

Carver County Board of Commissioners
 Regular Session
 March 10, 2009
 County Board Room
 Carver County Government Center
 Human Services Building
 Chaska, Minnesota

			PAGE
9:15 a.m.	1.	<i>a) CONVENE</i>	
		<i>b) Pledge of Allegiance</i>	
		<i>c) Public participation (comments limited to five minutes)</i>	
		<i>d) Introduction of New Employees</i>	
	2.	Agenda review and adoption	
	3.	Approve minutes of March 3, 2009 Regular Session	1-4
	4.	Community announcements	
9:15 a.m.	5.	CONSENT AGENDA	
	5.1	Central Plant West Administration ACM abatement	5-6
	5.2	Charitable gambling application for Zoar United Church of Christ	7-8
	5.3	Approval of Environmental Center promotional items.....	9-10
	5.4	Approval of Environmental Center appliance contract	11
	5.5	Approval of Environmental Center yard waste contract with RW Farms	12
	5.6	Community Social Services' warrants	NO ATT
	5.7	Commissioners' warrants.....	SEE ATT
9:20 a.m.	6.	PUBLIC WORKS/PARKS	
	6.1	Presentation about the Regional Parks Foundation of the Twin Cities by Peter Bell	13-19
9:50 a.m.	7.	LAND AND WATER SERVICES	
	7.1	CCWMO 2008 Annual Report Summary	20-24
	7.2	<i>Closed Session</i> -Discuss pending litigation on the Meuleners feedlot manure storage facility.....	25
10:30 a.m.		ADJOURN REGULAR SESSION	

10:30 a.m.

BOARD REPORTS

1. Chair
2. Board Members
3. Administrator

11:00 a.m.

4. Adjourn

David Hemze
County Administrator

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on March 3, 2009. Chair Gayle Degler convened the session at 9:19 a.m.

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

Members absent: None.

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

Maluchnik moved, Workman seconded, to approve the minutes of the February 24, 2009, Regular Session. Motion carried unanimously.

Community announcements were made by the Board.

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

Appointed Florence Olson to a three year term on the Minnesota Extension Committee.

Appointed Kathleen Donohue to a three year term on the Mental Health Advisory Committee and appointed Christine Dondlinger and June Henning to a one year term on the Committee.

Community Social Services' actions.

Approved payment of the following Commissioners' warrants:

INSERT

Motion carried unanimously.

Mary Langworthy, Executive Director of The Community Foundation for Carver County, appeared before the Board to explain how the Foundation functions and the benefits. She explained they started in 2004 and they are a local nonprofit organization. She stated their eleven Board members represent various areas of the County and the Foundation serves the broad needs of the County.

Langworthy explained they work with donors that invest gifts and resources with them and they manage and invest those funds. She noted they do not set up programs but give grants and scholarships back to the community. She stated, because they are new, they are trying to build awareness and address the local needs. Langworthy stated they work with individuals that want to give back but don't have the avenue to do it.

A video was played that highlighted what they were trying to accomplish.

Mary Welch, Vice President, stated they are trying to provide a vehicle that provides a connection within the community. She noted they have given out some grants and they are hoping to continue to do that. Welch explained the May fundraiser they are planning.

Langworthy pointed out their website and a phone number to call if residents were interested in learning more about the Foundation.

Chair Degler thanked Ms. Langworthy and Ms. Welsh for coming in and giving them more information on the Foundation.

Bill Weckman, Public Works, requested the Board adopt a Resolution to support a grant application for the Dakota Rail Trail. He explained several years ago the Regional Rail Authority had purchased the Dakota Rail corridor through an abandonment process. In turn Parks has a permit from the Rail Authority for a 16 foot wide strip in the center of the railbed for the development of a trail.

He pointed out the federal enhancement funds of over one million that had been secured for the development of Phase 1 from Hennepin County to Mayer and that is part of the 2010 federal program. Phase 2 includes the development of the trail from Mayer to the McLeod County line. Weckman stated today they were talking about Phase I of that development plan.

He stated when the application was made for Phase 1 the estimated cost was 1.3 million for the project, with the federal funds having a 20% match required. He pointed out the intent to use \$300,000 of Rail Authority funds for that match and to make the project whole. Recently they received a cost estimate for the trail development in the amount of two million. Weckman explained the reasons for the cost increase and indicated they recently became aware of this grant opportunity for \$150,000.

Weckman stated the information included in the grant corresponded to the information in the trail plan. He stressed this was only an application. Weckman reviewed the questions that had been raised related to the grant application and if the grant required them to pave. He indicated the first application for funding was made for a paved trail and the applications were scored based on what was in the application. Weckman acknowledged the question was raised if they could amend the application and indicated they are investigating what the amendment process would entail as well as other issues. He stated he would also need to review the probability of the amendment being approved and whether they would jeopardize the one million grant. Weckman stated applications in the enhancement category are scored and rated.

Weckman clarified the area outside the 16 feet was planned to remain natural and if this were changed, it would require an amendment in the master plan which included paving the trails. He indicated they are attempting to find out the answers to the questions that had been raised and when they did, they would report back to the Board. He added the sunset date for the Phase I grant is March, 2011.

The Board discussed what Hennepin and McLeod Counties have planned for their portions of the trail and the permitted uses. The Board questioned whether they needed to make a decision on the use of the trail at this time and if there was any room for other uses as well.

Carol Dunsmore, Chanhassen, representing the equestrians of Carver County, asked the Board to table the Resolution and explore other options rather than having it paved entirely. She distributed information from the Federal Highway Administration relating to the use of federal funds for horse trails, copies of surveys completed at a open house and the grant application submitted by Parks. She referenced the survey they did on their own and a list of 355 people that responded to their petition. She pointed out the number of people that attended a recent Park Commission meeting and the economic impacts of horseback riders and dollars spent within the County.

She referenced the engineers estimate for aggregate vs pavement and suggested the savings for not paving would allow for a multiple use trail. Dunsmore stated she had contacted Jim Andrew at the Met Council and explained what a change of scope letter would need to include. Dunsmore stated there was no federal law that requires a paved surface when projects are funded with federal highway funds. She stated it would be a simple process to change the plan and still receive the grant funds requested. Dunsmore clarified they were in favor of paving from St. Boni up to County Road 10 and from County Road 10 West to remain an aggregate surface. She reiterated her request to postpone the proposed Resolution and to have further discussions to consider alternative plans for the Dakota Rail Trail.

The Board questioned if they were going to change the scope if there would be any negatives with still applying for the grant. Dunsmore stated they would ask that they change the grant application to include equestrian use and not pave the entire trail.

Mary Novakowski, stated she boarded a horse in the County and understood they wanted to apply, but requested they change the language in the second paragraph of the proposed Resolution related to paving. She stated, according to one document, no other material was considered for the trail. She believed if they were applying for the grant as it stands, they are saying they are going to pave it. Walsh clarified deleting the word "paving" from the Resolution would be inconsistent with all the other applications.

