

Carver County Board of Commissioners  
 Regular Session  
 August 4, 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"> <li>a) <b>CONVENE</b></li> <li>b) <i>Pledge of Allegiance</i></li> <li>c) <i>Public participation (comments limited to five minutes)</i></li> <li>d) <i>Introduction of New Employees</i></li> </ul>	
	2.	Agenda review and adoption	
	3.	Approve minutes of July 28, 2009 Regular Session .....	1-5
	4.	Community announcements	
9:15 a.m.	5.	<b>CONSENT AGENDA</b>	
	5.1	Approval of tax forfeit land sale to City for authorized public purpose .....	6-11
	5.2	Approval to withhold tax forfeit land for public use .....	12-21
	5.3	David and Heidi Handt-request for an equestrian facility .	22-26
	5.4	Amendment to Public Health Preparedness and Cities Readiness Initiative Grant .....	27-28
	5.5	Community Social Services' warrants .....	NO ATT
	5.6	Commissioners' warrants.....	SEE ATT
9:20 a.m.	6.	<b>ADMINISTRATION</b>	
	6.1	Minnesota Inter-County Association Annual End of Session report.....	29
9:45 a.m.	7.	<b>PUBLIC WORKS/PARKS</b>	
	7.1	<i>Public hearing</i> – To amend Chapter 91, General Regulations-Vehicle permits Ordinance 65-2009 .....	30-33
10:00 a.m.	8.	<b>LAND AND WATER SERVICES</b>	
	8.1	Waconia Event Center sewage treatment system update.....	34
	8.2	Review of the Transportation Plan and Surface Water Management Elements of the Comprehensive Plan.....	35
11:45 a.m.	9.	<b>EMPLOYEE RELATIONS</b>	
	9.1	Closed Session-labor negotiations strategy .....	36
12:30 p.m.		<b>RECESS TO 4:00 P.M.</b>	



A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on July 28, 2009. Chair Gayle Degler convened the session at 9:19 a.m.

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

Members absent:

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

Ische moved, Degler seconded, to approve the minutes of the July 14, 2009, Regular Session. Motion carried unanimously.

Community announcements were made by the Board.

Ische moved, Lynch seconded, to move consent agenda item to 5.3 to 6.0 and to approve the following consent agenda items:

Approved tobacco license #10-628, Walgreens #12434.

Approved acceptance of the Family Homeless Prevention and Assistance Program Grant from the Minnesota Housing Finance Agency in the amount of \$275,000 for two years for Carver and Scott Counties.

Resolution #51-09, County Board Acknowledgment SAP 10-599-16 Final Payment.

Authorized Chair and Administrator to the sign joint powers agreement between Carver County and the City of Carver for CSAH 40 design and reconstruction.

Authorized the Chair and Administrator to the sign joint powers agreement between Carver County and McLeod County for CSAH 30 professional services.

Community Social Services' actions.

Approved payment of the following Commissioners' warrants:

INSERT

Motion carried unanimously.

Bill Weckman, Public Works, requested Board authorize the advertising of bids and to set bid opening date for the Laketown Road base stabilization and overlay project. He stated he was placing this item on the agenda at this time as the advertising process takes over four weeks and they were running out of time to get this project completed this year. He noted a condition was



holding up the joint powers agreement with the Township and a meeting has been scheduled for August 13<sup>th</sup> to discuss the issue with the Township. He noted the option to accept or reject the bids.

Jim Keeler, County Attorney, continued to advise the Board that they not proceed with taking control of Laketown Road until all outstanding issues with respect to the right of way have been resolved to the satisfaction of the County. He suggested they continue to work to resolve the issue.

Weckman pointed out the advertising and engineering costs that will be incurred if the project does not move forward.

Chair Degler recognized the County's moving forward on this agenda item was a good faith effort to meet the County's responsibilities under the joint powers agreement and they encouraged the Township to do the same. Ische acknowledged the receipt of the Township's previous petition to take over the road and the tight timeline to get this resolved.

Ische moved, Lynch seconded, to allow the placing of the advertising for bids and to set the bid opening date to August 31, 2009, at 2:30 p.m. for the Laketown Road base stabilization and overlay project. Motion carried unanimously.

The Board thanked Mr. Weckman for the additional work he did while serving as the Public Works Interim Director over the last several months.

Dave Drealan, Land and Water Services, requested the Board authorize sending out and posting the re-drafted Parks, Open Space and Trails Plan on the website. He explained the redrafted plan addresses the comments from the public and other units of government. Drealan indicated they have attempted put together a document that addresses the local needs and the items that are needed on a regional level.

He noted the transportation plan, and considering the limited comments received, questioned if the Board also wanted to review it prior to it being released. The Board agreed they would like to review and Drealan indicated he would bring it back next week.

Paul Moline, Land and Water Services, explained the key points that have changed in the Parks Plan and stated they were asking for authority to send it out to the Townships and Cities. He stated the previous version had a Park System Plan and since that time they have attempted to separate the two documents and not include the Park System Plan as part of the 2030 comprehensive plan.

He stated references to all conservation corridors have been removed. He indicated there was no reference to a Crow River Regional Park search area. Moline noted the Coney Island, Miller Lake and Minnesota River Bluff search area remain and these are in the Regional Park Plan.

He highlighted the maps that identify the regional search areas and the map that outlines the DNR, Fish and Wildlife and Minnesota Landscape Arboretum.

He explained the text describing the search area location. Moline pointed out the text does not describe a specific location but general vicinity. He stated they tried to balance what the overall needs of the public are vs. individual owner rights. He indicated that the plan language emphasizes landowner willingness as a necessary component of park acquisition. He indicated they received a request from a township to have the approval authority for future park designations.

The Board discussed whether a township has veto power if there is a willing landowner. They acknowledged the language included attempts to accommodate the concerns of the township. They agreed purchasing land from only willing landowners may not raise any concerns and agreed it was good to get the township's input.

The Board discussed whether the text and circle illustrating the Miller Lake search area was too vague, what impact this may have on a property and whether this could be used to deny something in the future. Moline stated the previous circle was wider and the general idea was to wait for a willing landowner and is dependent on what a landowner wants to do.

He stated they try to balance recognizing a search area but not draw a specific area to include or exclude any parcel as they do not know what opportunities may occur in the future. He referenced the Miller Lake illustration that the Met Council currently uses. He stated that the Board has the option to use the similar sized circle as the Met Council plan indicates.

The Board inquired on the affects to property when land has been designated as a Park search area. Moline explained the current zoning would not change or preclude a land use. He stated designating a park area allows the County to have access to funds to allow the County to purchase.

Marty Walsh, Parks, clarified once there is an agreement where a Park may be located, there is a public process to establish the boundaries with ultimate approval of the County Board. He stated a search area opens up the possibility of regional funding and boundaries are set in the master plan. The Board questioned the impact on land values when land is designated for a park. He stated the land value is based on its highest and best use when the property is purchased.

Moline clarified, even after this is adopted, anything that fits into the County ordinance and land use around Miller Lake is not precluded from happening.

Walsh stated the Miller Lake area was part of the 2000 comp plan update and it was then recognized regionally by the Met Council.

Steve Taylor, Administrative Services, recognized the sensitivity in drawing lines and suggested the circles were meant to be representative of general areas and not a specific area.



The Board recognized with the current economic times and required 25% County contribution it may take time considerable time before these areas actually become designated park areas.

Moline pointed out they would still need to have Met Council review and approve the use of the draft text and maps.

Moline reviewed the text related to the Minnesota River Bluffs and Western Carver County destination trail corridors. He stated the western destination trail is described as making a connection between Norwood Young America, Baylor Park, Dakota Trail and the Luce Line trail. He indicated the focus in the 2030 timeframe is on establishing trails as growth occurs and as a City annexes. Moline pointed out the language added at the request of Watertown Township. He indicated, if funding is available before a City annexes, language is included that the trail be established along the Highway 25 right of way.

The Board inquired on the language and sketch referencing the possible widths of a trail which follows a rail to trail corridor. Walsh stated the different widths of a trail may allow for future consideration for another transportation purpose and provide ability for the cities to enhance green space. Walsh clarified the intent is not to change the boundaries along the current corridors. Drealan clarified the sketch was included to illustrate what the trail might look like and it could be removed. The Board agreed to have the illustration showing a rail to trail corridor and reference to width removed.

The Board inquired about the right of way based trail graphic and the reference to right of way widths. Bill Weckman, Public Works, stated the County has not gotten into trails in the past and he sees this as an illustration. He stated the transportation plan is the area where more details are included on right of way widths which do vary based on road function. The Board agreed that the plan should make a reference to the roadway systems plan and the right of way designations there as these would be the guiding numbers.

Moline pointed out revisions to the implementation plan. He stressed the language that was included that states land acquisition would be based on opportunities with willing landowners. He added, if anything was to occur, funding was key and referenced potential funding sources.

Ische moved, Lynch seconded, to authorize the distribution of the redrafted Parks, Open Space and Trails Comprehensive Plan Element with the revisions noted. Motion carried unanimously.

Sonja Wolter, Loss Control Specialist, introduced representatives from the Minnesota Counties Insurance Trust and explained they would be submitting their annual report.

Jane Hennagir, MCIT, explained dividend notices would be coming out this week and acknowledged the County's involvement for nearly 30 years. She stated MCIT's focus has changed from getting claims paid to managing risk and controlling losses.

She stated MCIT was a joint powers entity and pointed out the benefits of joint risk sharing. Henagar explained membership benefits include coverage that is tailored to meet specific County needs, stable rates and dividends. She noted accidents continue to be the most frequent type of loss while not the most severe. The most frequent type of worker's compensation claim tends to be lifting. She reviewed the County's workers comp costs and dividends.

