

Carver County Board of Commissioners
Regular Session
February 3, 2009
County Board Room
Carver County Government Center
Human Services Building
Chaska, Minnesota

PAGE

- 9:15 a.m. 1. a) **CONVENE**
b) *Pledge of Allegiance*
c) *Public participation (comments limited to five minutes)*
d) *Introduction of New Employees*
2. Agenda review and adoption
3. Approve minutes of January 27, 2009 Regular Session 1-2
4. Community announcements
- 9:15 a.m. 5. **CONSENT AGENDA**
- 5.1 Sexual Violence Center and Southern Valley
Alliance for Battered Women 3
- 5.2 2009 Highway Department seasonal supplies..... 4
- 5.3 Abatements/additions 5-6
- 5.4 Approval of Precious Metals Dealer License 7-8
- 5.5 Community Social Services' warrants NO ATT
- 5.6 Commissioners' warrants..... SEE ATT
- 9:20 a.m. 6. **TAXPAYER SERVICES**
- 6.1 Approval of County Board of Appeals and Equalization
date and time 9-13
- 9:30 a.m. **ADJOURN REGULAR SESSION AND CONVENE AS
CARVER COUNTY REGIONAL RAIL AUTHORITY**
- 9:30 a.m. 7. **PUBLIC WORKS/PARKS - Closed Session**
- 7.1 Union Pacific Rail Line Chaska Industrial Lead 14
- 10:00 a.m. **ADJOURN CLOSED SESSION AND CARVER COUNTY
REGIONAL RAIL AUTHORITY**
- 10:00 a.m. 1. Chair
2. Board Members
3. Administrator
- 10:30 a.m. 4. Adjourn

David Hemze
County Administrator

REGULAR SESSION
January 27, 2009

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on January 27, 2009. Vice Chair Randy Maluchnik convened the session at 9:15 a.m.

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

Members absent: Gayle Degler.

The following amendments were made to the agenda:

Add 5.9-Support Support for the Nomination of Athletic Park as one of the "Ten Most Endangered Historic Minnesota Properties" for 2009, as sponsored by the Preservation Alliance of Minnesota.

Move 5.2 to 7.2- Agreement with Southwest Newspapers for County Newsletter.

Ische moved, Lynch seconded, to approve the agenda as amended. Motion carried unanimously.

Workman moved, Ische seconded, to approve the minutes of the January 13, 2009, Regular Session.. Motion carried unanimously.

Community announcements were made by the Board.

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

Payment of emergency claims in the amount of \$1,100; \$800 and \$500.

Approved amendment #4 to joint powers agreement with PCA for construction site erosion control inspections and related Land and Water Services budget amendment increasing MPCA grant revenue \$30,000 and increasing construction site erosion control expenditure \$30,000.

Approved accepting donations of various tickets and passes from The Park at Mall of America, Valleyfair, MN Renaissance Festive, MN State Fair, AMC Theatres and Cinema Theatres.

Approved tobacco license #10-625, Victoria Street, LLC d/b/a Victoria Bar and Grill.

Contract with Mendota Electric in the amount of \$189,740.

Resolution #06-09 Support for the Nomination of Athletic Park as one of the "Ten Most Endangered Historic Minnesota Properties" for 2009, as sponsored by the Preservation Alliance of Minnesota.

Community Social Services' actions.

Approved payment of the following Commissioners' warrants:

INSERT

Motion carried unanimously.

Mark Lundgren, Taxpayer Services, reviewed with the Board the opportunity to advertise at the Chaska and Chanhassen Service Centers.

He pointed out the QMatic system that is to be installed at the Service Centers presented them with an opportunity to advertise. Lundgren stated the system is currently used by Hennepin County and being placed in Stearns County.

Lundgren explained the responsibilities of the vendor and the County and the projected revenue. He indicated the system could also include public service announcements and reviewed the types of advertising that would not be allowed. He clarified there would be fixed costs for the first five months and a percentage split of the revenue thereafter.

Ische moved, Lynch seconded, to authorize Taxpayer Services to proceed with the advertising agreement pending contract approval by the County Attorney's office. Motion carried unanimously.

Doris Krogman, Employee Relations, requested the Board take final action on an employee complaint. She explained an employee had filed a complaint alleging a violation of County policy and thereafter came forward with a retaliation claim. She stated a decision was made to hire a third party investigator and the investigator's report resulted in a finding of no fault. Krogman indicated if the report is accepted and the investigation closed, the matter becomes private data.

Ische moved, Workman seconded, to accept the investigator's final report, close the investigation imposing no discipline and abide by the Minnesota Data Practices Act treating all materials as private data. Motion carried unanimously.

