphorus Reduction
- Aesthetics
- Functionality
- Wildlife Habitat
- Public Benefit
- Collaboration
- TMDL IP

Submittal Requirements:

Cost share applications will have the following to be considered a complete application. A signed application form, sketch of onsite location of the project, sketch of project, line item budget including type of materials to used, and if going to bid, three separate bids from contractors. Additional information, if needed, will be requested by Carver County Staff.

Selection Process:

This proposed structure will be based on staff review and approval using the existing JAM committee structure will allow for both a quick turnaround and ability for the County to get multiple small projects into the ground. These small projects are going to be the key to getting TMDLs Implemented throughout Carver County. The Carver County Cost Share Program is a competitive grant process; therefore some projects may not be funded.

- <\$1,000 – Staff (JAM) approval for quick turnaround
- \$1,000 - \$2,499 – Staff (JAM) approval with LWS Director final approval
- >\$2,499 – will go through existing CIP/Cost Share approval process which follows staff agency recommendation, WENR committee recommendation and County Board Approval

Cost Share Grant Agreement:

Projects that are awarded funding will enter into an agreement with Carver County. This agreement will stipulate the responsibilities and obligations of both the grant applicant and Carver County.

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

DATE:

RESOLUTION NO.

MOTION BY COMMISSIONER:

SECONDED BY COMMISSIONER:

**A Resolution Establishing the Carver County Water Management Organization (CCWMO)
2009 Cost Share Program**

WHEREAS, Carver County has adopted a Water Management Plan which sets goals to promote water resource protection in the County and encourage landowners to implement conservation practices on their land; and

WHEREAS, the plan intends to provide financial assistance and seek grants from other funding sources for willing landowners; and

WHEREAS, landowners have demonstrated a willingness to implement projects with local financial incentives; and

WHEREAS, the County needs to refine the process for reviewing and prioritizing landowner requests for funding cost share projects; and

WHEREAS, the CCWMO has set aside funds from BWSR grants and the water levy for the purpose of implementing cost projects; and

THEREFORE BE IT RESOLVED that the Carver County Board of Commissioners hereby establishes the 2009 cost-share program as stated in Exhibit A, CCWMO 2009 COST SHARE PROGRAM (attached).

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 28th day of April, 2009, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this _____ day of _____

David Hemze, County Administrator



REQUEST FOR BOARD ACTION

AGENDA ITEM : Resolution to Request extension of Time to Complete Review and Amendment of the 2030 Comprehensive Plan

Originating Division: Land Water Services

Meeting Date: 28 apr 09

Amount of Time Requested: 0 minutes

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM:

The Metropolitan Land Planning Act requires communities in the seven county metropolitan area to submit proposed comprehensive plan updates to adjacent governments, affected special districts, and affected school districts for review and comment prior to Metropolitan Council review. The Metropolitan Council has extended the submittal date for communities up to May 29, 2009. The Board previously requested an extension to May 29, but due to ongoing Board concerns regarding DRAFT plan content, staff believes that the additional time is needed to comply with Board expectations, and an extension to Sep 30, 2009 is necessary. Grant funds from the Metropolitan Council are also tied to the submittal date, and staff is recommending that the board request an extension of distribution of these funds (amendment to the agreement is also necessary). Based on Board direction, staff is requesting that the Board adopt an updated resolution requesting an extension from the Metropolitan Council to Sep 30, 2009.

ACTION REQUESTED:

Motion to adopt a Resolution Requesting and Extension of the submittal deadline for the 2030 Comprehensive Plan, direct staff to submit an application for extension and a request to amend grant agreement (Grant # SG2007-089) to show a new date of submittal of Sep 30, 2009.