She pointed out resources available through MCIT and thanked Carver County for its continued partnership.

Under public participation, Merle Ekstrom, Chaska, questioned transfers he believed occurred and signatures that were on a Quit Claim Deed that he believed were not his. Chair Degler indicated they would follow up on the issue.

David Frischmon, Finance, introduced Rick Clark from the State Auditor's Office and explained Mr. Clark would be presenting the State Auditor's Management and Compliance Report. He explained the County's 2008 Comprehensive Annual Financial Report sets forth the County's financial positions and the results of operations and cash flows.

Clark reviewed with the Board the State Auditor's responsibilities under auditing standards. He stated Carver County was determined to be a low risk auditee.

He stated total assets increased primarily due to highway projects and long term debt increased due to the 2008 CIP bonds. He explained the revenue and expenditure increase and highlighted sources of revenue over the last five years. He stated intergovernmental revenue decreased and investment income was down.

Clark reviewed changes to fund balance in the general, road and bridge, Social Service, debt service and CIP funds. He pointed out the recommended fund balance of 35 to 50% of revenues or five months of expenditures and recognized the increase in fund balance designations.

The Board thanked Mr. Clark for his review and update.

Lynch moved, Ische seconded, to go into closed session at 11:40 a.m., according to MSA 13D.05, in order to discuss confidential appraisal date and to receive an update on the status of an offer to purchase property, Lake Waconia Regional Park. Motion carried unanimously.

The Board adjourned the closed and Regular Session at 12:20 p.m.

David Hemze  
County Administrator

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



# REQUEST FOR BOARD ACTION

**AGENDA ITEM:** Approval of Tax Forfeit Land Sale to City for Authorized Public Purpose

Originating Division: Property Records Taxpayer Services Meeting Date: August 4, 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**

Applications have been received from the City of Chanhasen to purchase parcels which had been forfeited for non-payment of taxes for an authorized public purpose on a State Purchase Deed. See the attached listing (Exhibit A) of parcels being purchased.

**ACTION REQUESTED:** Please review and approve by resolution the attached request by the City of Chanhasen to withhold from public sale and purchase these parcels of tax-forfeited land for an authorized public purpose according to the provisions in State Statute MS 282.01, Subd. 6..

**FUNDING**

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

**FISCAL IMPACT**

None  
 Included in current budget  
 Budget amendment requested  
 Other:

*Related Financial Comments:*

Reviewed by Taxpayer Services Manager

Date: 7-23-09



**CERTIFICATE OF COUNTY BOARD OF CLASSIFICATION OF FORFEITED  
LANDS AS PROVIDED BY CHAPTER 386, LAWS 1935  
AS AMENDED.**

To the Board of the City of Chanhassen

We, the members of the County Board of the County of **CARVER**, Minnesota, do hereby certify that the parcels of land hereinafter listed are all of the lands which have been classified by us as Non-Conservation Lands, from the list of lands forfeited to the State of Minnesota for non-payment of taxes for the year or years **2000 through 2007** as provided by Minnesota Statutes 1945, Section 282.01 as amended.

PID#/Legal Description	Appraised Value of Land	Conservation / Non-Conservation
25.1600550 Lot 643, Carver Beach	\$200	Non-Conservation
25.1600600 Lot 673, Carver Beach	\$200	Non-Conservation
25.2510280 Outlot A, Country Oaks	\$200	Non-Conservation
25.5300380 Outlot C, Mission Hills	\$100	Non-Conservation

In witness whereof we have here unto subscribed our names this 14 day of April, 2009.

James Ische \_\_\_\_\_  
 Randy Maluchnik \_\_\_\_\_  
 Gayle Degler \_\_\_\_\_  
 Tom Workman \_\_\_\_\_  
 Tim Lynch \_\_\_\_\_  
 Attest: Laurie Engelen \_\_\_\_\_  
 Taxpayer Services Department Manager

The foregoing classification and sale is hereby approved on \_\_\_\_\_, 2009  
 By the Board of the City of Chanhassen.

City requests to purchase all  
4 parcels for authorized  
public purpose.

Filed this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

Laurie Engelen, Manager  
 Carver County Taxpayer Services

Drafted By: Carver County Taxpayer Services Dept.  
 Administration Building  
 600 E 4<sup>th</sup> St  
 Chaska, MN 55318-2102

By: \_\_\_\_\_  
 Deputy

**EXHIBIT A**

<b>CITY OF CHANHASSEN:</b>	R25.1600550	Lot 643, Carver Beach
	R25.1600600	Lot 673, Carver Beach
	R25.2510280	Outlot A, Country Oaks
	R25.5300380	Outlot C, Mission Hills

Per the City of Chanhassen, all of the above parcels of land are adjacent to City owned property.

**CITY OF CHANHASSEN  
CARVER AND HENNEPIN COUNTIES, MINNESOTA**

**DATE:** May 26, 2009 **RESOLUTION NO:** 2009-44

**MOTION BY:** Ernst **SECONDED BY:** Litsey

**A RESOLUTION APPROVING THE CLASSIFICATION OF TAX-FORFIETED LANDS  
AS NON-CONSERVATION AND DENYING THE PUBLIC SALE OF SAID LANDS**

**WHEREAS**, Carver County has determined that the following parcels, identified by PID, shall be classified as non-conservation land and be put out for public sale: 25.1600550, 25.1600600, 25.2510280, and 25.5300380. Said classification being transmitted to the City on April 27, 2009.

**WHEREAS**, Minnesota Statutes, Section 282.01 requires that the classification or reclassification and sale must first be approved by the City in which the lands are located.

**WHEREAS**, the City is considered to have approved the classification or reclassification and sale if the county board is not notified of the disapproval of the classification or reclassification and sale within 60 days of the date the request for approval was transmitted to the City.

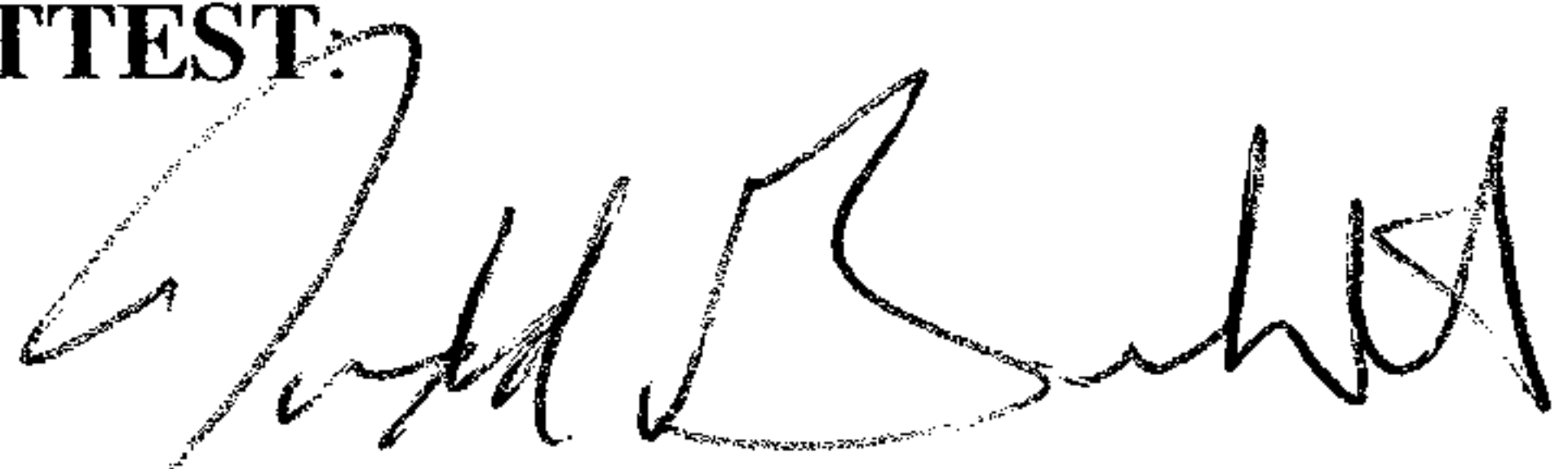
**WHEREAS**, all of the listed properties are adjacent to City owned property.

