

*Swearing in ceremony of elected Commissioners
January 6, 2009 – 9:00 a.m.*

Carver County Board of Commissioners
Organizational Session
January 6, 2009
County Board Room
Carver County Government Center
Human Services Building
Chaska, Minnesota

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9:15 a.m.	1. <i>Pledge of Allegiance</i>	
	2. CALL TO ORDER BY THE COUNTY ADMINISTRATOR	
	3. State of the County	1
	4. Nomination and election of Chair for 2009	
	5. Nomination and election of Vice Chair for 2009	
	6. Public participation (comments limited to five minutes)	
	7. Community announcements	
	8. Agenda review and adoption	
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	11. Appointments of Commissioners to commissions, committees and boards, appointment of voting members to Association of Minnesota Counties and delegates to Minnesota Counties Computer Consortium	20-23
	12. Appointments to advisory committees and boards	24-28
	13. Approve minutes of December 16, 2008, Regular Session	29-34
10:00 a.m.	14. CONSENT AGENDA	
	14.1 Payment of emergency claims	35-39
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14.16	Joshua Kloos-request for a contractor's yard	77-81
14.17	2009 Police service contract	82
14.18	Community Social Services' warrants	NO ATT
14.19	Commissioners' warrants.....	SEE ATT

10:00 p.m.

15.

**ADJOURN REGULAR SESSION – CONVENE AS CARVER
COUNTY REGIONAL RAIL AUTHORITY**

15.1	Appointment of Chair, Vice Chair and Secretary/Treasurer.....	83
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10:10 a.m.

ADJOURN CARVER COUNTY REGIONAL RAIL AUTHORITY

BOARD REPORTS

10:10 a.m.

1. Chair
2. Board Members
3. Administrator
4. Adjourn

10:30 a.m.

David Hemze
County Administrator



REQUEST FOR BOARD ACTION

AGENDA ITEM : State of the County

Originating Division: Administration

Meeting Date: January 6, 2009

Amount of Time Requested: 10 min.

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM:

2008 marked another successful year for Carver County. Commissioner Ische will briefly review the highlights of 2008 for Carver County including new projects and initiatives, improved efficiencies and awards received.

ACTION REQUESTED: None

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: 12/30/08



REQUEST FOR BOARD ACTION

AGENDA ITEM : 2009 Board Operating Rules

Originating Division: Administration

Meeting Date: 1/06/09

Amount of Time Requested: 15 minutes

Attachments for packet: Yes No

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

Section II of the current Carver County Board Operating Rules reads: *"During the statutory meeting, the County Board shall review, amend if necessary, and adopt the operating rules for the year."*

Proposed changes or additions are indicated by double underline, deletions by ~~strikethrough~~.

The 2009 Board Operating Rules are attached. This document incorporates the updated mission, vision, and value statements which were developed during 2008 strategic planning retreats

Motion to adopt 2009 Board Operating Rules as revised.

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: 12/10/08

Board of Commissioners



**CARVER
COUNTY**

Board Operating Rules Proposed

January 6, 2009

I. Overview

A. Purpose

The Carver County Board of Commissioners is the body charged by law with the management of the affairs of Carver County. The County Board operates as a deliberative and legislative assembly, meeting to discuss and determine the direction and policies of the County within the confines of state and federal law.

The County Board functions within the statutory framework of Minnesota law. General duties, powers and responsibilities are found in Minnesota Statutes, especially but not exclusively Chapters 370, 373, and 375. Minnesota Statutes supersede all bylaws, rules and policies established by the Board.

B. Statement of Principles

The Operating Rules intend to strike a procedural balance that considers all principles and enunciates a specific process by which those principles interact and work. The rules are representative of the following Carver County mission and vision.

Mission Statement

The mission of Carver County is to meet the basic service requirements and special needs of our residents in a fiscally responsible and caring way. We will plan the county's growth to preserve its rural uniqueness and will encourage rural and urban compatibility. We will further endeavor to protect our historic past while planning for a dynamic future.

Vision Statement

Where the future embraces the past in keeping Carver County is a great place to live, work and play for a lifetime.

Value Statements

The following values are fundamental to fulfilling the mission and vision of Carver County:

FISCAL RESPONSIBILITY: We believe in good stewardship of public funds and providing services in a cost-effective manner.

RESPECT: We affirm the value of each individual and strive to meet the needs of citizens of all ages from all cultural, social and economic experiences.

SERVICE: We serve the public with respect, concern, courtesy and responsiveness.

ETHICS: We demonstrate the highest ethical standards of professional and personal integrity and honesty, as these are the foundation of public trust and confidence.

ACCOUNTABILITY: We believe in a government that is accountable and accessible; one that listens to and communicates with its residents. We encourage and value public participation by the citizens we serve.

STEWARDSHIP: We recognize the delicate balance between growth and the protection of our natural resources. We are committed to maintaining this environmental balance to protect our historic past while planning for a dynamic future.

COLLABORATION: We communicate and cooperate with other units of government to achieve better understanding and to accomplish common goals.

EMPLOYEES: We recognize our employees as the most valuable resource in providing service to the public. We encourage creativity and innovation in fulfilling our responsibilities to the people of Carver County.

LEADERSHIP: We provide progressive and visionary leadership.

C. Effective Date

These rules shall become effective upon passage by the County Board.

II. Amendments to the Operating Rules

During the statutory meeting, the County Board shall review, amend if necessary, and adopt the operating rules for the year.

Any time throughout the year, the County Board may amend (or suspend) the operating rules by an affirmative vote of the members. Changes shall be effective immediately upon passage.

Any member of the County Board or the County Administrator may initiate action to amend the operating rules

Any changes in statute or law affecting the rules are effective immediately and will be reflected in the next draft of the rules.

III. County Board Organization

A. Membership

The County Board of Commissioners consists of five (5) members elected from single-member districts apportioned on the basis of population as provided by law.

B. Commissioner Districts

The boundaries of commissioner districts, including the procedures to follow in the event that a redistricting is needed, are established pursuant to Minn. Stat. §375.025.

C. Terms of Office

The term of each Board member is four years, except as otherwise established pursuant to Minn. Stat. §375.03.

D. Vacancy

A vacancy in the office of County Board is filled at a special election not less than 30 nor more than 60 days after the vacancy occurs. The special primary or special election may be held on the same day as a regular primary or regular election but the special election shall be held not less than 14 days after the special primary. The person elected at the special election shall take office immediately after receipt of the certificate of election and upon filing the bond and taking the oath of office and shall serve the remainder of the unexpired term (Minn. Stat. §375.01).

If the vacancy occurs less than 60 days before the general election preceding the end of the term, the vacancy shall be filled by the person elected at the general election for the ensuing term. That person shall take office immediately after receiving the certificate of election, filing the bond and taking the oath of office (Minn. Stat. §375.01).

E. Officers

The County Board, at its statutory meeting (first Tuesday after the first Monday of each year), elects from its members a Chair and a Vice-Chair. The Chair presides at the County Board meetings, decides on questions of order, subject to vote of the County Board, and signs all documents requiring signature of the County Board. The Chair's signature, attested to by the County Administrator or designee, is binding as the signature of the County Board.

The County Board elects from its membership a Vice-Chair at the same time and place and in the same manner as provided for the election of the chair. The Vice-Chair performs the duties of the chair when the chair is unable to perform those duties.

If the Chair and Vice-Chair are absent from any meeting, the members present shall choose one of their members as temporary Chair, and all documents requiring the signature of the County Board shall be signed by a majority of it and attested to by the Clerk to the Board (Minn. Stat. §375.13).

At the statutory meeting (and if applicable during the year), the Chair of the County Board shall have the authority to recommend committee chairs and appoint members of the County Board to standing committees and other County Board-member appointed committees, organizations and groups, subject to approval by the County Board.

F. Compensation

County Board members receive as compensation for services an annual salary as set by resolution of the County Board. (The salary must be established prior to the end of the preceding year and is effective January 1 of the new year.)

Prior to the effective date of a new salary, each County Board member shall have the option to accept or reject any salary increase in writing and submit it to Employee Relations.

G. Monthly Expense Allowance

Each member of the County Board is allowed a monthly expense allowance as determined by the County Board for expense while doing business for Carver County. (This expense allowance is provided for under Minnesota Laws, Chapter 66, adopted in 1981.) Typical expenditures for this allowance are mileage, parking, and

meals while in the seven county metropolitan area for conferences, seminars and meetings. Expenses included in this allowance are generally considered to be ones that the Board Member deems to be necessary in order to fulfill the duties of office.

The County Board, by resolution, determines the annual expense allowance level. Within the seven county metropolitan area, this allowance is in lieu of traditional reimbursement plans including per diem expenses. The expense allowance is paid to the Board Members in twelve equal monthly installments.

Outside the seven county metropolitan area, all costs deemed necessary by the Board Member to fulfill the duties of office, are covered by County Personnel Policy reimbursement guidelines. This would include reimbursement for actual costs while performing duties of the office of County Commissioner.

All overnight expenses associated with conferences, seminars, legislative attendance, and meetings are costs eligible for reimbursement. In addition, cell phone and remote computer access expenses and educational expenses are costs eligible for reimbursement according to County Personnel Policy reimbursement guidelines.

H. County Board Budget

The County Board is allocated an annual budget which includes salary and benefits and general operating expenses (office supplies and other miscellaneous expenses).

IV. County Board Meetings

A. Regular Meetings

Members of the County Board are entitled to ten days' notice of regular Board meetings (Minn. Stat. §375.07).

At the annual statutory meeting, the County Board shall adopt a schedule of regular board meetings for the upcoming year. The schedule will include the location, date and time of the meetings. During the year the schedule may be amended by general consensus or a vote if necessary of the County Board.

Unless otherwise stated, all regular meetings of the County Board will be convened at the Carver County Government Center. The Board Room is located on the second floor of the Human Services Building. All regular meetings of the County Board are open to the public.

B. Statutory Meeting

The County Board meets in the County Board Room located at the Carver County Government Center, for the transaction of business on the first Tuesday after first Monday in January. The County Board transacts organizational business during this meeting, including:

1. Administrate oath of office (if required);
2. Elect officers;
3. Appoint commissioners to commissions committees and boards;
4. Appoint voting members to AMC;
5. Appoint members to Metropolitan Counties Computer Consortium;
6. Appoint advisory committee members.

C. Open Meeting Law

All meetings of the Carver County Board of Commissioners and other Committees and Boards and Commissions are subject to the Open Meeting Law (Minn. Stat. Chap. 13D).

D. Closed Meetings

The County Board may by motion convene in closed session for the purposes of transacting business. Business which may be considered in closed session are as follows.

- In accordance with the attorney/client privilege;
- To consider strategy for labor negotiations;
- To consider real estate negotiations;
- To consider security measures;
- Or as otherwise required or permitted by the Minnesota Open Meeting Law.

E. Special/Emergency Meetings

The Carver County Board may establish a special or emergency meeting. Procedures to schedule a special or emergency meeting shall be in accordance with Minn. Stat. Chap. 13D.

Adjourned or reconvened meetings may be held at any specific time, date and place the Board may adopt without additional notice. However, the time, date and place must be publicity specified by the Board prior to adjourning the meeting in which the time, date and place are established.

The County Board may schedule work sessions, retreats, forums or additional meetings. A schedule of such meetings shall be maintained in the County

Administration Office. Work sessions and other informal meetings of the Board, not regularly held, shall be subject to the same notice requirements of the Minnesota Open Meeting Law.

A joint meeting with the County Board and any other political subdivision may be held within the boundaries of either subdivision and will be specified in the meeting notice.

Meetings of the County Board may also be conducted by interactive TV according to Minn. Stat. §13D.02.

F. Public Hearings

From time to time, the County Board conducts formal public hearings. In addition to those required by law, the County Board may hold public hearings on matters of business when it decides that such hearings are in the best interest of the general public or issues under consideration.

The order of business for public hearings generally follows this procedure:

1. Presiding officer opens the hearing and states the purpose;
2. Brief description of issue by County staff or other appropriate persons;
3. Presentation, if applicable, by affected or interested persons;
4. Public hearing closed by the Board;
5. Decision of the County Board.

At any time during the process, the County Board may address questions as deemed appropriate.

The County Board may alter the public hearing procedure as needed to assure that the hearings are conducted in an orderly, fair and expeditious manner, including establishing reasonable time limits for speakers individually or on each side of the issue before the Board.

Rules adopted for public hearing procedures are intended to promote an orderly discussion, to give every person an opportunity to be heard, and to ensure that no individual is denied their right to free speech.

All comments by proponents, opponents, or members of the public shall be made at the microphones and individuals making comments shall first give their name and address.

This is required for an official record of the public hearing.

G. Meeting Conduct

The following meeting conduct rules shall apply for all Board meetings:

1. Respect the dignity of each individual.
2. Respect one another's facts, opinions and right to speak.
3. We realize that our thinking processes are shaped by our backgrounds. None of us can be completely objective as a result. We all have our natural biases that we may not even be aware of. We must respect that in one another. Backgrounds are neither right nor wrong; they just are. Diversity, differences, conflict are all inevitable.
4. We choose to deal with conflict in a healthy manner. Therefore there will be no name calling and putdowns of individuals or ideas. This does not mean you can't openly disagree and support your ideas, opinions and facts.
5. Listen respectfully - no interruptions.
6. In the interest of time, time limits may be established.
7. Questions may be asked of the presenters during the time allotted.

H. Cable casting

All regular meetings of the Carver County Board of Commissioners, with the exception of public participation, are videotaped from calling to order of the meeting to the adjournment of the meeting's regular session.

These tapes are broadcast on cable television channels. Efforts are made to use cable channels that provide the most complete coverage possible across the entire geographic areas of Carver County.

Tapes are available for check-out through the Carver County library system. Tapes are also available for purchase by the general public through the County Administrator's Office. The cost of tapes are set by the County Board and included in the County's Fee for Service Schedule.

The Carver County Administration Department retains a copy of the tape for a period of two years and one week after the taping date. These videotaped recordings are not the official minutes of the Carver County Board of Commissioners.

I. Quorum

A quorum shall be necessary for the transaction of business. A majority of the members of the Board shall constitute a quorum and no business shall be transacted unless voted on by a majority (three votes) of the whole County Board (Minn. Stat. §375.07). Less than a majority of members may convene a meeting, but no business may be transacted.

Any County Board member who, for any reason, anticipates or plans an absence at any regular or special meeting is encouraged to contact the County Board Chair or the County Administrator to indicate his or her planned absence.

J. Role of Presiding Officer

The presiding officer of the meeting will be the Chair. In the absence of the Chair, the presiding officer will be the Vice-Chair. The duties and powers of the presiding officer shall include the following:

1. Preside at all meetings of the County Board.
2. Preserve order and decide questions raised by members subject to appeal to the Board.
3. Require the vote on all questions regularly moved and to announce the result.
4. Review and comment on the draft agenda for each regular and special meeting of the Board.
5. Serve as representative of the Board in execution of contracts, orders, resolutions, determinations and minutes of the Board and certification of tax rolls.

The Chair of the Board may make a motion and has the same voting rights and responsibilities as other members.

K. Addressing the Chair

Formal protocol will be used when speaking to the County Board. The County Board Chair shall be addressed as "Mr./Madam Chair." Members of the County Board shall be addressed as "Commissioner (last name)."

L. County Administrator

The County Administrator or designee shall attend all meetings of the County Board. The County Administrator represents the Board at the meetings. The County Administrator may participate in the discussion or recommend a resolution or action to the County Board. A member of the Board may call on the County Administrator to participate in the discussion or provide a

verbal recommendation on any subject pending before the Board.

The County Administrator or designee shall prepare a written agenda for all regular and special meetings of the County Board. The County Administrator or designee acts as the clerk of the board and shall also: 1) make regular entries of all Board resolutions and decisions upon all questions; 2) record the vote of each member on any question submitted to the Board; 3) preserve and file all business acted upon by the Board; 4) certify copy any and all resolutions or decisions of the Board; and 5) perform such further duties as designated by the Board.

V. CONDUCT OF DEBATE

A. Principles

The Rules of Parliamentary Practice embodied in Robert's Rules of Order (hereafter referred to the Rules of Order) shall guide the Board in all cases applicable, except as modified by the rules herein and applicable Minnesota Statutes. In all cases, except where Minnesota Statutes dictates, a majority vote will prevail when deciding a question.

B. Parliamentarian

The Rules of Order governing County Board meetings shall be referred to the County Board Chair for interpretation and enforcement. The County Board Chair may consult with Board members and/or the County Attorney in interpreting and deciding upon rules and questions of order.

C. Role of the Chair

The Chair shall preside over the debate, ensuring equality and fairness in discussion. If necessary, the Chair may restate or ask the County Administrator or designee to restate who made the motion, who seconded the motion, and announce the result of the vote.

D. Suspension of the Rules

Any member of the Board may make a motion for a suspension of the Rules of Order at any time during the debate and, if in order and duly seconded, the Board will vote on the request.

E. Main Motion

The main motion shall be considered by the Board. A member may make only one main motion at a time. The Board member(s) may present an initial motion on the resolution and subsequently debate the question; or the Board member(s) may call upon staff for additional information prior to introduction of the motion.

The introduction of a main, or substantive motion, is out of order while another main motion is pending. While the question is under debate, no other motion shall be received or entertained except for procedural motions permitted in the Rules of Order.

F. Second Required

All motions before the Board shall be seconded prior to consideration by the Board. The second may occur after brief informal discussion. Subsequent to the second of the motion, formal debate may ensue between the members of the Board prior to the formal vote being called.

G. Amended Motion

Any motion may be amended at any time before it is adopted. The amended motion shall have precedence over an existing motion and may be discussed prior to being voted upon. If the amended motion fails, the main motion may proceed for consideration. If the amended motion passes, the amended motion becomes the main motion and may proceed for consideration. Once an amended motion is voted upon, a second amended motion may be entertained.

H. Division of the Question

Upon the request of any Board member, a motion or resolution in debate may be divided and separated into more than one action provided that the Chair rules that the motion or resolution will allow such a division. Each of the resulting motions or resolutions must be complete to allow independent consideration and action.