FUNDING

County Dollars = \$

Other Sources & Amounts =

= \$

TOTAL

= \$

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Related Financial Comments: Extension request would extend the deadline of use of grant funds to Sep 30, 2009

Reviewed by Division Director

Date: 17 April 09

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

Date: Apr 28, 2009

Resolution #

Motion by Commissioner
Seconded by Commissioner

=====

A Resolution Requesting and Extension of the submittal deadline for the 2030 Comprehensive Plan

WHEREAS, Minnesota Statutes section 473.864 requires local governmental units to review and, if necessary, amend their entire comprehensive plans and their fiscal devices and official controls at least once every ten years to ensure comprehensive plans conform with metropolitan system plans and ensure fiscal devices and official controls do not conflict with comprehensive plans or permit activities that conflict with metropolitan system plans; and

WHEREAS, Minnesota Statutes sections 473.858 and 473.864 require local governmental units to complete their "decennial" reviews by December 31, 2008; and

WHEREAS, Minnesota Statutes section 473.864 authorizes the Metropolitan Council to grant extensions to local governmental units to allow local governmental units additional time within which to complete the "decennial" review and amendments; and

WHEREAS, the Metropolitan Council has authorized extensions for submittal up to May 29, 2009; and

WHEREAS, any extensions granted by the Metropolitan Council must include a timetable and plan for completing the review and amendment; and

WHEREAS, the County may not be able to complete its "decennial" review by May 29, 2009, for the following reasons: response time needed to comments received during and after the DRAFT plan review process and subsequent concerns by the County; and

WHEREAS, the County Board finds it is appropriate to request from the Metropolitan Council an extension so the County can have additional time to complete and submit to the Metropolitan Council for review an updated comprehensive plan and amend its fiscal devices and official controls.

THEREFORE, BE IT RESOLVED, THAT The Carver County Board of Commissioners

1. The County Administrator is directed to submit to the Metropolitan Council an application requesting an extension of the deadline for Comprehensive Plan submittal and the associated grant funding to Sep 30, 2009.
2. The County Administrator must include with the request a reasonably detailed timetable and plan for completing: (a) the review and amendment by Sep 30, 2009; and (b) the review and amendment of the County's fiscal devices and official controls.

=====

YES	NO	ABSENT
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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 ____ day of ____, 2009, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this ____ day of _____, 2009.

David Hemze, County Administrator



REQUEST FOR BOARD ACTION

AGENDA ITEM : Agreement for Lifeguard Services at County Parks

Originating Division: Public Works - Parks

Meeting Date: April 28, 2009

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:

At the April 7th County Board meeting the County Board was presented with a 2009 Lifeguard agreement that continued Lifeguard services as per past years at a cost of \$44,399. Due to 2009 budget concerns, the County Board directed staff to trim approximately \$10,000 from the proposed Lifeguard agreement. When developing this reduction in the agreement, usage records from past summers were used as an attempt to continue to provide lifeguard services at the highest usage times.

This agreement with Minnetonka Community Education is to provide lifeguard services at County beaches at Lake Minnewashta and Lake Waconia Regional Parks. The arrangement with Minnetonka Community Education to provide staffing of lifeguards at County beaches continues service efficiency. The County does not hire, train and or directly supervise lifeguards. Minnetonka Community Education provides necessary training, supervision, scheduling, and payments to lifeguards. Lifeguard services will begin June 13, 2009 (the April 7th agreement had a June 6 start) and will conclude August 16, 2009 (No proposed change in ending date). Staffing is provided seven days a week weather conditions permitting. Hours of service run from noon (previous was 11:30 a.m.) to 6:00p.m. (previous was 6:30 p.m.) all days of the week. Summer day use visitation for the two park areas exceeds 105,000 visitations annually.

This agreement is in the amount of \$32,600 which is \$11,799 less than the agreement presented on April 7th and is shown as Option A on the attached sheet. The 2009 budget includes \$42,000 for Lifeguard services. This option results in a 2009 budget savings of \$9,400.

Option B on the attached sheet reduces service by one more week. Option B is being shown for informational purposes.

ACTION REQUESTED:

Public Works- Parks recommends the County Board authorize Board Chair and County Administrator to sign the agreement with terms as per Option A.