The Board acknowledged the need for the grant funds to fill the funding gap. They discussed applying for the grant at this time and the possibility of amending the application at a later date if the decision is made not to pave and change the trail to dual use.

Weckman clarified if the plan is amended to include a horse trail, the horse trail would need to be funded from some other source and not from the one million grant funds. He stated they have asked for a written response from Mr. Andrew on the issues raised. Weckman added, with the use of enhancement category funds, not only does the trail need to be bike and pedestrian friendly but also has to meet ADA requirements.

Considering the possibility of receiving additional grant funds, the Board reviewed the option to apply for the grant at this time and thereafter have a work session to further discuss the issues. They also acknowledged they would like to have the input from the City of Mayer.

Dunsmore raised her concern in applying for the grant without changing the language in the Resolution. She believed the trail did not have to be paved and the County would not lose the funding. She pointed out the Luce Line Trail has worked out well for many users.

The Board reviewed the possibility of leaving a portion unpaved or a dual use trail and agreed they would need to have further discussions on this. They considered the option to pass the Resolution at this time and to continue to have discussions on the issues.

Walsh clarified currently the trail is signed that is not for public use.

Maluchnik offered the following Resolution, seconded by Ische, with direction to the County Administrator to schedule a work session to review the use of the trail.

Resolution #13-09
Authorizing the County Administrator to sign the
Resolution Showing the Support of the
Carver County Board for Dakota Rail Trail Project

On vote taken, all voted aye.

Chair Degler thanked today's participants for coming in and that they looked forward to their input at the work session.

Lynch moved, Workman seconded, to adjourn the Regular Session at 10:55 a.m. 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.)



REQUEST FOR BOARD ACTION

AGENDA ITEM : Central Plant West Administration ACM Abatement–Dennis Environmental Contract

Originating Division: Administrative Services

Meeting Date: March 10, 2009

Amount of Time Requested: N/A

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

BACKGROUND/EXPLANATION OF AGENDA ITEM: This project is part of the previously approved Central Plant project. This contract involves removing asbestos containing material (ACM) following mandated and typical industrial safety standards. The material to be removed is located in the West Administration Boiler/Mechanical room and the upper Penthouse mechanical room. The material needs to be removed in order to accommodate new equipment placement and to remove all of the existing high pressure steam equipment/pipes. The asbestos removal plan/specification relied on previous asbestos surveys as well as an environmental consultant examining the previous ACM abatements completed on prior renovations to the West Administration building. Both the State Health Department and the Minnesota Pollution Control Agency are aware of the pending removal project through required notices.

The asbestos consultant, Field Environmental, is under contract to provide project management and professional environmental oversight for the project. All required precautions, rules and preventative measures are being addressed with the removal under the Field Environmental contract. Field Environmental completed and published a project manual February 12, 2009 in order to solicit the bids for the project. Five companies responded to the proposal request. The lump sum base quotes ranged from \$47,654 to 102,150. The quote results and portion of the project manual is included as attachments to this request for Board Action.

Of the \$265,000 in owner general conditions, \$60,000 was budgeted for this effort. The costs are summarized below:

Project Costs/Budget

Dennis Environmental – Abatement:	\$47,654
Contingency:	\$12,346
Total	\$60,000

ACTION REQUESTED: Move approval of the contract with Dennis Environmental and the corresponding budget and delegate authority to the Administrative Services Division Director to approve change orders up to a total of \$12,346.

FUNDING

County Dollars = \$ 60,000
 Other Sources & Amounts =
 = \$
TOTAL = \$ 60,000

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments:

 Reviewed by Division Director

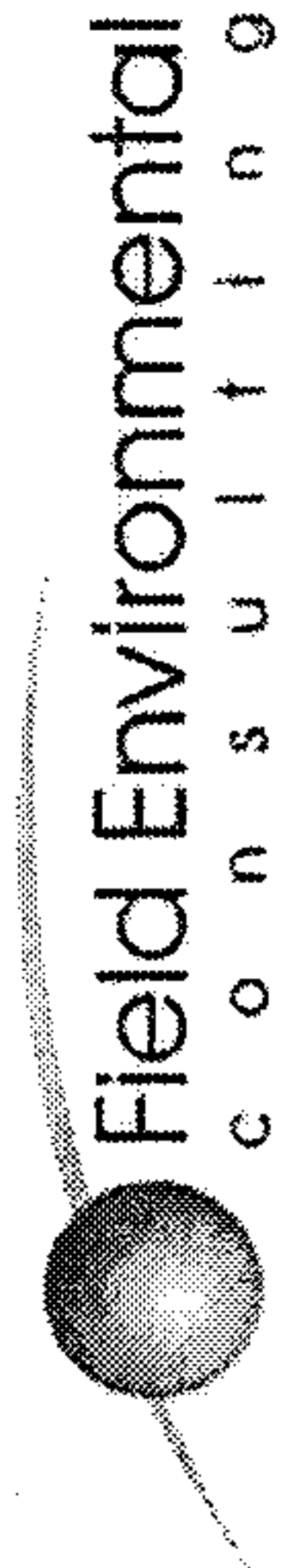
Date: March 3, 2009

QUOTE RESULTS

Central Heating/Cooling Plant Asbestos Abatement

Project # 08190

CONTRACTOR	Lump Sum Base Quote	Add Alternate Bid #1	Add Alternate Bid #2	Add Alternate Bid #3	UNIT PRICE # 1	UNIT PRICE # 2	UNIT PRICE # 3	UNIT PRICE # 4	Sub - MITIGALS Complete
Dennis Environmental	47,654	36,000	6,500	21,000	95-	95-	95-	500-	✓
Titan	102,150	48,450	6,600	11,000	100-	88-	85-	450	✓
Envirotech Remediation	59,220	34,500	3,700	16,300	90-	90-	88-	250	✓
Mavo Systems, Inc.	73,440	33,450	6,720	8,400	90-	85-	83-	500	✓
Envirobate Metro	58,960	34,950	4,500	8,000	95-	100-	95-	250	✓





REQUEST FOR BOARD ACTION

AGENDA ITEM : Charitable Gambling Application for Zoar United Church of Christ

Originating Division: Property Records Taxpayer Services Meeting Date 03/10/2009

Amount of Time Requested: 0 minutes

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM: Charitable gambling application was received from Zoar United Church of Christ. They want to hold a raffle on Saturday, October 10, 2009, at Zoar United Church of Christ, located at 7030 Highway 212, Chaska, MN 55318.

ACTION REQUESTED: See attached resolution.

FUNDING

County Dollars = \$

Other Sources & Amounts = \$

TOTAL = \$

Related Financial Comments:

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Reviewed by Laurie Engelen, Taxpayer Services Manager

Date:

2-24-09

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

Date:

Resolution No.