I. Withdrawal of Motion

After a motion has been stated by the Chair, it is deemed to be in the possession of the Board, but may be withdrawn by the member introducing the motion at any time before a vote. The Chair must accept or reject the withdrawal request. This motion cannot be debated or amended. If the motion is withdrawn, the effect is the same as if it had never been made.

J. Discussion Procedures

The following operating rules shall guide debate:

1. Any Commissioner desiring to speak shall address the Chair, and not proceed until being recognized. When two or more members address the Chair at the same time, the Chair shall designate the order of speaking.
2. Upon recognition of the Chair, the Board member making the motion has precedence to address the Board first, with the option of explaining the reasons why the motion is made. Subsequently the floor is open to any member of the Board.
3. A member, once recognized, shall not be interrupted when speaking, unless it is to call that member to order. No member shall interrupt another in debate without his/her consent. To obtain such consent, he/she shall first address the Chair.

K. Adoption

A motion or resolution shall be adopted if approved by a majority of the whole Board (Minn. Stat. §375.07).

L. Procedural Motion

In addition to the substantive motions, the following procedural motions shall be in order. This is a partial list

of those motions from Robert's Rules that are most often used.; it is not intended to be a complete list.

These motions shall be considered in the following order of precedence as taken from Robert's Rules of Order:

1. Motion to Adjourn;
2. Motion to Recess;
3. Motion to Suspend the Rules;
4. Motion for Division of the Question;
5. Motion to Defer Consideration (Motion to Lay on the Table);
6. Call of the Previous Question;
7. Motion to Postpone to Certain Time or Day;
8. Motion to Refer to Committee;
9. Motion to Amend;
10. Motion to Reconsider.

M. Voting

It is the duty of every member to vote. Voting shall be recorded as a "yes" or "no" vote by the County Administrator and duly noted in the minutes. Unless a Commissioner signifies an abstention or vote in the negative on any given issue, the County Administrator shall be directed to record that each Commissioner has voted in the positive on that particular matter which is before the Board. A roll call, if requested by any member, shall be called by the County Administrator or the Chair, in a predetermined order based on the seating of the members and rotating with each resolution voted upon.

VI. TYPES OF COUNTY BOARD ACTION

A. Resolution

The County Board takes formal action by resolution (Minn. Stat. §373.02) or ordinance (Minn. Stat. §375.51) only, both of which are initiated through a motion. A motion may be introduced by any member of the County Board.

The main motion in the form of a resolution is the means by which a member may present a substantive proposal to the County Board for consideration and action. Since it is the basic motion for the transaction of business, only one subject may be considered at a time and the main motion may be proposed only when no other motion is before the County Board. (See Section V.)

B. Ordinance

The County Board may take formal action by ordinance (Minn. Stat. §375.51). An ordinance is a legislative act prescribing general, uniform, and permanent rules of conduct relating to the affairs of the county. County Board action shall be taken by ordinance when required by law.

C. General Consensus

The County Board provides informal direction by consensus. Informal direction is most often used to provide staff with preliminary Board perspective on a matter which will require future formal action by resolution or ordinance. Informal direction is also used to provide additional insight into formal actions previously

taken. Informal direction standing alone does not establish Board policy or authorize action.

D. Policy Development

Authority for the development of policies in Carver County is granted to the County Board through Minn. Stat. Chapter 373 (Counties, Powers, Duties, and Privileges) and Minn. Stat. Chapter 375 (County Boards) and other statutes. With the powers granted within these statutes, the County Board may delegate certain authority, as appropriate, through Board resolutions. These delegations of authority may be rescinded at any time by the Board.

VII. COUNTY BOARD AGENDA

A. Preparation and Distribution

The County Administrator shall prepare the agenda and supporting material for each regular and special meeting. Members of the Board may direct that an item be placed on the Agenda by informing the County Administrator. The County Administrator shall include an item on the agenda if a member directs that the item be placed on the agenda at least three (3) days prior to the meeting for which the agenda is to be prepared.

The Board agenda packet, including the meeting agenda and supporting material, shall be received by each member of the Board no later than the Monday preceding the regular Tuesday meeting.

Copies of the agenda and supporting material shall be made available to the County staff, public and media as appropriate. A distribution list shall be maintained in the County Administration Office. Members of the public who are interested in following issues considered by the Board may register their name and address with County Administration for placement on the agenda distribution list.

If possible and if time avails, Board members are encouraged to identify and request future agenda topics within the agenda section entitled "Board Reports." Early identification of future agenda items informs the Board that a particular subject will be discussed and provides staff an opportunity to conduct any research, and provide background information sufficient to inform the Board.

B. Order of Business

The Order of Business for each regular meeting of the County Board shall be as follows:

1. Call to Order (start of cablecast)
2. Pledge of Allegiance
3. Public Participation (cablecast break)
4. Introduction of New Employees
5. Approval of Agenda
6. Approval of Minutes
7. Community Announcements
8. Consent Agenda
9. Regular Agenda
10. Adjourn Regular Session (end of cablecast)
11. Board Reports

The Order of Business may be changed as needed to accomplish objectives and priorities of the meeting. The Order of Business may be changed at the recommendation of the Chair, any member of the Board or the County Administrator subject to County Board consensus.

C. Consent Agenda

The Consent Agenda will consist of routine agenda items which are not likely to require additional debate and discussion. Examples of consent agenda items include, but in no circumstances are limited to, tax abatements (penalty and interest claims), minor budget amendments, personnel actions, tax forfeiture actions, and miscellaneous contract renewals.

The Consent Agenda shall be considered as one item of business. The Board may approve all items on the consent agenda by adopting one motion. In the minutes

of the meeting, the items passed in the Consent Agenda shall be recorded individually.

Prior to approval of the Consent Agenda, any member can remove an item on the Consent Agenda for further discussion and/or for the purposes of separate consideration. The Chair shall determine the location on the agenda for the item of business which will subsequently be considered.

D. Regular Agenda

The Regular Agenda will consist of items which are likely to and/or require additional discussion and review. Items of business within the Regular Agenda shall be considered individually and in the order of business as noted on the agenda.

E. Official Records

The County Administrator or designee shall prepare the official minutes of each meeting. Board meeting minutes shall be kept in accordance with all provisions of statutes in order to provide an accurate record of County Board actions. The record is not intended to be a verbatim transcript of all discussion and debate; the record is primarily a compilation of official actions (Minn. Stat. §331A.01).

The minutes of the County Board meeting shall be prepared and submitted for approval at the next succeeding County Board Meeting. Official proceedings of County Board meetings shall be published in the official County newspaper (Minn. Stat. §375.12). The Official Board Proceedings are distributed to staff and interested parties and are also available on the Carver County website at www.co.carver.mn.us.

The official minutes of County Board meetings shall be available in the County Administration Office. The resolutions shall be numbered consecutively followed by the last two digits of the calendar year.

VIII. ADVISORY COMMITTEES

A. Policy

The County Board appoints individuals to various boards, committees or commissions, (hereinafter referred to as Committees) which have been established by the County Board or pursuant to Minnesota Statute. Authority for establishment of the committees is prescribed in Minnesota Statutes and in Board Policy. County Administration will maintain a complete list of committees and their underlying source of creation.

A list of committees includes, but is not limited to:

1. Board of Adjustment
2. Community Development Agency
3. Library Board
4. Mental Health Advisory Committee
5. Minnesota Extension Committee
6. Park Commission
7. Personnel Board of Appeals
8. Planning Commission
9. Water, Environment, Natural Resource

B. Role and Purpose of the Committees

Each Committee serves a statutory, policy, or operational purpose within Carver County. Each

committee has specific staff assigned and designated to support its function. The function and reporting relationship to the Board will vary from committee to committee.

Committees are established to serve a variety of functions. The fundamental purposes for utilizing Committees in support of County government are:

1. To involve members of the public in the decision-making process.
2. To meet requirements of state law.
3. To ask residents to help define community standards and norms.
4. To provide technical expertise in certain areas.
5. To serve as advocates for the County.
6. To provide an independent sounding board for issues, ideas, and policy matters.

C. Operating Procedures

An open appointment policy governs the process for recruiting applicants to committees. The actual appointments are made by the County Board.

Individuals appointed by the Board to Committees receive a per diem reimbursement for attendance at regular or special meetings of such committees unless otherwise stated by the County Board. The per diem level is established from time to time by Board and/or Minnesota Statute.

D. Appointments

Appointments to the extent possible will be made by commissioner district. The Board will use discretion in this area and instances may occur when appointments will not follow district boundaries due to the target group the committee represents, availability of applicants, or other factors. The Carver County Board will attempt to select those candidates who will best represent the county and the committee's needs.

When a vacancy exists due to resignation or other reasons, the Board will follow the open appointment process. For the purpose of maintaining uniform length of terms the new appointee's partial term will be assumed to be a full term regardless of actual time remaining in the unexpired term.

E. Attendance Policy

Advisory committee members missing three (3) consecutive meetings in a year without the formal consent of the advisory committee shall be deemed to

constitute a resignation of a member and a vacancy thus created shall be filled thereafter as provided by the open appointment process.

F. Residency Requirement

Applicants are not always restricted to Carver County residents.

G. Notification

County staff shall inform all appointees to committees at the initial yearly meeting or at the first meeting attended by a member of the contents of all applicable attendance policies, residency requirements and other pertinent information needed to perform the duties of a committee member.

H. Terms

Unless mandated statutorily the County Board has standardized the length of term and number of terms each member to serve. The length of term is 3 years and the maximum number of consecutive terms each member may serve is 3.

I. Appointment of Chairs

Chairs of various committees are selected according to committee bylaws.

J. Reporting Requirements

The Committees shall report their activities to the designated Board member or the County Board as needed on a periodic basis.

IX. CODE OF ETHICS

It is the belief of the County Board that the trust bestowed upon them as elected officials is of utmost importance in the relationship between themselves and the public. With this belief, the following statements further emphasize the priority and commitment the County Board has placed on Ethical Standards.

In the execution of their official duties, all County Board Members shall strive to:

- Observe the highest moral and ethical standards.
- Maintain and respect the confidentiality of private and confidential information.
- Avoid discrimination against any person on the

- basis of race, color, sex, religion, creed, national origin, age, disability, sexual orientation, marital status, place of residence, or status with regard to public assistance.
- Comply with the ethical obligations imposed by law, including Minn. Stat. §10A.07, 10A.071, 382.18, 471.87-.895, including, where appropriate, disclosing conflicts of interest, abstaining from decision-making, eliminating conflicts of interest, and declining gifts.
- Work to create a positive environment in public meetings where all individuals may feel comfortable in their roles as observers or participants.
- Allow citizens, staff, or colleagues sufficient opportunity to present their views. Be tolerant, respectful and attentive. Avoid comments, body language or distracting activity that conveys a message of disrespect for the presentations from citizens, staff or colleagues.
- Place cooperation, trust, and respect at the heart of all that is done.
- Behave ethically as daily responsibilities are carried out.
- Support one another at and beyond the County Board table.
- Operate as an effective team, continually improving that effectiveness.
- Work for “win-win” situations instead of “win-lose.”
- Actively listen, keep an open mind and suspend judgment.
- Be pro-active in the exercise of the office.
- Do the best to answer questions posed by one another, the employees, and the community.
- Honor “discussion” before “decisions.”
- Be consistent in process and operation.
- Be honest and candid with one another.
- Focus on working “with” instead of “for” or “under.”
- Not take differences of opinion personally.
- Disagree agreeably and professionally.
- Realize that people make mistakes – forgive and forget.
- Realize and honor varying work styles, personalities, and process needs.
- Share information and avoid surprises.
- Maintain a sense of levity – public service should be fun as well as work.

X. CITIZENS

A. Citizen Participation

The public is invited and encouraged to attend and participate in County Board meetings. All approved minutes of Board meetings are published in the official county newspaper and agendas and minutes are available on the County website at www.co.carver.mn.us.

B. Audience/Citizens Requests

The County Board prefers all business matters initiated by citizens coming before them to first be reviewed by staff and scheduled for discussion on the appropriate agenda.

If an individual seeks to appear before the County Board he/she should notify the County Administration Office of his/her intention and the issue to be presented. Staff will confer with the individual, address the issue and, if necessary, schedule the issue accordingly on the appropriate agenda.

C. Audience Participation at Board Meetings

To the extent possible, interested citizens shall notify the County Administrator of their interest to speak at the meeting and the issue to be discussed. The County Administrator will notify the Chair. In an effort to encourage efficiency and early resolution of issues, the County Board recommends that citizens first contact staff to try to resolve matters before coming formally to the County Board meeting. Questions directed to the Board may not be answered immediately, however, whenever possible, all appropriate questions will be responded to in a timely and effective manner by the Board and/or County staff.

The Carver County Board wishes to provide an opportunity for the public to address the County Board. The County Board Chair has the discretion to request public input on issues that are included as part of the agenda. For citizens who desire to discuss issues which are not on the agenda, every regular Board meeting has a Public Participation section.

It is the intention of the Board, by adoption of the following rules, to ensure that its affairs are conducted in an open, orderly, and efficient manner, that persons desiring to address the Board on matters pertaining to the agenda or germane to County business are afforded an opportunity to speak, that persons in attendance may observe and hear the proceedings without distraction, and

that the Board is able to transact County business with minimal disruption.

1. A person desiring to speak may only speak if acknowledged by the Board Chair. All remarks shall be addressed to the County Board as a whole, not to any specific member(s) or to any person who is not a member of the County Board.

2. Comments are limited to a period of five (5) minutes. Additional time may be granted at the discretion of the Chair.

3. Copies of written materials must be provided to the County Board members, the County Administrator, the County Attorney, and any media present at the meeting. Handouts provided to the County Board members become government data and are thereafter under classifications designated in the Minnesota Government Data Practices Act and/or other privacy laws.

4. If there are a number of individuals present to speak on the same topic, all persons must sign in and designate a spokesperson or two.

5. Board members will listen to comments but will not engage in discussion during the Public Participation section of the agenda. Board members or County staff may ask questions in order to gain a thorough understanding of concerns, suggestions, or requests. If follow-up to a person's comments is requested or required the Board Chair will direct the County Administrator to do so.

6. Disruptive and/or disrespectful behavior will not be allowed. Examples of such behavior include arguments, obscenity, profanity, insults or attacks against a person in his or her personal capacity, physical violence or threat thereof, repetitious references, or such other comments or conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of any Board meeting. The Chair will address such a speaker, give them a warning and/or use appropriate means to remove such a person from the meeting up to and including the use of law enforcement

D. Responding to Correspondence/Inquiry/Processing of Complaints from Citizens

County Board members and staff are committed to customer service and will endeavor to provide timely and efficient response and communication to the citizens of Carver County.

Upon receipt of a written inquiry, request for information, or complaint about County business which has been sent to a Board member, upon notification and direction from County Administrator or designee, staff

will confer with the member to determine the appropriate course of action. The inquiry will be handled timely as directed with the County Administrator or designee advising the Board member upon completion.

Incoming telephone calls requesting a specific Board member should be forwarded to the Board Member per his/her instructions. Administration staff will periodically review with Board members the preferred method of handling telephone inquiries. Every effort will be made to maintain open lines of communication between the Board members and their constituents.

Telephone calls requesting information about specific areas of County business are forwarded to the appropriate Division. Customer service is of primary importance to the County Board and staff and an appropriate method of tracking the information requests and responses will be utilized.

XI. Staff

A. County Administrator

The County Board adopted the County Administrator form of government on August 6, 1985.

The position of County Administrator is established pursuant to Minn. Stat. §375A.06. The County Administrator is the administrative head of the County, responsible for the administration of the affairs of the County delegated to him/her by Minnesota Statute and the County Board. The County Board has approved a job description which outlines in detail the duties and responsibilities of the County Administrator.

In general, the County Administrator shall exercise supervision of the divisions which function under the jurisdiction of the Carver County Board. The County Administrator shall coordinate the various activities of the County, unify the management of its affairs, and make recommendations to the Board regarding the structure of County functions, including reporting relationships, physical facilities and locations. The County Administrator is accountable for hiring, training, advising, motivating, and appraising the performance of subordinates. The County Administrator recommends the annual budget and long range capital expenditure programs to the Board for approval.

The County Administrator recommends to the Board proposed policies concerning the administrative affairs of the County. The County Administrator will keep the

Board informed, make recommendations, and comment upon legislative initiatives which affect the County and, as directed by the Board, will represent the County in its relations with other governments. The County Administrator will serve as the leader of the County Management teams, recommend short and long term goals to the Board, and periodically measure organizational and individual accomplishments against goals, objectives, and timetables.

B. Role of Staff

The County Administrator with the support of staff will, in a timely and responsible manner, answer inquiries and requests regarding issues and concerns brought by Board members or the citizens of Carver County. In certain instances Board members may want assistance or County staff involvement in evaluating policy and/or programmatic changes. Board members who wish to initiate policy or program change are encouraged to first present such requests to the appropriate Division.

Functions which are deemed routine such as interpretation of policy and procedure, general constituent business, and/or research which require minimal time may be directed by the Board or individual member, to the County Administrator or designee for action.

C. Legislative Protocol for Staff and Citizen Members of Appointed Boards

This following policy applies to all staff/citizen members and respective appointed Board members that lobby as a representative of Carver County.

Staff/citizen members who choose to lobby on a policy issue that would affect the operations of the County, are expected to confine their efforts to the County's current legislative agenda.

Staff/citizen member participation should be immediately communicated to the Board appointed designee or the County Administrator.

If the issue has not been addressed by the County's legislative agenda, a County Board position should be sought prior to any lobbying effort on your part.

The Board appointed designee, County Administrator, or designated personnel, will organize the county's efforts. Staff/citizen members should presume that s/he

will speak for the County Board, unless s/he has reviewed their positions or have checked with them on specific issues.

When the County is paying the dues for membership in a professional association, staff/citizen members shall not take a position within that professional association that is inconsistent with County Board policy.

All staff/citizens members and appointed representatives shall notify the County Board and/or the County Administrator of a pending appointment to an advisory board or task force initiated outside of the scope of County Board authority.