**WHEREAS**, the City wishes to acquire the parcels for authorized public purpose.

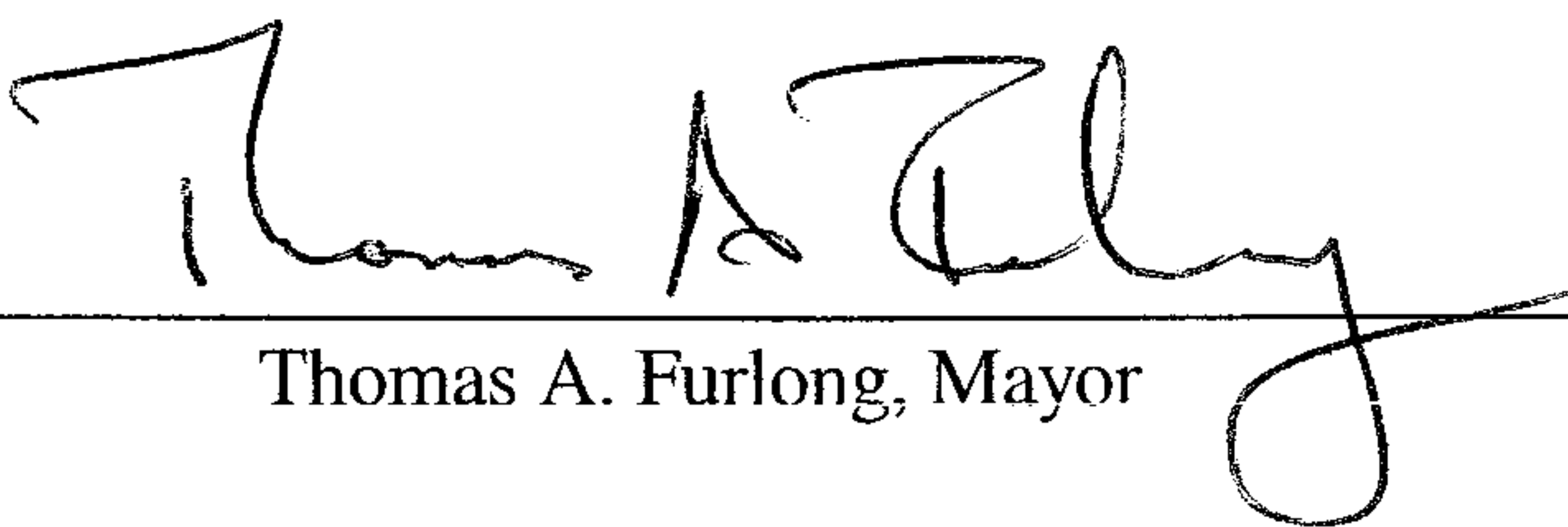
**NOW, THEREFORE, BE IT RESOLVED** that the Chanhassen City Council hereby approves the classification of the above described land as non-conservation, but denies the public sale of said lands; and rather would receive the property for public uses and authorizes the completion and submittal of the Application by a Governmental Subdivision for Conveyance of Tax-Forfeited Land.

Passed and adopted by the Chanhassen City Council this 26<sup>th</sup> day of May, 2009.

**ATTEST:**



Todd Gerhardt, City Manager



Thomas A. Furlong, Mayor

**YES**

Ernst

Litsey

McDonald

Tjornhom

**NO**

**ABSENT**

Furlong



# BOARD OF COMMISSIONERS CARVER COUNTY, MINNESOTA

DATE \_\_\_\_\_

RESOLUTION NUMBER \_\_\_\_\_

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

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

## APPROVAL OF TAX FORFEITED LAND SALE TO A CITY FOR AN AUTHORIZED PUBLIC PURPOSE

WHEREAS, The Carver County Board of Commissioners, State of Minnesota, has reviewed the applications by the City of Chanhassen for the sale of tax-forfeited lands for an authorized public purpose as listed on the attached listing (Exhibit A).

WHEREAS, Said parcels of land have been reviewed by the Carver County Board of Commissioners and have been appraised by the Carver County Assessor's Office and classified as conservation or non-conservation lands as provided for in Minnesota Statutes §282.01.

NOW THEREFORE, BE IT RESOLVED, The Carver County Board of Commissioners hereby certifies that the parcels of land on the attached list have been reviewed and do comply with the provisions of Minnesota Statutes §282.01, Subd.6 and other statutes that require the withholding of tax-forfeited lands from sale.

BE IT FURTHER RESOLVED that the Carver County Board of Commissioners hereby approves the applications submitted by the City of Chanhassen for sale and conveyance to the City of Chanhassen for an authorized public purpose.

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 proceeding of the Board of County Commissioners, Carver County, Minnesota, at its session held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, now on file in the Administration office, and have found the same to be true and correct copy thereof.

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

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

## EXHIBIT A

<b>CITY OF CHANHASSEN:</b>	R25.1600550	Lot 643, Carver Beach
	R25.1600600	Lot 673, Carver Beach
	R25.2510280	Outlot A, Country Oaks
	R25.5300380	Outlot C, Mission Hills

Per the City of Chanhassen, all of the above parcels of land are adjacent to City owned property.



# REQUEST FOR BOARD ACTION

## AGENDA ITEM: Approval to Withhold Tax Forfeit Land for Public Use

Originating Division: Property Records Taxpayer Services Meeting Date: August 4, 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

Applications have been received from the City of Carver and the City of Watertown to withhold parcels from public sale which had been forfeited for non-payment of taxes. They now wish to apply to the State of Minnesota for issuance of a State Use Deed, free of charge, for an authorized public use. See the attached listing (Exhibit A) of parcels including the intended public use.

Also attached are the individual Applications by a Governmental Subdivision for Conveyance of Tax-Forfeited Lands for an Authorized Public Use (Form PT962) and the resolutions submitted by the cities making application for state use deeds. Form PT962 requires board signature upon board approval for the city to withhold said parcel from sale.

**ACTION REQUESTED:** Please review and approve the attached request by the City of Carver and City of Watertown to apply for the withholding of these parcels of tax-forfeited land from public sale for an authorized public use as listed on the attached resolution.

### FUNDING

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

### FISCAL IMPACT

None  
 Included in current budget  
 Budget amendment requested  
 Other:

Related Financial Comments:

Reviewed by Taxpayer Services Manager

*Paul Engle*

Date: 7-23-09



**EXHIBIT A**

**CITY OF CARVER:**

R 20.0760120 Outlot A, Carver Bluffs Tenth Addition  
Purpose: Public Trail & Access to Regional Storm Water Facility

**CITY OF WATERTOWN**

R 85.3760040 W 60' of Tract C, Registered Land Survey No. 36  
Purpose: Public Trail/Park

**BOARD OF COMMISSIONERS  
CARVER COUNTY, MINNESOTA**

DATE \_\_\_\_\_

RESOLUTION NUMBER \_\_\_\_\_

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

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

APPROVAL OF CONVEYANCE OF TAX FORFEITED LAND TO CITIES, FREE OF CHARGE, FOR AN  
AUTHORIZED PUBLIC USE

WHEREAS, The Carver County Board of Commissioners, State of Minnesota, have reviewed the applications by the Cities of Carver and Watertown for conveyance of tax-forfeited lands for an authorized public use as listed on the attached listing (Exhibit A).

WHEREAS, Said parcels of land have been reviewed by the Carver County Board of Commissioners and have been appraised by the Carver County Assessor's Office and classified as conservation or non-conservation lands as provided for in Minnesota Statutes §282.01.

NOW THEREFORE, BE IT RESOLVED, The Carver County Board of Commissioners hereby certifies that the parcels of land on the attached list have been reviewed and do comply with the provisions of Minnesota Statutes §85.012, §92.461, §282.01, Subd.8, and §282.018, and other statutes that require the withholding of tax-forfeited lands from sale.

BE IT FURTHER RESOLVED, that the Carver County Board of Commissioners hereby approves the applications submitted by the cities of Carver and Watertown for conveyance for an authorized public use.

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 proceeding of the Board of County Commissioners, Carver County, Minnesota, at its session held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, now on file in the Administration office, and have found the same to be true and correct copy thereof.

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

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

**EXHIBIT A**

**CITY OF CARVER:**

R 20.0760120 Outlot A, Carver Bluffs Tenth Addition  
Purpose: Public Trail & Access to Regional Storm Water Facility

**CITY OF WATERTOWN**

R 85.3760040 W 60' of Tract C, Registered Land Survey No. 36  
Purpose: Public Trail/Park



Staple All Correspondence

**Application by a Governmental Subdivision for Conveyance of Tax-Forfeited Lands for an Authorized Public Use**  
(Minnesota Statutes, Section 282.01, Subdivisions 1a through 1e)

(Note: If the governmental subdivision has purchased the property, use PT Form 80)

In Carver County

Name of governmental subdivision (applicant): City of Watertown

Mailing address of applicant: PO Box 279 Watertown MN 55788

Date requested property was forfeited to the State: Sept 8 2008  
(month) (day) (year)

Legal description of property (include the name of the city/town in which the property is located):  
W 60' of Tract C, Registered Land Survey No. 36

Describe the intended public use to be made of the property (be specific, including statute or special law references, if relevant):

Park/Trail for use by general public

State the need for the property (be specific, e.g., why this property instead of some other property?):

The parcel was supposed to have been deeded to the City by a developer and has been used as a trail for over 10 years.