Motion by Commissioner:

Seconded by Commissioner:

CARVER COUNTY, MINNESOTA

WHEREAS, the Zoar United Church of Christ seeks approval of a Lawful Gambling License; and

WHEREAS, the Zoar United Church of Christ will hold a raffle at the Zoar United Church of Christ located at 7030 Highway 212, Chaska, MN 55318;

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

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



REQUEST FOR BOARD ACTION



AGENDA ITEM: Approval of Environmental Center Promotional Items.

Originating Division: Land & Water – Environmental Services

Meeting Date: March 10, 2009

Amount of Time Requested: XX minutes

Attachments for packet: X Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM:

Environmental Services typically purchases small promotion items such as pens, pencils, note pads, etc. to use as promotional items for the Environmental Center and other related programs. Rain barrels and compost bins have proven to be larger but very popular items to call attention to or advertise environmental programs at events such as the County Fair, local home shows, and other community gatherings. A drawing at the event is the usual mechanism used. These items are typically purchased in truck load quantities and sold to residents at slightly above cost. 2009 prices are \$35 per compost bin and \$48 per rain barrel. Environmental Services requests approval to provide up to \$500 worth of these items for promotional items at events. Funds are budgeted in the 2009 budget for this effort.

ACTION REQUESTED:

Authorize Environmental Services to use up to \$500 worth of compost bins and rain barrels for promotional items at events.

FUNDING

County Dollars = \$500

Other Sources & Amounts = \$

TOTAL = \$500

FISCAL IMPACT

None

X Included in current budget

Budget amendment requested

Other:

Related Financial Comments: Source of funds is Solid Waste Service Fee and other related fees. Funds are budgeted under Educational Materials. Vendors are selected via a regional quote process with other counties and local governments.

Reviewed by Division Director

Date: 27 Feb 09

Rain Barrel and Compost Bin SALE

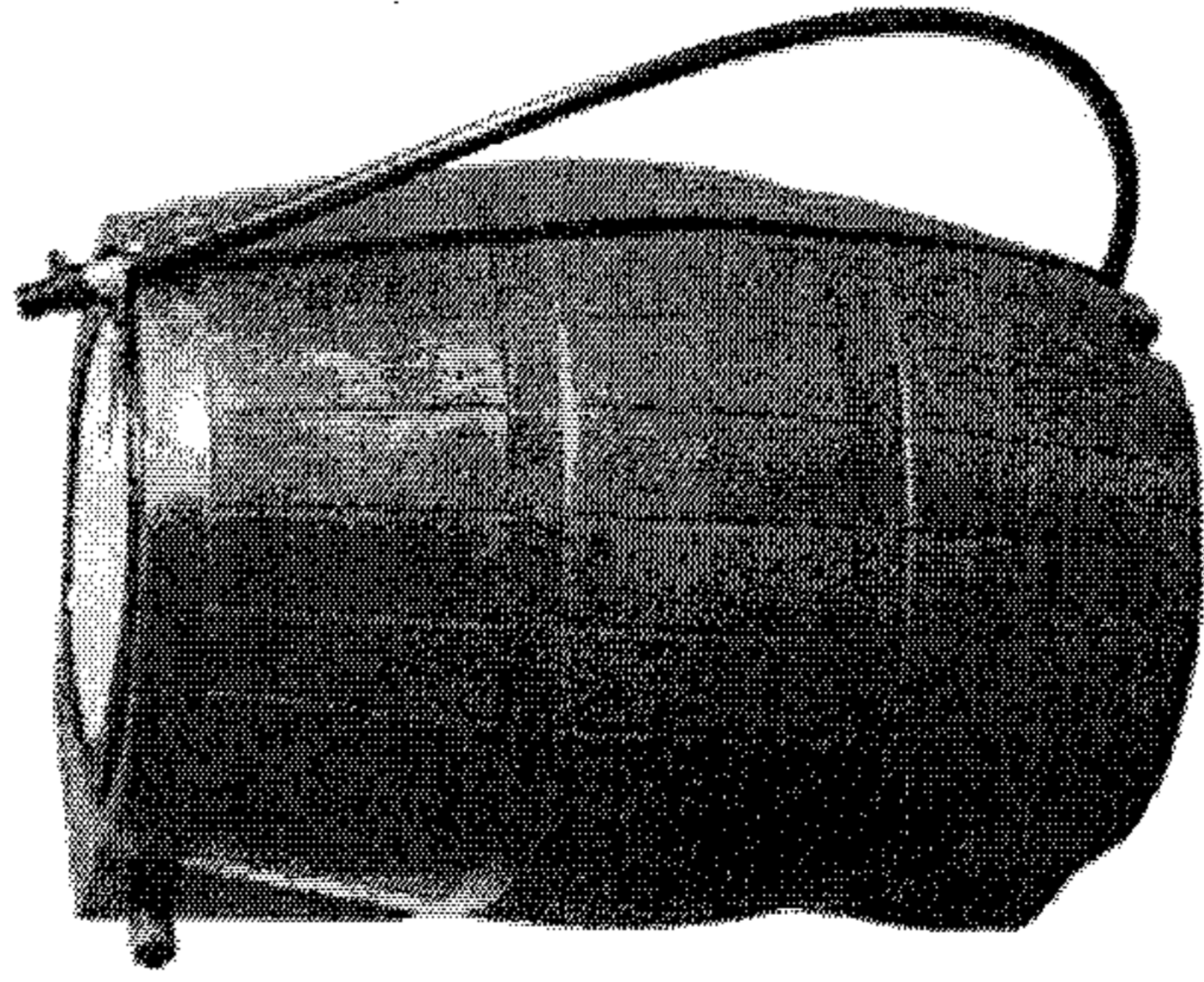
Are you looking for ways to save money on lawn and garden maintenance?

Order a Compost Bin and Rain Barrel!