REQUEST FOR BOARD ACTION

AGENDA ITEM : Adopt schedule of regular Board meetings for the year 2009

Originating Division: Administration

Meeting Date: 1/6/09

Amount of Time Requested: 5 minutes

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM:

Section IV, County Board Meetings (A. Regular Meetings) the Carver County Board Operating Rules reads as follows:

"At the annual statutory meeting, the County Board shall adopt a schedule of regular Board meetings for the upcoming year."

The proposed Board meeting schedule is attached.

ACTION REQUESTED: Motion to adopt attached meeting schedule for year 2009.

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: 12/26/08

2009 BOARD CALENDAR

Tuesday	January 6, 2009	9:15 a.m.	Organizational Session
Tuesday	January 13, 2009	9:15 a.m.	Board Meeting
Tuesday	January 20, 2009	4:00 p.m.	Work session
Tuesday	January 27, 2009	9:15 a.m.	Board Meeting

Monday	February 2, 2009	8:30 a.m.	Commissioner Update
Tuesday	February 3, 2009	7:30 a.m. 9:15 a.m. After Board Meeting	Commissioner Update Board Meeting Commissioner Update
Tuesday	February 10, 2009	9:15 a.m.	Board Meeting
Tuesday	February 17, 2009	4:00 p.m.	Work Session
Tuesday	February 24, 2009	9:15 a.m.	Board Meeting

Monday	March 3, 2009	8:30 a.m.	Commissioner Update
Tuesday	March 3, 2009	7:30 a.m. 9:15 a.m. After Board Meeting	Commissioner Update Board Meeting Commissioner Update
Tuesday	March 10, 2009	9:15 a.m.	Board Meeting
Tuesday	March 17, 2009	4:00 p.m.	Work Session
Tuesday	March 24, 2009	9:15 a.m.	Board Meeting
Tuesday	March 31, 2009		No Meeting-Fifth Tuesday

Monday	April 6, 2009	8:30 a.m.	Commissioner Update
Tuesday	April 7, 2009	7:30 a.m. 9:15 a.m. After Board Meeting	Commissioner Update Board Meeting Commissioner Update
Tuesday	April 14, 2009	9:15 a.m.	Board Meeting
Tuesday	April 21, 2009	4:00 p.m.	Work Session
Tuesday	April 28, 2009	9:15 a.m.	Board Meeting

Monday	May 4, 2009	8:30 a.m.	Commissioner Update
Tuesday	May 5, 2009	7:30 a.m. 9:15 a.m. After Board Meeting	Commissioner Update Board Meeting Commission Update
Tuesday	May 12, 2009	9:15 a.m.	Board Meeting
Tuesday	May 19, 2009	4:00 p.m.	Work Session
Tuesday	May 26, 2009	9:15 a.m.	Board Meeting

Monday	June 1, 2009	8:30 a.m.	Commissioner Update
Tuesday	June 2, 2009	7:30 a.m. 9:15 a.m. After Board Meeting	Commissioner Update Board Meeting Commission Update
Tuesday	June 9, 2009	9:15 a.m.	Board Meeting
Tuesday	June 16, 2009	4:00 p.m.	Work Session
Tuesday	June 23, 2009	9:15 a.m.	Board Meeting
Tuesday	June 30, 2009		No Meeting-Fifth Tuesday

Monday	July 6, 2009	8:30 a.m.	Commissioner Update
Tuesday	July 7, 2009	7:30 a.m. 9:15 a.m. After Board Meeting	Commissioner Update Board Meeting Commission Update
Tuesday	July 14, 2009	9:15 a.m.	Board Meeting
Tuesday	July 21, 2009	4:00 p.m.	Work Session
Tuesday	July 28, 2009	9:15 a.m.	Board Meeting

Monday	August 3, 2009	8:30 a.m.	Commissioner Update
Tuesday	August 4, 2009	7:30 a.m. 9:15 a.m. After Board Meeting	Commissioner Update Board Meeting Commission Update
Tuesday	August 11, 2009	9:15 a.m.	Board Meeting
Tuesday	August 18, 2009	4:00 p.m.	Work Session
Tuesday	August 25, 2009	9:15 a.m.	Board Meeting

Monday	August 31, 2009	8:30 a.m.	Commissioner Update
Tuesday	September 1, 2009	7:30 a.m. 9:15 a.m. After Board Meeting	Commissioner Update Board Meeting Commission Update
Tuesday	September 8, 2009	9:15 a.m.	Board Meeting
Tuesday	September 15, 2009	4:00 p.m.	Work Session
Tuesday	September 22, 2009	9:15 a.m.	Board Meeting
Tuesday	September 29, 2009		No Meeting Fifth Tuesday

Monday	October 5, 2009	8:30 a.m.	Commissioner Update
Tuesday	October 6, 2009	7:30 a.m. 9:15 a.m. After Board Meeting	Commissioner Update Board Meeting Commission Update
Tuesday	October 13, 2009	9:15 a.m.	Board Meeting
Tuesday	October 20, 2009	4:00 p.m.	Work Session
Tuesday	October 27, 2009	9:15 a.m.	Board Meeting

Monday	November 2, 2009	8:30 a.m.	Commissioner Update
Tuesday	November 3, 2009	7:30 a.m. 9:15 a.m. After Board Meeting	Commissioner Update Board Meeting Commission Update
Tuesday	November 10, 2009	9:15 a.m.	Board Meeting
Tuesday	November 17, 2009	4:00 p.m.	Work Session
Tuesday	November 24, 2009	9:15 a.m.	Board Meeting

Monday	November 30, 2009	8:30 a.m.	Commissioner Update
Tuesday	December 1, 2009	7:30 a.m. 9:15 a.m. After Board Meeting	Commissioner Update Board Meeting Commission Update
Tuesday	December 8, 2009		AMC Conference
Tuesday	December 15, 2009	4:00 p.m.	Work Session
Tuesday	December 22, 2009	9:15 a.m.	Board Meeting
Tuesday	December 29, 2009		No Meeting Fifth Tuesday



REQUEST FOR BOARD ACTION

AGENDA ITEM: Appointments of Commissioners to commissions, committees and boards, appointment of voting members to Association of Minnesota counties, delegates to the Minnesota Counties Computer Consortium and Board appointment as County's SNS requestor

Originating Division: Administration

Meeting Date: 1/6/09

Amount of Time Requested: 20 minutes

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM:

Administration is requesting that the Board make committee assignments for 2009 as well as appoint voting members to the Association of Minnesota Counties, delegates to the Minnesota Counties Computer Consortium and name a Board member as the County's SNS requestor.

ACTION REQUESTED:

Motion appointment Board members to various commissions committees and boards, motion appointing voting members to AMC and MCCC and name a Board member as the County's SNS requestor.

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: 12/26/08

2009 Commissioner Committee Assignments

Committee	2008 Appointee	2009 Appointee
Area Agency on Aging	Degler	
Association of Minnesota Counties Board of Directors	Ische, Alt. Maluchnik	
AMC Legislative Steering Committee	Degler, Alt to be named	
AMC Environment & Natural Resources Policy Committee	Ische	
AMC General Government Policy Committee	Degler	
AMC Health & Human Services Policy Committee	Lynch	
AMC Public Safety Policy Committee	Maluchnik	
AMC Transportation Policy Committee	Workman	
CAP Agency Board of Directors	Maluchnik & Degler	
Carver County CDA	Maluchnik	
Carver County Health Partnership Board of Directors	Maluchnik	
Community Leaders (Eastern)	Degler & Maluchnik	
Counties Transit Improvement Board	Maluchnik	
County and Union Leaders Group	Maluchnik, Lynch	
Courts Committee	Ische & Degler	
CROW Joint Powers Board	Lynch, Alt. Ische	
Emergency Medical Services Committee	Maluchnik, Alt. Lynch	
Fair Board	Ische, Alt. Lynch	
Historical Society Committee	Maluchnik, Alt. Lynch	
Insurance Advisory Committee	Maluchnik	
Inter-Agency Early Intervention Committee	Degler	
Law Library Board	Degler	
Library Board	Degler	
Lower Minnesota River Watershed	Maluchnik	
MELSA	Degler	
Mental Health Advisory Committee	Lynch	
Metro Alliance for Healthy Families Joint Powers Board	Workman	
Metro GIS Policy Board	Workman, Alt Maluchnik	
Metropolitan Emergency Services Board	Ische & Degler	

Metropolitan Emergency Services Executive Board	Ische	
Metropolitan Emergency Services Cost Allocation Committee	Ische	
Metropolitan Emergency Services Finance Committee	Degler	
Metropolitan Emergency Services Radio Technical Operations Committee	Nancie Pass, Steve Schoenbauer, Alt. Susan Bowler	
Metropolitan Emergency Services 911 Technical Operations	Nancie Pass, Steve Schoenbauer, Alt. Susan Bowler	
Metropolitan Inter-County Association	Workman & Maluchnik	
Minnehaha Creek Watershed District	Maluchnik	
Minnesota Extension Committee	Degler & Lynch	
Minnesota River Basin Joint Powers	Ische & Maluchnik	
Minnesota Valley Regional Rail Authority	Workman, Alt. Maluchnik	
Mosquito Control District	Ische & Workman	
Office of the Aging Advisory Board	Degler	
Park Commission	Lynch	
Planning Commission	Lynch	
Public Health Emergency Preparedness Workgroup	Lynch, Alt. Maluchnik	
Riley-Purgatory-Bluff Creek Watershed	Workman	
Soil and Water	Ische, Alt. Lynch	
Solid Waste Management Coordinating Board	Workman & Ische	
Southwest Corridor Transportation Coalition	Workman & Maluchnik, Alt. Degler	
State CHS Advisory Committee	Maluchnik, Alt. Del Hurt	
Transportation Advisory Board – TAB	Workman	
WENR Committee	Ische, Alt. Lynch	

Ditches

- Joint Ditch #1 Ische, Lynch, Degler
- Joint Ditch #4 Ische, Lynch, Workman
- Joint Ditch #5 Ische, Lynch, Maluchnik
- Joint Ditch #21 Ische, Lynch, Workman, Degler
- Joint Ditch #22 Ische, Lynch, Maluchnik
- Joint Ditch #24 Ische, Lynch, Degler

Appointment of voting members to Association of Minnesota Counties:

Gayle Degler

Randy Maluchnik

James Ische

Tim Lynch

Tom Workman

Roger Gustafson

David Hemze

Gary Bork

Appointments to Minnesota Counties Computer Consortium:

Rhonda Lynch

Alt – Nathan Reinhardt

Alt – Laurie Engelen

Appointment as County's Strategic National Stockpile (SNS) Requestor

Gayle Degler

David Hemze

Del Hurt



REQUEST FOR BOARD ACTION

AGENDA ITEM : Appointments to advisory committees

Originating Division: Administration

Meeting Date: 1/6/09

Amount of Time Requested: 15 minutes

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

Each year the Board makes appointments to various advisory committees. Those individuals that were eligible to serve another term were sent an application. A list of applicants that have applied is attached

The Board has the option to make appointments today or hold until such time as they find another applicant.

ACTION REQUESTED:

Motion appointing applicants to advisory committees.

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: 12/26/09

**CARVER COUNTY CITIZEN ADVISORY
COMMITTEE APPOINTMENTS FOR 2009**

COMMUNITY DEVELOPMENT AGENCY (formerly HRA) (5-year terms)

Current members:

Sarah Carlson - resides Commissioner District 1
Michael Schachterle – resides Commissioner District 2
Cindy Monroe-resides Commissioner District 3
Bob Lano-resides Commissioner District 5

Current vacancies: 1 (Commissioner District 4)

Applications received to-date:

Robert Stevens-resides Commissioner District 4
Myron Karki-resides Commissioner District 4
Darrel Sudheimer-resides Commissioner District 4

LIBRARY BOARD (3-year terms)

Current members:

Richard Kvitek – resides Commissioner District 1
Mark Peterson-resides Commissioner District 2
Jim Weygand-resides Commissioner District 3

Current vacancies: 2

Applications received:

James Dodson – resides Commissioner District 4
Joanne Johnson – resides Commissioner District 5

MENTAL HEALTH ADVISORY COMMITTEE (3-year terms)

All appointments are mandated.

Current members:

Lorie Reller-resides Commissioner District 2
Kim Wolf – resides Commissioner District 5
Rita Brand-resides Commissioner District 5
Cris Leindecker (works in schools)
Christine Ullom – mandated position
Dr. Samuel DeWeese-resides Commissioner District 4

Current vacancies: 4 mandated positions

Applications received:

Kathleen Donohue – resides Commissioner District 3

(UNIVERSITY OF MINNESOTA) MINNESOTA EXTENSION COMMITTEE

Current Members:

Peter Moe-resides Commissioner District 2
Cliff Johnson-resides Commissioner District 5
Susan Honebrink-resides Commissioner District 5

Current vacancies: 3

Applications received:

Larry Enter-resides Commissioner District 4
Christine Boerner-resides Commissioner District 4

PARK COMMISSION (3-year terms) -

Current members:

Jeff Conkling-resides Commissioner District 1
Jerald Moja-resides Commissioner District 3
Thomas Herrmann - resides Commissioner District 5

Current vacancies: 4 (*one unexpired term in Commissioner District 4*)

Applications received to-date:

Neil Wingert – resides Commissioner District 1
Gail VonBargen – resides Commissioner District 5
Richard Tieden – resides Commissioner District 3

PERSONNEL BOARD OF APPEALS (3-year terms)

Current members:

Libby Fairchild-resides Commissioner District 1
Gary Boyle-resides Commissioner District 3

Current vacancies: 1

Applications received to-date:

Gino Businaro - resides Commissioner District 3

PLANNING COMMISSION (3-year terms) - Current members:

Robert Lamkin-representing Commissioner District 2

Greg Boe - resides Commissioner District 3

John P. Fahey-resides Commissioner District 5

Tom Williams (as township appointment)

Current vacancies: 2

Applications received to-date:

Ted Beise – resides Commissioner District 3

Si Tesch – resides Commissioner District 4

WATER, ENVIRONMENT AND NATURAL RESOURCES COMMITTEE (3-year terms)

Current Commissioner District Appointments:

James Aiken-resides Commissioner District 1

Robert Burandt-representing Commissioner District 2

Curtis Wolter-representing Commissioner District 5

Current Commissioner District Vacancies – 2

Applications Received to date:

Daniel Palmer-resides Commissioner District 4

Audrey Kramer-resides Commissioner District 2

County Resident Appointments from specific watershed (one from each watershed area):

Current members:

Eric Evensen-resides in Carver Creek watershed

Gail VonBargen – resides in Bevens Creek watershed

Scott Smith-resides E/W Chaska Creek

Current Vacancies: 1 (representing Crow River Watershed)

Applications received to date:

Scott Hoese-resides Commissioner District 4 and Crow River Watershed

Current City and Township Representative Appointments:

Bill Monk - City of Chaska

Lori Hack - City of Chanhassen

David Poggi - City of Waconia

Vern Richter – Watertown Township

Virgil Stender – Camden Township

Current “City Representative” Vacancy: 1

Applications received to date:

Luayn Murphy - City of Mayer

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on December 16, 2008. Chair James Ische convened the session at 9:18 a.m.

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

Members absent: None.

Under public participation, Carlos Gallego, asked the Board as they decided the 2009 budget today and made cuts, to protect the most vulnerable and the types of social service programs that addressed those needs.

The following amendments were made to the agenda:

Replace page 10 with revised page 10.

Add 8.4 Trunk Highway 41 Resolution.

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

Workman moved, Maluchnik seconded, to approve the minutes of the December 2, 2008, Regular Session and minutes of the December 4, 2008, truth-in-taxation meeting. Motion carried unanimously.

Community announcements were made by the Board.

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

Payment of emergency claim in the amount of \$739.

Approved the following abatements:

25.1601110	Lawrence Veltkamp
65.2120270	Jeffrey Carlson
85.9510103	Cody Kottke
07.0260110	Victoria Leuthner
25.1602330	Allen Olson
30.2630430 & 30.2630820	Douglas Morrisette
25.8810080	Steven Caudill
25.8810800	Steven Caudill

Approved tobacco license #10-624, Kleinprintz Liquors, LLC dba MGM Liquor Warehouse

Authorized Chair to sign Partial Release and Grant of Right of Way related to Pioneer Trail property registration of title action.

Contract with QMatic for a total of \$127,375.11 for the Chaska and Chanhassen Service Centers pending contract review by Risk Management/County Attorney's office.

Carver County Attorney's 2009 prosecution contracts.

Reappointed Angela Johnson as the Carver County Assessor for a four year term effective January 1, 2009.

Approved the 2009 Assurances and Agreements as part of the Local Public Health Act as the Community Health Board.

Contract with Kim Tong Translation Service.

Contract with All in One Translation Agency.

Contract with Carver Scott Educational Cooperative to increase the capacity of First Step.

Ratified the MCCC Maintenance and Support Agreement with ACS for the PH-DOC system.

Resolution #94-08, Sledding Hill Operations Plan.

Established a budget of \$300,000 for furniture, fixtures and equipment for the Justice Center remodel and construction project and the contracts with Alternative Business Furniture \$145,378.97; Corporate Express \$57,816.09, S & T \$13,583.75, Fred Flannagan \$2,838.02 and GOP \$800.99, pending contract review by Risk Management/County Attorney.

Community Social Services' actions.

Approved payment of the following Commissioners' warrants:

INSERT

Motion carried unanimously.

Steve Taylor, Administrative Services, stated at the recent Minnesota Library Association banquet two County staff had received significant awards and introduced Wendy Wendt to present the awards.

Wendy Wendt, Minnesota Library Association President, presented the "Distinguished Achievement Award" to Melissa Brechon. She pointed out Brechon's commitment and dedication to libraries and her profession. Brechon stated she was honored to receive the award and expressed gratitude to the County Board for their support.

Wendt presented the Library Association President's Award to Heidi Hoks and pointed out her contributions to the Association over the past year. Hoks stated she was honored to receive this

recognition. She recognized the teamwork at the Carver County library system and was honored to be part of that system.