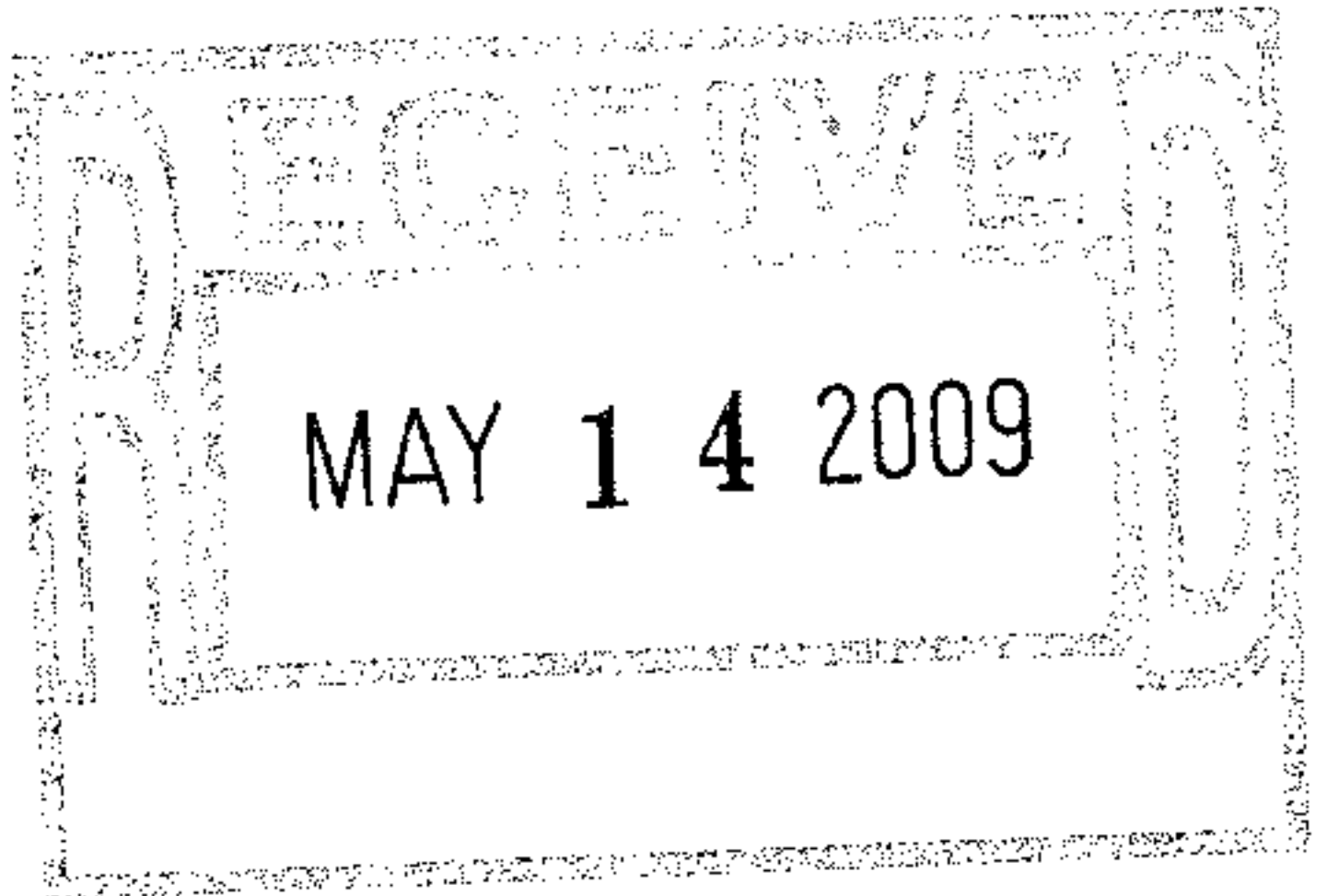
Please check the appropriate boxes below:

- correcting governmental subd. name and/or legal description original deed no. \_\_\_\_\_
- There are one or more wells on this property
- There are no wells on this property

(If recorded, please supply recording information.  
If not recorded, please return the original state deed.)

**A Wetland Certification Form Must Be Attached To This Application**

Return application to: MN Department of Revenue · Property Tax Division · Mail Station 3340 · St. Paul, MN 55146-3340



RESOLUTION No. 2009-05-12-1

CITY OF WATERTOWN

May 12, 2009

WHEREAS, the City of Watertown has been notified by the Carver County Auditor that the following parcel of property has been forfeited to the State of Minnesota for non payment of property taxes:

West 60 ft. of Tract C, Registered Land Survey No. 36  
City of Watertown, Minnesota  
PID 85.3760040

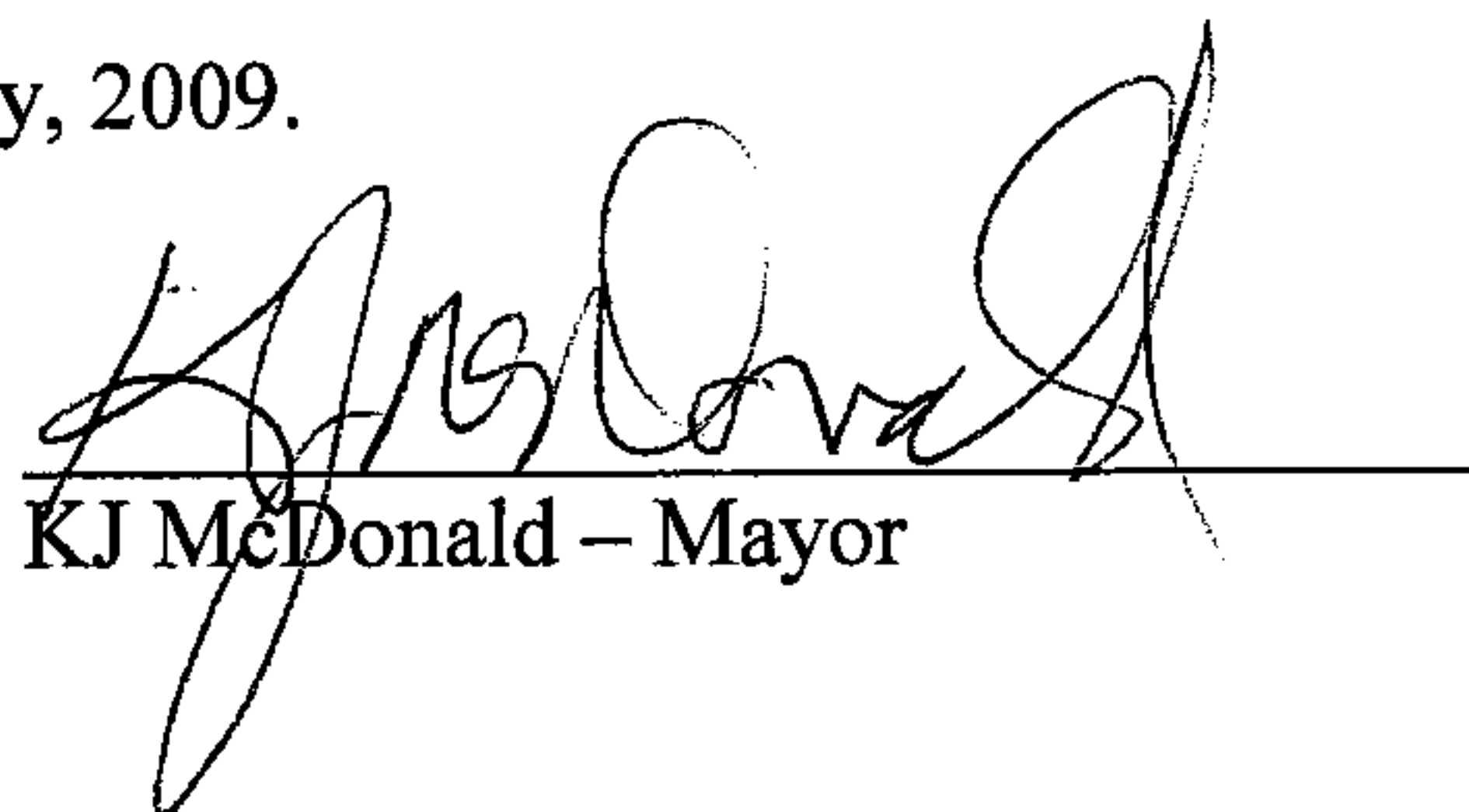
WHEREAS, a walking trail presently exists on said property which serves a portion of the City of Watertown, and

WHEREAS, it is necessary that such trail be continued for public use and, therefore, it is in the best interest of the city to acquire the ownership of said property to perpetuate such use.

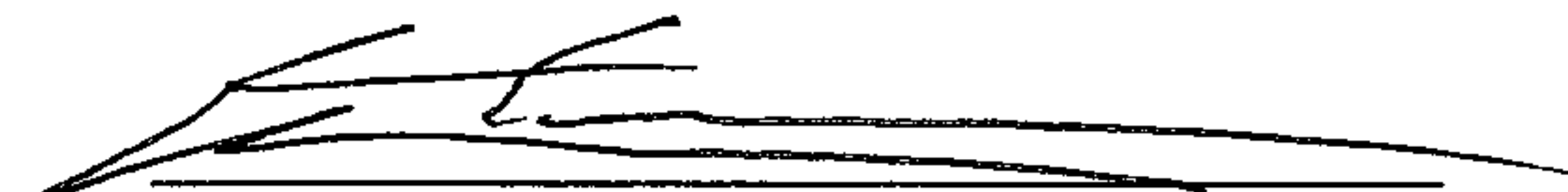
NOW, THEREFORE, be it resolved by the City Council of the City of Watertown as follows:

1. That the City apply to Carver County for conveyance to the City of the above described tax forfeited land for the public purpose stated.
2. That the City Clerk-Treasurer is authorized to complete the application by a governmental subdivision for conveyance of tax forfeited land for an authorized use and take such other action and execute such documents as required to obtain such land.
3. That the Clerk-Treasurer is authorized to expend such funds as necessary to pay for the filing fees as required by the Carver County Taxpayers Services to record the conveyances.

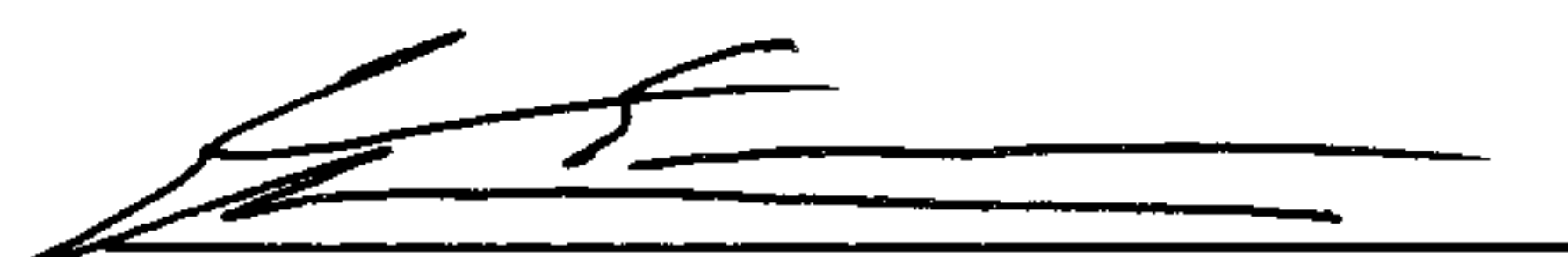
Adopted by the City Council this 12<sup>th</sup> day of May, 2009.