Pick up at the Carver County Environmental Center OR

Mackenthuns Fine Foods in Waconia on May 9, 2009

ORDERS MUST BE RECEIVED BY MARCH 26, 2009



Compost Bin

Dimensions: 42" X 42" X 30"

Capacity: 30 cu/ft

Sale Price: \$35.00

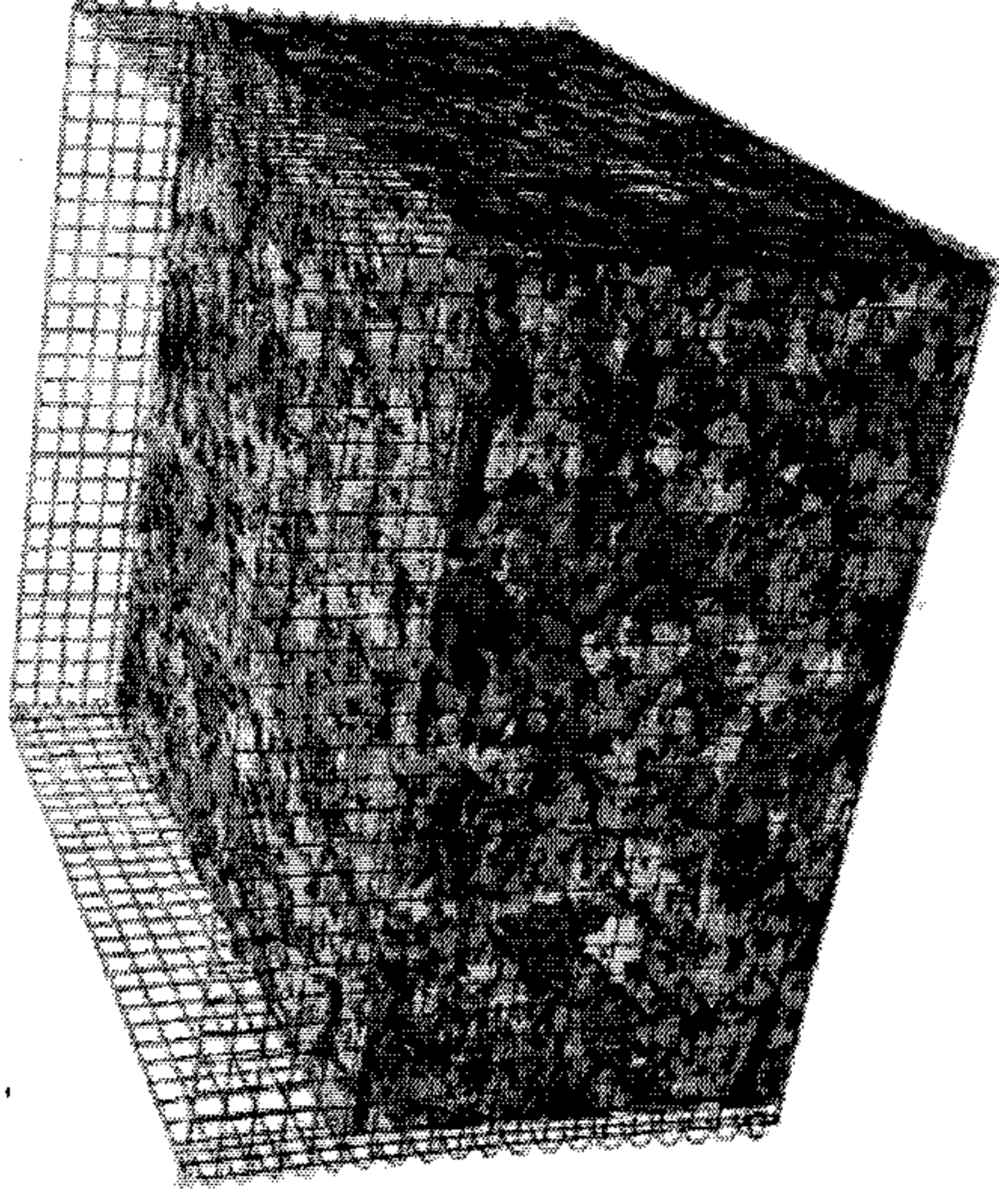
Rain Barrel

Dimensions: 32" H X 24" W

Capacity: 55 Gallons

Sale Price: \$48.00

Brown Only



HOW TO PRE-ORDER:

Carver County residents must preorder by March 26, 2009 to guarantee a barrel or compost bin will be available. To pre-order, send no money, simply call (952)361-1800 with your name, address, phone number, number of compost bins, rain barrels, pick-up location or email smorgan@co.carver.mn.us with above information. **Pay when you pick up.**

Rain barrels & compost bins will be available for pickup on Saturday, May 9, 2009 at these locations:

- 1) Carver County Environmental Center, 116 Peavey Circle, Chaska from 8 am to 12 noon; or
- 2) Mackenthuns Fine Foods, 851 Marketplace Drive, Waconia during regular business hours

PAYMENT: CASH, CHECK OR CREDIT CARD



REQUEST FOR BOARD ACTION

AGENDA ITEM : Approval of Environmental Center Appliance Contract

Originating Division: Land & Water – Environmental Services

Meeting Date: March 10, 2009

Amount of Time Requested: 0 minutes

Attachments for packet: Yes X No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM: Environmental Services collects over 3,000 appliances per year from residents at Special Waste Collections and the Environmental Center. The County contracts with a private vendor to pick up and properly recycle the appliances delivered by residents. Staff recently asked for new proposals to provide this service. Three vendors were seriously considered. Several vendors' facilities were visited to gather further information on how appliances are managed by the respective vendors. JR's Advanced Recyclers was selected via this process due to cost, recycling techniques, and a favorable history providing the same service. JR's bid is approximately 10% lower than the previous contract. Actual prices vary depending on the type of appliance. Fees are collected from residents to off set the cost of management.

ACTION REQUESTED:

Approval of contract with JR's Advanced Recyclers to collect, transport and recycle appliances from the Environmental Center and Special Waste Collections.

FUNDING

County Dollars =	\$
Other Sources & Amounts =	
Fees =	\$35,000
TOTAL =	\$35,000

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments: Fees are collected from residents to offset the cost of managing appliances. These costs are partially subsidized by Solid Waste Service Fee and grant funds for the Special Waste Collections held in the western part of the County. About 90% of the appliances collected are managed at the Environmental Center. Actual amount of the contract will depend on participation by residents.

Reviewed by Division Director

Date: 2 March 09



REQUEST FOR BOARD ACTION

AGENDA ITEM : Approval of Environmental Center Yard Waste Contract with RW Farms

Originating Division: Land & Water – Environmental Services

Meeting Date: March 10, 2009

Amount of Time Requested: 0 minutes

Attachments for packet: Yes X No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM:

Environmental Services collects yard waste such as leaves, grass, and brush at the Environmental Center. Resident deliver the yard waste to the Environmental Center and pay fees for the management of it. A private contractor then loads the waste from the collection bunker and hauls it away for management at a composting site. Staff regularly ask for quotes from potential contractor to ensure management costs are competitive. Staff recently received quotes from two vendors - RRT and RW Farms. RW Farms rate of \$9.50 per yard was lower than RRT. RW Farms also has experience in managing the Env. Center yard waste for the past three years.

ACTION REQUESTED:

Approval of contract with RW Farms for the management of yard waste from the Environmental Center.

FUNDING

County Dollars =	\$
Other Sources & Amounts =	
Fees =	\$40,000
TOTAL	= \$40,000

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments: Fees are collected from residents to offset the cost of yard waste management. Revenue from residents and expenses for the management costs are both included in the 2009 budget.