The Board congratulated Ms. Brechon and Ms. Hoks for receiving these awards and thanked them for their dedication.

David Frischmon, Financial Services, requested the Board adopt the 2009 property tax levy and budget. He explained the initial requests, the subsequent recommended cuts and the request for a 2 ½ percent spending increase. He pointed out the selected reductions, 18 net decrease in FTEs and that the budget included no new capital projects or new road projects.

He noted the decrease in investment income, building permits and increase in bond payments that affected the budget. Frischmon stated the residential impact of the levy increase on an average value home in the County would be zero percent. He clarified the increase did not have an impact on an average value home because of the increase in new construction.

Frischmon pointed out the potential for a State aid cut and the impact of a cut to the County budget.

David Hemze, County Administrator, acknowledged the State was facing a problem and the issue was how much and when the cuts would be made. He stated the money set aside for land acquisition could be used to backfill 2008 cuts and the plan was to address any potential cuts in January. Hemze noted the uncertainty of the amount of the State aid cuts. He suggested the 2008 cuts would be manageable and they would need to work on priorities with the Board and staff related to the 2009 cuts.

The Board discussed whether they may know more about possible cuts later this week and whether they should delay setting the budget pending the Governor's announcement. Hemze stated, depending on the amount of the cuts, they could continue the hiring freeze, look at vacancies, capital equipment freeze and operational efficiencies as they learned of 2009 cuts. He stated the key is prioritization of services. Hemze indicated these were all strategies he would be discussing with the Board as they dealt with State aid cuts. The Board agreed after their 2009 organizational session, they would be reviewing the 2009 budget again.

Degler offered the following Resolutions, seconded by Lynch:

Resolution #95-08
Certifying 2009 Property Tax Levy

Resolution #96-08
County Board Adoption of the 2009 Budget
For Carver County

Ische moved, Maluchnik seconded, to amend the Resolutions to restore \$2,400 to the Southern Valley Alliance for Battered Women grant and \$2,400 to the Sexual Violence Center grant, with the

transfer to be taken from the 2009 Commissioner's contingency account. On vote taken on the amendment, all voted aye.

Maluchnik moved, Lynch seconded, to amend the Resolutions to allocate \$25,000 to the Carver County Health Partnership with the transfer to be taken from the 2009 Commissioner's contingency account. On vote taken on the amendment, Degler, Ische, Lynch, Maluchnik voted aye. Workman voted nay.

Ische moved, Lynch seconded, to amend the Resolutions to allocate \$20,000 toward establishing the Mayer drop off recycling site with the transfer to be taken from the 2009 Commissioner's contingency account. On vote taken on the amendment, Degler, Ische, Lynch, Maluchnik voted aye. Workman voted nay.

On vote taken, on Resolutions #95-08 and #96-08, as now amended, all vote aye.

David Frischmon, Financial Services, requested the Board adopt the 2010 Long Term Financial Plan. He clarified the plan was not a budget and identifies projects beyond 2009. He indicated the plan focuses on building/road projects and parks and tries to line up resources to address those projects. He indicated they are looking at becoming more efficient so as to not increase personnel as quickly as the overall growth. Frischmon noted the parkland acquisition for the 2009 levy, as well as 2010 and 2011.

He acknowledged the State budget may impact the plan. He explained the Building CIP identified 34 million through 2020. Over the next five years, the Road and Bridge identified nine million and they anticipated increasing the levy to pay for that. The plan also identified 22 million in unfunded road projects that will be addressed through bond sales, accumulating the cash or delaying the projects until funding is identified.

He noted the federal grant to build the trail along the Dakota Rail Line and the 20% required local contribution. He also explained the main source for parkland acquisition has been the Met Council reimbursement program but a local contribution is now required. Frischmon recognized the employee health insurance cost and the commitment to wellness. He added they would be reviewing the data to assist with the plan design. He also noted the recent requirement to disclose actuarial post employment benefits was included in the plan.

Degler offered the following Resolution, seconded by Workman

Resolution #97-08
County Board Adoption of the
2010 Long Term Financial Plan
for Carver County

On vote taken, all voted aye.

Doris Krogman, Employee Relations, requested the Board set non-bargaining, elected and County Commissioner Compensation for 2009. She explained the majority of wages are set through collective bargaining but nonbargaining was set on an annual basis.

Workman offered the following Resolution, seconded by Degler:

Resolution #98-008
Setting 2009 Non-Bargaining Employee Compensation

On vote taken, all voted aye.

Krogman requested the Board set 2009 compensation for the County's two elected officials. She noted the evaluations that were completed and requested the Board approve the step and grades indicated.

Workman offered the following Resolution, seconded by Maluchnik:

Resolution #99-08
Setting 2009 Elected Official Compensation

On vote taken, all voted aye.

Krogman requested the Board set 2009 Commissioner compensation. She stated the proposed Resolution increased compensation 3% and maintained the expense allowance the same as 2008.

Lynch offered the following Resolution, seconded by Maluchnik, freezing the 2009 Commissioner compensation at the 2008 rates:

Resolution #100-08
Setting 2009 Commissioner Compensation

On vote taken, all voted aye.

The Board considered a Resolution requesting the installation of a signalized traffic control at the intersection of Highway 41 and Second Street in Chaska. They recognized the attempts that have been made in the past to ask MnDOT to address this problem and the recent fatality that occurred. The Board discussed the options for this intersection, the false sense of security related to crosswalks and whether the best solution may be made after a traffic study is done.

Maluchnik offered the following Resolution, seconded by Degler:

Resolution #101-08
Trunk Highway 41 Resolution

On vote taken, all voted aye.

Degler moved, Lynch seconded, to adjourn as the Carver County Board at 11:55 a.m. and convene as the Carver County Regional Rail Authority. Motion carried unanimously.

Nathan Reinhardt, Finance Services, requested the Rail Authority adopt the 2009 final Carver County Regional Rail levy and budget. He noted the federal funds that had been provided for 80% of the construction costs for the trail on the Dakota Rail Line, with a 20% contribution required from the Rail Authority.

Lynch offered the following Resolutions, seconded by Maluchnik:

CCRRA #03-08
Certifying 2009 Property Tax Levy

CCRRA #04-08
Adoption of 2009 Operating Budget

On vote taken, all voted aye.

Maluchnik moved, Degler seconded, to adjourn as the Carver County Regional Rail Authority. Motion carried unanimously.

David Hemze
County Administrator

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

289600



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

AUTHORIZATION

PAYMENT OF EMERGENCY CLAIM

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

VENDOR: Sun Lake

ACCOUNT: 11-423-710-3440-6040

AMOUNT: \$910.00

REASON: Social Services client with children that will be evicted if rent is not paid.

Department Head Signature: Ray Bork

Chairman of County Board

James Ische

County Administrator

David Henze

County Attorney

James W. Keeler, Jr.

Date: 12/16/08

289389



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

AUTHORIZATION

PAYMENT OF EMERGENCY CLAIM

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

VENDOR: Marathon Management Inc.
2303 Waters Drive
Mendota Heights, Minnesota 55120

ACCOUNT: 01-0120-000-1112-6033 (Homelessness Grant Veterans Service)

AMOUNT: \$670.00

REASON: Emergency rental assistance for veteran C.A. to assist with one month's rent. Veteran has been unemployed until recently and requires assistance until he has received his income from new employment, preventing potential eviction.

Department Head Signature: *Jim Priem*

Chairman of County Board

James M. Ische

County Administrator

David Hemze
David Hemze

County Attorney

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

Date: December 17, 2008

289890



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

AUTHORIZATION

PAYMENT OF EMERGENCY CLAIM

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

VENDOR: Daniel Sandberg

ACCOUNT: 11-420-650-4401-6020

AMOUNT: \$315.00

REASON: Cost effective insurance, required to keep health insurance on our client to avoid health costs.
Department Head Signature: _____

[Signature]

Chairman of County Board

James Ische

County Administrator

[Signature]
David Hemze

County Attorney

[Signature]
James W. Keeler, Jr.

Date: 12/18/08

289891



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

AUTHORIZATION

PAYMENT OF EMERGENCY CLAIM

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

VENDOR: Melissa Sandoval

ACCOUNT: 11-420-650-4401-6020

AMOUNT: \$545.30

REASON: Cost effective insurance, required to keep health insurance on our client to avoid health costs.

Department Head Signature: Gary Banta

Chairman of County Board

James Ische

County Administrator

David Hemze

County Attorney

James W. Keeler, Jr.

Date: 12/18/08

289892



CARVER
COUNTY

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

AUTHORIZATION

PAYMENT OF EMERGENCY CLAIM

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

VENDOR: Mark Solem

ACCOUNT: 11-423-710-3440-6040

AMOUNT: \$600⁰⁰

REASON: Rent required to maintain housing for client with children. Client will pay back in two weeks.

Department Head Signature: [Signature]

Chairman of County Board

[Signature]
James Ische

County Administrator

[Signature]
David Hemze

County Attorney

[Signature]
James W. Keeler, Jr.

Date: 12/22/08



REQUEST FOR BOARD ACTION

AGENDA ITEM : Delegate Commissioner Claims and Social Service Client Claims Approval

Originating Division: Administration

Meeting Date: 1/6/09

Amount of Time Requested: NA

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM:

The County Board will be setting their 2009 County Board meeting schedule at their organizational session. In the event the Board does not meet a particular week, and in order to process the Social Service client claims which are reimbursing clients for out of pocket expenses, the Social Service claims to vendors for services that have immediate impact, as well as the weekly Commissioner claims on a timely basis, the County Administrator is requesting authority to approve the Commissioner Claims, the Social Service client claims and the Social Service vendor claims for client services the weeks in 2009 the County Board does not meet. The Board would formally approve these claims at a following Board meeting.

ACTION REQUESTED:

Motion to delegate the County Administrator the authority to approve Commissioner claims, Social Service client claims and Social Service vendor claims for the weeks in 2009 when the Board does not meet.

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: 12/10/08



REQUEST FOR BOARD ACTION

AGENDA ITEM : Elected Officials Out of State Travel Policy Annual Review

Originating Division: Administration

Meeting Date: 1/06/09

Amount of Time Requested: NA

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM:

On January 24, 2006, the County Board adopted a Resolution establishing an elected official out of state travel policy as required by Minnesota Statutes 471.661. Statutes require that the County Board review the policy on an annual basis and that any changes be adopted by a recorded vote. A copy of the policy is attached.

Administration is recommending no changes to the current policy.

ACTION REQUESTED:

Review and approval of Elected Officials Out of State Travel Policy.

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: 12/26/08

ELECTED OFFICIALS OUT-OF-STATE TRAVEL POLICY

POLICY:

It is the policy of Carver County to establish guidelines for out-of-state travel requested by elected officials.

PUBLIC PURPOSE:

Travel by elected officials benefits the County through improvements to the operation of the County; enhanced communication with federal, state, and local governmental jurisdictions; and strengthened cooperation with other government jurisdictions.

PROCEDURE:

- A) This policy applies only to elected officials of Carver County.
- B) The County Board will approve the out-of-state travel request when it is of benefit to the County.
- C) The procedures described in existing County policies with regard to travel reimbursement shall be applied to elected officials.
- D) All out-of-state travel requests will be presented to the County Board of Commissioners for approval prior to the planned date(s) of travel or within 30 days after travel.
- E) The County Board will consider each request and evaluate the appropriateness of travel using the following guidelines:
 - 1) The cost of the conference, institute, training program, and related travel must be within the annual travel expense budget approved by the County Board. Exceptions may be made with the approval of the County Board through an amended budget. The County Board will set any applicable expense limits.
 - 2) The contacts made or the information obtained must be to the benefit of the County. Benefits to the County may include, but are not limited to, improvements to the operation of the County and the respective department; communication with state and federal offices; cooperation or communication with other local government jurisdictions; meetings requiring the presence of an elected official; representation of the County on national, state, or inter-jurisdictional committees; and professional development.
- F) This policy will be reviewed annually by the County Board at the first meeting of each year as part of the Board Operating Rules.



REQUEST FOR BOARD ACTION

AGENDA ITEM : 2009 Carver County Official Newspaper

Originating Division: Administration

Meeting Date: 1/6/09

Amount of Time Requested: NA

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM:

Administration sought bids for publishing the following:

- Publication of delinquent real estate tax list
- Publication of county board proceedings
- First publication financial statement
- Second publication financial statement
- Publication of county board of equalization proceedings
- Official county newspaper for 2009

Bid notices were published in the Waconia Patriot, Carver County News, Norwood Young America Times, Chaska Herald and Chanhassen Villager.

The following bids were received:

Chaska Herald-\$2.27 per column inch, provided the copy to be published in the Chaska Herald is submitted electronically, emailed and submitted in a generic text format or as a Microsoft Word document.

Chanhassen Villager, \$7.07 per column inch, provided the copy to be published in the Chanhassen Villager is submitted electronically, emailed and submitted in a generic text format or as a Microsoft Word document. For the second publication of the financial statement, the Chanhassen Villager submitted a bid of \$3.23 per column inch.

No bids were received from the Waconia Patriot, Carver County News or Norwood Young America Times.

The 2008 bid for the official 2008 County newspapers was awarded to the Chaska Herald in the amount of \$2.39 per column inch and the second publication of the financial statement was awarded to the Chanhassen Villager in the amount of \$3.39 per column inch.

ACTION REQUESTED:

Motion to award bid for official 2008 Carver County newspaper to the Chaska Herald in the amount of \$2.27 per column inch and award bid for second publication of the financial statement to the Chanhassen Villager in the amount of \$3.23 per column inch.

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: 12/23/08



REQUEST FOR BOARD ACTION

AGENDA ITEM : Veterans Service Office, MN Dept. of Veterans Affairs Enhancement Grant

Originating Division: Administrative Services

Meeting Date: January 6, 2009

Amount of Time Requested: N/A

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM:

The Carver County Veterans Service Office applied for two Enhancement Grants in October 2008, in the amount of \$27,581.81 from the Minnesota Department of Veterans Affairs. We have received notification of funding for both grants in the amount of \$16,581.00.

The first grant is for \$10,000.00 and will provide emergency housing for the period of January 5, 2009 through January 4, 2010. The purpose of this grant is to subsidize the cost of short term emergency accommodations and subsistence for homeless veterans or veterans in danger of becoming homeless, within Carver County until more permanent and/or alternative program assistance can be secured. The Veterans Service has found a significant increase in homeless/potential homeless veterans since October of 2006. This grant will help fill an area of relatively few resources within Carver County by assisting veterans to re-establish their self sufficiency as a member of this community.

The second grant is for \$6581.00 for the purchase of the Virtual Veterans Software Program and a Digital Scanner. The Minnesota Department of Veterans Affairs (MNDVA) is transitioning to this program which is a versatile windows based data management application. The goal of the MNDVA is for all CVSO's to utilize this application and provide for electronic claims processing.

ACTION REQUESTED:

Motion to accept the Minnesota Department of Veterans Affairs Enhancement Grants in the amount of \$16, 581.00. Of which \$10,000 will be used for short term emergency housing assistance, and \$6,581.00 will be used for purchasing from Digital Records Management (DRM) the Virtual Veterans Software Program, and a new Digital Scanner for records management.

FUNDING

County Dollars =	\$	
Other Sources & Amounts =		
MN DVA	=	\$16,581.00
TOTAL	=	\$16,581.00

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments: Grants are for FY 2009

Reviewed by Division Director

Date: December 22, 2008

DEC 05 2008



Clark Dyrud
Commissioner

State of Minnesota
DEPARTMENT OF VETERANS AFFAIRS
VETERANS SERVICE BUILDING
SECOND FLOOR
20 WEST 12TH STREET
ST. PAUL, MINNESOTA 55155-2006
(651) 296-2562

December 1, 2008

Dave Priem
Veterans Service Office
555 West 1st St.
Waconia, MN 55387

Dear Dave,

The Minnesota Department of Veterans Affairs CVSO Enhancement grant decision committee has met and the recipients for FY09 Enhancement Grant Cycle have been selected.

Carver County submitted two applications with a total dollar amount of \$27,581.81. The amount granted to your office for two grants is \$16,581.00. Congratulations!

For the FY09 grant cycle, the department received 145 grant applications from 63 individual counties and applications for three joint county projects for a total dollar amount of \$2.7 million in requests. MDVA was able to award 121 grants with the \$1.45 million allocated to the grant program.

Thank you for submitting your applications and for your patience during the determination process. As you can see by the numbers of grant applications received, the deciding committee once again had difficult task before them. The level of funding requests, also, once again, demonstrates the clear need for serving veterans at the local level.

Included with this letter is a one page summary of your awarded grants with the due dates for your mid and end grant reports, the grant acceptance funds form, an equipment detail form, and a copy of the letter sent to your county commissioners and your home district state legislators updating them on the grant process and the grant awardees for FY09.

Read carefully the "grant summary page" included with this letter. The grant summary page contains details regarding the due date for required reports and if your grant had any clarifications/modifications the changes are highlighted on that page.

On behalf of the Commissioner and Deputy Commissioner, thank you for all you do to serve Minnesota's veterans.

Sincerely,

A handwritten signature in black ink that reads "Christine".