Steve Taylor, Administrative Services, requested approval of contract with Southwest Newspapers to produce four issues of the County newsletter in 2009. He stated the intent is to inform residents of County services and programs. He indicated the cost was approximately \$6,000 per issue with the option to partner with other County Divisions for special inserts.

The Board recognized the quality the newsletter but expressed concerns in continuing considering the difficult economic times.

Ische moved, Lynch seconded, to discontinue the County newsletter for 2009 and to review again in late 2009. Motion carried unanimously.

Lynch moved, Workman seconded, to adjourn the Regular Session at 10:05 a.m. Motion carried unanimously.

David Hemze
County Administrator



REQUEST FOR BOARD ACTION

AGENDA ITEM : Sexual Violence Center and Southern Valley Alliance for Battered Women

Originating Division: Attorney

Meeting Date: 02/03/09

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: Annual Contracts with Southern Valley Alliance for Battered Women and the Sexual Violence Center to provide services to victims of domestic violence and sexual assault victims.

ACTION REQUESTED: Approval of contracts.

Sexual Violence Contract \$15,000.00

Southern Valley Alliance for Battered Women \$15,000.00

FUNDING

County Dollars = \$30,000.00

Other Sources & Amounts =

= \$

TOTAL

= \$30,000.00

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Related Financial Comments: Sexual Violence Center 01-820-942-0000-6942

Southern Valley Alliance for Battered Women 01-820-941-0000-6941

Reviewed by Division Director *JWK*

Date: *1/26/09*



CARVER
COUNTY

REQUEST FOR BOARD ACTION

AGENDA ITEM : 2009 Highway Department Seasonal Supplies

Originating Division: Public Works

Meeting Date: Feb. 3, 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: The seasonal supplies included in this request are metal culverts, mineral aggregates, limestone rock, plant mixed asphalt, rock salt, application of reflectorized pavement markings and rental equipment.

ACTION REQUESTED: It is requested that the County Board of Commissioners establish 2:30 PM, Thursday, March 12, 2009, as the time and date for the opening of highway department seasonal supplies. Further, it is hereby requested that the authority to open these bids be given to the County Administrator and the Interim County Engineer or their delegated representative. The bids are to be publicly opened at the time and place specified in the official advertisement.

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:

S:\Seasonals\BAF-set bid opening\2009\0903-0909

REQUEST FOR BOARD ACTION

AGENDA ITEM : Abatements/Additions

Originating Division: Property Records Taxpayer Services Meeting Date: 2/3/09
 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: See Attached.

ACTION REQUESTED:
Recommend to approve.

FUNDING
 County Dollars = \$ - -4,275.32
 Other Sources & Amounts = \$ - -5,968.68
 =
TOTAL = \$ -10,244.00

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

Related Financial Comments:

Reviewed by Taxpayer Services Manager



Date: 1-22-09



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

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

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

**Abatements presented to the
 Carver County Board of Commissioners**

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

Payable Year	Parcel Number	Name	Reason for Abatement	Original Tax Amount	Adjusted Tax Amount	County Dollars Abated	Total Amount of Adjustment
2007	30.5530120	Connie Oakman	Homestead	2,886.00	2,720.00	-34.26	-166.00
2008	30.5530120	Connie Oakman	Homestead	2,946.00	2,786.00	-61.95	-160.00
2007	20.0930050	Juaquina Faya	Homestead	4,408.00	4,302.00	-33.87	-106.00
2008	20.0930050	Juaquina Faya	Homestead	4,234.00	4,118.00	-36.25	-116.00
2007	20.1250210	Susan Petersen	Homestead	3,210.00	3,038.00	-54.56	-172.00
2008	20.1250210	Susan Petersen	Homestead	3,172.00	2,998.00	-54.37	-174.00
2007	09.0161200	Scott Olson	Homestead	6,588.00	4,644.00	-893.56	-1,944.00
2008	09.0161200	Scott Olson	Homestead	7,052.00	4,992.00	-981.64	-2,060.00
2006-a	09.0030110	Loren Zieroth	Homestead	880.00	438.00	-217.55	-442.00
2006-b	10.0340610 & 10.0340900	Loren Zieroth	Homestead	1,552.00	1,106.00	-77.87	-446.00
2007-a	09.0030110	Loren Zieroth	Homestead	1,018.00	514.00	-231.34	-504.00
2007-b	10.0340610 & 10.0340900	Loren Zieroth	Homestead	1,836.00	1,358.00	-219.18	-478.00
2008-a	10.0340900	Loren Zieroth	Homestead	2,104.00	1,670.00	-204.88	-434.00
2008-b	09-0030110 & 10.0340610	Loren Zieroth	Homestead	1,062.00	538.00	-250.03	-524.00
2006	09.0031000 & 10.0340600	Jonathan Zieroth	Homestead	3,016.00	2,922.00	-45.83	-94.00
2007	09.0031000 & 10.0340600	Jonathan Zieroth	Homestead	3,374.00	3,268.00	-48.63	-106.00
2008	09.0031000 & 10.0340600	Jonathan Zieroth	Homestead	3,428.00	3,284.00	-68.75	-144.00
2008	30.6940030	James Judd	Fire Disaster	5,526.00	3,840.00	-590.10	-1,686.00
2006	20.0930050	Juaquina Faya	Homestead	674.00	446.00	-78.22	-228.00
2007	65.3580210	Brad Schmitz	Homestead	3,816.00	3,696.00	-38.85	-120.00
2008	65.3580210	Brad Schmitz	Homestead	5,674.00	5,674.00	0.00	0.00
2008	30.9520159	Luis Vasquez	Homestead	436.00	296.00	-53.63	-140.00
Grand Total				\$68,892.00	\$58,648.00	-\$4,275.32	-\$10,244.00