Reviewed by Division Director

Date:



REQUEST FOR BOARD ACTION

AGENDA ITEM : Presentation about the Regional Parks Foundation of the Twin Cities by Peter Bell

Originating Division: Public Works

Meeting Date: March 10th, 2009

Amount of Time Requested: 30 minutes

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM: Peter Bell, Chair of the Metropolitan Council and Regional Parks Foundation will be making a presentation about the newly developed Regional Parks Foundation of the Twin Cities which was established in November, 2008. For additional information about the Regional Parks Foundation see attached document.

ACTION REQUESTED: N/A

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

Jmk

William J. Weckman

Date: 2/27/09

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Regional Parks Foundation of the Twin Cities:

Report to the Legislature
January 15, 2009.

A report to the Legislature Fulfilling
2007 Minnesota Laws Chapter 113, Section 17

Introduction

Pursuant to legislative authority,¹ the Metropolitan Council formed the Regional Parks Foundation of the Twin Cities on November 17, 2008 as a non-profit partner for the regional park system of the seven county metropolitan area. The 2007 legislation authorizing the establishment of the foundation states: “The purpose of the foundation shall be to help acquire or finance the acquisition of lands and other assets for public recreation and open space within the metropolitan area... in order to preserve and develop regional parks and related facilities.” In accordance with that legislative authorization, the Metropolitan Council is reporting on the creation and establishment of the Foundation, including a description of the public and private funds and resources used to help create the Foundation.

Background

The regional recreation open space system was created by state legislation in 1974. At that time the Legislature found:

that the pressure of urbanization and development threatens the most valuable remaining large recreation open space areas in the metropolitan area at the same time as the need for such areas is increased. Immediate action is therefore necessary to provide funds to acquire, preserve, protect and develop regional recreation open space for public use.

The regional park system plays an important role in protecting Minnesota’s natural resources and providing recreational amenities. The system includes 49 regional parks and reserves, more than 170 miles of regional trails and six special recreation features with more than 33 million annual visits. The regional park system serves a metropolitan area of more than 2.6 million people in Dakota, Scott, Carver, Hennepin, Washington, Ramsey and Anoka Counties.

Between 2000 and 2030 the population of the metropolitan area is projected to grow by nearly one million people. To accommodate that growth, the Metropolitan Council’s 2030 Regional Parks Policy Plan calls for expanding the regional park system from today’s 53,000 acres to nearly 70,000 acres, and increasing the network of regional trails from 177 miles to 877 miles. The Parks Policy plan also has identified some of the region’s “last best places” which include areas of significant natural resources that could provide high quality recreation opportunities. Although these areas may not be developed as parks until after 2030, acquisition of the land is encouraged before such opportunities are lost.

Purpose of the Regional Parks Foundation

Many of Minnesota’s most valuable and well-loved parks and natural areas were created and preserved through a combination of public and private investment. State and local government are responsible for protecting natural resources, but nonprofit organizations, foundations and individuals have helped shape the landscape by providing funding when it was needed to acquire resources. Formation of the Regional Parks Foundation of the Twin Cities allows area resident, other interested persons and donor organizations the opportunity to do more to support the regional parks system. The Foundation will raise money and accept donations to

¹ A copy of the 2007 authorizing legislation is attached to this report.

buy key parcels of land for regional open spaces, trails or park reserves; support stewardship efforts for regional parks and trails; and demonstrate support for the regional park system by area residents and other interested persons and organizations.

Organization and Governance

The Regional Parks Foundation is organized to provide in-put from a broad variety of stakeholders, including regional policy-makers, the regional parks agencies, and the conservation and business community. The Foundation will have a 26 member Board of Directors. It will be chaired by the Chair of the Metropolitan Council. Two Metropolitan Council members will serve on the board, as well as the Chair of the Metropolitan Parks and Open Space Commission members. These ex-officio Board members will ensure that the needs of the regional park system are met. Three conservation members will serve on the Board representing the Trust for Public Land, the Nature Conservancy, and the Parks and Trails Council of Minnesota. The conservation members will provide valuable acquisition expertise, and will provide a link to the conservation and environmental community. The Commissioner of the Minnesota Department of Natural Resources will also serve on the Board as an advisory member, in order to coordinate state acquisition priorities and needs with Foundation.

In lieu of forming an advisory board to the park foundation, each of the ten park implementing agencies (The City of St. Paul Parks & Recreation; Washington County Parks & Recreation; Dakota County Parks; Three Rivers Park District; Ramsey County Parks & Recreation; Scott County Parks; Minneapolis Park & Recreation Board; Bloomington Parks & Recreation; Anoka County Parks & Recreation; and Carver County Parks) will have a representative on the board of directors of the Foundation. These park agency representatives will help develop regional and implementing agency acquisition priorities and will help ensure Foundation grants are disbursed in a coordinated, balanced and equitable manner. Nine community Board members will be appointed to represent a broad geographic base, and to provide links to the legal, business and philanthropic community.

The By-laws of the Foundation authorize three standing committees: the Audit and Finance Committee; the Stakeholder Committee; and the Executive Committee. These committees will review and audit expenditures of the Foundation; develop policies necessary for its administration and grant funds to park agencies, and review and oversee staff.

Articles of Incorporation were filed with the State of Minnesota on Nov 17, 2008. A conflict of interest policy requiring the filing of annual conflict of interest statements by all Board members was adopted at same time. Pursuant to its legislative authority, the Foundation Articles of Incorporation specify that the foundation is subject to the application of other laws provision of Minnesota Statutes, section 465.719, subdivision 9. The Board of directors will adopt additional policies in 2009. These policies cover executive compensation; gift acceptance; records of proceedings; principles of corporate governance; a code of conduct policy; a whistleblower policy; spending and investment policies; and a travel and other expense reimbursement policy.

Budget Principles

The Regional Park Foundation of the Twin Cities has five guiding principles relating to its budget:

- 1) **Accountability.** The Foundation will strive to be an excellent financial steward and will leverage its resources accordingly.
- 2) **Efficiency.** The Foundation will maintain a low administrative and overhead ratio in relation to its fundraising activities, and will not duplicate existing efforts.
- 3) **Partnership.** The Foundation will provide service fairly and equitably to all the regional park agencies.
- 4) **Balance.** The Foundation will provide balance between park agencies, stewardship and acquisition, and urban, suburban and rural park agencies.
- 5) **Supplemental funds.** Where possible, the Foundation will supplement and complement rather than replace public funding for regional park lands and facilities.