Christine Kiel

An Equal Opportunity Employer

This document is available in alternative formats to individuals with disabilities by calling the Minnesota Relay Service at 1-800-627-3529

FAX: (651) 296-3954



STATE OF MINNESOTA DEPARTMENT OF VETERANS AFFAIRS
OFFICE OF THE COMMISSIONER, CLARK DYRUD



20 West 12th Street, 2nd Floor • St. Paul, MN 55155 • Phone: 651-296-2562 • Fax: 651-296-5954
www.mdva.state.mn.us • 1-888-LinkVet

Carver County – FY09 Enhancement Grant Summary

Grant #1 – Homeless Prevention

Grant Amount: \$10,000.00

Length of Grant: 1 year

Start Date: January 5, 2009

Mid-Grant Report Due Date: June 15, 2009

End-Grant Report and Equipment Detail Form Due: January 4, 2010

Grant #2 – DRM

Grant Amount: \$6,581.00

Length of Grant: 1 year

Start Date: January 5, 2009

Mid-Grant Report Due Date: June 15, 2009

End-Grant Report and Equipment Detail Form Due: January 4, 2010

*****This grant excludes fees for the 2nd year of maintenance agreement**

BUDGET AMENDMENT REQUEST FORM

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

DEPARTMENT: Veteran's Services

Date of County Board Session: 01/06/09

Fund: 01

Description of Revenue Account funds are to Increased/(Decreased):	Amount	Description of Expenditure Account funds are to Increased/(Decreased):	Amount
V. A. Enhancement Grant	\$ 16,581	Emergency Housing Assistance	\$ 10,000
		Virtual Veterans Software and Scanner	\$ 6,581
TOTAL:	\$ 16,581	TOTAL:	\$ 16,581

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. Contingency Acct. Adjustment: \$ -

E. Current Balance After Adj.: \$ 250,200

F. Prepared/Requested By: Dave Drealen

G. Recommend Approval: Finance

H. County Board Decision: Approval/Disapproval

REQUEST FOR BOARD ACTION



AGENDA ITEM: Approval of Memorandum of Agreement between U of M Extension and Carver County

Originating Division: Administrative Services

Meeting Date: January 6, 2009

Amount of Time Requested: NA

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM:

On an annual basis Carver County and the University of Minnesota enter into a Memorandum of Agreement (MOA) to fund the local Extension office. The MOA between the University of Minnesota and Carver County contain provisions regarding allocation funds for University positions and local programs. Please refer to attached (Table A) which provides detail on all positions and programs requested for this MOA.

The MOA in 2008 was for \$186,120 and the MOA for 2009 is being proposed at \$171,160. This reduction is due to the elimination of a .5 4H Program Coordinator and a reduction in the 4H Summer Intern.

ACTION REQUESTED: Motion to approve the Memorandum of Agreement between Carver County and the University of Minnesota from January 1, 2009 through December 31, 2009.

FUNDING

County Dollars = \$171,160

Other Sources & Amounts =
= \$

TOTAL = \$171,160

Related Financial Comments:

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Reviewed by Division Director

Date: 12/12/08

Table A

Position	2009 University Costs & Revenue	2009 County Cost	Funding to Support
1.0 4H Program Coordinator	\$64,900 -\$4,500 4H Federation	\$60,400	4-H Youth Development programs carried out in Carver County
.5 4H Program Coordinator	\$0	\$0	Carry out 4-H Youth Development programs in after school settings in Carver County
.4 Master Gardener Coordinator	\$25,960 -\$2,000 MG	\$23,960	Coordinate Carver County Master Gardeners & their programs
.5 Agriculture Educator	\$41,700 -\$1,200 Ag Revenue	\$40,500	Agriculture education program for Carver County citizens
.5 Financial Resource Management Educator	\$41,700 -\$500 Partners, Fees	\$41,200	Financial Management programs for targeted audiences in Carver County
MOA Totals	\$174,260	\$166,060	

**4H Summer Intern	5,100	\$5,100	Supplemental 4-H support for summer programming in Carver County
Budget Totals	\$179,360	\$171,160	



REQUEST FOR BOARD ACTION

AGENDA ITEM: Charitable Gambling Application for Exempt Permit for Carver County Ducks Unlimited Chapter 128

Originating Division: Property Records Taxpayer Services Meeting Date: 01/06/09
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: Charitable Gambling application for Exempt Permit was received from Carver County Ducks Unlimited Chapter 128. They will be holding a raffle on Friday, March 13, 2009, at the Waconia Lakeside Ballroom, 8155 Paradise Lane, Waconia, MN 55387.

ACTION REQUESTED: See attached resolution.

FUNDING

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

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments:

Reviewed by Laurie Engelen, Taxpayer Services Manager

Date: 12-18-08

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

Date:

Resolution No.

Motion by Commissioner:

Seconded by Commissioner:

CARVER COUNTY, MINNESOTA

WHEREAS, the Carver County Ducks Unlimited Chapter 128 seeks approval of a Lawful Gambling License Application; and

WHEREAS, the Carver County Ducks Unlimited Chapter 128 will hold the raffle at the Lakeside Ballroom, 8155 Paradise Lane, Waconia, MN 55387, which is located in Laketown Township;

WHEREAS, the Minnesota Gambling Control Board requires the County Board of Commissioners to specifically approve or deny a resolution for each applicant each year period of time.

NOW, THEREFORE, BE IT RESOLVED, the Carver County Board of Commissioners does approve the new license upon compliance with Code of Ordinance, Title XI, Chapter 112, Section 112.02.

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 _____, 2009, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this ___ day of _____, 2009.

David Hemze, Carver County Administrator



CARVER
COUNTY

REQUEST FOR BOARD ACTION

AGENDA ITEM : Southwest Metro Drug Task Force Participation

Originating Division: Sheriff

Meeting Date: January 6, 2009

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:

Renewal of Joint Powers Agreement with the Southwest Metro Drug Task Force and other area law enforcement agencies in a centralized drug task force team.

ACTION REQUESTED: Approve Joint Powers Agreement between Carver County Sheriff's Office and the Southwest Metro Drug Task Force for the period of January 1, 2009 through December 31, 2009.

FUNDING

County Dollars = \$8,400.00

Other Sources & Amounts =

= \$

TOTAL

= \$8,400.00

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Related Financial Comments: Participation budgeted in 01-201-233-0000-6820

Reviewed by Division Director

Date:



REQUEST FOR BOARD ACTION

AGENDA ITEM : Retainage reduction on county project SP 10-610-30 / SP 10-632-14

Originating Division: Public Works

Meeting Date: December 23, 2008

Amount of Time Requested: NA

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM: Project SP 10-610-30 / SP 10-632-14 includes reconstruction of CSAH 10 beginning at CSAH 11 just west of Chaska and continuing to a point south of 10th street in Waconia and connects to an existing roadway that has been recently assigned the state aid designation of CSAH 10 (previously the designation was CSAH 32).

The original project contract amount was over \$12.4 million. The total of all payments to date for work done by Ames is \$12,907,896.86. This work was completed during the fall of 2006 and up to the end of the 2008 construction season. The remaining work to be done is mainly warranty work and is expected to be done in the spring of 2009. Based on the current pay estimate the retainage of 2.5% will total \$322,697.42. The request to lower the retainage to the fixed amount of \$25,000.00 will release \$297,697.42 to Ames Construction, Inc.

The request to lower the retainage is allowed by the contract specifications and is a typical request made by the contractor after the majority of work has been completed. Staff has determined that lowering the retainage is a reasonable request and the remaining retainage should be sufficient to cover environmental aspects and outstanding construction contract related issues before closing the project contract between the County and Ames Construction, Inc.

Based on the specifications and staffs evaluations, it is engineering staff's recommendation to grant the request of Ames Construction, Inc. and reduce the retainage from 2.5% to the fixed amount of \$25,000.00 and release to them the corresponding amount of \$297,697.42.

ACTION REQUESTED: It is requested that the Board pass a motion reducing the retainage from 2.5% to the fixed amount of \$25,000.00 allowing the release of the corresponding retainage amount of \$297,697.42 to Ames Construction, Inc. for Project SP 10-610-30 / SP 10-632-14.

FUNDING

County Dollars = \$ 297,697.42

Other Sources & Amounts =
=\$

TOTAL =\$ 297,697.42

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Related Financial Comments:

Reviewed by Division Director *William J. Weckman*

Date: 12/15/08

S:\Projects\SP 10-610-30\BAF-1030_Reduce Retain 2.5 to 25,000.doc



Ames Construction, Inc.

2000 Ames Drive
Burnsville, MN 55306
952-435-7106 • Fax 952-435-7142



December 01, 2008

Carver County Public Works
Scott Smith
11360 Highway 212 West
Suite 1
Cologne, MN 55322-8016

RE: Request for Retention Reduction
CSAH 10 & CSAH 11
SP 10-610-30 & 10-632-14

Dear Scott,

Per our phone conversation today, I am writing this letter on behalf of Ames Construction to formally request that Carver County reduce the retention on the above mentioned project from 2.5% down to \$25,000.00

If you have any questions or concerns, feel free to contact me at (952) 892-8688.

Sincerely,

Scott Eckers
Ames Construction, Inc.

An Equal Opportunity Employer

OFFICE IN: PHOENIX, ARIZONA • AURORA, COLORADO • CARLIN, NEVADA • WEST VALLEY CITY, UTAH



REQUEST FOR BOARD ACTION

AGENDA ITEM: Community Social Services Remodel – Prestige Builders of MN - Contract

Originating Division: Administrative Services

Meeting Date: January 6, 2009

Amount of Time Requested: 0

Attachments for packet: Yes No /Contract

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

BACKGROUND/EXPLANATION OF AGENDA ITEM: This project is an approved 2008 Facilities Capital project. The majority of the project involves removing and replacing the 20 year-old ceiling tile on the main level. The project also renovates the lobby area to accommodate growth and service demands.

Wold Architects completed the design, bid package and is managing construction with staff. Bids were opened December 9, 2008. Nineteen bids were received and Prestige Builders of MN, being the recommended low bidder. The amount of the contract is \$64,400 which includes an add alternate of \$4,800 for upgrading the ceiling tile for acoustical rating. Prestige Builders has submitted the necessary Performance Bond, Insurance and executed Contract.

Construction is expected to be coordinated with the Electric Lighting Energy Improvements currently advertised for bid. Construction is expected to begin in January and be complete by April 2009. Because the project is a renovation, a project contingency of \$6,000 is recommended with the approvals.

Project Budget:	Prestige Builders	\$64,400
General Conditions/Contingency:		\$ 6,000
TOTAL:		\$70,400

ACTION REQUESTED:

Contract with Prestige Builders, subject to County Attorney/Risk Management review, in the amount of \$64,400 which includes alternate to upgrade ceiling, \$6,000 in project contingency budget to cover unanticipated costs, authorize the Administrative Services Division Director to approve change orders up to \$6,000 and authorization to rollover project funds to 2009 Facilities capital.

FUNDING

County Dollars = \$70,400

Other Sources & Amounts =

= \$

TOTAL = \$70,400

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Related Financial Comments: Rollover 2008 110-6640 \$70,400 to 2009 110-6640.

Reviewed by Division Director

Date: 12/31/08



REQUEST FOR BOARD ACTION

AGENDA ITEM : Joint Powers Agreement between Carver County and City of Watertown for CSAH 20 Reconstruction

Originating Division: Public Works

Meeting Date: December 23, 2008

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 reconstruction of County State Aid Highway (CSAH) 20 from CSAH 10 (Territorial St.) to Paul Ave. is included in the 2008-2010 Capital Improvement Program. Through discussions and negotiations with the City of Watertown, we have agreed that the City will be the lead agency for this project. This Joint Powers Agreement formalizes the project responsibilities including the Engineering/project development, right of way acquisition, and project funding. The project schedule includes possible project letting/start in 2009 with construction completion by end of 2010.

ACTION REQUESTED: It is requested that the County Board approve the attached resolution authorizing signing of the agreement.

FUNDING

County Levy	= \$ 403,000.00
County Bonding	= \$1,872,000.00
CSAH Municipal	= \$ 609,000.00
City of Watertown	= \$ 676,000.00
TOTAL	= \$3,560,000.00

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments: These are budgeted funds for the total project costs including engineering, construction and right of way. At this time, the budgeted construction cost is \$2,800,000.00.

Reviewed by Division Director

WJD for RMG

Date:

12/12/08

S:\R&B\GRM\CSAH\20\JPA with City of Watertown - baf

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

Date: December 23, 2008

Resolution No: _____

Motion by Commissioner: _____

Seconded by Commissioner: _____

**JOINT POWERS AGREEMENT
BETWEEN
CARVER COUNTY
AND
CITY OF WATERTOWN
FOR
CSAH 20 RECONSTRUCTION**

BE IT RESOLVED, that the Carver County Board of Commissioners hereby authorize the County Chair and the County Administrator to execute the agreement between Carver County and the City of Watertown for the design and reconstruction of CSAH 20 between CSAH 10 (Territorial St.) and Paul Avenue.

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 23rd day of December, 2008, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 23rd day of December, 2008.

County Administrator



REQUEST FOR BOARD ACTION

AGENDA ITEM: Amendment 3 MPCA Joint Powers Agreement to Complete Multiple TMDL's

Originating Division: Land Water Services

Meeting Date: 06 jan 2009

Amount of Time Requested: NA

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM: In Feb of 2006, the Board passed a resolution entering into a joint powers agreement with the MN Pollution Control Agency (MPCA) to continue the Total Maximum Daily Loads (TMDL's) program for impaired waters in the County. In working with the MPCA and Metropolitan Council, extra funds were allocated to cover sediment core testing and source pollutant analysis by the St. Croix Watershed Research Station (towards the Bevens and Carver Creek Turbidity TMDL.

Amendment 3 to original MPCA Joint Powers Agreement increases the grant amount by \$20,000 to cover professional service costs for sediment testing and reallocates funds within the workplan to reflect changes in tasks in 2008 and 2009.

Staff is seeking authorization from the Board to approve the grant amendment, and the resulting budget amendments.

ACTION REQUESTED: Motion to amend the joint powers agreement with the MN Pollution Control Agency (CFMS NO A85727) to complete multiple TMDL's; and authorizing Chair to sign the amended JPA.

Increase Year 2009 Budget Item 01-123-127-1548-5820 by \$20,000 (MPCA Funds)

Increase Year 2009 Budget Item 01-123-127-1548-6111 by \$9,000 (Temporary full-time Water Technician position)

Increase Year 2009 Budget Item 01-123-127-1548-6260 by \$11,000 (Reallocation of Engineering Review, Sediment Testing and Monitoring costs)

FUNDING

County Dollars =	\$
Other Sources & Amounts =	\$20,000
	= \$
TOTAL	= \$ 20,000

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments: Original Grant and amendments totaled \$208,150.

Reviewed by Division Director

Date: 10.Dec.2008

BUDGET AMENDMENT REQUEST FORM

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

DEPARTMENT: Land & Water Services

Date of County Board Session: 01/06/09

Fund: 01

Description of Revenue Account funds are to Increased/(Decreased):	Amount	Description of Expenditure Account funds are to Increased/(Decreased):	Amount
MPCA Grant Revenue	\$ 20,000	Temp Water Technician	\$ 9,000
		Professional Services	\$ 11,000
TOTAL:	\$ 20,000	TOTAL:	\$ 20,000

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. Contingency Acct. Adjustment: \$ -

E. Current Balance After Adj.: \$ 250,200

F. Prepared/Requested By: Dave Drealen

G. Recommend Approval: Finance

H. County Board Decision: Approval/Disapproval

S:\Excel\SHELLS\Budget Amendment Forms.xls\Revenue Form



REQUEST FOR BOARD ACTION

AGENDA ITEM: Lindley Deardorff – Farm Related/Large Scale Activity Business

Originating Division: Land Water Services

Meeting Date: January 6, 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 #PZ20080035. This item went before the Planning Commission on November 18, 2008, at which time it was continued to allow the applicant and the road authority (Laketown Township) to further clarify items related to the request. On December 16, 2008, the Planning Commission recommended approval of a Conditional Use Permit for Lindley Deardorff. The apple growing and sales operation was considered legal, non-conforming as it pre-dated current ordinances which require a Conditional Use Permit (CUP). The current land use request is specifically limited to the ongoing orchard operations and the addition of the vineyard, wine production and retail sales. The applicant developed a Master Plan as a potential guide for future development of the property. Future uses would require review and approval of the impact on the road by Laketown Township and an application for a CUP amendment. The Laketown Town Board supports the applicant's request, given that, the applicant will pay for chemical application on Parley Lake Road; provide for parking; and get review and approval from the Township for expanded activities or access changes.

ACTION REQUESTED: A motion to adopt the Findings of Fact and to issue Order #PZ20080035 for the issuance of the 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:

COUNTY OF CARVER
PLANNING COMMISSION RESOLUTION

FILE #: PZ20080035

RESOLUTION #: 08-20

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

FILE #: PZ20080035

APPLICANT: Lindley Deardorff

OWNER: Lindley & Bonnie Deardorff

SITE ADDRESS: 8180, 8230 & 8350 Parley Lake Road & 7025 Parley Lake Lane, Waconia

PERMIT TYPE: Farm Related/Large Scale Activity Business

PURSUANT TO: County Code, Section 152.079 C2 & 152.080 C7

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 07-800-0040, 07-800-0050, 07-800-0060 & 07-800-0070

WHEREAS, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meeting of November 18, 2008 and December 16, 2008; and,

WHEREAS, the Carver County Planning Commission finds as follows:

1. Lindley & Bonnie Deardorff own four (4) parcels totaling approximately 125.5 acres located in the Northeast Quarter (NE¼) of Section 8, Laketown Township. All four (4) of the parcels may be utilized as part of this request. A house and detached garage are located on the property at 8180 Parley Lake Road (rental property). The property located at 8230 Parley Lake Road is improved with an existing home and two (2) detached accessory structures and is occupied by Mr. & Mrs. Deardorff's daughter and son-in-law. The property at 8350 Parley Lake Road is improved with a house, detached accessory structure, barn and several small ag buildings. The property at 7025 Parley Lake Lane is improved with a house and two detached accessory structures. The sites are located in the Shoreland District, Agriculture Zoning District as well as the Minnehaha Creek Watershed District. The property is not in the AG Preserve program.
2. This item was continued from the November 18, 2008 meeting to allow the applicant and the road authority (Laketown Township) to further clarify items related to the request.
3. Deardorff Orchards has been growing Minnesota hardy apples for sale to the public, either as pre-picked or pick your own, in this location since 1983. The operation is considered legal, non-conforming as it pre-dates current ordinances which require a Conditional Use Permit (CUP). The current operation also includes tractor-pulled wagon rides, petting area for farm animals such as rabbits, goats, horses and sheep. Related product sales include honey, pumpkins, jam and jellies, corn stalks, hay bales, gourds, baskets and t-shirts. On-site prepared food and beverage sales are also offered including apple cider, donuts, and pies. In addition to the apples sold to the public, when quantity and quality allows, apples are also sold wholesale to schools and grocery stores. The orchard also offers educational opportunities to pre-school and high school science classes.
4. The applicant is requesting to expand the existing orchard production and sales business to include growing grapes and winery operations (production and sales). According to the applicant, the growing operational area encompasses approximately 20 acres. It is anticipated that the apple operation will continue on approximately 15 acres. From 2005 to 2008, a vineyard of 5 acres of grapes was planted with the intention of producing wine this fall and selling wine in spring 2009.