REQUEST FOR BOARD ACTION

AGENDA ITEM: Approval of Precious Metals Dealer License

Originating Division: Taxpayer Services

Meeting Date: 2/3/09

Amount of Time Requested: XX minutes

Attachments for packet: Yes NoItem Type: Consent Regular Session Closed Session Work Session Ditch/Rail Authority**BACKGROUND/EXPLANATION OF AGENDA ITEM:** An application for a Precious Metal Dealer License in Carver County for sale to be held at Americinn, 570 Pond Promenade, Chanhassen.**ACTION REQUESTED:** See attached resolution.**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:

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

Date:

Resolution No.

Motion by Commissioner:

Seconded by Commissioner:

CARVER COUNTY, MINNESOTA

WHEREAS, Joseph Sadoff on behalf of Midwest Gold Buyers has applied for a Precious Metal Dealer License

WHEREAS, it is their intent to hold a sale at the Americinn, 570 Pond Promenade in Chanhassen

WHEREAS, the County Board of Commissioners is empowered specifically approve or deny a resolution for each applicant for a one year period of time.

NOW, THEREFORE, BE IT RESOLVED, the Carver County Board of Commissioners does approve the new license upon compliance with Minnesota Statutes, Chapter 325F

Adopted on 2009.

Attest:

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 ____ day of _____, 2007, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this ____ day of _____, 2007.

David Hemze, Carver County Administrator



REQUEST FOR BOARD ACTION

AGENDA ITEM : Approval of County Board of Appeals & Equalization

Originating Division: Property Assessment

Meeting Date: February 3, 2009

Amount of Time Requested: 0 minutes

Attachments for packet: XYes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM: Scheduling the County Board of Appeals & Equalization for June 15, 2009 at 4:00 PM.

ACTION REQUESTED: Approval of date & time for the County Board of Appeals & Equalization

FUNDING

County Dollars = \$

Other Sources & Amounts = \$

TOTAL = \$NA

Related Financial Comments:

FISCAL IMPACT

XNone

Included in current budget

Budget amendment requested

Other:

Reviewed by Division Director Mark Lundgren

Date: 1/21/2009

MINNESOTA ▪ REVENUE

Memo

Date: November 24, 2008
To: All County Assessors
From: **GORDON FOLKMAN**, Director
Property Tax Division
Re: 2009 County Board of Appeal and Equalization

Since our memo concerning possible dates for County Boards of Appeal and Equalization, we have come to a better understanding of possible meeting dates considering the potential to meet on a Saturday. Therefore, at the county's discretion, there are many possible schedules which would meet the requirements of allowing for ten consecutive meeting days after the second Friday in June.

If a county chooses to consider Saturday a "meeting day," it must consider two consecutive Saturdays (when applicable) in terms of scheduling County Board of Appeal and Equalization meetings.

Boards **do not have** to meet on a Saturday. The requirements for scheduling of board meetings are as follows:

1. The board must convene on a meeting day after the second Friday in June.
2. The board must allow for ten consecutive meeting days including the day the board initially convenes.
3. The board may not allow for more than ten consecutive meeting days without approval from the Commissioner of Revenue.
4. The board may not meet after June 30.
5. At least one meeting may not end prior to 7:00 p.m. For counties requiring appointments, appointment availability must extend until at least 7:00 p.m. A county which chooses to consider Saturday as a meeting day does not need to have a meeting extending until 7:00 p.m.

The following illustrations may serve as guidelines for possible board of appeal and equalization schedules. It is not a requirement that a board meet for ten days if the requirements above are met, so long as all business has been finished. The board must simply allow for up to ten consecutive days depending upon the convening date.