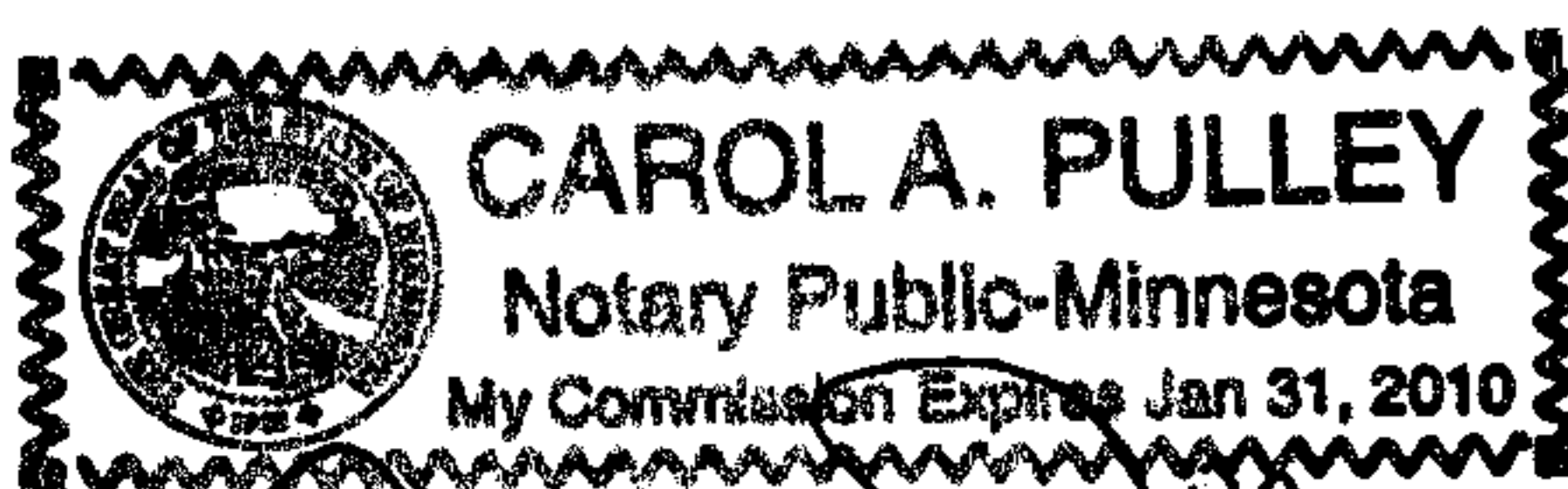
  
KJ McDonald – Mayor

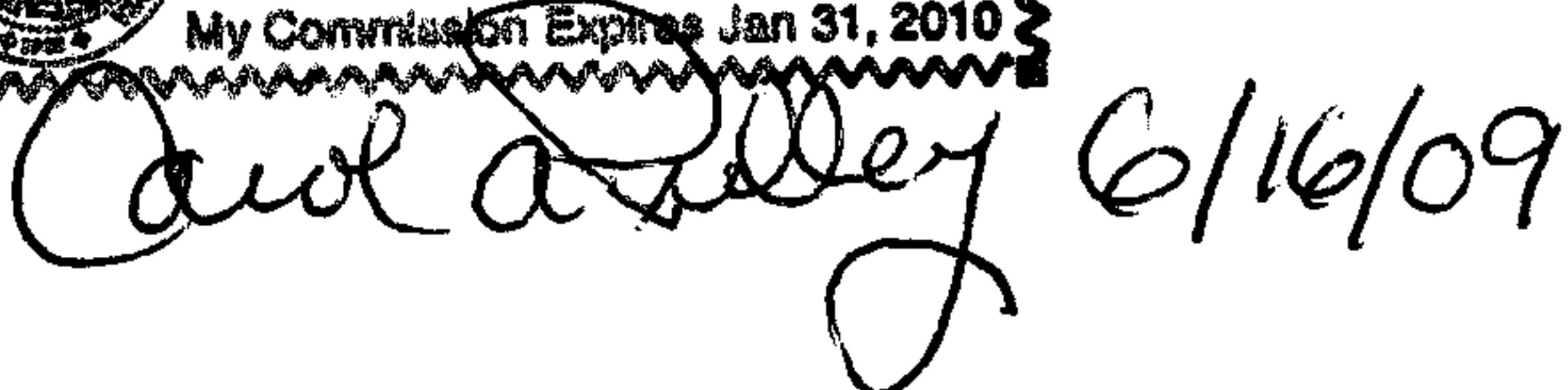
ATTEST:

  
Steven Wallner – Clerk/Treasurer

This is a true and exact copy of the original on file in the city offices of the City of Watertown.

 06-16-09  
Steven Wallner, Clerk



 6/16/09

Staple All Correspondence

Application by a Governmental Subdivision for Conveyance of Tax-Forfeited Lands for an Authorized Public Use (Minnesota Statutes, Section 282.01, Subdivisions 1a through 1e)

(Note: If the governmental subdivision has purchased the property, use PT Form 80)

In Carver County

Name of governmental subdivision (applicant): City of Carver

Mailing address of applicant: 316 Broadway, PO Box 147, Carver, MN 55315

Date requested property was forfeited to the State: May 10, 2005 (month) (day) (year)

Legal description of property (include the name of the city/town in which the property is located): Outlot A, Carver Bluffs Tenth Addition

Describe the intended public use to be made of the property (be specific, including statute or special law references, if relevant):

Trail

State the need for the property (be specific, e.g., why this property instead of some other property?):

This property was intended to be a trail, and already has the trail constructed, in use by the general public, and maintained by the City. There is not another location to move the trail to that will provide the same non-roadway connections between neighborhoods as well as access to the regional stormwater facility.

Please check the appropriate boxes below:

- checkbox correcting governmental subd. name and/or legal description original deed no.
checkbox There are one or more wells on this property
checkbox X There are no wells on this property

(If recorded, please supply recording information. If not recorded, please return the original state deed.)

A Wetland Certification Form Must Be Attached To This Application

Return application to: MN Department of Revenue Property Tax Division Mail Station 3340 St. Paul, MN 55146-3340



**CITY OF CARVER  
CARVER COUNTY, MINNESOTA  
RESOLUTION NO. 117-09**

**A RESOLUTION  
BY THE CITY COUNCIL OF THE CITY OF CARVER, MINNESOTA  
REQUESTING A CONVEYANCE TO THE CITY OF CARVER OF OUTLOT  
A IN CARVER BLUFFS 10<sup>TH</sup> ADDITION FREE OF CHARGE FOR AN  
AUTHORIZED PUBLIC USE**

**RECITALS**

WHEREAS, the City of Carver (“City”) approved a Final Plat (“Plat”) for property now known as Carver Bluffs 10<sup>th</sup> Addition in 2003; and

WHEREAS, said Plat contained an outlot legally described as follows, to wit:

Outlot A, Carver Bluffs 10<sup>th</sup> Addition, City of Carver

(the “Subject Property”); and

WHEREAS, the Subject Property contains a trail that is used for both recreational purposes and for maintenance access to a regional stormwater facility (“Authorized Public Use”); and

WHEREAS, the Developer did not provide the City with an easement for the trail; and

WHEREAS, the Carver County Auditor recorded a Certificate of Forfeiture for the Subject Property on August 28, 2008 and a subsequent Corrective Certificate of Forfeiture on September 10, 2008; and

WHEREAS, on April 14, 2009, the Carver County Board certified the Subject Property as non-conservation lands as provided by MINN. STAT. §282.01.

NOW, THEREFORE, it is hereby resolved by the Carver City Council as follows:

**FINDINGS OF FACT**

1. The Recitals are incorporated into and adopted as specific findings of fact.

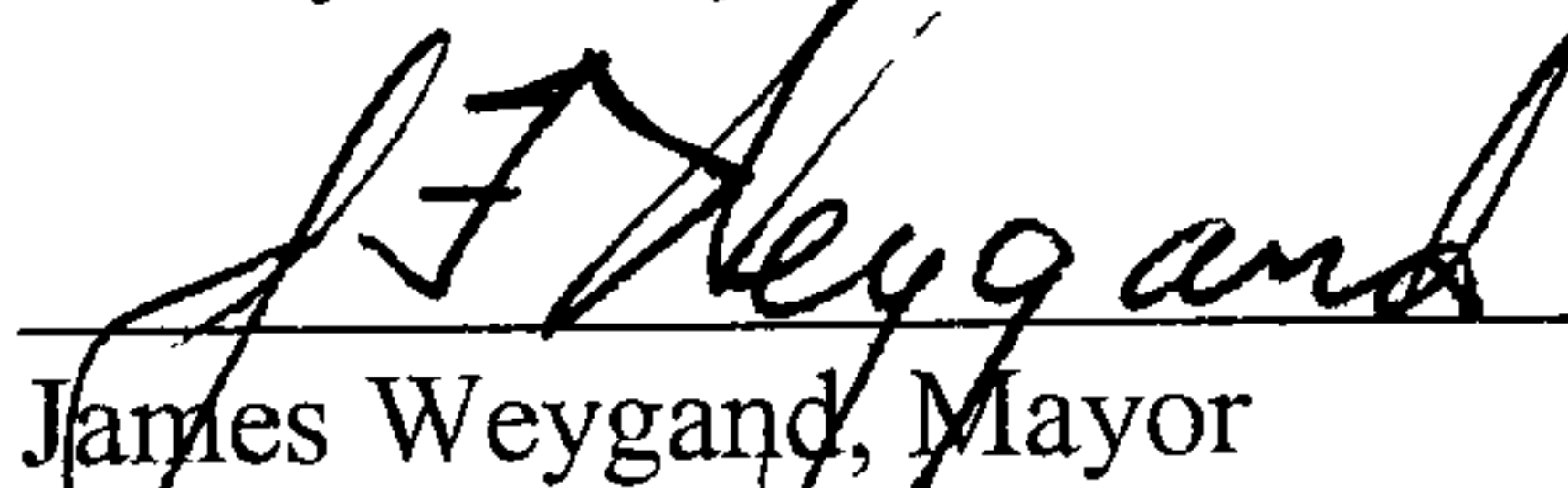
2. The Subject Property is currently used by the City for the Authorized Public Use of a trail.
3. The City is authorized under Statute to provide parks and recreational services to its residents, and is authorized to acquire property for this purpose.
4. The Subject Property will be used as a recreational trail that is both available for the use of and provides a direct benefit to the general public.
5. The Subject Property and trail will be used for a supplementary use of providing access for maintenance purposes to a regional stormwater facility that directly benefits the general public.