FUNDING

County Dollars = \$32,600.00
Other Sources & Amounts =
= \$
TOTAL = \$32,600.00

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments:

Reviewed by Division Director

Date: 4/20/09

S:\Parks\BA and RES\Service Agreements\Lifeguards\RBA - Lifeguards 2009 042009.doc

BOARD OF COUNTY COMMISSIONERS CARVER COUNTY, MINNESOTA

DATE April 28, 2009
MOTION BY COMMISSIONER _____

RESOLUTION NO. _____
SECONDED BY COMMISSIONER _____

PROFESSIONAL SERVICE AGREEMENT BETWEEN MINNETONKA COMMUNITY EDUCATION AND CARVER COUNTY FOR LIFEGUARD SERVICES AT LAKE MINNEWASHTA AND LAKE WACONIA REGIONAL PARKS

BE IT RESOLVED, that the Carver County Board of Commissioners hereby authorize the Board Chair and the County Administrator to execute the Professional Service Agreement between Minnetonka Community Education and Carver County for Lifeguard Services at Lake Waconia and Lake Minnewashta Regional Parks.

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 28th day of April, 2009, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 28th day of April, 2009.

County Administrator



REQUEST FOR BOARD ACTION

AGENDA ITEM : Approval of Sheriff's Office Police Service Contract Staffing Changes

Originating Division: Sheriff's Office

Meeting Date: April 28, 2009

Amount of Time Requested: 10 minutes

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM:

The Sheriff's Office has signed police service contracts with 10 cities and 3 townships for 2009. These contracts differ somewhat from 2008 and require an adjustment to the Sheriff's FTE list to accommodate the changes as follows:

- Add 1 Lieutenant FTE
- Reduce 2 Deputy Sheriff FTE's
- Add 1 Community Service Officer FTE
 - This leaves 1.18 FTE to be provided with part time Community Service Officer hours

The board approved the 2009 Police Service Contracts and related financial changes to the Sheriff's budget on March 24, 2009.

ACTION REQUESTED:

The County Board hereby approves the following changes to the Sheriff's FTE list to fulfill obligations in the 2009 Police Service contracts:

- Add 1 Lieutenant FTE
- Reduce 2 Deputy Sheriff FTE's
- Add 1 Community Service Officer FTE
 - This leaves 1.18 FTE to be provided with part time Community Service Officer hours

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 Bud Olson (by Bob VanDenBroeke)

Date: April 10, 2009



REQUEST FOR BOARD ACTION

AGENDA ITEM : 2009-10 Budget Update/Voluntary Unpaid Time Off Personnel Policy Change

Originating Divisions:
Financial Services & Employee Relations

Meeting Date: 4/28/09

Amount of Time Requested: 10 minutes

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM:

The County's strong fiscal health is being challenged on two fronts: State Aid and the economic slowdown. County staff will provide an overall update on the strategies the County has developed to address these two budget challenges, along with a more detailed presentation on two of these strategies: Employee Suggestion Program and Voluntary Unpaid Time Off.

Voluntary Unpaid Time Off allows employees to take a limited number of hours off without pay while keeping their benefits in place. The savings in the situation includes wages and the employer share of Social Security and PERA. Granting such unpaid leave would work much like current leave with employees requesting it and needing supervisory approval. Such leave would not be approved in situations where granting the leave would require overtime payments to other employees, diminish grant or other funding streams or create customer service problems.

The attached policy change to allow Voluntary Unpaid Time Off covers the non-bargaining staff. AFSCME has also indicated an interest in such a program, and there may be limited application for it with Teamsters or LELS. The action requested includes both approval of the policy and the advance approval of the same arrangement with the bargaining units via Letter(s) of Agreement.

ACTION REQUESTED:

Motion to accept the Personnel Policy change to allow employees to use unpaid time off to reduce the salary burden on levy funds, and to allow the same sort of program for the unions via Letter(s) of Agreement.

FUNDING

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

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other: See comment below

Related Financial Comments:

The savings from such a program will be tracked and used to balance the 2009-10 Budgets.

Reviewed by Division Director
Doris M. Krogman, Employee Relations
David Frischmon, Finance Director

Date: 4/23/09



Carver County – Personnel Policy Manual

Leaves of Absence

SECTION: Benefits
AUTHORITY: Res.