5. The request is for a CUP to operate a farm related/large scale activity business pursuant to Section 152.079 and 152.080 of the Carver County Zoning Code.
6. The Master Plan consists of the submitted operational plan (dated October 2008) and site plan (dated October 22, 2008). The current land use request is specifically limited to the ongoing orchard operations and the addition of the wine production and retail sales. The applicant developed a Master Plan as a potential guide for future development of the property. This request would allow for the current apple orchard production and sales activities (pick your own and pre-picked apples, etc.), as well as for the production and related sales of vineyard activities (ex. wine tasting, music, picnics, etc.). Future uses according to the Master Plan may include wine bar, corporate outings, weddings, kitchen preparation areas, sit down eating facilities (restaurant), snack food and possibly overnight accommodations in existing buildings for educational purposes. These future uses would require review and approval of the impact on the road by Laketown Township and an application for a CUP amendment.
7. The proposed operations would meet the requirements of Section 152.079 and 152.080 of the Zoning Code, provided as long as the existing buildings are suitable for public use as per the MN State Building Code. A Building Inspector from MNSPECT (County Building Official) conducted a preliminary inspection of the existing structures in October 2008. It was determined that the barn would need to be evaluated by a structural engineer. All existing and/or new structures in which public activities will take place must meet State Building Code.
8. Portions of the business are seasonal in nature; therefore hours of operation vary depending on the stage of production. Apple operations occur August through December, seven days a week from 9:00 a.m. to 7:00 p.m. Wine operations would be conducted year round, Monday through Saturday from 9:00 a.m. to 1:00 a.m. and Sundays from 12:00 p.m. to 12:00 a.m.
9. The operational plan indicates that "Deardorff Orchards" and "Parley Lake Winery" have received federal approval and permits as well as licensure from the State of Minnesota under the Farm Winery Law. The applicant shall maintain the required permits and licensure for the permitted retail, food production and growing operations.
10. This request involves a total of thirty-six (36) employees (nine (9) full-time and twenty-seven (27) part-time) or independent contractors. Approximately seven (7) to nine (9) of those thirty-six (36) employees are family members. The Zoning Code requires the applicant to submit a copy of workers compensation insurance.
11. The applicant has estimated the number of cars generated by the apple and wine operations to be approximately 6,319 cars per year, an average of sixty-eight (68) cars per day. The submitted operational and site plan indicates twenty-four (24) spaces will be available for parking in 2009 at 8350 & 8180 Parley Lake Road with an additional twelve (12) parking spaces proposed future parking. According to the Carver County Zoning Code, a facility is required to have at least one (1) parking space for each 400 sq. ft. of sales floor space. The existing parking spaces exceed the minimum number required as it pertains to the amount of existing sales floor space. Additional parking spaces may be required if additional structures are constructed or modified to be utilized as sales floor space. The applicant has listed a total of 13 business related vehicles associated with the request.
12. Proof of septic compliance is required on all existing Individual Septic Treatment Systems (ISTS). We have received three (3) compliance certificates and one (1) non-compliance. The applicant is proposing a holding tank for the non-compliant system, which will not be utilized by the public. Environmental Services has reviewed the proposed holding tank for the non-compliant system and finds that it does not meet the requirements of Chapter 52.021 (J), "Permanent holding tanks shall only be allowed for pre-existing dwellings where a standard, alternative, other or performance system cannot be reasonably installed." Based on the property being located within the Shoreland Overlay District, any non-compliant system will need to be upgraded immediately. Prior to CUP issuance, escrow money is necessary for installation in Spring 2009.
13. The permittee shall install conforming Individual Septic Treatment System (ISTS) to accommodate any wastewater that has contact with humans or chemicals associated with the apple and wine production operation prior to the issuance of a Certificate of Occupancy for the barn and wine production building. Since the last meeting, the applicant has

installed the holding tank for the wine production building however Environmental Services will need to review and approve the proposal for the waste coming from the sink in the barn.

14. The applicant is requesting signage for both Deardorff Orchards and Parley Lake Winery along Highway 5 as well as Parley Lake Road. Carver County Sign Code allows a single sign surface area maximum of thirty-two (32) sq. ft. per property. The legal non-conforming signage at the intersection of State Hwy 5 and Parley Lake Road can continue to be utilized with routine maintenance according to Section 154.35 Nonconforming signs; Compliance. Mr. Deardorff has also been directed to contact the Minnesota Department of Transportation (MnDOT) to discuss the possibility of locating a "blue" informational sign within the MnDOT right-of-way.
15. The applicant is proposing a second access to serve the proposed winery operation building. Additional access would only be allowed if approved by the Road Authority and supported by a traffic study, report or similar documentation as per County Zoning Code Section 152.036.
16. The City of Victoria received the public hearing for the Deardorff apple orchard and vineyard. They are supportive of sustainable agri-business and destinations in the future growth area of the City of Victoria Comprehensive Plan.
17. The Laketown Town Board has reviewed and recommended approval of the CUP request during their December 8, 2008 Town Board Meeting. The Laketown Town Board supports the applicant's request to expand the existing business to include wine provided the following conditions are met:
 - A. The Winery will pay the township for 2,640 feet of chloride or other chemical application applied at 3% at the full price incurred by the township for years 2009, 2010 and 2011; commencing in 2012 and every year thereafter that the winery operates, the winery will pay for 5,280 feet of same.
 - B. This coverage may be reduced by 600 feet of chloride or other chemical application during years in which Bonnie Deardorff purchases 600 feet of chloride or other chemical for application on the same road.
 - C. The township will determine where the 2,640 and 5,280 feet of chloride or chemical will be applied along Parley Lake Road.
 - D. The Winery will provide off-street parking for 15 vehicles initially, to be expanded to 20 vehicles in the event the Township finds the 15 parking spaces are inadequate.
 - E. The condition of the road and the requirements for chloride or chemical applications will be re-evaluated each 5 years beginning in 2014 or upon change in ownership or upon discontinuation of the business operation.
 - F. Expanded activities are limited to vineyard activities of wine tasting, music, picnics. Future uses such as wine bar, corporate outings, weddings, kitchen preparation areas, sit down eating facilities (restaurant), overnight accommodations or liquor sales beyond wine related products shall require a review and approval by the township of the impact to the road.
 - G. Additions or changes in access shall require approval by the township.

THEREFORE, BE IT RESOLVED, THAT The Carver County Planning Commission hereby recommends the issuance of Conditional Use Permit #PZ20080035 for a Farm Related/Large Scale Activity Business on the land described in Exhibit "A" of the permit application, and that the following conditions be attached to the permit:

1. The permit is subject to compliance 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 and/or operators are encouraged to contact Land Management as early on in the timeline of the proposed change as possible.
2. The Deardorff Orchards and Parley Lake Winery Master Plan, which consists of the site plan dated October 22, 2008 and operational letter dated October 23, 2008, shall be attached to, and become part of, the conditional use permit. The Master Plan shall be used as a guide. The Zoning Administrator shall determine whether an application for an amendment is necessary.

3. All new and existing structures shall be constructed and/or maintained in accordance with State Building Code if they are for public use. The applicant shall apply for and obtain all necessary building permits from Carver County prior to the modification of any existing structure or new construction. For continued access by the public in the barn, the permittee shall obtain an appropriate building permit(s) for the change of use of the barn from Agricultural to Merchantile classification and a Certificate of Occupancy must be issued before retail sales commence in 2009. Food production activities may only occur only if appropriate building permits have been obtained and a Certificate of Occupancy has been issued for those business activities.
4. The existing structure(s), not utilized for the business, shall be used only by the occupant(s) of the residence for agriculture, personal storage, hobbies, recreation, entertainment, family uses, private maintenance and repair activities, and for the keeping of animals and appurtenant equipment and supplies, and as otherwise regulated by this Ordinance.
5. The Permittee shall submit a copy of Worker's Compensation insurance for all employees annually.
6. The Permittee is responsible to the Mn Department of Agriculture, and to any other county, state or federal agencies, for maintaining the required permits and licensure for the retail, liquor, food production and growing operations. The Permittee shall submit copies of all required permits and licenses to Carver County Land Management prior to commencing operations.
7. Individual Septic Treatment Systems (ISTS) compliance is required on all existing systems as per Carver County Zoning Code Section 152.122. Any non-compliant system will need to be upgraded immediately. Prior to CUP issuance, escrow money is necessary for system installation in Spring 2009.
8. The Permittee shall install conforming Individual Septic Treatment System (ISTS) to accommodate any wastewater that has contact with humans or chemicals associated with the apple and wine production operation and submit a pumping agreement prior to the issuance of a Certificate of Occupancy for the barn and wine production building.
9. The Permittee will be required to provide restroom satellites/facilities, one of which shall be handicapped accessible, near the retail operation during all times of business operation. It shall be maintained by a licensed company and a copy of the maintenance agreement must be submitted annually. Proposed future structures may require permanent restroom facilities and an Individual Septic Treatment System (ISTS) per review by Environmental Services.
10. Section 154.20 of the Carver County Sign Code allows for a single sign surface area maximum of thirty-two (32) sq. ft. per property. The permittee shall not exceed the allowed square footage of signage per property. The legal non-conforming signage at the intersection of State Hwy 5 and Parley Lake Road can continue to be utilized with routine maintenance according to Section 154.35 Nonconforming signs; Compliance.
11. Outside storage of business equipment and supplies is prohibited unless the storage area is adequately screened from the view of neighboring residences and roads.
12. Pursuant to Section 152.079 of the Carver County Code at all times at least one of the residences shall be occupied as a homestead by a principal of the activity.
13. The Permittee shall obtain and comply with all required permits (Rule N: Stormwater Management) from the Minnehaha Creek Watershed District.
14. An additional access is only allowed if approved by the Road Authority and supported by a traffic study, report or similar documentation as per County Zoning Code Section 152.036.

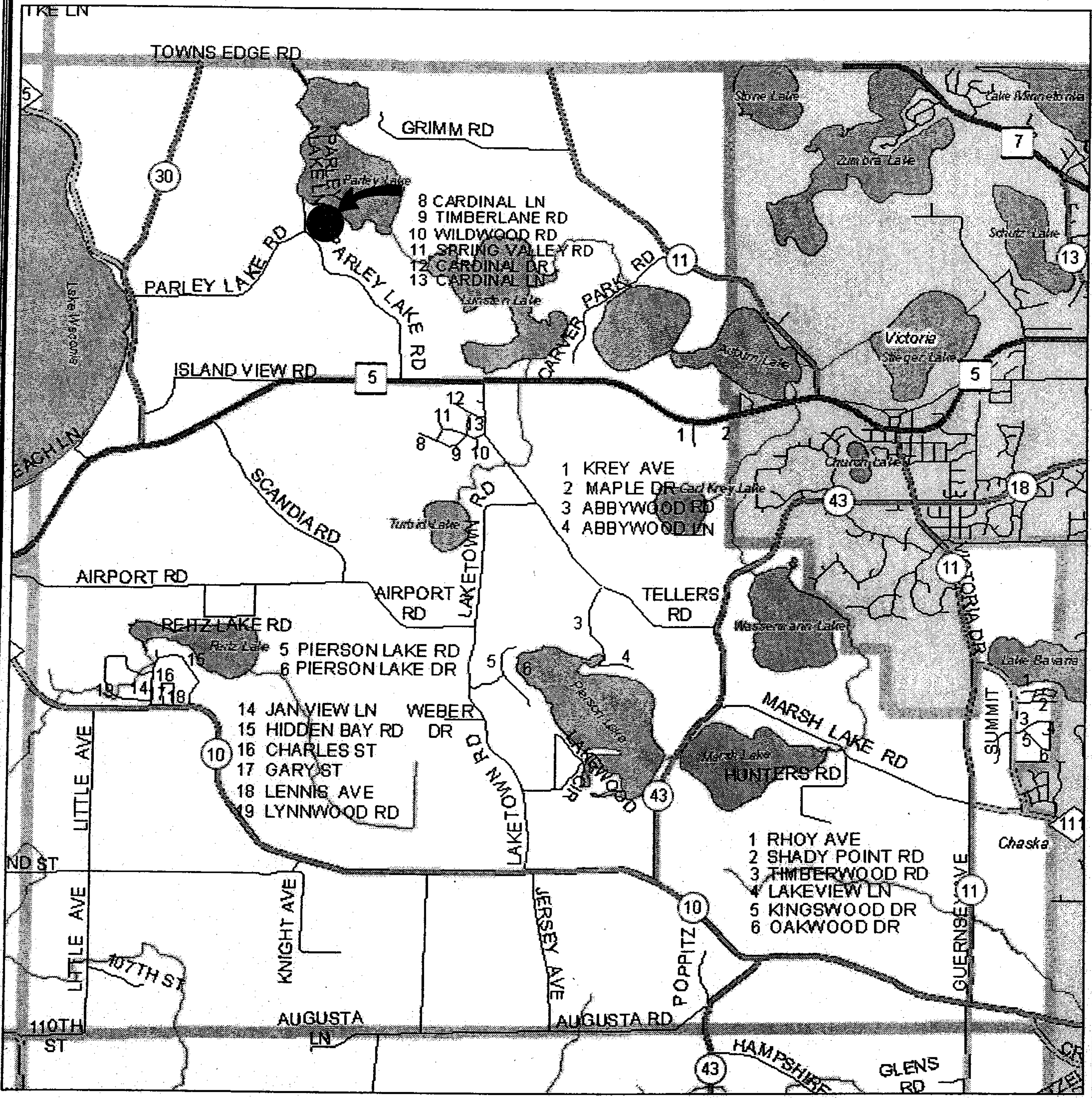
15. The Laketown Town Board has reviewed and recommended approval of the CUP request during their December 8, 2008 Town Board Meeting. The Laketown Town Board requirements shall be considered conditions of this permit as follows:

- A. The Winery will pay the township for 2,640 feet of chloride or other chemical application applied at 3% at the full price incurred by the township for years 2009, 2010 and 2011; commencing in 2012 and every year thereafter that the winery operates, the winery will pay for 5,280 feet of same.
- B. This coverage may be reduced by 600 feet of chloride or other chemical application during years in which the Bonnie Deardorff purchases 600 feet of chloride or other chemical for application on the same road.
- C. The township will determine where the 2,640 and 5,280 feet of chloride or chemical will be applied along Parley Lake Road.
- D. The Winery will provide off-street parking for 15 vehicles initially, to be expanded to 20 vehicles in the event the Township finds the 15 parking spaces are inadequate.
- E. The condition of the road and the requirements for chloride or chemical applications will be re-evaluated each 5 years beginning in 2014 or upon change in ownership or upon discontinuation of the business operation.
- F. Expanded activities are limited to vineyard activities of wine tasting, music, picnics. Future uses such as wine bar, corporate outings, weddings, kitchen preparation areas, sit down eating facilities (restaurant), overnight accommodations or liquor sales beyond wine related products shall require a review and approval by the township of the impact to the road.
- G. Additions or changes in access shall require approval by the township.

ADOPTED by the Carver County Planning Commission this 16th day of December, 2008.

Ted Beise
Planning Commission Chair

Laketown Township



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



Map Created by Carver County GIS
Apr 21, 2005



REQUEST FOR BOARD ACTION

AGENDA ITEM: Neil Klingelutz & Brian Klingelutz – Request for three (3) Wooded Lots

Originating Division: Land & Water Services

Meeting Date: January 6, 2009

Amount of Time Requested: None

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

File #PZ20080039. The request is for a Conditional Use Permit that would allow the creation of three (3) wooded lots on an 80 acre property. The development would consist of a plat with three (3) residential building sites (approximately 2.5 to 5 acres in size). All proposed lots meet the Zoning Code lot standards and will have direct public road frontage off of 102nd Street; therefore, a new road will not need to be constructed as part of the plat. The Planning Commission recommended approval of the request at their December 16, 2008, meeting. The Camden Town Board also supports the request.

ACTION REQUESTED:

A motion to adopt the Findings of Fact and Order #PZ20080039 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:

COUNTY OF CARVER
PLANNING COMMISSION RESOLUTION

FILE #: PZ20080039

RESOLUTION #: 08-23

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

FILE #: PZ20080039

APPLICANT: Neil Klingelutz

OWNER: Neil Klingelutz & Brian Klingelutz

SITE ADDRESS: 14XXX 102nd St.

PERMIT TYPE: Wooded Lots

PURSUANT TO: County Code, Chapter 152, Section(s) 152.078 B

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 02-025-0810

WHEREAS, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meeting of December 16, 2008; and,

WHEREAS, the Carver County Planning Commission finds as follows:

1. Mr. Klingelutz is interested in developing three (3) wooded lots on 80 acres which is located in the Southwest Quarter (SW¹/₄) of the Southeast Quarter (SE¹/₄) of Section 25, Camden Township. There are two (2) 1 per 40 eligibilities remaining on the property. There are no buildings or other types of improvements on the parcel. The property is located in the Agricultural Zoning District and the CCWRMA (Carver Creek).
2. The applicant is requesting a Conditional Use Permit (CUP) to potentially develop three (3) wooded lots pursuant to Section 152.078 B of the Carver County Zoning Code.
3. The parcel from which the wooded lots will be subdivided was a parcel of more than 40 acres on July 1, 1974, and was under one ownership at that time. Camden Township has provided for wooded lots in their Chapter of the Comprehensive Plan.
4. The applicant is proposing three (3) wooded lots that would each exceed the 2.5 acre minimum lot size. The three (3) five acre lots would be located in the southeasterly corner of the property. The lots would be located in a 10± acre wooded area, which is more than enough to meet the minimum tree canopy requirements of the Zoning Code. There would be no agricultural land included in the development.
5. During the preliminary plat process, the applicant would need to document a suitable 1 acre building site meeting all of the setbacks, within the tree canopy, for each lot. The applicant has submitted preliminary soil borings indicating septic/building suitability. The Environmental Services Department has looked at the preliminary septic locations in order to determine whether or not the identified areas meet the requirements pursuant to the Carver County Septic Code. Based on preliminary review, the locations appear to meet the minimum requirements; however, a more formal review will be conducted during the preliminary plat process. All proposed lots are connected to a NWI wetland, but the wetland is not impacting any septic locations.