#### RESOLUTION


Based upon these findings, it is resolved by the Carver City Council as follows:

1. The City requests a conveyance by the State of Minnesota to the City of the Subject Property as tax forfeited lands for an Authorized Public Use in a manner set forth on the form attached hereto as **Exhibit "A."**

This resolution was adopted and approved by the City Council of the City of Carver by a vote of 5 ayes and 0 nays on this 4<sup>th</sup> day of May, 2009.

  
James Weygand, Mayor

Attest:

  
Patricia Plekkenpol, City Clerk

Staple All Correspondence

Application by a Governmental Subdivision for Conveyance of Tax-Forfeited Lands for an Authorized Public Use (Minnesota Statutes, Section 282.01, Subdivisions 1a through 1e)

(Note: If the governmental subdivision has purchased the property, use PT Form 80)

In Carver County

Name of governmental subdivision (applicant): City of Carver

Mailing address of applicant: 316 Broadway, PO Box 147, Carver, MN 55315

Date requested property was forfeited to the State: May 10, 2005 (month) (day) (year)

Legal description of property (include the name of the city/town in which the property is located):

Outlot A, Carver Bluffs Tenth Addition

Describe the intended public use to be made of the property (be specific, including statute or special law references, if relevant):

Trail

State the need for the property (be specific, e.g., why this property instead of some other property?):

This property was intended to be a trail, and already has the trail constructed, in use by the general public, and maintained by the City. There is not another location to move the trail to that will provide the same non-roadway connections between neighborhoods as well as access to the regional stormwater facility.

Please check the appropriate boxes below:

- checkbox correcting governmental subd. name and/or legal description original deed no.
checkbox There are one or more wells on this property
checkbox X There are no wells on this property

(If recorded, please supply recording information. If not recorded, please return the original state deed.)

A Wetland Certification Form Must Be Attached To This Application

Return application to: MN Department of Revenue Property Tax Division Mail Station 3340 St. Paul, MN 55146-3340



# REQUEST FOR BOARD ACTION

**AGENDA ITEM:** David & Heidi Handt - Request for an Equestrian Facility.

Originating Division: Land & Water Services

Meeting Date: August 4, 2009

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 #PZ20090013. The Planning Commission recommended approval of the Conditional Use Permit for David & Heidi Handt. Their request is to operate a commercial boarding & training facility on their 10.07 acre parcel located in Section 19, Hollywood Township. The operation will consist of boarding up to 29 horses (including the three horses that they own) in four (4) paddocks and utilizing the existing buildings on the property for grooming, tack room, feed room, arena, box stalls and storage. There are no plans to construct additional buildings at this time. Any future plans to expand the facility will require the permittee to apply and receive an amendment to the Conditional Use Permit. The permittee has been working with Environmental Services regarding manure management on the site. The facility does not have any employees and they have submitted an affidavit regarding workers' compensation. There are no set hours of operation; however, customer access is expected to be sporadic. All structures utilized accessed by the public will meet State Building Code requirements. A letter of support dated July 17, 2009 was received from the property owner to the east, Curt & Sue Hart, 4275 Yale Avenue, New Germany. The Hollywood Town Board had no objections to the request.

**ACTION REQUESTED:**

A motion to adopt the findings of fact and order #PZ20090013 for the issuance of a Conditional Use Permit.

**FUNDING**

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

**FISCAL IMPACT**

None  
 Included in current budget  
 Budget amendment requested  
 Other:

Related Financial Comments:

Reviewed by Division Director

Date: 27 July 09



COUNTY OF CARVER  
*PLANNING COMMISSION RESOLUTION*

**FILE #: PZ20090013**

**RESOLUTION #: 09-06**

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

**FILE #:** PZ20090013

**APPLICANT:** David & Heidi Handt

**OWNER:** Same

**SITE ADDRESS:** 18435 42<sup>nd</sup> Street, New Germany

**PERMIT TYPE:** Equestrian Facility

**PURSUANT TO:** County Code, Chapter 152, Section(s) 152.079 C5

**LEGAL DESCRIPTION:** See attached Exhibit "A"

**PARCEL #:** 06-019-0310

**WHEREAS**, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meeting of July 21, 2009; and,

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

1. David and Heidi Handt own 10.07 acres located in the East Half (E½) of the Southeast Quarter (SE¼) of Section 19, Hollywood Township. The property is improved with an existing home, barn and several outbuildings, riding arena, paddocks and grazing pasture. The site is located within the Agriculture Zoning District, and the CCWRMA – Crow River.
2. The applicant is requesting a Conditional Use Permit (CUP) for an equestrian facility which will be utilized as a commercial boarding and training facility pursuant to Section 152.079 C5 of the Carver County Code.
3. According to the applicant's operational letter (dated: 6/18/09), the operation would consist of up to 29 horses including the three (3) horses they own. The property has a relative homestead by Brianna Mahoney, a niece of the Handt's. Ms. Mahoney will reside in the home and assist with feeding and rotating the horses when they graze in the pastures. Ms. Mahoney will also assist with office related duties including advertising and bookkeeping responsibilities.
4. The operational and site plans identify the existing structures on the property that the public may access including the barn, horse shelters, detached garage, and arena. The applicants are not proposing any new structures with this request. Any future plans to expand the facility, will require the applicant to apply for and receive an amendment to this Conditional Use Permit.
5. The Carver County Building Official, MNSPECT (formerly called Waldron & Assoc.), will be going out to the property to inspect the existing buildings being utilized as part of the operation. All buildings on the property accessed by the public will need to meet Minnesota State Building Code to be continued to be utilized by the public.

6. There will be two (2) family members working at the facility. The applicants have submitted an affidavit concerning Workers Compensation stating that they do not have any employees.
7. Boarders are permitted on the property during daylight and evening hours and otherwise as needed to attend to their horses. Currently the property is transitioning between 19-22 horses owned by 13 different people, some of whom board more than one (1) horse. Late afternoon and weekends are busier times, when an average of four (4) –six (6) people come to ride or work with their horses. Hours are similar in the winter, except that the temperatures tend to reduce the number of people riding outdoors. The applicants anticipate five (5) vehicles or ten (10) trips to be generated per day during warmer months and approximately two (2) vehicles or four (4) trips per day during winter. The site has adequate parking in the lot and along the driveway to accommodate approximately twenty (20) vehicles.
8. Boarders often ride the perimeter of the ten (10) acre property. At times, the applicant will transport horses to meet their owners at the nearby Luce Line Trail. Riding on private property would be prohibited unless written agreements are provided to Land Management.
9. The applicants have been working with the Feedlot Inspector in the Environmental Services Department. The site must comply with the requirements in the letter from Lori Brinkman, Assistant Feedlot Administrator dated July 10, 2009 (see attached).
10. One (1) handicapped accessible portable restroom facility is located on the property.
11. A letter of support dated July 17, 2009 was received from Curt & Sue Hart, 4275 Yale Avenue, New Germany.
12. The Hollywood Town Board has reviewed the request at their March 9, 2009, Town Board meeting and recommended approval.

**THEREFORE, BE IT RESOLVED,** THAT The Carver County Planning Commission hereby recommends the issuance of Conditional Use Permit #PZ20090013 for an Equestrian Facility on the land described in Exhibit “A” of the permit application. The Planning Commission further recommends that the following conditions be attached to the permit:

1. The permit is subject to administrative review. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners/operators are encouraged to contact Land Management as early on in the timeline of the proposed change as possible.
2. The Equestrian Facility shall operate in accordance with the operation and site plans (dated 6/18/09). These plans shall be attached to and become part of this permit. This Equestrian Facility request only allows for up to 29 horses which include those owned by the applicant and the use of existing buildings on the property. Any future plans to expand the facility will require the applicant to apply for and receive an amendment to this Conditional Use Permit.
3. The Permittee shall comply with all necessary Carver County Feedlot Ordinance requirements and/or appropriate permit(s) as well as the letter from Environmental Services dated July 10, 2009.
4. The Permittee shall comply at all times with the County standards as detailed in Chapter 152 – Zoning Code and Chapter 154 – Sign Regulations.
5. All structures utilized as part of the operation in which public has access shall meet the applicable State Building Code requirements.
6. The Permittee shall submit a copy of the agreement annually for the placement and maintenance of one (1) handicapped accessible portable restroom facility.

7. Riding on private property would be prohibited unless written agreements are provided to Land Management.

**ADOPTED** by the Carver County Planning Commission this 21<sup>st</sup> day of July, 2009.

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Ted Beise  
Planning Commission Chair

THIS IS NOT A LEGALLY RECORDED PLAT.  
 THIS MAP IS A COMPILATION OF RECORDS  
 FROM THE PUBLIC RECORDS OF THE COUNTY  
 OFFICES AND OTHER SOURCES. THIS MAP  
 IS ONLY TO BE USED FOR REFERENCE  
 AND DOES NOT CONSTITUTE A SURVEY.  
 THE SURVEYING PROFESSIONALS AGENTS  
 ARE NOT RESPONSIBLE FOR ANY  
 INACCURACIES CONTAINED THEREIN.