EFFECTIVE:
REVISED:

Purpose

The County needs to define specific situations that may require an employee's absence from work, and the character (paid or unpaid) and quantity of the leave time for those situations.

Policy

There are specific situations in which the County grants paid or unpaid time off work.

1. **Funeral Leave:** Leave with pay not deducted from sick leave, vacation or compensatory time, to a maximum of: five (5) days shall be granted upon the occasion of the death of a spouse or child; three (3) days shall be granted upon the occasion of the death of a remaining member of the employee's immediate family. For purposes of this policy, immediate family includes step-children, ward, parents and siblings. Sick time may be granted for additional days related to such a funeral.

An employee may use up to three (3) days of sick leave when a death occurs outside the immediate family to the in-laws of the persons listed in item number one above. An employee may also use up to three (3) days of sick leave if the employee can establish a relationship with the deceased similar to that of the immediate family. Such leave shall be granted at the discretion of the supervisor.

An employee may use one (1) day of sick leave at the death of a grandparent or spouse's grandparent, or a grandchild.

A non-bargaining employee may use one (1) day of sick leave, per calendar year when a death occurs beyond their members listed above, to include aunts, uncles, nieces, nephews, or godchildren.

A non-bargaining employee may be granted up to three (3) hours of leave with pay, not deducted from sick leave, vacation or comp time, upon the death of a co-employee, subject to the needs of the division as determined by the supervisor.

2. **Military Leave:** In accordance with State and Federal laws, any employee required by official military orders or related authority to attend Military Reserve Training shall receive full pay at base wage rate for the period of active duty required for such training, not to exceed fifteen (15) consecutive days per year. Military leave in excess of fifteen (15) days in a calendar year may be provided without pay.

Extended Military Leave: In accordance with State and Federal laws, employee shall be entitled to a military leave of absence without pay of up to four (4) years for service in the armed forces of the United States. Reinstatement to a comparable position shall be made upon the request of an employee within ninety (90) days of their discharge from active duty.

3. **Court Appearances:** Employees called for jury duty shall receive their normal compensation for days they are scheduled to work. Any payments, per diem or fees, excepting expenses, shall be remitted to the County. If an employee is excused from court duty prior to the end of the work shift, the employee shall return to work as directed by the County or make arrangements for a leave, with or without pay.

Employees subpoenaed as a witness in an official capacity or for County related business will receive their normal compensation, less any fees exclusive of expenses, unless the action is instituted by the employee.

Any other absence to testify in litigation, not in the status of an employee, shall not qualify for any compensation and the employee shall arrange for a leave, with or without pay. Any party to a lawsuit, not connected to County duties shall not qualify for compensation and the employee shall arrange for a leave, with or without pay.

4. **Family and Medical Leave of Absence:** The Family & Medical Leave Act of 1993 permits eligible employees (as defined under the Act) to take up to twelve (12) weeks of leave during a twelve (12) month period for the following reasons: Birth of a child; placement of a child with the employee for adoption or foster care; for a serious health condition (as defined under the Act) which makes the employee unable to perform his/her job; to care for the employee's spouse, son or daughter, or parent (as defined under the Act).

Employees eligible for a Family & Medical Leave are employees who have been employed by the County for at least twelve (12) months and who have worked at least 1,250 hours during the twelve (12) month period immediately preceding the leave. Employees who do not qualify for a Family & Medical Leave may qualify for a parenting or disability leave.

Employees are required to request the leave through the Employee Relations Division at least thirty (30) days in advance where the leave is foreseeable. If circumstances require that the leave begin in less than thirty (30) days, employees must notify Employee Relations as soon as practicable.