6. The concept plan illustrates possible lot configurations. The building areas within the proposed lots appear to have gradual slopes to the wetland; however, the building site for "Lot 3" appears to be mostly flat. The proposed development meets the requirement no more than four (4) homes would be located on 40 acres. Only one (1) of the remaining (2) 1 per 40 building eligibilities can be utilized on the subject south 40 acres due too the provision addressed above. The applicant has indicated that they have a purchased agreement on the north quarter/quarter (40 acres), which would be sold with one (1) 1 per 40 eligibility.
7. All three (3) lots are impacted by an existing feedlot located to the south of 102nd Street; however, there are buildable locations on each lot outside of the 1000' of the existing feedlot setback.
8. Each lot would meet the requirements for public road frontage; therefore, each lot would gain access from 102nd Street. The Camden Town Board will be reviewing the proposed accesses during the preliminary plat process.
9. The individual lot owner(s) will be required to comply with the Carver County Water Management Rules. Each lot will be review as a level 2 project which would include an erosion/sediment control plan and a general detail of an infiltration/filtration plan. More specific details for each lot would need to be submitted to Carver County Planning & Water Management at the time of design for review and approval prior to the issuance of building permit(s) on individual lots.
10. A wetland delineation will be needed as part of the platting process. No roadway is being constructed; however, with the creation of new driveways there may be potential low lying areas "wetlands" within the tree canopy that may need to be avoided.
11. Each lot will need to determine a home location in which the lowest floor elevation is placed at least 3' above the highest known water level, or 3' above the Ordinary High Water (OHW) Level. The lots appear to exceed this standard; however, the applicant will need to submit documentation as part of the preliminary plat.
12. The entire layout as proposed will be properly addressed during the preliminary plat process.
13. The Camden Township reviewed and recommended approval of the three (3) wooded lot request at their November 13, 2008, Town Board meeting. The Town Board approved the request as long as all three (3) mailboxes are located in the same location.

THEREFORE, BE IT RESOLVED, THAT The Carver County Planning Commission hereby recommends the issuance of Conditional Use Permit #PZ20080039 for the creation of three (3) wooded lots 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. Three (3) wooded lots are permitted. The property (residential lots) shall be platted in accordance with M.S. Chapter 505, and Carver County Zoning and Subdivision Codes.
2. The Camden Town Board will be reviewing the proposed accesses during the preliminary plat process. An access permit for the proposed driveways must be obtained from Camden Township.
3. The lots shall be laid out on the preliminary plat substantially as agreed upon by the Township, the County, and the Developer during the Conditional Use Permit process.
4. Each residential lot within the plat must show a designated building site as defined by the Zoning Code and Subdivision Code. Soil borings for the two sewer locations on each building site must be submitted with the application for preliminary plat. The building sites must be located so that all buildings and sewer systems can meet the County Code setback requirements.

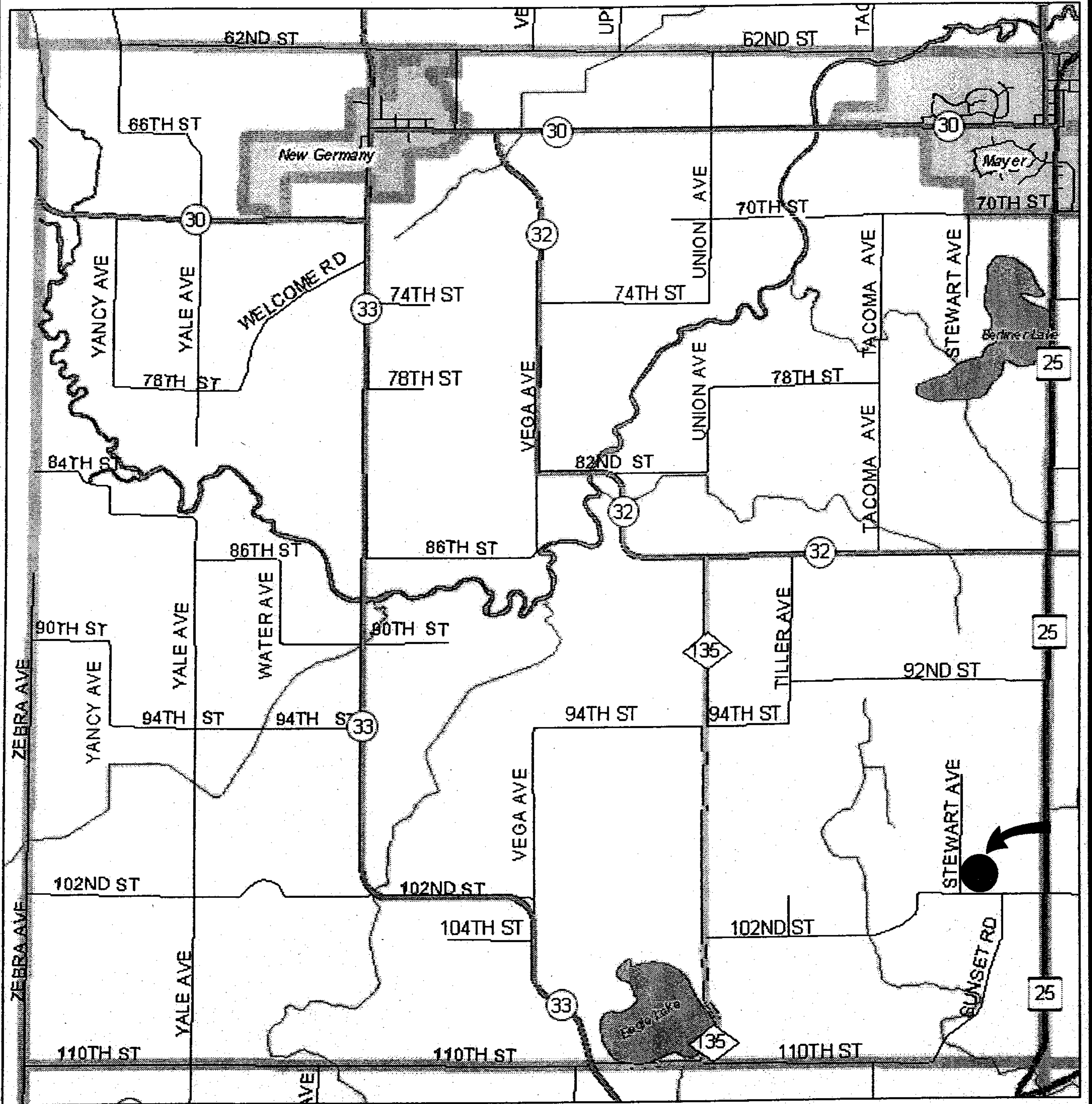
5. As a part of the platting process the applicant will develop covenants to be filed with the plat. The covenants will address at least the following:
 - A. A covenant must clearly state the building eligibility status for each parcel in the development.
 - B. A covenant stating that the area is rural and that commercial agriculture and other rural land use activities will likely be occurring in the area. A notification must be provided regarding “the active feedlot located to the south, odors, dirt, dust, noises, long hours of operation and other factors associated with agriculture and feedlot activities”. Complaints relating to these activities shall be considered unwarranted so long as such activities are being conducted in accordance with existing standards.
 - C. If the home sites include any environmentally sensitive land then restrictions must be placed in the covenants addressing: clear cutting of land, vegetation removal, plus the development and implementation of an erosion control plan to control erosion during and after building construction.
 - D. A covenant must be added requiring that the alternative sewer site must be preserved for a future sewer site. No buildings can be erected on the alternative site and no trees can be planted on the site. Heavy equipment must be kept off the site. If the lot owner must build on the site, he will have to submit percolation tests and soil borings for another site before any building permit will be issued.
6. The above-required covenants shall become part of the permit.
7. Driveways and drainage ways will be designed so that public utilities can be installed at a later date.
8. All septic locations and borings would be subject to review, in the field, by the Environmental Services ISTS staff prior to the approval of the Preliminary Plat.
9. The property must be analyzed by a professional wetland delineator to determine where wetlands exist. The boundaries of the identified wetlands must be included on the preliminary plat so appropriate drainage easements may be determined. If necessary, a wetland exemption request or mitigation plan and application shall be submitted with the preliminary plat application.
10. A completed Carver County “Level 2” Water Rules application, with required attachments, shall be submitted, reviewed and approved by the Carver County Planning & Water Management and the Carver Soil and Water Conservation District prior to the issuance of building permit(s) on individual lots. An access plan, drainage plan, erosion control plan, general detail of an infiltration/filtration plan, and storm water management application shall be submitted as part of the Water rules review process.
11. Each lot will need to determine a home location in which the lowest floor elevation is placed at least 3’ above the highest known water level, or 3’ above the Ordinary High Water (OHW) Level. The applicant will need to submit documentation as part of the preliminary plat.
12. All mail boxes, for the three (3) wooded lots, shall be placed in the same location.

ADOPTED by the Carver County Planning Commission this 16th day of December, 2008.

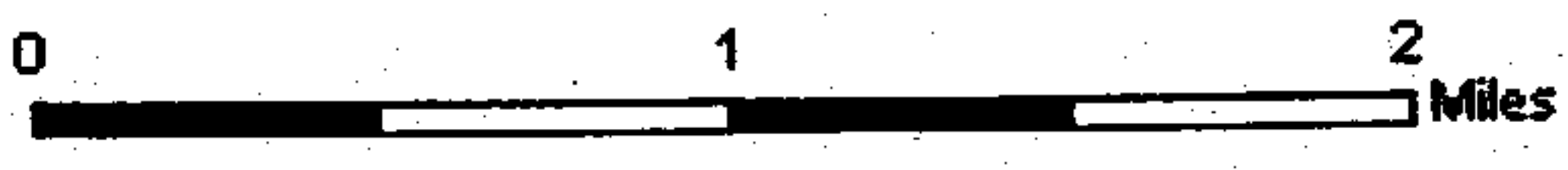
Ted Beise
Planning Commission Chair

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Camden Township



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Map Created by Carver County GIS
Apr 21, 2005



REQUEST FOR BOARD ACTION

AGENDA ITEM : Rick & Jodi Theis – Conditional Use Permit Amendment (Commercial Kennel)

Originating Division: Land & Water Services

Meeting Date: January 6, 2009

Amount of Time Requested: None

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

File #PZ20080038. The Planning Commission recommended approval of the Conditional Use Permit (CUP) Amendment for Rick and Jodi Theis. The applicants are requesting a new CUP to expand the number of indoor kennels within the existing 42' x 80' commercial kennel structure and to allow for dog daycare. Mr. and Mrs. Theis have been operating a commercial kennel, Paws Inn Resort, from the property in Section 17 of Camden Township for the past 10 years. A CUP (#11204) allowed the applicants to operate out of an existing barn. A Variance (#11226) was also granted allowing a reduced kennel setback from an existing home. In December of 2000, a fire destroyed the barn and the applicants requested a new CUP (#12222) to build a new, larger structure for the same type of operation. Currently the operation consists of up to 24 dog kennels and 10 kennel spaces for cats. The applicants are proposing to expand the operation to include up to 40 dog kennels, 10 kennel spaces for cats and to have a maximum of 65 animals (dogs and/or cats). The proposed expansion area is located within the existing lower level of the building. The footprint of the building is not expanding as part of this request. The Camden Town Board recommends approval of the request. CUP #PZ20080038 shall terminate and supercede the prior approved CUP #11226 and #12222, which shall be considered null & void.

ACTION REQUESTED:

A motion to adopt the Findings of Fact and to issue Order #PZ20080038 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:

COUNTY OF CARVER
PLANNING COMMISSION RESOLUTION

FILE #: PZ20080038

RESOLUTION #: 08-22

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

FILE #: PZ20080038

APPLICANT: Rick & Jodi Theis

OWNER: Rick & Jodi Theis

SITE ADDRESS: 8127 Yale Ave.

PERMIT TYPE: Commercial Kennel

PURSUANT TO: County Code, Chapter 152, Section(s) 152.079 C4

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 02-017-0920

WHEREAS, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meeting of December 16, 2008; and,

WHEREAS, the Carver County Planning Commission finds as follows:

1. Jodi & Rick Theis own a 9.98 acre property located on Yale Avenue in the Southwest Quarter (SW¼) of the Northwest Quarter (NW¼) of Section 17, Camden Township. The property is improved with a house/garage and three (3) accessory structures. The site is located in the Agricultural Zoning District, Crow River Shoreland Overlay District, Crow River Floodplain District and the CCWRMA (Crow River).
2. Mr. & Mrs. Theis have been operating a commercial kennel, Paws Inn Resort, from the property for the past ten (10) years. The original Conditional Use Permit (CUP) #11204 allowed Mr. & Mrs. Theis to operate out of an existing barn. They also were granted Variance #11226 for a reduced dog kennel facility setback from existing homes. In December of 2000, a fire destroyed the barn and they requested a new CUP (#12222) to re-build a new structure that would allow the same type of operation and board the same number of animals. At the time, a structure larger than the original barn was requested as part of the new CUP; therefore, they had to apply for an amendment to the CUP which was approved and issued in February of 2001.
3. Mr. & Mrs. Theis are currently requesting a new CUP in order to expand the number of indoor kennels within the existing 42' x 80' commercial kennel structure, and allow for dog daycare. The commercial kennel request is allowed pursuant to Section 152.079 C4 of the Carver County Zoning Code.
4. Currently, the operation consists of up to 24 dog kennels and 10 kennel spaces for cats. Based on the success of their business endeavor, Mr. & Mrs. Theis are requesting to amend their existing CUP. The proposal would allow the operation to include up to 40 dog kennels and 10 kennel spaces for cats, and have a maximum of 65 animals (dogs and/or cats). Mr. & Mrs. Theis also conduct a variety of training and obedience classes out of upper level of the structure. The kennel hours of operation are from 9:00 a.m. to 7:00 p.m., Monday through Friday, with occasional pick-ups on weekends. The applicants' provide a delivery service to their clients as well. They have indicated in the past that between the boarding and training services, the average traffic flow is 20 to 35 vehicles per week. The applicant has 2-3 part-time employees reporting to the site when needed.

5. The original barn was constructed with a walk-out design to the south of the property (towards the Crow River). The approximate footprint size of that barn was 2,160 sq. ft. The new structure built in 2001, was located in the same location as the old barn; however, was enlarged to a 3,360 sq. ft. footprint. The new design does not allow for any outdoor runs; therefore, dogs are completely enclosed in the building. The three (3) existing outdoor fenced play areas (2 on the south side & 1 on the west side of the building) will remain. The outdoor play areas are supervised when dogs are outside. Dogs and cats will continue to be boarded in the lower level and the training activities will be in the upper level of the building. The entrance to the building and parking areas will remain on the north side of the building. The proposed expansion area is located within the existing lower level of the building. The footprint of the building is not expanding as part of this request.
6. To minimize noise, Mr. & Mrs. Theis insulated the building, including between the floors. They also stated that they installed an air exchange system that outlets on the south side of the building, away from the neighbors.
7. Manure generated by the kennel will continue to be disposed of by placing solid waste in plastic bags and disposing of it in a dumpster. The dumpster is emptied weekly, or as often as necessary. A separate septic system was installed to handle some of the solid waste generated from the kennel, as well as the water associated with cleaning the kennels. A Certificate of Compliance for the system was obtained on November 11, 2008.
8. A Certificate of Compliance for the Individual Septic Treatment System (ISTS) on the existing home was obtained on November 11, 2008.
9. Retail sales of pet food and dog training supplies is sold from the property as a convenience for kennel customers, and is considered to be incidental to the operation of the kennel.
10. The Camden Town Board reviewed and recommended approval of the request during their November 13, 2008 meeting with one (1) condition: The Permittee shall continue to apply dust control on the township road (Yale Avenue) for the neighbors.