Expenditures

The Metropolitan Council's governing body authorized the formation of the Regional Parks Foundation of the Twin Cities by Resolution No. 2008-05 (adopted June 11, 2008). That resolution also authorized the Metropolitan Council to provide up to \$500,000 to help create and establish the Foundation. A summary of major expenditures to date and Metropolitan Council support is as follows:

- \$61,000 on legal services to design and develop the legal structure of the Foundation, draft the Articles of Incorporation, By-laws the application for federal tax exemption and many policies for the Foundation. The Metropolitan Council has provided in-kind support of approximately \$42,000 (primarily staff time) to help support the creation and establishment of the Foundation.
- \$250,000 as a founding gift to the Regional Parks Foundation of the Twin Cities.
Other anticipated expenses in 2008-09 are:
 - \$25,000 web-site launch
 - \$15,000 postage and printing
 - \$25,000 contingencies
 - \$65,000 Subtotal

Regional Park Foundation summary:

\$61,000	formation expenses
\$250,000	founding contribution
\$65,000	contingency expenses
<u>\$124,000</u>	staff and in-kind expenses
\$500,000	Subtotal

2009-2011 Budget

	2009	2010	2011
Revenue:			
Gifts/Grants received	\$250,000	\$250,000	\$300,000
Membership Fees	75,000	90,000	110,000
Event Revenue	20,000	10,000	30,000
Pass-through Grants	0	50,000	200,000
Subtotal:	345,000	400,000	640,000
Expenditures:			
Salaries	80,000	155,000	165,000
Grants made	0	250,000	300,000
Professional Fees	5,000	20,000	10,000
Subtotal:	\$5,000	\$425,000	\$475,000
Reserves:	\$260,000	\$235,000	\$400,000

*Gifts or grants received. Includes the founding gift from the Metropolitan Council.

*Membership fees. Donations from residents and businesses.

*Events revenue. Program revenue from special events.

*Pass through grants. Grants from other non-profit partners or foundations which will go directly to a special project or program.

The Foundation is awaiting its Internal Revenue Service tax exemption determination letter. The Executive committee is in the process of hiring an Executive Director. The Foundation's website will be: www.regionalparksfoundationtc.org.

Its mailing address is:

Regional Parks Foundation of the Twin Cities
P.O. Box 75705
Saint Paul, Minnesota 55175

The first Board meeting is scheduled for February 26, 2009, and quarterly meetings are expected thereafter. To date, the Foundation has received contributions totaling \$2,250.

ATTACHMENT

2007 Minnesota Statutes chapter 113, sections 15 through 17 Authorizing the Establishment of a Nonprofit Regional Parks Foundation

Sec. 15. NONPROFIT FOUNDATION.

Subdivision 1. **Nonprofit foundation may be established.** Under Minnesota Statutes, section 465.717, subdivision 1, the Metropolitan Council established by Minnesota Statutes, section 473.123, may incorporate, create, or otherwise establish a foundation. The purpose of the foundation shall be to help acquire or finance the acquisition of lands and other assets for public recreation and open space within the metropolitan area defined in Minnesota Statutes, section 473.121, subdivision 2, in order to preserve and develop regional parks and related facilities. The foundation shall be a private nonprofit organization and tax exempt under appropriate federal and state laws. The foundation may accept gifts, donations, money, property, and other assets and may transfer, donate, or otherwise provide such gifts, donations, money, property, and other assets consistent with its dedicated purpose. The foundation is subject to the application of other laws provisions of Minnesota Statutes, section 465.719, subdivision 9.

Subd. 2. **Formation; board of directors; employees.** The foundation's initial board of directors must include business leaders, representatives of civic and nonprofit organizations, and at least one representative from each of the following: the Metropolitan Council, the Metropolitan Parks and Open Space Commission, the Department of Natural Resources, and conservation and parks and trails advocacy organizations like the Trust for Public Land and the Parks and Trails Council of Minnesota. The members of the initial board must not be compensated by the foundation for their services but may be reimbursed for reasonable expenses incurred in connection with their duties as board members. Persons employed by the foundation are not public employees and must not participate in retirement, deferred compensation, insurance, or other plans that apply to public employees generally.

Subd. 3. **Advisory committee.** The foundation may appoint an advisory committee to help establish the foundation. The advisory committee should include one or more representatives of the following: the regional park implementing agencies within the metropolitan area, the National Park Service, the United States Fish and Wildlife Service, the Metropolitan Council, the Department of Natural Resources, existing public park organizations, and other organizations as the foundation deems appropriate. Advisory committee members shall not be compensated for their membership on the advisory committee but may be reimbursed for reasonable expenses incurred in connection with their duties as advisory committee members. The advisory committee may be dissolved by the foundation when the foundation determines the advisory committee's work is complete.

Sec. 16. METROPOLITAN COUNCIL ASSISTANCE.

The Metropolitan Council may provide from its general fund up to \$500,000 to help create and establish the foundation. Until the foundation is established and functioning, the council may provide, from the funding made available under this section, office space and administrative support. The council may accept gifts, donations, money, property, and other assets for purposes consistent with the foundation's purposes and shall, when the foundation is established and functioning, transfer such gifts, donations, money, property, and other assets to the foundation. The use of council funds and resources for these purposes is a public purpose.

Sec. 17. REPORT.

On or before January 15, 2009, the council shall prepare and submit to the chairs of the legislative committees and divisions with jurisdiction over metropolitan and local government, a report on the creation and establishment of the foundation, including a description of the public and private funds and resources used to help create and establish the foundation.

Source: Office of Revisor of Statutes, State of Minnesota (2007)



REQUEST FOR BOARD ACTION

AGENDA ITEM : CCWMO 2008 Annual Report Summary

Originating Division: Land Water Services

Meeting Date: 10 mar 2009

Amount of Time Requested: 10

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 WMO is required to submit an annual report to the Board of Soil & Water Resources(BWSR) - MN St. 103B.231 & MN Rules Ch. 8410.0150. This report contains information on specific WMO activities(organized by issue as presented in the current CCWMO plan), projects, programs, planning efforts, and financial activity **for 2008** as well as a **summary of goals for 2009**. It is not intended to provide comprehensive detail on all aspects of 2008 WMO implementation. Further reports, data, and information are referenced in each section and available either via the website or on request as noted.

Multiple county departments help implement the CCMWO plan. The Carver County Board of Commissioners is the governing board. The Water, Environment, and Natural Resources (WENR) Committee acts as the citizen advisory board and the Planning & Water Management department is responsible for administration, implementation and coordination. Implementation is also the responsibility of Environmental Services, University of Minnesota Extension, and the Carver Soil & Water Conservation District (SWCD).

Staff will provide a brief summary of 2008 activity. A summary document is included in the packet and a full copy of the report has been mailed separately to commissioners and is available on the county water website:
<http://www.co.carver.mn.us/water>.

ACTION REQUESTED: Motion to accept the 2008 CCWMO Annual Report and authorize submittal to the MN Board of Soil & Water Resources.