If the leave is for a medical reason, the requesting employee must provide a medical certification to the Employee Relations Division in a timely manner. The certification must state the date of onset of the leave, the probable duration of the leave and the appropriate medical facts concerning the leave. If the leave is for the employee's own serious health condition, the certification must also state that the employee is unable to perform the functions of his/her position. If the leave is to care for an ill or injured family member, the certification must state that the employee is needed to care for the family member and include an estimate of the amount of time needed. The County reserves the right to require a second and third medical opinion (at the County's expense) and to require recertification, at reasonable intervals, of the continuing need for the leave. The County also reserves the right to require a fitness for duty medical certification at the end of a leave taken for the employee's own serious health condition.

Employees using a Family & Medical Leave must exhaust all appropriate paid leave benefits (vacation, floating holidays, compensatory time, and sick leave when appropriate) before converting to an unpaid leave. During the leave, the County will maintain the employee's group health benefits so long as the employee continues to make any required premium co-payments in a timely manner.

Employees, except key employees (as defined under the Act), will be able to return to their original or an equivalent position upon return from the leave. The County reserves the right to deny reinstatement to key employees when such denial is necessary to prevent serious economic injury to the County.

Employees should contact the Employee Relations Division for additional information about Family & Medical Leaves.

5. **Personal Leaves Without Pay:** A leave of absence for reasons other than disability may be granted to an employee requesting such a leave in writing. A Division Director may approve a personal leave of absence for a maximum of ten (10) work days. A request for leave of more than ten (10) days, up to and including thirty (30) days, shall require the approval of the Employee Relations Division Director. A leave in excess of thirty (30) days shall require the approval of the County Administrator. Such leaves shall not exceed one (1) year, unless extended by mutual agreement of the County Administrator, the employee, and the Division Director. Upon return from an unpaid leave of absence, the employee will be offered the first available like or similar position.

Vacation leave, compensatory time and floating holidays must be exhausted prior to approval of any unpaid personal leave, excepting a leave of absence for a campaign for political office.

Sick leave, vacation and seniority shall not accumulate during any unpaid leave of absence exceeding ten (10) days. Any accrued amounts of sick leave shall remain on the record at the inception of the leave and shall continue upon the return of the employee. Health insurance benefits shall cease at the end of the month in which the leave begins and will resume upon completing the eligibility and/or waiting period requirement. Subject to

applicable law and insurance policy provisions, the employee has the right to maintain coverage, at the employee's total expense, during the personal leave. Failure to comply with the return-to-work date established for the leave, or to request an extension from the Division Director within five (5) days prior to the expiration of the leave shall be grounds for termination.

6. Voluntary Unpaid Time Off (UTO) Program: As a means to save County levy funds, the County allows full-time employees to take up to 80 hours per year time-off-without-pay as voluntary salary savings measure. Within these parameters, the UTO does not impact leave accruals or benefit status. Part-time employees may take a prorated amount based on their budgeted FTE.

- Each Division or Office is responsible for managing UTO for staff.
- UTO should not be granted if it creates drastic reductions in providing citizens the services they need.
- UTO should not be granted in areas with roles or schedules where granting such leave reduces or eliminates revenue, or requires the payment of overtime to another employee.
- Employees request UTO in the same manner as any other time off, and must receive approval from their supervisors before using the time.
- The minimum amount of UTO to be taken on a single day will be four (4) hours.
- UTO may be taken in a block of several days if approved by the supervisor.
- UTO code will not affect the Vacation or Sick Leave accruals or alone disqualify an employee from other benefits. However, to ensure benefits are not reduced when using UTO it must be coded as appropriately on the timecard.
- For exempt employees during a week in which the employee is taking UTO, the employee must be treated as a non-exempt employee for that week, meaning they need to be paid for all hours worked in that week. Any hours worked above forty (40) in a week for these employees would be considered overtime to be compensated at the appropriate rate. For this reason, it is best for exempt employees to take UTO in larger blocks, not several 4-hour blocks.
- The Employee Relations Division Director shall conduct an annual evaluation of the program to evaluate its impact on the organization and to recommend its continuation or discontinuation.

7.-6: Work Related Injury: An employee temporarily disabled from work due to an injury or illness sustained directly in the performance of the employee's work with the County shall be eligible for Worker's Compensation subject to the following: All injuries or illness must be reported to the supervisor on the date of the injury or as soon as possible thereafter.