THEREFORE, BE IT RESOLVED, THAT The Carver County Planning Commission hereby recommends the issuance of CUP #PZ20080038 on the land described in Exhibit "A" of the permit application. Furthermore, this permit shall terminate and supercede the prior approved CUP #11226 and #12222, which shall be considered null & void. The Planning Commission further recommends that the following conditions be attached to the permit:

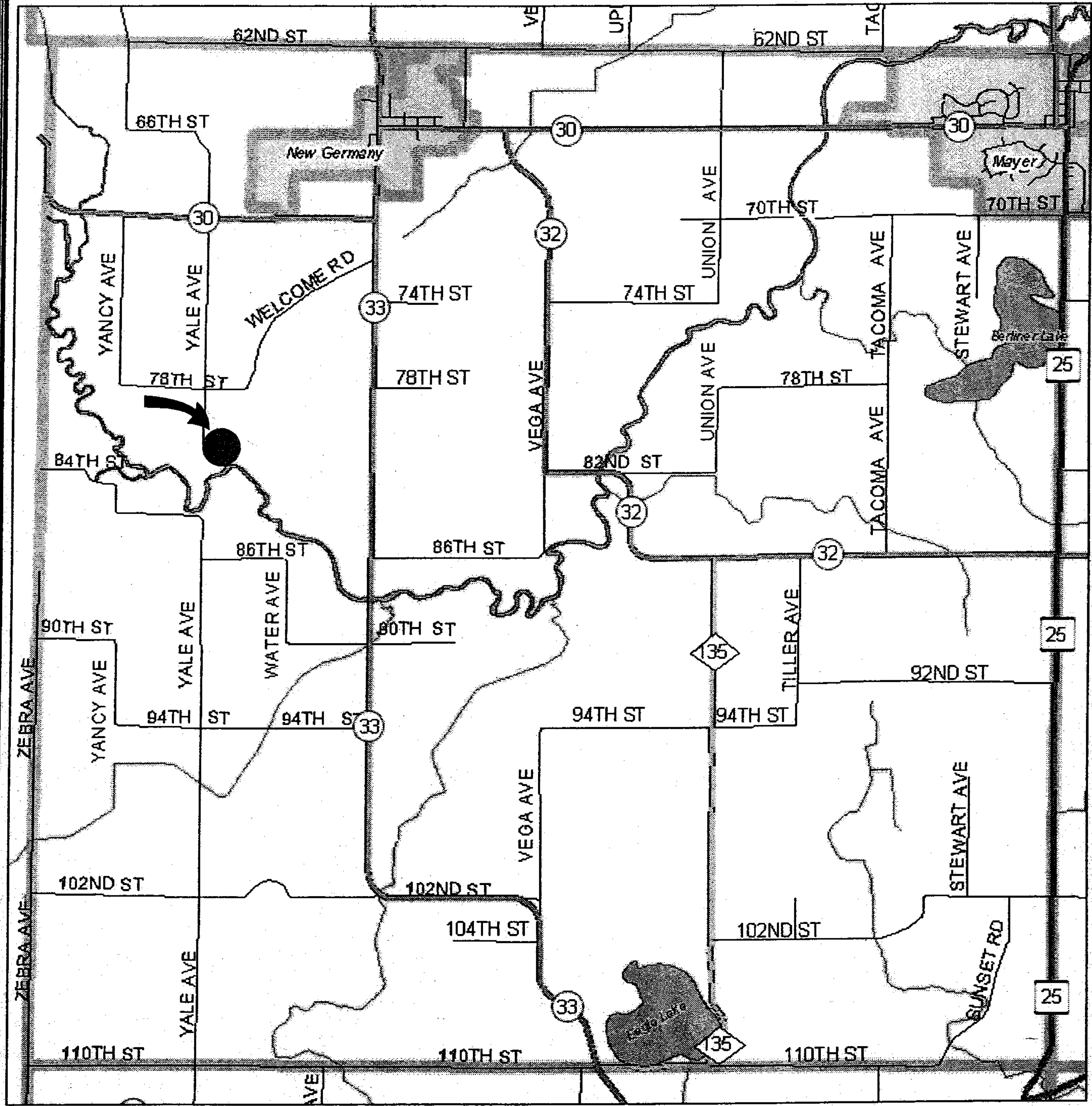
1. The permit is subject to administrative review. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners and/or operators are encouraged to contact Land Management as early on in the timeline of the proposed change as possible.
2. The approved operational plan and site plan submitted as part of the permit application shall become part of the permit.
3. Any and all building permits shall be applied for and issued prior to commencing any construction activities, if needed.
4. A waste handling plan and/or copy of a contract with a licensed disposal service must be submitted and approved by Environmental Services prior to the issuance of the Conditional Use Permit.
5. Animal capacity shall be limited to a maximum of 65 animals. Expansion and/or additions that increase the size or intensity of the operation, as determined by the Zoning Administrator, shall require an amendment to the permit.
6. Outdoor play areas (kennels) shall be fenced and adequately screened from nearby roads and /or neighboring properties.

7. Upon receipt of complaints, which can be verified by the Zoning Administrator, regarding dogs running loose off the property, excessive barking, or related nuisances, the permit will be brought to public hearing.
8. Permittee must submit a Certificate of Worker's Compensation Insurance or an affidavit stating that there are no employees prior to the issuance of the Conditional Use Permit.
9. Retail sales shall be incidental to the operation of the kennel, and any miscellaneous items should be for the convenience of the kennel customers. No advertising of retail sales is allowed. If the Zoning Administrator determines that the retail sales are more than incidental, the Permittee must apply to amend the permit.
10. Permittee must apply dust control to the gravel township road (Yale Avenue) for the neighboring homes in a manner and location specified by the township.

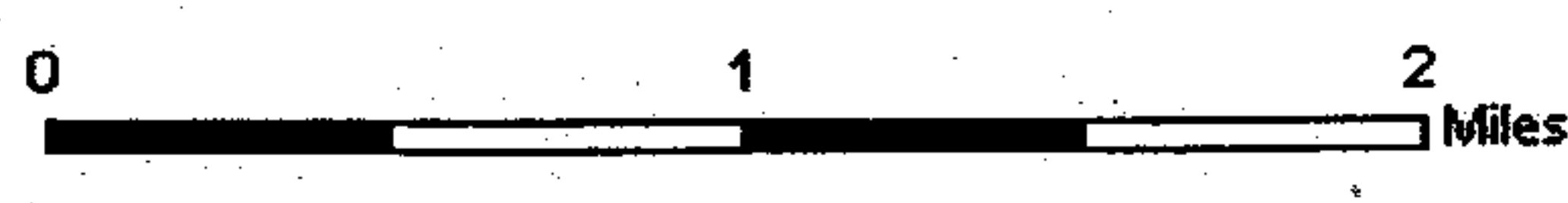
ADOPTED by the Carver County Planning Commission this 16th day of December, 2008.

Ted Beise
Planning Commission Chair

Camden Township



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Map Created by Carter County GIS
Apr 21, 2005



REQUEST FOR BOARD ACTION

AGENDA ITEM: Joshua Kloos – Request for a Contractor’s Yard

Originating Division: Land & Water Services

Meeting Date: January 6, 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 #PZ20080040. The Planning Commission recommended approval of the Conditional Use Permit (CUP) for Joshua Kloos. The request is to operate a Contractor’s Yard (landscaping business) from an 8.66 acre property he currently has a purchase agreement on in Section 1, San Francisco Township. The property is foreclosed real estate which was previously utilized as a contractor’s yard for a log home construction business. The original parcel was approximately 10.22 acres. However, the northerly 1.56± acres, which includes the driveway access, remains under separate ownership because it was not included in the foreclosure. Mr. Kloos is aware of the separate parcel and has indicated that he is working toward a resolution. The Board of Adjustment approved a variance request to operate a contractor’s yard within 500 feet of platted residential parcels (i.e. Carver Highlands 2). The applicant plans to utilize the existing principle contractor’s building for the storage of equipment. The other building will be used for a combination of contractor’s yard storage and personal storage. The applicant is proposing outside storage of black dirt, gravel, much and sand. The materials would be stored in bins on the south side of the principle contractor’s yard building. The property would be accessed via the existing driveway access off of Jonathan Carver Pkwy (formerly Co. Rd. 45). The topography of the property would limit the possibility for a driveway in another location. County Public Works has been informed of the request and stated that the request was not a change of use and that no access modifications would be required at this time. If significant expansion occurs, access should be re-evaluated at that time. According to the applicant, he has discussed his plans for the site and received verbal approval from five (5) neighboring property owners. The San Francisco Town Board recommends approval of the request.

ACTION REQUESTED:

A motion to adopt the Findings of Fact and to issue Order #PZ20080040 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:

COUNTY OF CARVER
PLANNING COMMISSION RESOLUTION

FILE #: PZ20080040

RESOLUTION #: 08-21

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

FILE #: PZ20080040

APPLICANT: Joshua Kloos

OWNER: Wells Fargo Bank

SITE ADDRESS: 16315 Jonathan Carver Pkwy (formerly Co. Rd. 45)

PERMIT TYPE: Contractor's Yard

PURSUANT TO: County Code, Section 152.079 C10

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 08-001-0700

WHEREAS, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meeting of December 16, 2008; and,

WHEREAS, the Carver County Planning Commission finds as follows:

1. Joshua Kloos has entered into a purchase agreement for an 8.66 acre property, which is foreclosed real estate located in the South East quarter (SE 1/4) of Section 1 of San Francisco Township. The property is improved with a single-family residence and multiple detached accessory structures. The subject property is located in the Ag Zoning District and Carver County WMO – Bevens Creek watershed.
2. A Conditional Use Permit (CUP) is required for any contractor's yard. The Board of Adjustment approved a variance request to operate a contractor's yard within 500 feet of platted residential parcels (i.e. Carver Highlands 2). The principle building and operational area associated with the contractor's yard would be located approximately 200 feet from the nearest platted residential parcel, therefore a 300-foot variance was approved at their December 3, 2008 meeting.
3. The original parcel was approximately 10.22 acres. However, the northerly 1.56± acres, which includes the driveway access, remains under separate ownership because it was not included in the foreclosure. Mr. Kloos is aware of the separate parcel and has indicated that he is working toward a resolution. The conditional use permit pertains to the entire parcel, as access to the parcel is necessary. A condition of approval has been included related to this issue.
4. The site was previously utilized as a contractor's yard with large equipment and multiple vehicles. The prior "existing contractor's yard" was a log home construction business, which was never permitted as a conditional use (it existed prior to 1989). The applicant is requesting a CUP to pursue a new contractor's yard for his landscaping business. The applicant's business appears to be of a smaller scale than the previous operation.
5. The request is for a CUP to operate a contractor's yard pursuant to Section 152.079 of the Carver County Zoning Code.

6. The applicant plans to utilize the existing principle contractor's building for the storage of equipment. The other building will be used for a combination of contractor's yard storage and personal storage. The other existing ag buildings and the manufactured home which was used as an office by the previous property owner may be removed in the future. The applicant is not proposing to construct any new buildings at this time and will utilize the existing residence for an office and restroom facilities.
7. Hours of operation for the contractor's yard would typically be 7:00 to 5:00 Monday through Friday during the summer months. Winter hours are minimal since it is off-season. The business utilizes two (2) trucks and trailers. The applicant anticipates no more than four (4) trips to be generated in and out of the site each day for the business. The applicant has three (3) employees during the summer months. One employee would report to the site to pick up a truck in the morning and return it at the end of each day. Typically the other employees would report directly to the job site. The applicant has stated that there is adequate space around the building to accommodate parking for any employees and personal vehicles.
8. The applicant is proposing outside storage of black dirt, gravel, much and sand. The materials would be stored in bins on the south side of the principle contractor's yard building.
9. The property would be accessed via the existing driveway access off of Jonathan Carver Pkwy (formerly Co. Rd. 45). As stated previously, the applicant is working to resolve the issue of purchasing the northerly 1.56± acres, which includes the driveway access to the property. The topography of the property would limit the possibility for a driveway in another location. County Public Works has been informed of the request and stated that the request was not a change of use and that no access modifications would be required at this time. If significant expansion occurs, access should be re-evaluated at that time.
10. No signs are proposed for the business. Section 154.20 of the Carver County Code allows for a single sign surface area maximum of thirty-two (32) sq. ft. per parcel.
11. According to the applicant, he has discussed his plans for the site and received verbal approval from five (5) neighboring property owners.
12. The San Francisco Town Board reviewed the request at their October 17, 2008 Town Board meeting and recommended approval.

THEREFORE, BE IT RESOLVED, THAT The Carver County Planning Commission hereby recommends the issuance of Conditional Use Permit #PZ20080040 for a contractor's yard on the land described in Exhibit "A" of the permit application, and that the following conditions be attached to the permit:

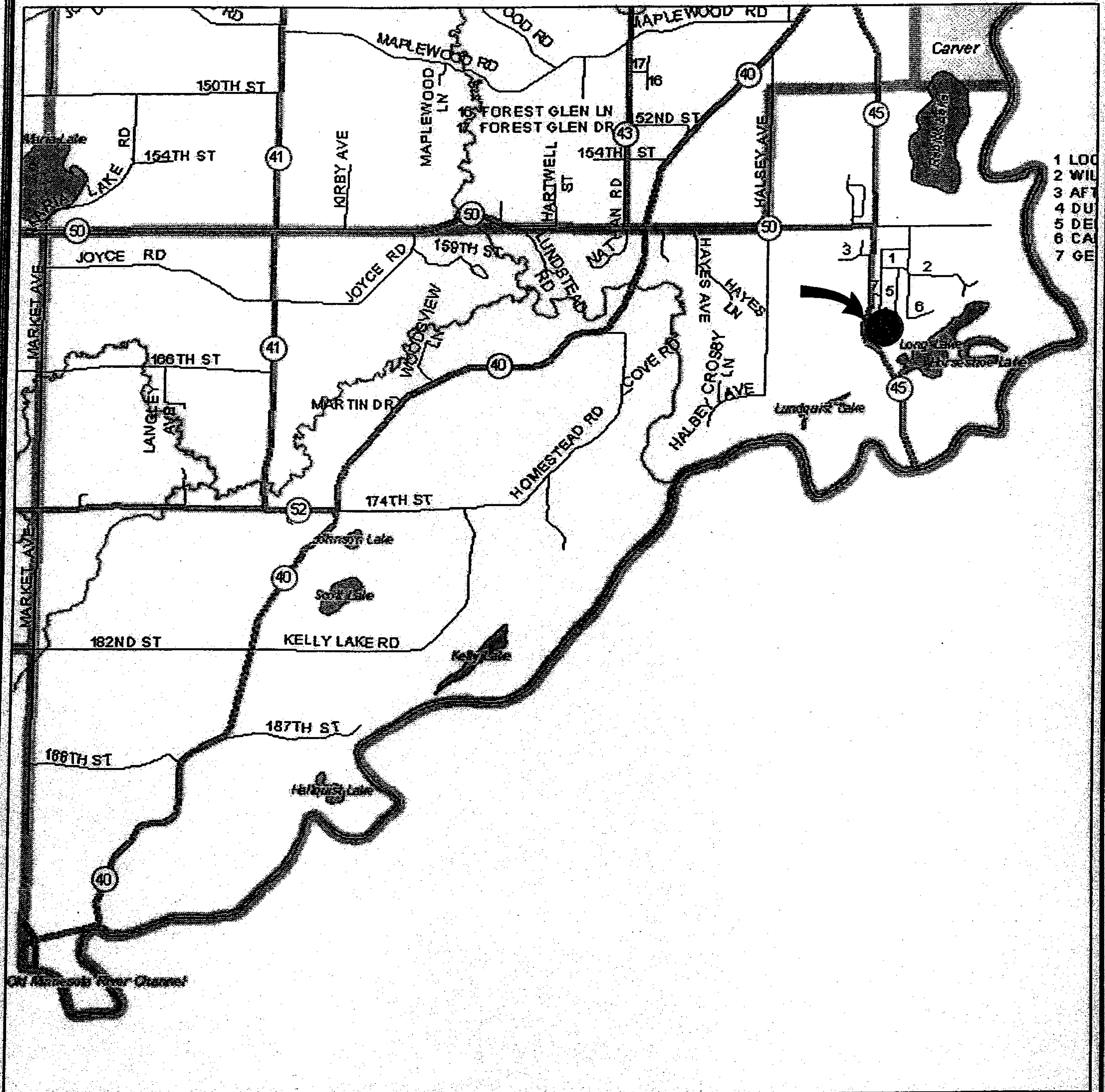
1. The permit is subject to administrative review. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners and/or operators are encouraged to contact Land Management as early on in the timeline of the proposed change as possible.
2. The operation shall be in accordance with the submitted operational & site plans. These plans shall be attached to and become part of this permit.
3. All structures used in conjunction with the contractor's yard operation shall meet the requirements of the Minnesota State Building Code.
4. Outside storage of business equipment, supplies and/or vehicles is permitted according to the operational and site plan.
5. Permittee shall be responsible for obtaining proper access permits as authorized by the responsible road authority, if any. Review by Land Management and Attorney if existing access cannot be utilized to determine if a CUP Amendment is required.

6. Permittee shall submit a Certificate of Workers' Compensation Insurance and/or proper affidavit to the Land Management Department.
7. At all times this property shall be occupied as a homestead by a principal of the activity.

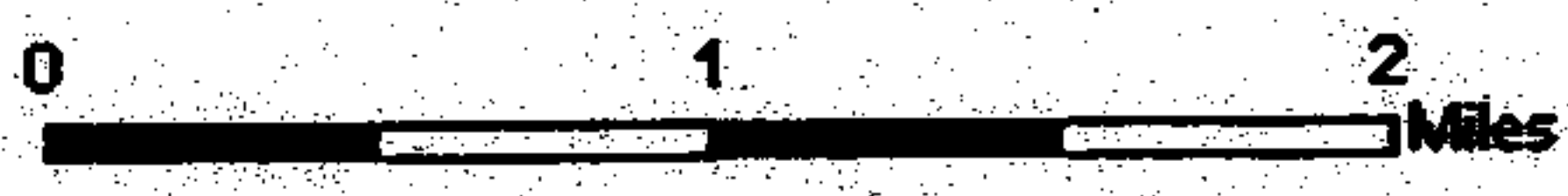
ADOPTED by the Carver County Planning Commission this 16th day of December, 2008.

Ted Beise
Planning Commission Chair

San Francisco Township



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Map Created by Carver County GIS
Apr 21, 2006



REQUEST FOR BOARD ACTION

AGENDA ITEM : 2009 Police Service Contract

Originating Division: Sheriff

Meeting Date: December 23, 2008

Amount of Time Requested: N/A

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM:

2009 Police Service Contract with Clearwater Middle School in Waconia MN.

The Sheriff's Office is renewing the contract with District #110 Clearwater Middle School in Waconia MN. The contract provides a School Resource Deputy in the school for 4 hours each day during the school year.

ACTION REQUESTED:

Approve the 2009 Police Service Contract with Clearwater Middle School.

FUNDING

County Dollars =	\$
Other Sources & Amounts =	
TOTAL	= \$18,248

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments:

Reviewed by Division Director JDE

Date: 12/12/2008



REQUEST FOR BOARD ACTION

AGENDA ITEM : Semi annual meeting of the Carver County Regional Rail Authority

Originating Division: Administration

Meeting Date: 1/6/09

Amount of Time Requested: 5 minutes

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA

In 1987, the Carver County Regional Rail Authority was established. The Regional Rail Authority needs to appoint a Chair, Vice Chair and Secretary/Treasurer to the Carver County Regional Rail Authority for 2009.

ACTION REQUESTED:

Motion appointing Chair, Vice Chair and Secretary/Treasurer for 2009.

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: 12/23/08