**S 1/2 SEC. 19, T.117, R.26**







# REQUEST FOR BOARD ACTION

## AGENDA ITEM: Amendment to Public Health Preparedness and Cities Readiness Initiative (CRI) Grant

Originating Division: Public Health

Meeting Date: 8/04/09

Amount of Time Requested:

Attachments for packet:  Yes  No

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

### BACKGROUND/EXPLANATION OF AGENDA ITEM:

In 2008, the Minnesota Department of Health awarded Carver County Public Health \$93,995.00 for public health preparedness and Cities Readiness Initiative (CRI) activities, effective until August 9, 2009. The grant was recently amended to add \$90,825.00 for use from August 10, 2009 to August 9, 2010. The grant is used to continue planning for strategic direction, coordination and management in responding to acts of terrorism, outbreaks of infectious diseases and other public health threats and emergencies.

### ACTION REQUESTED:

Motion to approve the Amendment to Public Health Preparedness and Cities Readiness Initiative grant awards from the Minnesota Department of Health, as the Community Health Board, pending County Attorney/Risk Management approval.

### FUNDING

County Dollars =	\$
Other Sources & Amounts =	
Mn. Dept. of Health	= \$90,825
<b>TOTAL</b>	<b>= \$90,825</b>

### FISCAL IMPACT

None  
 Included in current budget  
 Budget amendment requested  
 Other:

*Related Financial Comments:* The grant term begins on August 10, 2009 and runs through August 9, 2010. Budget amounts for revenue and expenditures for seven months of the grant have been included in Public Health's 2010 budget request. An amendment for the addition of \$37,844 to Public Health's 2009 division budget for the first five months of the grant is requested as follows:

Add to 2009 Revenue: 01-460-464-2364-5420	CRI Grant	\$ 8,125
01-460-464-2368-5420	PH Preparedness Grant	29,719
Add to 2009 Expenditure: 01-460-464-2364-6271	Contractual Expense (CRI)	4,200
01-460-464-2364-6432	Public Health Supplies	3,925
01-460-464-2368-6260	Professional/Technical Fees	4,000
01-460-464-2368-6271	Contractual Expense (PHP)	10,400
01-460-464-2368-6332	Conference	500
01-460-464-2368-6421	Meeting costs	250
01-460-464-2368-6430	Surgical and Medical Supplies	4,500
01-460-464-2368-6480	Noncapitalized Equipment	10,069

Reviewed by Division Director

Date: 7/27/09

# BUDGET AMENDMENT REQUEST FORM

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

**DEPARTMENT: Public Health**

**Date of County Board Session: 08/04/09**

**Fund: 01**

Description of Revenue Account funds are to Increased/(Decreased):	Amount	Description of Expenditure Account funds are to Increased/(Decreased):	Amount
CRI and PH Preparednes Grant	\$ 37,844	Supplies & Equipment	\$ 37,844
<b>TOTAL:</b>	<b>\$ 37,844</b>	<b>TOTAL:</b>	<b>\$ 37,844</b>

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

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

**C. Contingency Acct. Beginning Bal.:** \$ 250,200

**D. Prior Contingency Adjustment:** \$ (28,000)

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

**F. Remaining Balance:** \$ 222,200

**G. Requested By:** Carolyn Schmidt -Interim Public Health Director

**H. Recommend Approval:** Finance Director

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



# REQUEST FOR BOARD ACTION

**AGENDA ITEM:** Minnesota Inter-County Association Annual End of Session Report

Originating Division: Administration

Meeting Date: 8/4/09

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:**

Keith Carlson, MICA Executive Director, will be presenting MICA's annual end of session report. MICA representatives, Nancy Silesky, Bob Vanasek and John Tuma, will also be in attendance.

**ACTION REQUESTED:** *No action requested, informational only.*

**FUNDING**

County Dollars = \$

Other Sources & Amounts =

= \$

**TOTAL** = \$

*Related Financial Comments:*

**FISCAL IMPACT**

None

Included in current budget

Budget amendment requested

Other:

Reviewed by Division Director

Date: 7/27/09



# REQUEST FOR BOARD ACTION

**AGENDA ITEM : Public Hearing to Amend Chapter 91, General Regulations-Vehicle Permits Ordinance 65-2009**

Originating Division: Public Works/Parks

Meeting Date: August 4<sup>th</sup>, 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:** County staff from Parks and Sheriff Departments has recently run into an issue concerning the enforcement of vehicle permits. The current ordinance is not specific enough to enforce the required vehicle permits because the ordinance does not specifically state that the permit must be properly displayed. The Sheriff's Department has had to dismiss a number of citations related to displaying our vehicle permit. There is now an awareness in the community that the Sheriff's Department is unable to enforce the vehicle permit requirement.

Carver County has a long history of charging for vehicle permits for its regional park areas. Vehicle permit fees are used to off-set the need for property tax dollars to support operations and maintenance expenditures for County park areas.

Notice of the proposed amendment was printed in the official County newspaper July 9, 2009. The notice included notification of the public hearing for public input on consideration of this amendment to be held at the August 9<sup>th</sup>, 2009 County Board Meeting.

The draft ordinance is attached for the Board's review and adoption.

**ACTION REQUESTED:** Opening of the Public hearing; a motion closing the public hearing; motion adopting Ordinance 65-2009.

**FUNDING**

County Dollars = \$NA

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** *WJW*

Date: July 16, 2009

S:Parks/BA RES/Ordinance/vehicle permit



# BOARD OF COUNTY COMMISSIONERS CARVER COUNTY, MINNESOTA

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

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

## A RESOLUTION ADOPTING ORDINANCE 65-2009

AMENDING CHAPTER 91, GENERAL REGULATIONS, AMENDING SECTION 91.04

**WHEREAS**, The Board of Commissioners, under M.S. §§ 398.31 to 398.36, as it may be amended from time to time, in performing its primary duty of the acquisition, development and maintenance of parks, wildlife sanctuaries, forest and other reservations and providing the means for public access to historic sites, lakes, rivers, streams and other natural phenomena is granted full power and authority to acquire and establish parks and to operate, maintain, protect and improve a park system and conduct a recreational program. As an aid to the accomplishment of these duties, the Board is granted the authority to enact ordinances and to declare that the violation thereof shall be a penal offense.

**WHEREAS**, the current Ordinance 91.04 does not specify the need for vehicle permits and how they are to be displayed.

**WHEREAS**, The County charges a fee for vehicle permits to help fund operations and maintenance of its park system, and the County Board finds as follows:

1. The amendments are in conformance with M.S. 398.31 to 398.36
2. The amendments are not in conflict with any other official controls.
3. The amendments will not be detrimental to the health, safety or general welfare.

**THEREFORE, BE IT RESOLVED, THAT** The Carver County Board of Commissioners hereby adopts Ordinance 65-2009, amending the County Code.

YES	ABSENT	NO

STATE OF MINNESOTA  
COUNTY OF CARVER

I, Dave Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the \_\_\_\_ day of \_\_\_\_\_, 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.

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

CARVER COUNTY, MINNESOTA

ORDINANCE 65 -2009

AMEND CHAPTER 91, GENERAL REGULATIONS; AMENDING SECTION 91.04, (E)

**THE CARVER COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS:**

**SECTION 1.** The specified sections of Chapter 91, the General Regulations, shall be amended as follows.  
~~Strikethrough~~ signifies deleted language and underline is new language.

**SECTION 2.** The existing language of 91.04 (E) shall be amended as provided below:

**§ 91.04 PUBLIC USE REGULATIONS.**

*(A) Hours of operation.*

(1) Parks shall be open to the public daily at hours established by the Board. It shall be unlawful for any person to enter or remain in a park at any other time without a use permit, except when the park area or facility is otherwise designated by the Board.

(2) The Director or designee is authorized to close any park or portion thereof at any time for the protection of park property or for the public health, safety or welfare.

*(B) Use permits.*

(1) Use permits shall be required for the exclusive or special use of all or portions of park areas, buildings or trails; for use of park areas and facilities when they are closed to the public; to conduct certain activities not normally permitted as per conditions of this chapter; for regulation of large group activities, as defined herein; or to reduce or eliminate certain user fees for groups, as defined herein.

(2) Procedures to issue use permits shall be in accordance with guidelines established by Board resolution.

(3) Use permits shall be approved by the Park Director or his or her authorized designee, or if required by this chapter, by the Board. However, the Park Director reserves the right to defer any use permit approval to the Board.

(4) It shall be unlawful for a person or persons to violate any provisions of an approved use permit.

(5) It shall be unlawful for a person or persons to engage in any activity requiring a use permit without first obtaining the permit.

*(C) User and special use fees/modifications.*

(1) User fees for entrance into parks and special use fees for various park uses shall be set by Board resolution.

(2) It shall be unlawful for any person to use, without payment, any facility or area for which a user fee or special use fee is charged, unless payment is reduced or waived by use permit.

(3) Upon group request for reduction or elimination of fees, the issuing authority shall evaluate the request including, but not limited to the following factors:

- (a) Charitable nonprofit;
- (b) Property or income tax supported; and
- (c) Educational or religious.

(4) Use permits to reduce or eliminate fees shall be approved by the Park Director or his or her authorized designee. The Park Director reserves the right to defer any fee modification request to the Board.