Sheriff's Office Line of Duty Injury: A Sheriff's Chief Deputy, Commander or Lieutenant who is injured in the line of duty will continue to receive full pay for the first ninety (90) working days lost due to the injury, less any workers' compensation or other benefits paid to the Chief Deputy, Lieutenant or Commander. After the first ninety (90) working days, the Chief Deputy, Lieutenant or Commander may utilize accumulated sick leave and vacation to supplement other compensation up to the equivalent of full pay.

If a Chief Deputy, Lieutenant or Commander performs services as required by the Sheriff's rules, whether or not "on Duty" and is injured in the course of performing such duties, the Chief Deputy, Lieutenant or Commander will be eligible for the benefits outlined in this paragraph.

The aforementioned ninety (90) days must be used within twelve (12) months of the date of the injury.



REQUEST FOR BOARD ACTION

AGENDA ITEM : Closed Session, Labor Negotiations Strategy

Originating Division: Employee Relations

Meeting Date: 4/28/09

Amount of Time Requested: 30 minutes

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM:

All of the Collective Bargaining Agreements (CBAs) in the County are in place through 2009. Minn. Stat 13D.03 subd. 2 allows a public entity to go into a closed session to plan and discuss its strategy to enter into negotiations of initial and subsequent labor agreements.

For a number of reasons Employee Relations is interested in opening negotiations earlier than usual this year.

The requested action is to enter into a closed session to plan the strategy for the 2010 & forward negotiations with AFSCME, LELS and Teamsters.

ACTION REQUESTED:

Motion to go into closed session to discuss Labor Negotiation strategies.

Following the closed session, motion to return to regular session.

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

Doris M. Krogman

Date: 4/17/09



REQUEST FOR BOARD ACTION

AGENDA ITEM : Land Acquisition Lake Waconia Regional Park

Originating Division: Public Works/Parks

Meeting Date: April 28, 2009

Amount of Time Requested: 25 Minutes

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM: On December 2, 2008 the County Board authorized the appraisal review of Parcel 070181100 located at 9550 Paradise lane to consider the possible acquisition of the 1.5 acre parcel. The area is located within the boundary of Lake Waconia Regional Park. Carver County as an Implementing Regional Park Agency of the Metropolitan Council and works to acquire recreational lands consistent with approved Metropolitan Council Policy Plan and with approved park master plans.

ACTION REQUESTED: Motion to enter into closed session according to Minnesota Statutes Section 13D.05 in order to discuss confidential appraisal data and to consider and develop an offer for the purchase of real property.

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 *William J. Weber* Date: 4/20/09

S:Parks/BA RES/LWP /Country Store/



REQUEST FOR BOARD ACTION

AGENDA ITEM : Union Pacific Rail Line Chaska Industrial Lead

Originating Division: Public Works/Parks

Meeting Date: 4-28-09

Amount of Time Requested: 20 Minutes

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM

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

ACTION REQUESTED: Motion to enter into closed session according to Minnesota Statutes Section 13D.05 in order to discuss confidential appraisal data and to consider and develop an offer for the purchase of real property.

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 *William J. Weckman*

Date: *4/20/09*

S:Parks/BA-RES/Union Pacific Railroad Chaska Industrial Lead/ LWP Parcel 9550 Paradise Lane



REQUEST FOR BOARD ACTION

AGENDA ITEM : Discussion of Water Plan Update

Originating Division: Land Water Services

Meeting Date: April 28, 2009

Amount of Time Requested: 30 Minutes

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

WATER PLAN – Staff has previously updated the Board on the required water plan update process and content. The goal is to have the update complete near the end of 2009. Staff is requesting further discussion with the board on the schedule, the input process, twp involvement, and plan content.