FUNDING

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

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

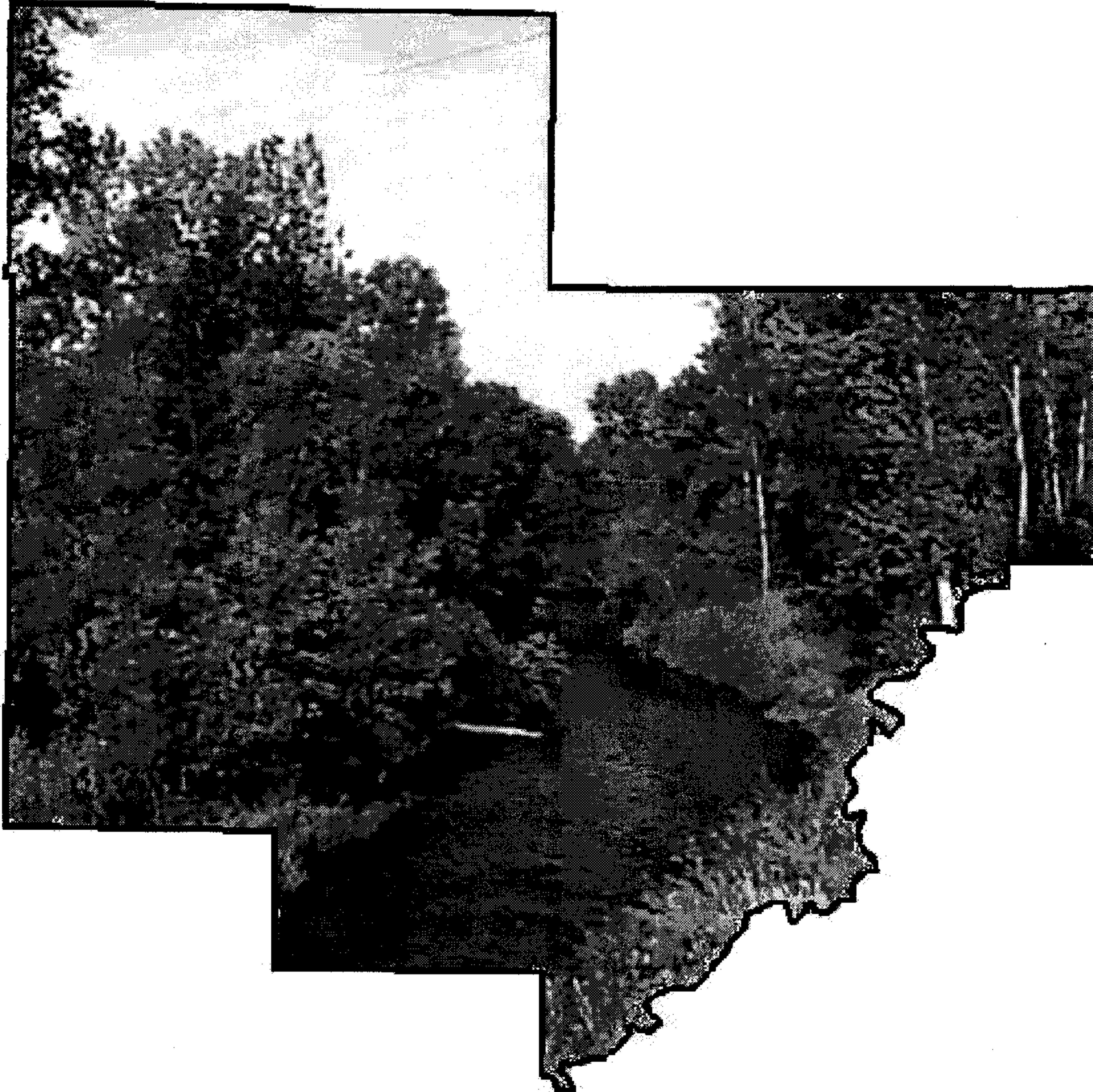
Related Financial Comments:

Reviewed by Division Director

Date: 03/02/09

2008 Annual Report

Carver County Water Management Organization (CCWMO)



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

SUMMARY REPORT

FULL REPORT AVAILABLE ONLINE AT www.co.carver.mn.us/water

Purpose of Report

The Carver County Water Management Organization (CCMWO) is responsible for performing management tasks including, planning, funding, regulation, and implementation of the Carver County Water Management Plan. The CCWMO includes the following watersheds; Bevens Creek, Carver Creek, East and West Chaska Creek, Pioneer-Sarah, and the Crow River.

This report is intended to provide an annual look at the activities accomplished as well as challenges encountered by the Carver County Water Management Organization (CCMWO).

Multiple county departments in the Land & Water Services Division help implement the CCMWO plan.

2008 Activity Summary for Major Plan Issues

- **Feedlots** - 394 Feedlots registered; 81 site compliance inspections; 7 open lot compliance plans implemented; Newsletter titled "Feedback" was distributed to all feedlot owners ; Worked on 22 feedlot sites for evaluating pollution potential; Worked on 8 nutrient management plans for producers.
- **Subsurface Sewage Treatment Systems** - 1,086 systems pumped; 100 permits issued; 75 systems replaced, 8 repaired; 182 Septic Systems installed; 276 sites visited; 47 participants in the Direct Discharge Cost-share incentive program; 20 of these systems were in TMDL sub-priority watersheds;
- **Construction Site Erosion & Sediment Control** - 306 open NPDES permits; conducted 477 compliance inspections that were prioritized on level of activity and sensitivity; 38 Plat reviews were completed for stormwater protection; 32 pre-construction meetings were attended.
- **Land use Practices for Urban & Rural Areas** - installed practices in 2008 include CCRP filter strips = 50.7 Acres; CCRP wetland restoration and buffer = 60.2Acres; CCRP Back Forty for wildlife = 21.0 Acres; currently 325 active CRP contracts which total 3,520 acres; Water & Sediment Control projects= 5; Grassed Waterway projects = 4 ; Installation of plants for Foxford Road (Chan) rain gardens; Sold 23,000 trees to 218 individuals through tree program
- **Groundwater** - 3 well sealing requests approved; continued working with MGS on the groundwater atlas program (2009 completion); Reviewed wellhead protection plans for 3 cities.
- **Waste** - identification, licensing for 300 and inspection of 100 hazardous waste generators; Continued collection of household hazardous waste and solid waste at the Environmental Center; Expanded recycling program developed for western Carver County.
- **Stormwater Management** - 37 CCWMO Development projects review ed and approved; Annual NPDES Phase II MS4 report submitted; Reviewed and approved updated Local Water Management Plans for cities of Carver, NYA, Waconia, and Watertown; Reviewed Non-degradation plans for cities of Chaska and Chanhassen; Committed to funding 10 stormwater treatment cost share projects; 4 stormwater treatment cost share projects completed including
 - Pervious pavement demonstration project at Carver County Government Center.
 - Lake Waconia Stormwater Retrofit structures
 - Lake St bioretention in Waconia
 - Mayer City Hall rain garden
- **Wetland Management** - 176 landowners were provided with wetland related technical assistance; 15 site plan reviews; 34 meetings on inspection sites with 12 acres of wetland avoided due to

meetings; 21 sites in the Wetlands Conservation Act Program; 2 wetland banking projects; 40 potential violation sites investigated, 6 enforcement actions pursued; Continued involvement in the BWSR Wetland Banking Road Replacement Program; 2 millionth acre addition into the Wetlands Reserve Program ceremony, held in Carver County; Assisted with large wetland restorations on the MN Valley Trust Land; Crane Creek Wetland Restoration Project - finalized design Received approval from County Ditch Board to impound water, finalized most Landowner Agreements for the Crane Creek Wetland Restoration Project.