(D) *Use by groups.* Use permits shall be required for any entertainment, tournament, exhibition or any other special use which can reasonably be expected to have 20 or more persons involved or potentially have a detrimental effect on park property or other park users.  
(Ord. 30, passed 4-14-87) Penalty, see § 91.99

(E) *Vehicle Permits.* It shall be unlawful for any person to bring a motor vehicle into a park (where a vehicle permit is required) without appropriately displaying an approved annual, daily, or temporary vehicle permit, attached with its own adhesive, hung from a rear view mirror or otherwise displayed as directed, unless exempted by a use permit.

**SECTION 3.** This ordinance shall be effective upon passage and publication by the Dakota County Board of Commissioners.

Adopted by the Carver County Board of Commissioners on this 4<sup>th</sup> day of August, 2009.

COUNTY OF CARVER

Attest:

\_\_\_\_\_  
Gayle Degler, Chair  
Carver County Board of Commissioners

\_\_\_\_\_  
Mark Lundgren  
County Auditor

Date: \_\_\_\_\_

Date: \_\_\_\_\_





# REQUEST FOR BOARD ACTION

## AGENDA ITEM: Waconia Event Center sewage treatment system - update

Originating Division: Land & Water Services

Meeting Date: August 4, 2009

Amount of Time Requested: 45 minutes

Attachments for packet:  Yes  No

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

### BACKGROUND/EXPLANATION OF AGENDA ITEM:

The Waconia Event Center sewage treatment system was most recently inspected and a Certificate of Compliance was issued on May 7, 2008. The compliance inspection examines three characteristics to determine compliance – watertight tanks below the operating level; the required separation from the periodically saturated soil or bedrock; and that there is no surface discharge, backup or surface seeping.

LWS staff twice met with Mr. Ziermann in July 2009 to resolve questions on the location of distribution box pipes. During the initial meeting, Mr. Ziermann provided LWS staff with his field notes he compiled during the May 7, 2008 compliance inspection. Mr. Ziermann, Dave Drealan, Acting Director of Carver County Land and Water Services and Kim Jopp, Environmentalist II, visited the site on July 17, 2009.

As a result of the site visit, Mr. Ziermann and LWS staff verified the results of the May 7, 2008 compliance inspection.

Occupancy capacity of the facility – staff will present background information.

Additionally, LWS staff has found no evidence indicating that the Waconia Event Center treatment system is polluting Lake Waconia.

There are two options for the Board to consider –

1. Rely upon the current Certificate of Compliance; or
2. Perform a new compliance inspection.

**ACTION REQUESTED:** Direction from the Board

#### 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: 27 July 2009**





# REQUEST FOR BOARD ACTION

**AGENDA ITEM : Review of the Transportation Plan and Surface Water Management Elements of the Comprehensive Plan**

Originating Division: Land & Water Services

Meeting Date: August 4, 2008

Amount of Time Requested: 40 minutes

Attachments for packet: Yes No

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

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** The Transportation Element of the Comprehensive Plan consists of the Roadways Plan, the Transit Plan, and the Airports Plan. The Airports Plan is essentially unchanged from the 2020 Plan. While the Transportation Plan did not receive a lot of comments, some changes needed to be made to address primarily Metro Council comments. Staff will review the Plan with the Board.

Surface Water management is addressed primarily in the Water Management Plan which is currently in development. However, the Comprehensive Plan has to include some discussion of surface water management in order to be complete for review. The staff will review the draft language.

**ACTION REQUESTED:** Authorization to send to cities & townships for review.

**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: 28 July 2009



# REQUEST FOR BOARD ACTION

**AGENDA ITEM : Closed Session, Labor Negotiations Strategy**

Originating Division: Employee Relations

Meeting Date: 8/4/09

Amount of Time Requested: 40 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 and conduct negotiations of initial and subsequent labor agreements.

The 2010 negotiations are at various points with the three bargaining groups, AFSCME, Teamsters and LELS. Employee Relations is interested in seeking further guidance on specific proposals at this point.

The requested action is to enter into a closed session to plan and refine 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 = \$

**FISCAL IMPACT**

None  
 Included in current budget  
 Budget amendment requested  
 Other:

*Related Financial Comments:*

Reviewed by Division Director  
Doris M. Krogman

Date: 7/27/09



CARVER COUNTY

# REQUEST FOR BOARD ACTION

**AGENDA ITEM : Public Hearing on Pledging Carver County's General Obligation to the Issuance Housing Development Bonds by the Carver County Community Development Agency**

Originating Division: Financial Services/Administrative Services

Meeting Date: August 4, 2009

Amount of Time Requested: 15 minutes

Attachments for packet:  Yes  No

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

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** Minnesota Statutes, Section 469.017, authorizes the Carver County Community Development Agency (the "CDA") to undertake housing development projects and to acquire and construct multifamily rental housing for the purposes of providing housing for seniors.

Minnesota Statutes, Section 469.034, Subd. 2, authorizes the CDA to issue bonds backed by the full faith and credit of Carver County, Minnesota, (the "County") to finance a housing development project following (a) a determination by the CDA that pledged revenues will equal or exceed 110% of the principal and interest due on such bonds for each year, and (b) approval by the County of the principal amount of the Bonds following a public hearing.

At June and July 2009 County Board workshops, the CDA presented the Oak Grove Dairy Housing, City Hall and Library project to the County Board. The operating costs for the library of \$51,628 will be incorporated into the 2010 Budget process. The one-time capital cost of \$414,000 for the opening day collection and computers will also be finance via the 2010 Budget process most likely from local performance aid. Library architect fees of \$25K are requested to be financed by 2009 Commissioner Contingency.

**ACTION REQUESTED:**

1. Open Public Hearing and take comments from the Public.
2. Adopt the attached resolution giving preliminary approval of the County's General Obligation pledge to the CDA's Housing Development Bonds.
3. Approve the attached budget amendment authorizing \$25,000 for library architect fees to be taken from 2009 Commissioner Contingency.

**FUNDING**

County Dollars = \$25,000

Other Sources & Amounts =

= \$

**TOTAL**

= \$25,000

**FISCAL IMPACT**

None

Included in current budget

Budget amendment requested

Other: See below

*Related Financial Comments:* Library operating and capital one-time project costs will be incorporated into the 2010 Budget process. The \$25K for architect fees is requested to be taken from 2009 Commissioner Contingency.

Reviewed by Division Directors

Date: July 26<sup>th</sup>, 2009



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

DATE \_\_\_\_\_

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

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

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

RESOLUTION GIVING PRELIMINARY APPROVAL TO THE ISSUANCE BY THE CARVER COUNTY COMMUNITY DEVELOPMENT AGENCY OF ITS HOUSING DEVELOPMENT BONDS (CARVER COUNTY, MINNESOTA, GENERAL OBLIGATION) IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$6,500,000, TO WHICH BONDS THE GENERAL OBLIGATION OF CARVER COUNTY IS PLEDGED, AND AUTHORIZING EXECUTION OF DOCUMENTS

WHEREAS, pursuant to Minnesota Statutes, Section 469.017, the Carver County Community Development Agency (the "CDA") is authorized to undertake housing development projects and to acquire and construct multifamily rental housing for the purposes of providing housing for seniors; and

WHEREAS, pursuant to Minnesota Statutes, Section 469.034, Subd. 2, the CDA is authorized to issue bonds backed by the full faith and credit of Carver County, Minnesota, (the "County") to finance a housing development project following (a) a determination by the CDA that pledged revenues will equal or exceed 110% of the principal and interest due on such bonds for each year, and (b) approval by the County of the principal amount of the Bonds following a public hearing; and

WHEREAS, the CDA has proposed the issuance of Bonds to finance the acquisition and construction of an approximately 50-unit senior housing project in Norwood Young America known as the Oak Grove Dairy Housing Project (the "Project"); and

WHEREAS, the Project constitutes a "qualified housing development project", which is defined under Minnesota Statutes, Section 469.034, Subd. 2, to include a housing development project providing housing for the elderly; and

WHEREAS, on the date hereof after due publication of notice in the official newspaper of the County, the County conducted a public hearing pursuant to Minnesota Statutes, Section 469.034, subd. 2;

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF CARVER COUNTY, MINNESOTA, AS FOLLOWS:

1. That the County hereby gives preliminary approval to the issuance by the CDA of up to \$6,500,000 aggregate principal amount of Housing Development Bonds (Carver County, Minnesota, General Obligation) (the "Bonds"), to which Bonds, and the payment of principal of and interest thereon, the CDA will pledge the County's general



obligation, being its full faith and credit and taxing power, as authorized by Minnesota Statutes, Section 469.034, subd. 2.

2. The Board shall consider final approval following receipt of (a) a satisfactory joint powers agreement relating to the Project among the County, the CDA and Norwood Young America and (b) receipt by the CDA of construction bids and preparation of a budget satisfactory to the County Administrator showing that the Project can be completed with available funds.

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# BUDGET AMENDMENT REQUEST FORM

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

**DEPARTMENT: Administrative Services**

**DATE of County Board Session: 08/04/09**

**Fund: 01**

Description of Account funds are to be transferred from:	Amount	Description of Account funds are to be transferred to:	Amount
Board Contingency	\$ 25,000	NYA Library Project - Architect Fees	\$ 25,000
<b>TOTAL:</b>	<b>\$ 25,000</b>	<b>TOTAL:</b>	<b>\$ 25,000</b>

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

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

**C. Contingency Beginning of the Year Balance:**                      \$ 250,200

**D. Prior Contingency Adjustment:**    \$ (3,000)

**E. Current Contingency Adjustment:**    \$ (25,000)

**F. Remaining Balance:**    \$ 222,200

**G. Requested By:**                                      Steve Taylor - Administrative Services Director

**H. Recommend Approval:**                              Finance Director

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