ACTION REQUESTED:**FUNDING**

County Dollars = \$

Other Sources & Amounts =

= \$

TOTAL = \$*Related Financial Comments:***FISCAL IMPACT** None Included in current budget Budget amendment requested Other:**X Reviewed by Division Director****Date: 17 April 2009**

**CARVER COUNTY WMO
2009 WATER MANAGEMENT PLAN OUTLINE & SCHEDULE
April 28 Board Work Session**

1. **DRAFT Main Plan Contents** (* = CONTENT IN DISCUSSION WITH WENR COMMITTEE TO DATE)
 - a. **Surface Water Management**
 - i. **Impaired Waters** (TMDLs) - new section to address TMDL program
 - ii. **Shoreland Management**
 - iii. **Floodplains** - Rules require 1 to 1 mitigation for floodplain fill - include in Plan
 - iv. **Ditch management** - Plan does not currently address ditches - no direction has come from Policy committee or WENR as of this date
 - v. **Waterbody Outlets & Control Structures**
 - b. **Urban Stormwater Management***
 - i. **Stormwater Design Standards** - new construction - raise treatment standards to lower downstream impact
 - ii. **NPDES requirements**
 - iii. **Construction Site and Erosion and Sediment Controls**
 - iv. **Urban Land Use Practices** - clearer cost share policy
 - v. **Industrial & Point Source Pollution**
 - c. **Wetland Management***
 - i. **Wetland Functional Value Assessment**
 - ii. **Wetland Conservation Act**
 - iii. **Wetland Standards** - update setbacks (currently listed as buffers in existing plan) for new construction - to match city & state standards
 - iv. **Prioritizing Wetland Restoration Opportunities** - new - help to guide programs & funding
 - d. **Agricultural Practices**
 - i. **Feedlots**
 - ii. **Conservation Practices**
 - e. **Sanitary Sewer Discharge**
 - i. **Subsurface Sewage Treatment Systems** - update to include direct discharge program
 - ii. **Urban Discharges (Wastewater Treatment Plants)**
 - f. **Upland Natural Resources***
 - i. **Natural Resource Assessment** - inventory & assessment of natural resources - used to guide restoration efforts and to guide and support funding efforts
 - g. **Groundwater**
 - i. **Wellhead Protection**
 - ii. **Private and Unused, Unsealed Wells**
 - iii. **Water Appropriation and Conservation**
 - h. **Solid and Hazardous Waste**
 - i. **Education**
 - j. **Monitoring & Assessment**

2. Administration

- a. **Organization/Structure** - combine Crow River & Pioneer Sarah; combine East & West Chaska Creeks; look at boundaries with other water management agencies
- b. **Financing** - change taxing districts to match the combinations above; clearly describe funding mechanisms for capital and cost share projects
- i. **CIP** - conform to BWSR standards; make clear distinction between capital projects and cost share and other non-capital projects; establish procedures
- c. **Amendment Procedures**

PROPOSED GENERAL SCHEDULE (SUBJECT TO CHANGE)

(note: Public input from the NR element of Comp Plan occurred April 2008 to current is being used. Water, environment, natural resources Committee (WENR) has been discussing plan content during 2008 and early 2009.)

January - May 2009 - Development of draft approach to issues

- Full WENR committee
- WENR Policy and Technical Sub-committees
- County board work sessions
- Initial LGU input (includes townships & cities)
- Initial state agency input

June - July 2009 - Review of draft language and initial plan

- Full WENR committee
- WENR Policy and Technical Sub-committees
- County board work sessions
- LGU input (includes townships & cities)
- State agency input

August - December 2009 - official review period

- 60 day review period for LGU's, state agencies, adjacent jurisdictions & public
- BWSR review period (could extend up to 90 days)

December 2009 -February 2010 - Plan adoption (depending on amount of revisions)

- County Board approval of plan (Date TBD)

PROPOSED TOWNSHIP INPUT

Townships are required to adopt a local water mgmt plan. Currently all have chosen to adopt CCWMO plan to meet this requirement. If they choose to continue this method, input into the plan update is needed.

Full township meeting (est. June)

Individual Township meetings (May-July)

Plan copies (1 to clerk and available on website?)

Comment period (August -Sep)

Review of final at individual twp meetings, full meeting, or both (TBD)