Convening June 13, 2009
Saturday Meetings (Required)

June 2009						
Su	M	Tu	W	Th	F	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

Convening June 15, 2009

Saturday Meetings

June 2009						
Su	M	Tu	W	Th	F	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

No Saturday Meetings

June 2009						
Su	M	Tu	W	Th	F	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

Convening June 16, 2009

Saturday Meetings

June 2009						
Su	M	Tu	W	Th	F	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

No Saturday Meetings

June 2009						
Su	M	Tu	W	Th	F	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

Convening June 17, 2009

Saturday Meetings

June 2009						
Su	M	Tu	W	Th	F	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

No Saturday Meetings

June 2009						
Su	M	Tu	W	Th	F	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

Convening June 18, 2009

Saturday Meetings (Required)

June 2009						
Su	M	Tu	W	Th	F	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

Convening June 19, 2009

Saturday Meetings (Required)

June 2009						
Su	M	Tu	W	Th	F	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

Please share this information with your county board chairpersons. If you have any questions, please contact proptax.questions@state.mn.us.

MINNESOTA ▪ REVENUE

Memo

Date: November 17, 2008

To: Chairperson of the County Board of Commissioners

From: **GORDON FOLKMAN**, Director
Property Tax Division

Re: 2009 County Board of Appeal and Equalization

This memorandum is intended to specify the dates that the County Board of Appeal and Equalization (CBAE) may convene so all CBAEs meet on dates that comply with state law. The memo is also intended to alert you to two significant law changes resulting from 2008 legislation: training requirements and a requirement for extended meeting hours.

Current law (M.S. 274.14) provides that the CBAE “...*may meet on any ten consecutive meeting dates in June, after the second Friday in June. The actual meeting dates must be contained on the valuation notices mailed to each property owner in the county...*”

For 2009, this means there are three possible dates that the County Board of Appeal and Equalization can convene its meeting:

- Monday, June 15, 2009
(If convened on this day, it must adjourn by Friday, June 26, 2009);
- Tuesday, June 16, 2009
(If convened on this day, it must adjourn by Monday, June 29, 2009); or
- Wednesday, June 17, 2009
(If convened on this day, it must adjourn by Tuesday, June 30, 2009).

In no case can the CBAE exceed the maximum length of session of 10 consecutive meeting days. If a CBAE completes its work in less than 10 days, it may adjourn at that time. Any action taken by the board after June 30, 2009 will not be valid. The board may not convene prior to Monday June 15, either. Any meetings outside of the statutorily-outlined dates or beyond the 10 meeting days as allowed by law will have no force or effect. The Department of Revenue (as in prior years) will be reviewing board orders and dates to ensure statutory compliance in all actions taken.

****New for 2009:** Minnesota Statutes, section 274.14, was amended during the 2008 legislative session. It now reads:

“For counties that conduct either regular board of review meetings or open book meetings, at least one of the meeting days must include a meeting that does not end before 7:00 p.m. For counties that require taxpayer appointments for the board of

review, appointments must include some available times that extend until at least 7:00 p.m. The county may have a Saturday meeting in lieu of, or in addition to, the extended meeting times under this paragraph.”

Therefore, beginning in 2009, a meeting must be scheduled which does not end prior to 7:00 p.m. (if your county requires appointments, your county board must include available times that extend until at least 7:00 p.m.). The county may choose to have a Saturday meeting in lieu of, or in addition to, the extended meeting time. Board meeting minutes and certification forms must reflect the extended meeting hours (either a meeting which recesses/adjourns after 7:00p.m. or which convenes on a Saturday).

****New for 2009:** Minnesota Statutes, section 274.135 outlines newly-enacted training requirements for county boards of appeal and equalization. The law reads:

“Beginning in 2009, and each year thereafter, there must be at least one member at each meeting of a county board of appeal and equalization who has attended an appeals and equalization course developed or approved by the commissioner within the last four years, as certified by the commissioner... Any county that conducts county boards of appeal and equalization meetings must provide proof to the commissioner by December 1, 2009, and each year thereafter, that it is in compliance with the requirements.”

This is similar to laws in place concerning local boards of appeal and equalization. The Department of Revenue will be contacting all counties that have not provided proof of compliance in order to address the transfer of powers to a special board of appeal and equalization (which must also include a trained member).

If you have any questions or concerns, please contact us at proptax.questions@state.mn.us.

C: County Assessors
County Auditors
County Administrators



REQUEST FOR BOARD ACTION

AGENDA ITEM : Union Pacific Rail Line Chaska Industrial Lead

Originating Division: Public Works/Parks

Meeting Date: 2-3-09

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

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 =\$

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments:

Reviewed by Division Director

Date:

S:Parks/BA-RES/Union Pacific Railroad Chaska Industrial Lead/ Initial Offer