- **Water Quality Assessment** - Continued water sampling program for phosphorus, nitrogen, fecal coliform, and total suspended solids: 14 lakes sampled, 12 active sampling stream sites (including Bio-monitoring), 12 infiltration/filtration sites monitored; Continued monitoring for TMDL development and implementation: 21 sites for fecal coliform, 15 stream sites for turbidity, 13 lakes sites for nutrient.
- **Natural Resource Management** - Completed LCMR MLCCS project; Developed three GIS models to assess and prioritize natural areas in the county; developed the Natural Resource Assessment model identifies high priority natural resources; integrated efforts into DRAFT 2030 Carver County Comprehensive Plan
- **Education** - Continued successful K-12 education programs including Children's Water Festival, Volunteer Stream Monitoring Partnership River Summit, Wetlands Education Program, and Envirothon; TMDL public process with Burandt Lake and 5 Lake TMDLs; Land & Water Services insert in the Citizen in August & October; Contribution (\$3,000) to Metro watershed Partners - including Metro media Campaign; Partnered with Blue Thumb: Planting for Clean Water Partnered with Minnehaha Creek Watershed to do Stormwater U forums in the Southwest Metro; Partnered with NEMO for stormwater education of local officials and staff; Continued Water, Environment, and Natural Resources committee tour and education; Maintained County WMO website and displayed educational materials at the Carver County Fair and the City of Victoria's Volksfest; Creation of "How you can help website" describing homeowner methods to keep water clean, with 12,000 site views the two months after creation. *NOTE: LWS education coordinator position vacant from Jan 08 to April 08. As a result, some early year workplan and activities were curtailed.*
- **Total Maximum Daily Loads** - Funding for Phase II Carver, Bevens and Silver Creek Fecal Bacteria Implementation received; Funding for Lake TMDL development received; Lake TMDL Final Draft sent to the MPCA; Burandt Lake TMDL approved; Met Council SWAT model for Carver Creek completed for Bevens and Carver Creek Turbidity TMDL.

2008 WMO Financial Summary

The Carver County WMO activity is funded partially by property taxes within the WMO coverage area and by grants from the Board of Water & Soil Resources (BWSR), Pollution Control Agency (PCA), Natural Resources, (DNR), Metro Council, Department of Agricultural (USDA), Clean Water Legacy and other sources. Revenue is used to fund operations including salaries, equipment, and engineering. Each individual watershed also has a tax levy for projects within the watershed.

CARVER COUNTY WMO 2008 FINANCIAL REPORT

Revenue/Expenditure Category	1 Jan 2008 Adopted Budget	Adopted Plus Carryover From 2007	Revenue/ Expenditures	Remaining
Revenue				
Taxes	\$ (459,481)	\$ (459,481)	\$ (435,110)	\$ (24,371)
Permits/Fees/Cost Recovery	\$ (44,500)	\$ (44,500)	\$ (42,470)	\$ (2,030)
Total Revenue	\$ (503,981)	\$ (503,981)	\$ (477,580)	\$ (26,401)
Operational Expenditures				
Personnel Costs - Mileage, Conf/Trng	\$ 155,213	\$ 155,213	\$ 155,213	\$ -
Advisory Committee Costs	\$ 2,500	\$ 2,500	\$ 120	\$ 2,380
General Engineering, Local Plan Review, Plan Update	\$ 34,000	\$ 60,900	\$ 42,149	\$ 18,751
Development Review	\$ 22,500	\$ 22,500	\$ 23,616	\$ (1,116)
Groundwater Atlas	\$ 20,000	\$ 20,000	\$ 25,750	\$ (5,750)
Monitoring Costs	\$ 3,000	\$ 3,000	\$ 1,648	\$ 1,352
Miscellaneous Supplies	\$ 1,000	\$ 1,816	\$ 485	\$ 1,331
Education	\$ 7,300	\$ 7,300	\$ 9,616	\$ (2,316)
Indirect Costs (Overhead)	\$ 34,000	\$ 34,000	\$ 34,000	\$ -
Total Operational Expenses	\$ 279,513	\$ 307,229	\$ 292,597	\$ 14,632
Carver SWCD	\$ 89,968	\$ 89,968	\$ 89,968	\$ -
Crow River JPA TMDL Cash Match	\$ 2,500	\$ 2,500	\$ 2,129	\$ 371
City Planning Assistance	\$ -	\$ 16,779	\$ -	\$ 16,779
Total Grant & Assistance Expenses	\$ 92,468	\$ 109,247	\$ 92,097	\$ 17,150
General and Watershed Project Funds				
Low Impact Conservation Project Fund	\$ 5,000	\$ 9,143	\$ -	\$ 9,143
Bevens Creek	\$ 20,000	\$ 114,778	\$ 5,000	\$ 109,778
Carver Creek	\$ 40,000	\$ 161,437	\$ 69,811	\$ 91,626
Crow River	\$ 35,000	\$ 108,633	\$ 213	\$ 108,420
East Chaska creek	\$ 10,000	\$ 54,428	\$ -	\$ 54,428
West Chaska Creek	\$ 7,500	\$ 20,783	\$ -	\$ 20,783
Pioneer Sarah	\$ -	\$ 2,343	\$ -	\$ 2,343
Total Project Funds	\$ 117,500	\$ 471,545	\$ 75,024	\$ 396,521
Funds Dedicated to Projects not yet Completed				\$ 341,191
Total Remaining Project Funds				\$ 55,330

*Note: Numbers are unaudited.

For more information, visit the CCWMO website at <http://www.co.carver.mn.us/water>



REQUEST FOR BOARD ACTION

AGENDA ITEM: Closed Session to discuss pending litigation on the Meuleners Feedlot Manure Storage Facility

Originating Division: Land Water Services

Meeting Date: March 10, 2009

Amount of Time Requested: 30 minutes

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM: The County has initiated legal action against Meuleners Farms regarding the manure basin in Section 5 of Young America Township. The purpose of the closed session is to discuss this litigation.

ACTION REQUESTED: Motion to enter into closed session pursuant to the attorney-client privilege and Minnesota Statute 13D.05, subd. 3(b) in order to discuss the pending litigation.

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: