

**Carver County Board of Commissioners  
November 17, 2009  
County Board Room  
Carver County Government Center  
Human Services Building  
Chaska, Minnesota**

**County Board Work Session Agenda**

<b>Time</b>	<b>Topic</b>	<b>Page</b>
4:00 p.m.	<b>1. FINANCIAL SERVICES</b>	
	1. Carver County's federal allocation of recovery zone facility bond authority .....	1
	2. Administrator's recommended 2011 Long Term Financial Plan .....	2-32
4:50 p.m.	<b>2. COUNTY ATTORNEY/SHERIFF</b>	
	1. Dog ordinance .....	33-40
5:20 p.m.	<b>3. LAND AND WATER SERVICES</b>	
	1. Comprehensive Plan – review and discussion of the Metro Council's additional information requirements .....	41-55
5:55 p.m.	<b>4. ADMINISTRATIVE SERVICES</b>	
	1. Library Foundation of Carver County sustainability plan .....	56
6:15 p.m.	Board and Administrator Reports	

David Hemze  
County Administrator

<b>UPCOMING MEETINGS</b>
--------------------------

November 24, 2009	County Board Meeting
December 1, 2009	County Board Meeting
December 8, 2009	No Meeting – AMC Conference
December 15, 2009	County Board Meeting – Work Session canceled
December 22, 2009	County Board Meeting



CARVER COUNTY

# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Carver County's Federal Allocation of Recovery Zone Facility Bond Authority

Originating Division: Financial Services/Community Development Agency

Meeting Date: November 17th, 2009

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:** As part of the federal stimulus bill (American Recovery and Reinvestment Act) passed in February 2009, the US Treasury Department allocated **\$3,021,000** of Recovery Zone Economic Development Bond Authority and **\$4,532,000** of Recovery Zone Facility Bond Authority to Carver County.

On September 22, 2009, the County Board approved an allocation of the Recovery Zone Economic Development Bond Authority to the City of Norwood Young America for the library and city hall portion of their Oak Grove Dairy Project.

Also at the September 22, workshop, County Board and staff discussed a proposal for the County Board to allocate to the Carver County Community Development Authority (the "CDA") the County's Recovery Zone Facility Bond Authority which are a new kind of tax-exempt "private activity" bonds similar to industrial revenue bonds. The tax-exempt bonds would be issued by the private businesses who would be solely responsible for their debt repayment.

At this workshop, the CDA will propose to the County Board that the CDA be responsible for developing an open and fair process for selecting which County businesses ultimately receive the bonding authority to spur business development in the County. Thus, the County's role in the process would be limited to allocating the Recovery Zone Facility Bond Authority to the CDA similar to the County allocating the Economic Development Authority to the City of Norwood Young America.

**ACTION REQUESTED:** None – Informational Only

### FUNDING

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

### FISCAL IMPACT

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

Related Financial Comments:

Reviewed by Division Director

Date: November 10<sup>th</sup>, 2009



CARVER COUNTY

# REQUEST FOR BOARD ACTION

**AGENDA ITEM:** Administrator's Recommended 2011 Long Term Financial Plan

Originating Division: Administration

Meeting Date: November 17<sup>th</sup>, 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 Board has directed Staff to "connect financial strategies to the County's short and long-term strategic goals and objectives". The Administrator's Recommended 2010 Budget connects financial strategies to the County's 2010 strategic goals and objectives. The attached Administrator's Recommended 2011 Long Term Financial Plan connects financial strategies to the County's strategic goals and objectives for 2011 and beyond. At the workshop, an overview of the County's Capital Improvement Plans, planned future bond sales and the financial challenges facing future County Budgets will be presented.

**ACTION REQUESTED:** None – Informational Only

**FUNDING**

County Dollars = \$

Other Sources & Amounts = \$

= \$

**TOTAL** = \$

*Related Financial Comments:*

**FISCAL IMPACT**

None

Included in current budget

Budget amendment requested

Other:

Reviewed by Division Director

Date: 11/10/09



**CARVER  
COUNTY**

---

**BOARD OF COMMISSIONERS**

**FY 2011  
Long Term  
Financial Plan**

CARVER COUNTY  
Board of Commissioners

---

Gayle Degler, Chair  
District #1

Tom Workman  
District #2

Randy Maluchnik, Vice-Chair  
District #3

Tim Lynch  
District #4

Jim Ische  
District #5

---

*Elected Staff*

**Attorney**

James Keeler

**Sheriff**

Bud Olson

---

*Appointed Staff*

**County Administrator**

David Hemze

**Administrative Services Director**

Steve Taylor

**Community Social Services Director**

Gary Bork

**Employee Relations Director**

Doris Krogman

**Financial Services Director**

David Frischmon

**Health & Environment Interim Co-Directors**

Carolyn Schmidt & Dave Drealen

**Public Works Director**

Lyndon Robjent

**Property Records & Taxpayer Services Director**

Mark Lundgren

# Table of Contents

<b>I.</b>	<b>ELECTED AND APPOINTED OFFICIALS .....</b>	<b>2</b>
<b>II.</b>	<b>LONG TERM FINANCIAL PLAN RESOLUTION .....</b>	<b>4</b>
<b>III.</b>	<b>ADMINISTRATOR'S EXECUTIVE SUMMARY .....</b>	<b>5</b>
<b>IV.</b>	<b>CAPITAL IMPROVEMENT PLANS (CIPs).....</b>	<b>9</b>
	A. Buildings CIP - Fund #30.....	10
	B. Roads & Bridges CIP - Fund #32.....	12
	C. Parks & Trails CIP - Fund #34 .....	20
	D. Lake Waconia Event Center CIP - Fund #01(Restricted Funds).....	22
<b>V.</b>	<b>BONDING AND DEBT SERVICE .....</b>	<b>26</b>
<b>VI.</b>	<b>OPERATING BUDGET FINANCIAL CHALLENGES</b>	
	A. Additional Staff from County Growth.....	27
	B. Employee Health Insurance.....	28
	C. Other Post Employment Benefits ("OPEB") .....	29
	D. Building Security .....	30
	E. Parks Department.....	30

**CARVER COUNTY, MINNESOTA**

Date: December 15, 2009

Resolution: \_\_\_\_\_

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

Seconded by Commissioner: \_\_\_\_\_

**COUNTY BOARD ADOPTION OF THE  
2011 LONG TERM FINANCIAL PLAN  
FOR CARVER COUNTY**

WHEREAS, the Long Term Financial Plan (the "Plan") fulfills the County Board's direction to "connect financial strategies to the County's long-term strategic goals and objectives"; and

WHEREAS, the Plan which has been prepared by division directors and reviewed by the County Board of Commissioners provides the basis for determining the non-binding intent to allocate future County resources; and

NOW, THEREFORE, BE IT RESOLVED by the Carver County Board of Commissioners 2011 Long Term Financial Plan is hereby adopted and placed on file in the Carver County Taxpayer Service's Office.

BE IT FINALLY RESOLVED, that copies of this resolution be forwarded to division directors of Carver County.

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 15<sup>th</sup> day of December, 2009, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 15th day of December, 2009.

David Hemze  
County Administrator

### III. ADMINISTRATOR'S EXECUTIVE SUMMARY

This Administrator's Recommended 2011 Long Term Financial Plan, along with the Administrator's Recommended 2010 Annual Budget, fulfills the County Board's direction to "connect financial strategies to the County's short and long-term strategic goals and objectives". This Long Term Financial Plan is not a budget but rather a non-binding assertion of future intent. Ideally, the Plan will be systematically rolled forward from the previous year with the first year of the Plan becoming the starting point for the Annual Budget process. The Administrator's Recommended 2011 Long Term Financial Plan focuses on the three areas which will significantly impact future Property Tax Levies and Budgets:

- Capital Improvement Plans,
- Bonding & Debt Service,
- Operating Budget Financial Challenges.

#### 1. Capital Improvement Plans("CIPs"): Roads & Bridges, Parks & Trails, and Buildings:

##### Significant Changes from Last Year's Plan:

**Road & Bridge Tax Levy:** In addition to Federal, State, Regional and Local dollars which provide over 75% of the funding for Road & Bridge projects, the Board approves a Road & Bridge Capital and Debt Service Levy. The Long Term Plan anticipates the growth in the County's tax base will finance Road & Bridge capital projects that are being driven by the County's growth. Thus, in 2011 and in subsequent years, the Plan captures a portion of the County's increasing tax base from new construction by increasing the County's Road & Bridge Levy by a minimum of \$225K. This increase in Road & Bridge Levy is expected to be sustainable since it will be based on the new construction during the previous year. As a reference point, the Administrator's Recommended 2010 Annual Budget includes a \$240K increase in the Road & Bridge Debt Service Levy.

**State Aid:** During the 2010 Budget process, County Program Aid ("State Aid") was removed from the County's operating budget and is now being used to finance capital projects on a pay-as-you-go basis. For 2011 and beyond, the Plan assumes \$1.4M in State Aid will be allocated as it is received based on the following formula:

50%	Road & Bridge CIP	\$ 700K
25%	Park & Trail CIP	350K
<u>25%</u>	Building CIP	<u>350K</u>
100%	Projected State Aid	\$1.400M



**State Sales Tax “Legacy Funds”:** The 2008 State Legislature increased the State sales tax and allocated a portion of the new revenue to expand parks and trails throughout the State. The County’s share of these new funds is expected to be around \$250K each year. These funds, commonly referred to as “Legacy Funds”, have initially been designated in the Plan for the local match to the Federal Grants which are primarily financing the Dakota Line Rail to Trail Project.

**Local Share for Park Land Acquisition:** In past years, the County has been reimbursed 100% from the Met Council for parkland acquisitions that were consistent with a Regional Park Master Plan. Starting in 2009, the Met Council requires a non-reimbursable local contribution for parkland acquisitions. Thus, the County Board started levying a \$50K Parkland Acquisition Capital Levy in 2009. To build financial capacity for future park land acquisitions, the Plan includes capturing a portion of the County’s increasing tax base from new construction by increasing the Parkland Acquisition Capital Levy by \$25K for 2011 and 2012.

Overall Financing Summary:

**Buildings CIP:** The current building capital levy along with the 25% of State Aid allocation adequately finance building capital projects for the foreseeable future. The next major phase of building capital projects is scheduled for 2015. These building projects which total slightly less than \$10M include the

- 5<sup>th</sup> and 6<sup>th</sup> Courtrooms being added to the Justice Center,
- the Administrative West Building being remodeled, and
- two new libraries being furnished in Victoria and Carver.

The Plan fully finances these 2015 capital projects by extending the building debt service levy which ends in 2014.

**Roads & Bridges CIP:** The 2030 Comprehensive Plan identifies over \$800 million of road and bridge projects to meet the needs of the projected growth in population and employment in the next 20 years. Road and bridge needs include preservation (overlays), bridge replacement, safety enhancements (turn lanes, traffic signals, roundabouts, etc.), system expansion (added lanes), system connectivity (new roads and bridges), and reconstruction (rebuilding existing core roads without adding lanes). The 2010-2015 Road and Bridge CIP was developed to fund preservation, bridge replacement and safety enhancement goals as well as partially fund high priority expansion and connectivity projects. Expansion and connectivity projects have been prioritized into A, B, and C categories and the Plan has been developed based on a Phase 1 goal of completing all of the \$150 million (\$80 million county share) Priority A projects within 12 years.

**Parks and Trails CIP:** This CIP has the necessary resources to fund the planned park land acquisition and trail development projects. However, the necessary resources to fund park development projects have not been identified. Initially, the two new revenue sources for this CIP – 25% of State Aid and Legacy Funds have been designated to the Dakota Line Rail to Trail Project which will build a trail from the East County line to the West County line. Once this project is completed, these revenue sources are planned to be designated for park development projects. At this time, it appears additional resources will need to be identified in order to complete planned park development projects on a timely basis. Potential options to address this park development project financing gap are being developed by the Park Board and staff.

## 2. Bonding and Debt Service

The long term financial plan identifies the necessary financial capacity for the County's road & bridge, park and trail, and buildings for the next 10 to 15 years. A 2010 bond sale is planned to finance the MnDOT/County Joint Public Works facility and the Fiber Optic Ring projects. The debt service for the Public Works building is expected to be paid for by continuing a lease payment levy for a lease payment that ended in 2009. The debt service for the Fiber Optic project is expected to be more than offset by the savings from eliminating the T-1 lines which will no longer be necessary once the fiber optic ring is in place.

2013 and 2014 Road and Bridge Project bond sales are also being planned to finance the CSAH 18 and Watertown bridge projects. The debt service for these two bonds sales are expected to be absorbed by the Road & Bridge Capital/Debt Service Levy without any additional impact on the tax levy.

Bond sales for Building or Park & Trail CIP projects are not expected until at least 2015. Rather, pay-as-you-go financing will be the preferred method to finance any Building/Park & Trail projects prior to 2015. The debt service on a 2015 building bond sale will be expected to be paid from extending the building debt service levy which ends in 2014 without any additional impact on the tax levy.

## 3. Operating Budget Financial Challenges

Personnel costs are the largest and have been the fastest growing portion of the County's Budget. This Plan identifies three strategies for addressing this potentially budget busting cost driver.

Building security is an emerging county wide issue that needs County Board and staff attention. This Plan outlines a general framework to address this issue over the next couple of years.

The Parks Operating Budget is the only Department which has been identified as facing a significant operating budget financial challenge over the next several

years. This Plan pro-actively outlines a strategy for the County Board and staff to address this challenge.

The County Board carries the ultimate budget authority. The Final 2010 Annual Budget and the 2011 Long Term Financial Plan will be considered for approval at the December 15, 2009 County Board meeting.

The hard work staff members provided in assisting with the preparation of this budget should be acknowledged. In particular, the assistance of Division Directors and finance staff were instrumental in preparing this recommendation and is greatly appreciated.

#### **IV. CAPITAL IMPROVEMENT PLANS**

A Capital Improvement Plan (CIP) is created to provide a stable and sustainable road-map for funding future capital projects. Financing and developing capital projects often takes several years due to the increasing complex financial and regulatory environment. A CIP ensures a long range perspective for capital projects and provides for efficient project tracking from their inception to construction.

By design, a CIP is fluid because future priorities can change dramatically based on current circumstances. Thus, projects listed for the next year are approved in the Annual Budget whereas projects listed beyond the next year are merely considered placeholders.

The County's CIPs have been developed by prioritizing a list of capital projects based on the estimated earliest year needed. The estimated total project cost is listed which includes construction costs, soft costs (engineering, legal, administration), and contingencies. An inflation factor is then added based on the number of years before the project is estimated to start. Funding sources are also identified. At the bottom is a summary of the projected fund balance for future years based on the timing and cost of the projects and the estimated funding sources. Projected deficits in future years indicate that additional capital project funding needs to be identified and/or capital projects need to be pushed back until the necessary financial resources are available.

Carver County has four CIPs:

- Buildings (including furnishing Libraries) – Fund #30
- Roads & Bridges – Fund #32
- Parks & Trails - Fund #34
- Lake Waconia Event Center – Fund #01 (Restricted Funds)

A. BUILDINGS CIP - Fund #30

This CIP finances a comprehensive list of building capital projects thru 2035 totaling over \$56M for:

- Phase II, III and IV of the Justice Center, Government Center and Administration West Remodeling and Expansion Project
- Library books and shelves for Victoria and Carver,
- Technology upgrades for all County buildings, and

The primary revenue sources are 25% of the State Aid received each year and continuing an existing debt service levy from the Jail and Capital Improvement Bonds that will be paid off in 2014. In addition, a portion of the increased tax base from new construction could be captured to increase the Building Capital Levy accordingly.

Please see the Buildings CIP summary on the next page for further details.

**BUILDINGS**  
**CAPITAL IMPROVEMENT PLAN - Fund #30**  
**2010**

DESCRIPTION	ESTIMATED YEAR NEEDED	ESTIMATED PROJECT COST	ESTIMATED PROJECT COST PLUS INFLATION	PROJECTED CASH FLOW						
				2010	2011	2012	2013	2014	2015	
<b>JUSTICE CENTER and GOVERNMENT CENTER:</b>										
PHASE Ia: Courts 2nd floor w/4th courtroom/Lower level and LEC Build-out	2008	8,200,000	8,200,000							
PHASE Ib: Central Plant Project (boiler, chillers, roofs, etc.) (2)	2008	5,500,000	5,500,000							
PHASE Ic: Elevator Upgrade Administration North Building	2011	225,000	\$230,000							
PHASE IIa: Fifth Courtroom: Remodeling of Justice Center 2nd Floor	2012	300,000	\$320,000							
PHASE IIb: Parking Expansion - Government Center	2015	1,133,000	\$1,380,000							
PHASE IIc: Sixth Courtroom: Remodeling of Justice Center 2nd Floor	2015	1,542,001	\$1,880,000							
PHASE IId: Administrative West Renovations	2015	3,000,000	3,650,000							
<b>LICENSE CENTERS:</b>										
License Center - Chaska remodel	2008	1,200,000	1,200,000							
License Center - Chanhassen new	2008	3,500,000	3,500,000							
<b>JOINT MNDOT/PUBLIC WORKS FACILITY:</b>										
County contribution 20% of total project cost (2)	2010	1,870,000	\$1,870,000							
<b>FURNISHING LIBRARIES (1):</b>										
Norwood Young America Expansion	2010	425,000	\$425,000							
Victoria - New	2015	1,200,000	\$1,460,000							
Carver - New	2015	1,200,000	\$1,460,000							
<b>TECHNOLOGY:</b>										
Network and Cabling for new buildings and significant remodeling projects	Each Year	100,000	100,000							
Fiber Optic Loop connecting county buildings (2)	2010	1,800,000	1,800,000							
<b>LAND ACQUISITION:</b>										
2007 - Chan License Center land plus preliminary architectural/construction manager services	2007	645,000	645,000							
2008 - Land for New County Building - Off Courthouse Campus (Phase IIIa or IVa)	2008	-	-							
Land for New County Building - Off Courthouse Campus - Phase III	2020	500,000	\$740,000							
Land for New County Building - Off Courthouse Campus - Phase IV	2030	500,000	\$1,010,000							
<b>NEW COUNTY BUILDING - OFF COURTHOUSE CAMPUS:</b>										
PHASE III: New Building not on Chaska Courthouse Campus (20K sq. ft.)	2025	5,000,000	\$9,200,000							
PHASE IV: New Building not on Chaska Courthouse Campus (20K sq. ft.)	2035	5,000,000	\$11,900,000							
<b>Projects Total</b>		\$ 42,840,001	\$ 56,470,000							
<b>BEG. FUND BALANCE:</b>										
Building Capital Levy										
State Aid - 25% allocated to Buildings CIP										
Bond Sale + \$400K rolled over from 2008 Budget (2)										
Bond Sale with debt service from extending levy paying for debt service that ends in 2014.										
Project Costs										
<b>PROJECTED YEAR END FUND BALANCE: (Fund #30)</b>										
		\$ 35,000	\$ 155,000	\$ 185,000	\$ 535,000	\$ 885,000	\$ 535,000	\$ 885,000	\$ 5,000	
		(4,195,000)	(330,000)	(420,000)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	(8,600,000)
										(9,930,000)

(1) Cities provide the library buildings. County CIP pays for the initial set of books, shelves, etc. and County Operating Budget pays for operational costs including staff.  
(2) No impact on tax levy - \$400k payment in 2009 rolled over from the 2008 Budget, T-1 savings and extend levy for lease payment that ended in 2009.

B. ROADS & BRIDGES CIP – FUND #32

To meet the needs of the expected growth in the next 20 years the County 2030 Comprehensive Plan identifies preservation, bridge replacement, safety, expansion, connectivity, and reconstruction needs and projects. The County Engineer estimates the cost of these projects to be in excess of \$800 million with an expected county share of over \$500 million. It should be noted that this estimate does not include needed improvements to TH 212, TH 5, TH 7 and TH 41 under MnDOT jurisdiction. It does not include any transit related projects either. With current transportation revenue sources it is simply not feasible to fund all these projects in 20 years.

To develop a feasible CIP, future expansion and connectivity projects have been prioritized with a goal to complete the top priority projects (Priority A) within 12 years (2 CIP's). In order to complete this goal, the County's Levy for Road and Bridge projects will need to be increased by at least \$225K per year and 50% of the County's Performance Aid/State Aid (approximately \$700k) will need to be actually paid by the State.

Several 2010-2015 Road and Bridge CIP scenarios were developed by:

- Assuming \$225,000 annual levy increase
- Assuming \$700,000 in annual CPA
- Funding preservation and safety goals
- Assuming state bridge bonds are available for bridge replacement
- Funding county match on known and pending federal projects
- Funding county match on known local and MnDOT projects
- Partially or fully funding Priority A Expansion and Connectivity projects

The recommended CIP as shown on the following map and table:

- Allows for funding at traditional levels for preservation and safety
- Allows for key bridges to be replaced if CPA and State Bridge Bonds are available
- Funds 5 key Priority A Expansion/Connectivity projects:
  - 3 on CSAH 18 between CSAH 13 and CSAH 17
  - CSAH 11 (Guernsey)
  - New Watertown River Crossing which in turn allows CSAH 10 Bridge over Crow River to be replaced.
- Requires a \$225,000 annual levy increase beginning in 2011.
- Requires CPA funding at \$700,000 per year to replace bridges and partially fund highway projects.
- Requires \$11,200,000 in bond sales in 2013 and 2014.

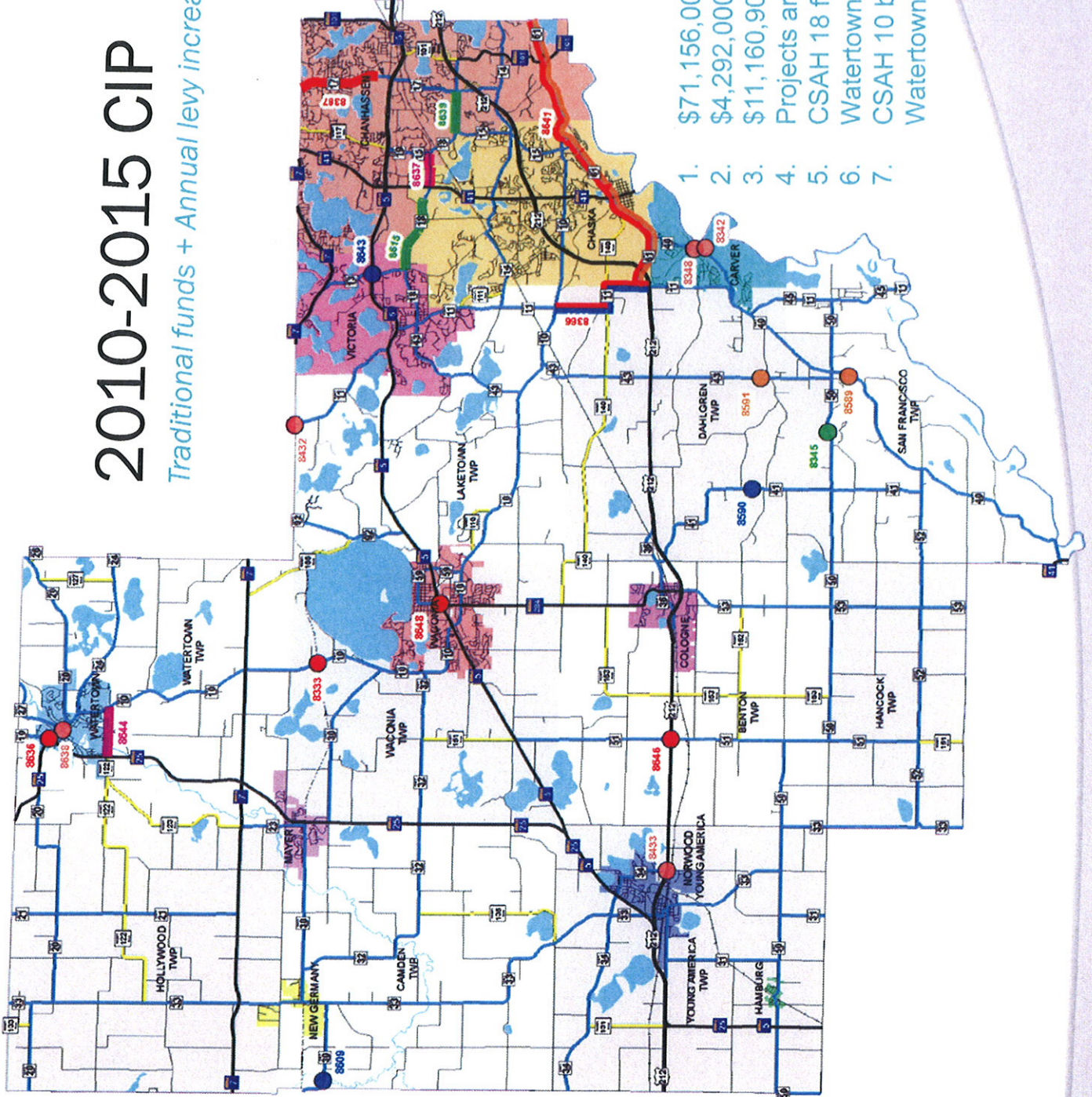
Please see the Roads and Bridges CIP summary on the next page for further details.



# 2010-2015 CIP

*Traditional funds + Annual levy increase + CPA + Bonds*

- 2010
- 2011
- 2012
- 2013
- 2014
- 2015



1. \$71,156,000 Program
2. \$4,292,000 CPA – mostly for bridges
3. \$11,160,900 Bonding
4. Projects are accelerated
5. CSAH 18 from TH41 to Galpin added
6. Watertown River Crossing added
7. CSAH 10 bridge replacement in Watertown added





**CARVER COUNTY PUBLIC WORKS  
CONSTRUCTION CIP**  
\$700,000 Annual CPA, Bonding in 2013 and 2014, \$225,000 Annual Levy Increase

2011 JOB / SERVICE #	PROJECT / ROAD DESCRIPTION	FUNDING SOURCE													
		A/C #5212 SAR	A/C #5215 SAM	A/C #5444 FEDERAL	A/C #5214 MUNI./ST.	A/C #5222 BRIDGE	COUNTY BOND	BOND INT	TAX 1	TAX 2	WT	CPA			
8000	OVERLAYS	450,000							1,200,000						
8366	CSAH 11 - Construction FROM TH 212 to CSAH 10 SP 10-611- 06(GUERNESEY)	2,290,000							250,000						
8590	CSAH 41 - Bridge #2784 Repl. OVER BEVENS CREEK	20,000				345,000									325,000
8609	CSAH 30 - Bridge #7118 Repl. OVER CRANE CREEK	20,000				375,000									375,000
8615	CSAH 18 - Construction CSAH 13 to .3 MI W of TH 41	155,000			45,000				100,000						
8638	CSAH 10 BRIDGE #5882 - Repl. OVER CROW RIVER		250,000												
8643	CSAH 13 / TH 5 TURN LANE	200,000													
6520	Traffic Sign Replacement								125,000						
2005B	2005 Bond Sale (9.9M)												900,000		
2008B	2008 Bond Sale (1.4M)												685,000		315,000
8888	SAFETY SET ASIDE				410,000								50,000		
	PROFESSIONAL SERVICES	155,000	250,000		45,000								100,000		
	CONSTRUCTION	2,980,000			410,000	720,000							1,625,000		700,000
	RIGHT-OF-WAY														
	DEBT SERVICE													1,585,000	315,000
	<b>2011 TOTALS</b>	3,135,000	250,000		455,000	720,000			1,725,000				1,585,000	1,585,000	315,000
															8,885,000



**CARVER COUNTY PUBLIC WORKS  
CONSTRUCTION CIP**  
\$700,000 Annual CPA, Bonding in 2013 and 2014, \$225,000 Annual Levy Increase

JOB / SERVICE #	PROJECT / ROAD DESCRIPTION	FUNDING SOURCE														
		A/C #5212 SAR	A/C #5215 SAM	A/C #5444 FEDERAL	A/C #5214 MUNI./ST.	A/C #5222 BRIDGE	COUNTY BOND	BOND INT	TAX 1	TAX 2	WT	CPA				
8000	OVERLAYS	CON	800,000									1,200,000				
8589	CSAH 40 - Bridge #4655 Repl. OVER BEVENS CREEK	PS CON ROW	175,000					510,000				50,000				285,000
8591	CSAH 43 - Bridge #10501 Repl. OVER CARVER CREEK	PS CON ROW					415,000									415,000
8615	CSAH 18 - Construction CSAH 13 to .3 Mi W of TH 41	PS CON														
8637	CSAH 18 - Reconstruction TH 41 to Galpin	ROW PS CON ROW	375,000 150,000		150,000 150,000							325,000				
8639	CSAH 18 - Reconstruction Audubon to Powers	PS CON ROW	100,000 650,000		650,000											
8641	CSAH 61 IMPROVEMENTS Henn. Co Line to CSAH 11	PS CON ROW			4,087,000											
8644	Watertown Bridge Crossing	PS CON ROW		425,000		75,000										
6520	Traffic Sign Replacement	CON										125,000				
2005B	2005 Bond Sale (9.9M)	DS										900,000				
2008B	2008 Bond Sale (11.4M)	DS										685,000				315,000
8888	SAFETY SET ASIDE	CON										250,000				
	PROFESSIONAL SERVICES		250,000	425,000		225,000										
	CONSTRUCTION		975,000		4,087,000	925,000						1,625,000				700,000
	RIGHT OF WAY		1,025,000		800,000							325,000				
	DEBT SERVICE													1,585,000		315,000
	<b>2012 TOTALS</b>		2,250,000	425,000		5,112,000	925,000				1,950,000	1,585,000		315,000		700,000
													13,262,000			

**CARVER COUNTY PUBLIC WORKS  
CONSTRUCTION CIP**  
\$700,000 Annual CPA, Bonding in 2013 and 2014, \$225,000 Annual Levy Increase

2013 JOB / SERVICE # 03-207-000-xxxxx	PROJECT / ROAD DESCRIPTION	A/C	FUNDING SOURCE										CPA				
			A/C #5212 SAR	A/C #5215 SAM	A/C #5444 FEDERAL	A/C #5214 MUNL. / ST.	A/C #5222 BRIDGE	COUNTY BOND	BOND INT	TAX 1	TAX 2	WT					
8000	OVERLAYS	CON	800,000														
8345	CSAH 50 / BEVENS CREEK CULVERT #L2787	PS CON															
8615	CSAH 18 - Construction CSAH 13 to .3 Mi W of TH 41	PS CON				45,000 675,000				405,000 3,325,000							200,000 500,000
8637	CSAH 18 - Reconstruction TH 41 to Galpin	PS CON															
8639	CSAH 18 - Reconstruction Audubon to Powers	PS CON	500,000 800,000			500,000 800,000											
8644	Watertown Bridge Crossing	PS CON															
6520	Traffic Sign Replacement	CON		480,000		300,000											
2005B	2005 Bond Sale (9.9M)	DS												20,000			
2008B	2008 Bond Sale (11.4M)	DS												125,000			
2013B	2013 Bond Sale (3.8M)	DS												900,000			
8888	SAFETY SET ASIDE	CON				410,000								340,000			315,000
	PROFESSIONAL SERVICES					45,000								250,000			
	CONSTRUCTION		1,600,000		6,400,000	1,885,000				405,000				1,575,000			700,000
	RIGHT-OF-WAY		500,000	480,000		800,000				3,325,000				50,000			
	DEBT SERVICE													340,000			315,000
	<b>2013 TOTALS</b>		2,100,000	480,000	6,400,000	2,730,000			3,730,000				1,965,000	1,585,000		315,000	700,000
									20,005,000								



**CARVER COUNTY PUBLIC WORKS  
CONSTRUCTION CIP**  
\$700,000 Annual CPA, Bonding in 2013 and 2014, \$225,000 Annual Levy Increase

2014 JOB / SERVICE # 03-307-000-xxxx	PROJECT / ROAD DESCRIPTION	A/C	FUNDING SOURCE										WT	CPA				
			A/C #5212 SAR	A/C #5215 SAM	A/C #5444 FEDERAL	A/C #5214 MUNI. / ST.	A/C #5222 BRIDGE	COUNTY BOND	BOND INT	TAX 1	TAX 2							
8000	OVERLAYS	CON	800,000															
8637	CSAH 18 - Reconstruction TH 41 to Galpin	PS CON ROW	400,000 2,250,000				400,000 4,000,000						1,200,000 50,000				700,000	
8638	CSAH 10 BRIDGE #5882 - Repl. OVER CROW RIVER	PS CON ROW		50,000														
8642	CSAH 92/TH5 INTERSECTION SIGNAL	PS CON ROW	27,000				27,000											
8644	Watertown Bridge Crossing	PS CON ROW					75,000 848,100				425,000 4,805,900 1,200,000							
6520	Traffic Sign Replacement	CON										125,000						
2005B	2005 Bond Sale (9.9M)	DS											900,000					
2008B	2008 Bond Sale (11.4M)	DS											685,000					
2013B	2013 Bond Sale (3.8M)	DS										340,000					315,000	
2014B	2014 Bond Sale (7.5M)	DS										680,000						
8888	SAFETY SET ASIDE	CON										250,000						
	PROFESSIONAL SERVICES		427,000				502,000				425,000							
	CONSTRUCTION		3,050,000				4,848,100				5,805,900		1,625,000				700,000	
	RIGHT-OF-WAY			50,000							1,200,000							
	DEBT SERVICE																	
<b>2014 TOTALS</b>			3,477,000	50,000			5,350,100				7,430,900		1,020,000	1,585,000	2,645,000	1,585,000	315,000	700,000
			21,553,000															

**CARVER COUNTY PUBLIC WORKS  
CONSTRUCTION CIP**  
\$700,000 Annual CPA, Bonding in 2013 and 2014, \$225,000 Annual Levy Increase

2015 Construction CIP		FUNDING SOURCE											
JOB / SERVICE #	PROJECT / ROAD DESCRIPTION	A/C	A/C #5212	A/C #5215	A/C #5444	A/C #5214	A/C #5222	BOND	BOND INT	TAX 1	TAX 2	WT	CPA
03-307-000-xxxx			SAR	SAM	FEDERAL	MUNI. / ST.	BRIDGE	COUNTY					
8000	OVERLAYS	CON	800,000							1,200,000			
8342	ASH STREET BRIDGE #1357 Replacement	PS CON ROW				46,000	214,000						
8348	3RD ST CARVER CULVERT #L4967 Replacement	PS CON ROW				80,000	441,000						
8432	CSAH 11 AT TH 7 ROUNDABOUT	PS CON ROW								115,000			
8433	TH212/CSAH 34 INTERSECTION SIGNAL	PS CON ROW		49,000 150,000		140,000							
8638	CSAH 10 BRIDGE #5882 - Repl. OVER CROW RIVER	PS CON ROW		50,000			750,000			135,000			700,000
8642	CSAH 92/TH5 INTERSECTION SIGNAL	PS CON ROW	27,000										
2005B	2005 Bond Sale (9.9M)	DS									900,000		
2008B	2008 Bond Sale (11.4M)	DS									685,000	315,000	
2013B	2013 Bond Sale (3.8M)	DS								340,000			
2014B	2014 Bond Sale (7.5M)	DS								680,000			
8888	SAFETY SET ASIDE	CON				410,000				50,000			
	PROFESSIONAL SERVICES			49,000		126,000							
	CONSTRUCTION		1,685,000	200,000		550,000	1,405,000			1,500,000			700,000
	RIGHT-OF-WAY		127,000										
	DEBT SERVICE									1,020,000	1,585,000	315,000	
<b>2015 TOTALS</b>			1,812,000	249,000		676,000	1,405,000	9,262,000		2,520,000	1,585,000	315,000	700,000

C. PARKS & TRAILS CIP – FUND #34

Carver County has been awarded Federal Transportation Enhancement Funds to construct an asphalt trail on the former Dakota Rail corridor for non motorized uses from the East County Line to the West County Line. The Carver County Regional Railroad Authority is allowing Carver County to construct the trail on its property and is using its levying authority to accumulate funds for a portion of the required local match for the Federal Grant.

In addition, a new funding source from the State's Legacy Sales tax has been initially designated to be used as the local match for the Trail Federal Grant.

The County Board's long-term funding strategy for park land acquisition and development has been reimbursement grants from the Metropolitan Council's Capital Improvement Program. In 2008, the County Board designated \$4 million dollars in the County's Year-End Savings account (Fund #01) for advance funding additional parkland acquisition under this Met Council program. In 2009, the Met Council changed the reimbursement formula to require a local contribution for parkland acquisition. In response, County Board approved a new \$50,000 Capital Levy for Parkland Acquisition to accumulate funds for the new local contribution. This Capital Levy for Parkland Acquisition is currently planned to increase by \$25,000 in 2011 and 2012 to build the necessary financial capacity for future park land acquisitions.

Under the current reimbursement formula, it could be 2021 before the County will be fully reimbursed from the Met Council for parkland acquisition. Thus, park development needs throughout the County (utilities, restrooms, parking lots and roads) during the next 11 years will likely have to come from other sources besides the Metropolitan Council. Thus, 25% of State Aid received each year is planned to be allocated to the Park and Trail CIP. In addition, future Legacy Sales Tax funds will be designated to Park & Trail projects as well as potential Legacy Sales Tax Competitive grants. While these revenue sources will help address park development funding gaps, additional revenue sources may need to be identified. Thus, it is anticipated that the County's Park Board and Staff will continue to revisit the current strategy for funding Park Development.

Please see the Park and Trails CIP on the next page for further details.

Please see the County Contribution and Met Council Advance Funding Reimbursement Schedule – Attachment F for further details.







D. LAKE WACONIA EVENT CENTER CIP – FUND #01 (Restricted Funds)

In 2008, the County advance funded \$2.4M for the Lake Waconia Ballroom land acquisition consistent with the County's Master Plan for Lake Waconia Regional Park ("LWRP"). While the land acquisition was a key element of Park's Master Plan, the Ballroom facility was not. However, since implementing the LWRP Master Plan is not anticipated in the foreseeable future, the County Board was interested and the Met Council was willing to allow the Ballroom to stay open until the County was ready to implement the next phase of the LWRP Master Plan. Thus, after considering several potential operators, the County signed a 7 year lease agreement with Lancer Hospitality to operate the Ballroom facility. Lancer Hospitality operates facilities under similar lease agreements with a number of other organizations throughout the Twin Cities including the State of MN's "MN Zoo" and the City of Brooklyn Center's "Edinburgh Clubhouse".

In May 2009, Lancer Hospitality started operating the facility as the Lake Waconia Event Center. Under the terms of the lease agreement, Lancer pays the following percentage of its gross receipts to the County:

- 10% in 2010,
- 11% in 2011, and
- 12% in 2012 and thereafter .

Any funds the County receives from Lancer Hospitality is required to be put back into the Waconia Event Center building and grounds in compliance with the Met Council's advance funding agreement.

Please see Lancer Hospitality's 2010 Business Plan and the Lake Waconia Event Center CIP on the next two pages for more details.

## Lancer Hospitality

Lake Waconia Event Center

2010 Business Plan

Lancer Hospitality holds the facility management contract for Lake Waconia Event Center. The Event Center is the location of a variety of public and private events. Private events at the facility include wedding receptions, corporate events and other social functions. Public events include polka dances, comedy shows and musical performances.

- I. **Scope of Operations:** Lancer will continue to book and host a variety of catered events at Lake Waconia Event Center. While we expect to host more wedding receptions than anything else we will also market the Event Center for holiday parties, retirement dinners, bar and bat mitzvahs and other social events. Lancer will also continue to host public events in which we book entertainment and invite the community to attend. These events in the past have included polka dances and comedy shows. We expect to continue to promote 6 – 8 polka dances during the next year and 2 – 3 comedy shows.

Lancer also expects to book a variety of local and national musical acts at the center. We hope to book local acts between 6 and 8 times in 2010 and book national acts between 3 and 4 times per year. We are also researching the viability of developing a dinner theater program at the center.

- II. **Marketing:** Lancer will market the facility in a variety of ways including:
  - a. Print advertising in the circular publication MN Bride
  - b. Our Lake Waconia Event Center page on the Lancer Catering website
  - c. The promotion of the Lake Waconia Event Center at 2 to 3 wedding shows
  - d. Posting the Event Center on the Knot.com wedding planning website
  - e. Radio advertisements when viable to promote public events such as Polka dances, comedy shows and bands
  - f. Print advertising in business publications such as Minnesota Meetings and Events and the Business Journal.

Lancer will also promote the facility through professionally crafted sales collateral and menus. Lancer's marketing department will ensure that every piece of communication that comes from or about Lake Waconia Event Center reflects a polished, professional

image.

- III. **Capital Improvement:** Lancer is working closely with the county to coordinate the updates needed for smooth operations and to comply with code issues. We hope that with increased traffic and use of the facility it will become financially viable for us to install ventilation hoods in the kitchen and build-out that space so that the kitchen can become a full-service on-site kitchen. We have undertaken such projects at other facilities we serve and are confident in our ability to accomplish this project if we can increase use of the space to the degree necessary to support this level of capital investment. If revenue projections are realized kitchen build-out would take place in late 2010 or early 2011.
  
- IV. **Revenue Projections:** Lancer projects hosting 25+ wedding receptions in the Event Center in 2010. Lancer also projects hosting 20 corporate and social private catered events. Additionally Lancer is projecting to host 15-20 public entertainment events. Gross revenue projected for 2010 is \$400,000-500,000. Gross revenue for 2011 is projected at \$600,000-700,000. 2012 revenue is projected at 800,000-900,000.

**LAKE WACONIA REGIONAL PARK - EVENT CENTER BUILDING  
CAPITAL IMPROVEMENT PLAN - Restricted Funds (Fund #01)  
2010**

DESCRIPTION	ESTIMATED YEAR NEEDED	ESTIMATED PROJECT COST	(Includes Adjustment For Inflation)		
			COUNTY	MET COUNCIL	LANCER
<b>Landlord Responsibility - County:</b>					
HVAC Sound Reduction, lot fencing, exit stairs	2010	13,800	13,800	-	-
Parking lot - 50/50 split with Lancer	2011	30,000	15,600	-	15,600
<b>Regional Park Responsibility - Met Council (1): (Advance Funded by County)</b>					
Master Plan Development Phase I - Professional Services	2010	25,000	-	25,000	-
Connect Regional Park Buildings to City Sewer System	2011	250,000	-	260,000	-
<b>Tenant Responsibility - Lancer:</b>					
Update kitchen, building interior, exterior, landscaping, etc.	2011	200,000	-	-	208,000
<b>Total Project Costs</b>			\$ 518,800		

	2010	2011	2012	2013	2014
\$	-	(1,300)	21,600	90,100	170,600
\$	40,000	66,000	96,000	108,000	120,000
	(20,000)	(20,000)	(20,000)	(20,000)	(20,000)
	(7,500)	(7,500)	(7,500)	(7,500)	(7,500)
	(13,800)	(15,600)	-	-	-
<b>\$</b>	<b>(1,300)</b>	<b>21,600</b>	<b>90,100</b>	<b>170,600</b>	<b>263,100</b>

**Projected Cashflow:**

Beginning Restricted Funds Cash Balance:

County's Building Rental Income Based on a Percentage of Lancer's Gross Receipts (2)

Building Facility/Equipment Repair and Replacement

Building and Grounds Insurance Premium

County Capital Projects

**PROJECTED YEAR END CASH BALANCE - RESTRICTED FUNDS (3):**

(1) County cash flows the project costs from Board designated funds for park land acquisition which are then reimbursed by the Met Council. Eligibility for Met Council reimbursement needs to be verified.  
 (2) Lancer projected gross receipts of \$400K for 2010 @ 10%, \$600K for 2011 @ 11% and \$800K for 2012 @ 12%.  
 (3) Use of these funds is restricted by Met Council bonding authority which was used to fund the land acquisition and the Ballroom.

	2008	Projected 12/31/2009
Beginning Cash Balance	-	100,000
Land Acquisition - Advance Funded	(2,530,000)	0
Board Designated Funds for park land acquisition	2,530,000	0
Parks Department Building Funds - rollover \$	100,000	-
ADA & Code compliance	-	(85,000)
Miscellaneous expenses	-	(15,000)
<b>YEAR END CASH BALANCE - RESTRICTED FUNDS</b>	<b>100,000</b>	<b>-</b>

## VI. BONDING AND DEBT SERVICE

The long term financial plan identifies the necessary financial capacity for the County's building, road & bridge, and park & trail projects for the next 10 to 15 years. A bond sale is anticipated in 2010 for the following proposed projects:

- \$1.8M MNDot/County Joint Truck Facility – Debt service paid by extending a levy for a lease payment that ended in 2009
- \$1.1M Fiber Optic Ring – Debt Service offset by T-1 savings

Bond sales are also being planned for 2013 and 2014 to finance the CSAH 18 and Watertown bridge projects. The debt service for these two bonds sales are expected to be absorbed by the Road & Bridge Capital/Debt Service Levy without any additional impact on the tax levy.

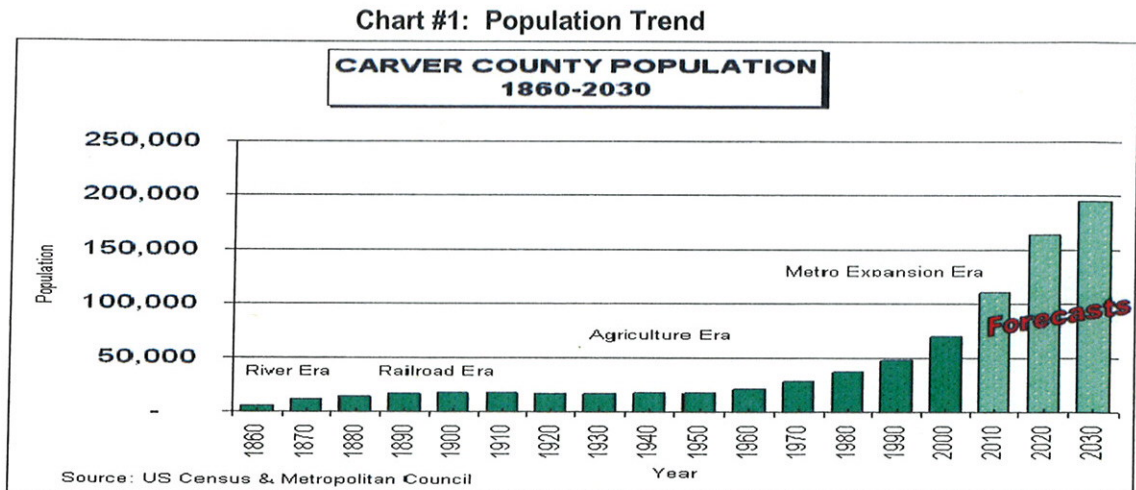
Bond sales for Building or Park & Trail projects are not expected until at least 2015. Rather, pay-as-you-go financing will be the preferred method to finance any Building/Park & Trail projects prior to 2015. The debt service on the 2015 building bond sale will be expected to be paid from extending the building debt service levy which ends in 2014 without any additional impact on the tax levy.

## VII. OPERATING BUDGET FINANCIAL CHALLENGES

The County's annual operating budget is driven by several factors. The majority of the county's operating budget is related to personnel costs. The most significant cost driver for future operating budgets is the staffing costs needed to address the increasing service demands from a growing county. Thus, key financial strategies have been developed to focus on three issues related to personnel costs:

### A. Levy Funded FTE's Per 1000 Residents

Chart #1 shows the dramatic forecasted increase to almost 200,000 residents by the year 2030. This projected population growth is the biggest factor relating to increasing service demands and results in a requirement to make significant investments in County services.



The County's primary strategy to finance increasing service demands from population growth is to hire additional FTEs at a slower rate than the County's overall growth by:

1. Leveraging technology to gain staff efficiencies: A extensive list of technology projects throughout the County are expected to increase staff efficiencies.
2. Collaborating with other organizations to enhance service delivery, increase efficiencies and eliminate duplication of efforts: In 2008, the County created the Association of County Elected Leaders ("ACCEL") to facilitate this effort.
3. Develop a pay for performance model that rewards outstanding performance: A committee is expected to be created to start the process to shift from the County's legacy pay model to a pay for performance model.
4. Levy Funded FTE Projections by Division: Board directed project included in the County's Strategic Plan to track the demand for future FTEs on a county-wide basis.

The ratio of Levy Funded FTEs per Thousand Residents will be used to measure the County's overall progress of this strategy.

## **B. Skyrocketing Health Care Costs for the County and its Employees**

The County's health insurance plan for its employees is broken and needs to change. The last time the County went out for bids, only one major health insurance carrier offered a bid and the two major carriers who did not bid indicated that they will not be bidding for the County's future business until the County provides consumer driven health insurance options to its employees. In response, the County's Health Care Labor Management Committee has been aggressively focusing on three areas:

### **1. Plan Design: Consumer-Driven Models**

The latest trend to attempt to slow health care costs is to give consumers more choice in their health care which is commonly referred to as "consumer driven health plans". In 2009, the County followed this trend by creating incentives for employees to migrate from the legacy Plan A to a new "Plan B" - a high-deductible HRA which shares risk with the employee in exchange for lower premiums or an improved Plan C – a Tiered Network where clinics/hospitals with higher care ratings have lower deductibles. For 2010, the County is offering a high-deductible HSA Plan D to get all employees to migrate out of the legacy Plan A into consumer driven health plans and a cafeteria plan to provide employees with more benefit flexibility.

### **2. Education/Wellness**

Estimates have calculated that 50% of health care costs relate to poor choices: what we eat, how much we eat, smoking, drinking, etc. The Mayo Clinic has developed a wellness program that over an extended period of time has shown to be successful at getting employees to make better health care choices. In 2008, the County Board approved the Committee's proposal to implement the Mayo Clinic's wellness program and hire a full-time Wellness Coordinator to staff a Wellness Committee. For 2010 and beyond, the Wellness Committee plans to aggressively market the Mayo Clinic's wellness program.

### **3. Data Mining**

For 2010 and beyond, the Health Care Labor Management Committee and the Wellness Committee will continue to data mine the County's generic (i.e. not-confidential) health care utilization records to find information that will be useful when considering future Plan Design and/or Education/Wellness program changes.

These efforts will not be a silver bullet solution but hopefully will provide us with a path that will eventually lead us out of this health insurance crisis.

### C. Other Post Employment Benefits - GASB Statements 43 & 45

The Governmental Accounting Standards Board ("GASB") now requires that governments disclose the actuarial valuation of its post employment benefits. Governments are not required to fund this liability or make a contribution. The new GASB standard only requires that the government disclose these amounts in its financial statements. However, governments may choose to advance fund their OPEB liability with an OPEB Annual Contribution because:

- Rating agencies view a large, unfunded OPEB Liability as an increased risk that could negatively impact a government's credit rating.
- State created a higher interest rate earning trust for OPEB contributions.

As background, Carver County has two types of post employment benefits:

- Subsidized Health Insurance Payments – Carver County Policy provides employees who retire at or after age 60 with at least 20 consecutive years of service, the same coverage of an active employee until eligible for Medicare. Currently the County contribution is the single health care premium or 68% of the family premium.
- Access to Group Insurance – MN State Law requires that pension eligible retirees be given access to the County's group insurance plan for the same premium as active employees until medicare eligibility (retiree pays 100% of the premium). The State mandate that blends the premium for more costly to insure retirees and the less costly active employees creates what is called an Implicit Rate subsidy.

The annual actuarial contribution for these two benefits, commonly referred to as the OPEB Annual Contribution, is \$1,024,377 as of 12/31/07. The majority of Carver County's OPEB Contribution is attributed to the State Law requiring Retiree's Access to Group Insurance (approximately  $\frac{3}{4}$ ).

The County started addressing funding for its OPEB liability in 2009 with a 200K OPEB contribution (\$100K levy allocation and \$100K one-time YES allocation). In the 2010 Budget, the levy allocation was increased to \$200K. For 2011 and beyond, the long term financial plan is to increase the annual contribution by up to \$200K each year until the County's annual levy allocation equals the OPEB Annual Contribution. The County also plans to limit the retiree health insurance payment to a fixed amount and invest the OPEB contributions in a State administered Trust Account to earn a higher interest rate which will positively impact the County's OPEB liability. Depending on the length and severity of the current economic slowdown and the related tight County Budget, it is considered likely that it will take 8 -12 years before the County's annual levy allocation equals the County's OPEB Annual Contribution.



#### **D. Building Security**

Building security is an emerging county wide issue that needs County Board and staff attention. A cross-section of County staff are in the process of developing a plan to gradually increase the security of the County's building. The cost of these phases will be operating costs due to increased labor as well as capital for new screening equipment and building remodeling. The goal is to start implementing high impact, low cost changes as soon as possible and then identify the projects with medium to high cost as well as funding source during 2010. It is anticipated that the 2012 Long Term Financial Plan will have a long term strategy with both operating and capital costs identified along with the necessary funding sources to implement building security enhancements over the next several years.

#### **E. Parks Operating Budget Challenge**

The County's Park system needs more money to fix up the existing park infrastructure and to continue responding to the growing demands from more and more visitors to the County's park system. The proposed strategy to address this operating budget challenge is to designate increased park permit fees to maintain and operate the park system. In the past, increased park permit revenue was swallowed up by the General Fund while increased park maintenance costs had to compete with other needs for general fund tax dollars. For 2010, a budgeted increase in park permit fees was designated for a parking lot replacement at Baylor Park. By continuing this funding strategy for future operating budgets, the Parks Department will have a designated non-property tax revenue source that it can use to maintain and operate the County's Park system.



# REQUEST FOR BOARD ACTION

**AGENDA ITEM : Update on Dog Ordinance**

Originating Division: Sheriff &amp; Attorney

Meeting Date: November 17, 2009

Amount of Time Requested: 10 minutes

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

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** The Sheriff's and Attorney's Offices have been working together to draft a new dangerous dog ordinance in response to recent changes in state law. This is primarily meant to be an informational session to inform the County Board about the draft ordinance, to answer any questions the board may have, and to solicit suggestions from the Board before taking the draft ordinance to the local municipalities for input.

**ACTION REQUESTED:** *Nothing at this time***FUNDING**

County Dollars = \$

Other Sources &amp; Amounts = \$

**TOTAL** = \$0*Related Financial Comments:***FISCAL IMPACT** None Included in current budget Budget amendment requested Other: Reviewed by Division Director

Date:

CARVER COUNTY ORDINANCE NO. XX

DANGEROUS DOGS

1. Purpose

Minnesota Statutes Section 347.50, subdivision 8, and Minnesota Statutes Section 347.565 authorizes counties to establish a procedure by which a dog may be declared dangerous or potentially dangerous, including the right to appeal that designation. Pursuant to the authority granted by Minnesota Statutes, the Board of Commissioners of Carver County prescribes the following procedures and enforcement regulations governing dangerous dog declarations.

2. Definitions

a. Dangerous Dog. "Dangerous dog" means any dog that has:

- (1) without provocation, inflicted substantial harm on a human being on public or private property;
- (2) killed a domestic animal without provocation while off the owner's property; or
- (3) been found to be potentially dangerous, and after the owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.

b. Potentially Dangerous Dog. "Potentially dangerous dog" means any dog that:

- (1) when unprovoked, inflicts bites on a human or domestic animal on public or private property;
- (2) when unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the dog owner's property, in an apparent attitude of attack; or
- (3) has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

c. Unprovoked. "Unprovoked" means the condition in which the dog is not purposely excited, stimulated, agitated or disturbed. It is a rebuttable presumption that any attack on a child fourteen years of age or younger for which a reasonable person connotes an intent to inflict bodily harm will be

considered to be unprovoked unless the child is engaged in the commission of a crime or illegal activity, including activities classified under Minnesota Statute 343 as cruelty to animals.

- d. Proper Enclosure. "Proper enclosure" means securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the dog from escaping and providing protection from the elements for the dog. A proper enclosure does not include a porch, patio, or any part of a house, garage or other structure that would allow the dog to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only obstacles that prevent the dog from exiting.
- e. Owner. "Owner" means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of a dog.
- f. Substantial Bodily Harm. "Substantial bodily harm" has the meaning given it under Minnesota Statute Section 609.02, subdivision 7a.
- g. Great Bodily Harm. "Great bodily harm" has the meaning given it under Minnesota Statute Section 609.02, subdivision 8.
- h. Animal Control Authority. "Animal Control Authority" means any person or agency required by law to provide animal control services as well as the agency or person under contract with Carver County to provide animal control services.

### 3. Designation of a Potentially Dangerous Dog

- a. The Animal Control Authority, shall refer reports to the Office of the Carver County Sheriff, who shall determine whether any dog is a potentially dangerous dog upon receiving evidence that the dog, when unprovoked, has bitten, attacked, or threatened the safety of a person or a domestic animal as stated in 2(b) above.
- b. The Office of the Carver County Sheriff will cause one owner of the potentially dangerous dog to be notified in writing that the dog is potentially dangerous. The written notice will include dates, times and places of parties bitten or chased in an attitude of attack.
- c. The Animal Control Authority may impound any dog determined to pose a threat to public safety pending a final dangerous dog designation.
- d. The Animal Control Authority shall quarantine any dog without proof of current rabies vaccination upon receiving evidence that the dog has bitten

any person or domestic animal. The dog shall be quarantined as described in section 11.

- e. The owner of a potentially dangerous dog shall have a microchip implanted in the dog for identification. The owner shall provide the name of the microchip manufacturer and identification number of the microchip to the Animal Control Authority within fourteen (14) days of the designation.
- f. If the owner of a potentially dangerous dog fails to implant a microchip in the dog within fourteen (14) days, the Animal Control Authority may implant the microchip and assess all related costs to the dog's owner.

4. Appeal of a Potentially Dangerous Dog Designation

- a. Within five (5) business days after receiving the Animal Control Authority notice of a potentially dangerous dog designation by the Animal Control Authority, the owner or custodian of the dog may request a review of the designation by requesting a review in writing on a form provided by the Animal Control Authority and submitting written evidence that disputes the declaration to the Office of the Carver County Attorney. The Office of the Carver County Attorney shall make a final decision within seven (7) days following the receipt of the written request, based upon the written submissions only.
- b. Within five (5) business days after a potentially dangerous dog designation is made by the Office of the Carver County Attorney, the owner or custodian of the dog may request a hearing to contest the designation. The request for a hearing shall be made in writing on a form provided by the Office of the Carver County Attorney.
- c. The hearing shall be held before the Carver County Administrator or by an independent hearing examiner selected by the Carver County Administrator, not more than fifteen (15) days after receipt of the request for hearing. The County shall have the burden of proving the dog is dangerous by a preponderance of the evidence. The hearing officer will make findings of fact and will either affirm or reject the Office of the Carver County Attorney dangerous dog designation or may impose other sanctions as warranted. The hearing officer shall make a final decision within seven (7) days of the hearing.
- d. If the hearing officer confirms the dangerous dog designation, the owner or custodian of the dog shall complete the Dangerous Dog Registration form and file it with the Carver County Auditor with evidence as set forth in Section 3(a)-(f) above within fourteen (14) days of the final decision.
- e. One year from the date a dog is declared potentially dangerous by the Carver County Administrator or by an independent hearing examiner, the owner or custodian of the dog may request that the Carver County Administrator or an

independent hearing examiner selected by the Carver County Administrator, not more than fifteen (15) days after receipt of the request for hearing, review the designation. The petitioner shall have the burden of showing by a preponderance of the evidence the dog's behavior has changed. This designation may be reviewed again no sooner than one year following the hearing officer's most recent order regarding the designation of the dog as dangerous. An administrative hearing fee of one hundred dollars (\$100.00) shall be required prior to such a review. In the event that the dangerous dog declaration is upheld by the hearing officer, actual expenses of the hearing up to a maximum of \$1,000 will be the responsibility of the dog's owner. The hearing officer shall issue a decision on the matter within ten days after the hearing. The decision must be delivered to the dog's owner by hand delivery or registered mail as soon as practical, and a copy must be provided to the Animal Control Authority.

5. Designation of a Dangerous Dog

- a. The Office of the Carver County Sheriff shall designate any dog a dangerous dog upon receiving evidence that the dog has, when unprovoked, inflicted substantial harm on a person or killed a domestic animal as stated in 2(a) above.
- b. The Office of the Carver County Sheriff shall designate any dog a dangerous dog upon receiving evidence that a dog, which has previously been declared a potentially dangerous dog, has again bitten, attacked, or threatened the safety of a person or domestic animal as stated in 2(a) above.
- c. The Animal Control Authority may impound, at the animal owner's expense, any dog determined to pose a threat to public safety pending a final dangerous dog designation order.
- d. The Animal Control Authority shall quarantine, at the animal owner's expense, any dog without proof of current rabies vaccination upon receiving evidence that the dog has bitten any person or domestic animal.
- e. The Office of the Carver County Sheriff will cause an owner of the dog to be notified in writing that the dog is dangerous. The written notice will include dates, times, and places of parties bitten.
- f. The Animal Control Authority will also provide an owner of the dog with a Dangerous Dog Registration form.
- g. Within fourteen (14) days of a declaration that a dog has been deemed a dangerous dog, the owner or custodian of the dog shall complete the Dangerous Dog Registration form and file it with the Carver County Auditor with evidence showing that:

- (1) a proper enclosure exists for the dangerous dog, and the premises are posted with a clearly visible warning sign, including a warning symbol to inform children, that there is a dangerous dog on the property;
- (2) a surety bond has been issued by a surety company authorized to conduct business in this state in the sum of at least \$300,000, payable to any person injured by the dangerous dog, or a policy of liability insurance issued by an insurance company authorized to conduct business in this state in the amount of at least \$300,000, insuring the owner for any personal injuries inflicted by the dangerous dog and payable to the injured person(s);
- (3) the owner has paid an annual fee of \$105, in addition to any regular dog licensing fees, to obtain a certificate of registration;
- (4) the dog has had a microchip identification implanted;
- (5) the dog has an easily identifiable tag with the uniform dangerous animal symbol affixed to its collar at all times; and
- (6) the dog is current in all vaccinations.

6. Appeal of Dangerous Dog Designation

- a. Within five (5) business days after a dangerous dog designation is made, the owner or custodian of the dog may request a hearing to contest the designation. The request for a hearing shall be made in writing on a form provided by the Office of the Carver County Sheriff.
- b. The hearing shall be held before the Carver County Administrator or by an independent hearing examiner selected by the Carver County Administrator, not more than fifteen (15) days after receipt of the request for hearing. The County shall have the burden of proving the dog is dangerous by a preponderance of the evidence. The hearing officer will make findings of fact and will either affirm or reject the Office of the Carver County Sheriff dangerous dog designation or may impose other sanctions as warranted. The hearing officer shall make a final decision within seven (7) days of the hearing.
- c. If the hearing officer confirms the dangerous dog designation, the owner or custodian of the dog shall complete the Dangerous Dog Registration form and file it with the Carver County Auditor with evidence as set forth in Section 5(g) above within fourteen (14) days of final decision.
- d. One year from the date a dog is declared dangerous by the Carver County Administrator or by an independent hearing examiner, the owner or custodian of the dog may request that the Carver County Administrator or an independent hearing examiner selected by the Carver County Administrator, not more than fifteen (15) days after receipt of the request for hearing, review the designation. The petitioner shall have the burden of showing by a preponderance of the evidence the dog's behavior has changed. This designation may be reviewed

again no sooner than one year following the hearing officer's most recent order regarding the designation of the dog as dangerous. An administrative hearing fee of one hundred dollars (\$100.00) shall be required prior to such a review. At the review, the owner or custodian must provide evidence that the dog's behavior has changed. If the Office of the Carver County Attorney finds sufficient evidence that the dog's behavior has changed, the Office of the Carver County Attorney may rescind the dangerous dog designation. In the event that the dangerous dog declaration is upheld by the hearing officer, actual expenses of the hearing up to a maximum of \$1,000 will be the responsibility of the dog's owner. The hearing officer shall issue a decision on the matter within ten (10) days after the hearing. The decision must be delivered to the dog's owner by hand delivery or registered mail as soon as practical, and a copy must be provided to the Animal Control Authority.

7. Destruction of Dog

If no appeal is filed, the dangerous dog designation will stand, and the animal may be destroyed. The dog owner shall pay for the cost of the dog's destruction.

8. Violation of Dangerous Dog Registration

- a. The Animal Control Authority shall immediately seize a dangerous dog if:
  - (1) the dog is not maintained in a proper enclosure;
  - (2) the dog is outside the proper enclosure and not under the physical restraint of a responsible person;
  - (3) the dog is not validly registered within 14 days after the owner has notice that the dog is dangerous; or
  - (4) the owner does not secure the proper liability insurance or surety coverage within 14 days after the owner has notice that the dog is dangerous.
- b. The owner or custodian may reclaim the dog upon payment of impounding and boarding fees, and presenting proof to the Animal Control Authority that the requirements of Minnesota Statute Sections 347.51 and 347.52 have been met.
- c. A dangerous dog not reclaimed under this section within fourteen (14) days may be disposed of as provided by law, and the owner is liable to the Animal Control Authority for costs incurred in confining and disposing of the dog.

9. Exemptions

- a. The provisions of this section do not apply to police K-9 dogs used by law enforcement officials for police work.
- b. Dogs may not be declared dangerous if the threat, injury, or damage was



sustained by a person:

- (1) who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog;
- (2) who was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog; or
- (3) who was committing or attempting to commit a crime.

10. Criminal Penalty

The owner of a dog declared dangerous or potentially dangerous who fails to comply with the requirements of this ordinance shall be guilty of a misdemeanor, with penalties as provided under Minnesota law.

11. Rabies Quarantine

Whenever any dog has bitten any person or domestic animal and the owner or custodian does not provide proof of current rabies vaccination, the owner or custodian of the dog, upon being notified by the Animal Control Authority or local law enforcement, will immediately cause the dog to be quarantined, in either a proper enclosure, as defined in 2(d), or if the animal control officer feels it is needed, at a state licensed veterinarian, and in a manner that is in accord with all applicable Minnesota Statutes, administrative rules and Minnesota Department of Health guidelines, with the Animal Control Authority or by a veterinarian licensed to practice in the State of Minnesota, for a period of ten (10) days after the dog bite occurred. Within 24 hours of impoundment, the dog owner or custodian will have the dog examined by a state licensed veterinarian who will observe the animal and examine the animal if necessary to ascertain whether symptoms of rabies exist. At the end of the 10-day quarantine period, the dog will again be examined by a state licensed veterinarian. If the veterinarian diagnoses the dog to be free of the signs of rabies, the dog will be released from quarantine. If the dog becomes ill or dies during the period of quarantine, the owner shall immediately notify the Animal Control Authority for examination by a state licensed veterinarian. If the veterinarian determines the dog has rabies, the dog shall immediately be euthanized in a humane manner. Upon the death of the dog, its head will be sent to the State Department of Health, the University of Minnesota, or another appropriate agency as designated by the State of Minnesota for examination for rabies. The owner of the dog is responsible for the cost of quarantine and examination by the veterinarian.



# REQUEST FOR BOARD ACTION

**AGENDA ITEM : Comprehensive Plan - Review and Discussion of the Metro Council's Additional Information Requirements**

Originating Division: Land & Water Services

Meeting Date: November 17 2009

Amount of Time Requested: 20 Mimnutes

Attachments for packet: X Yes  No

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

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** The Metro Council has completed its review of the Draft Comprehensive Plan for completeness. The issue identified are generally minor and consist of correcting forecast numbers, making some editorial changes and clarifications, adding some maps to some township plans, clarifying the regional status of some of the trails, and acknowledging that, in the unlikely event the TC&W railroad should ever be abandoned, there would be a potential for a regional trail on the r-o-w.

Staff would like to review the changes with the Board prior to getting Board approval to resubmit on the 24<sup>th</sup>.

**ACTION REQUESTED:**

Board review and comment.

**FUNDING**

County Dollars = \$

Other Sources & Amounts =

= \$

**TOTAL** = \$

*Related Financial Comments:*

**FISCAL IMPACT**

None

Included in current budget

Budget amendment requested

Other:

X Reviewed by Division Director

Date: 9 November 2009



Land & Water Services Division  
Planning and Water Management Dept  
Government Center - Administration Building  
600 East 4<sup>th</sup> Street  
Chaska, Minnesota 55318  
Phone: (952)361-1820  
Fax: (952)361-1828  
[www.co.carver.mn.us/water](http://www.co.carver.mn.us/water)

**memo**

**To** Carver County Board of Commissioners  
**From** Dave Drealan, Paul Moline  
**Date** 11/10/09  
**Subject** Recommended Responses to Metropolitan Council Incomplete Findings on the 2030 DRAFT Carver County Comprehensive Plan

**cc** County Planning Commission Members, Township Supervisors and Clerks, David Hemze, file

**Enclosures:** Metropolitan Council response Letter dated October 22, 2009 (recd 10/26).

---

The 2030 DRAFT Comprehensive Plan was approved by the County Board for submittal to the Metropolitan Council on Sep 29, 2009. Staff has received a letter from the Met Council which has determined the DRAFT plan to be incomplete based on a number of items which need to be addressed. It appears that many of these items are either relatively minor corrections, or map corrections needing input. Staff has compiled recommended responses and changes to the DRAFT plan in order to comply with the Met Council findings. Suggested changes to Township chapters have been sent to each township accordingly, and this memo will also be sent to each township. Staff would like to review these comments and recommended changes with the Board prior to making changes to the plan and requesting re-submittal to the Metropolitan Council.

Upon re-submittal, the Metropolitan Council staff will continue its review and forward a recommendation to its Community Development Committee and to the full Council. These meetings will not take place until January 2010.

Summary of comments:

- Forecasts – some tables contained incorrect 2030 forecast numbers
- Land Use – additional land use tables, 2030 twp scale maps and clarification on acreage totals
- Parks – greater acknowledgement of the Met Council's Regional Park Policy Plan on some maps and in text (including some twp chapters)
- Wastewater – inclusion of a Laketown Twp (201 systems) I & I ordinance.

The following are excerpts from the Met Council review letter and the corresponding County Staff recommended response (responses in italics).

The following items were found incomplete:

**FORECASTS** (Todd Graham, 651-602-1322)

The Update is incomplete for Forecasts. The Update's forecast-related content is incomplete due to inconsistency with Council forecasts in the document.

1. In the Township Policy Chapter, the household forecasts (2010, 2020, and 2030) for Benton Township are incorrect. Metropolitan Council has forecasted the following:

Total Published MCD												
CTU_NAME	POP 2000	POP 2010	POP 2020	POP 2030	HH 2000	HH 2010	HH 2020	HH 2030	EMP 2000	EMP 2010	EMP 2020	EMP 2030
Benton Twp.	939	940	940	940	307	320	330	340	282	310	320	330

The County's document provides different numbers for Benton Township. Since the discrepancy is not explained, this may be a data entry error.

STAFF RECOMMENDED RESPONSE – Revise household forecasts to match the published Metropolitan Council forecasts.

2. In the Township Policy Chapter, the footnotes concerning Dahlgren Township identify forecasts as including "future annexation areas." The year 2020 and 2030 forecasts of population and employment provided in the document match Council's post-detachment (post-annexation to Carver) forecast levels. The household forecasts (2010, 2020, and 2030) for Dahlgren Township are incorrect. Council staff is prepared to recommend approval of the following forecasts (representing post-detachment and post-annexation levels) with approval of the County's Update:

Total Pending MCD												
CTU_NAME	POP 2000	POP 2010	POP 2020	POP 2030	HH 2000	HH 2010	HH 2020	HH 2030	EMP 2000	EMP 2010	EMP 2020	EMP 2030
Dahlgren Twp.	1453	1500	1550	1600	479	500	550	600	203	100	150	200

The households discrepancy found in the Plan Update may be a data entry error of the County's planners.

STAFF RECOMMENDED RESPONSE – Revise household forecasts to match the Total Pending Metropolitan Council forecasts.

3. In the Transportation Plan, Table 4, the forecasts for New Germany are out-of-date. New Germany forecasts were revised by Council action on June 13, 2007. The Council's published forecast is shown below:

Total Published MCD												
CTU_NAME	POP 2000	POP 2010	POP 2020	POP 2030	HH 2000	HH 2010	HH 2020	HH 2030	EMP 2000	EMP 2010	EMP 2020	EMP 2030
New Germany	346	620	1100	1500	143	250	450	650	50	70	200	300

STAFF RECOMMENDED RESPONSE – Revise the Transportation Plan New Germany forecasts to match the published Metropolitan Council forecasts.

4. In the Transportation Plan, Table 4, the forecasts for City of Carver and Dahlgren Township conflict with the Council's forecasts, as well as the City of Carver's Comprehensive Plan Update. Combining the forecasts of the two communities, the County's Transportation Chapter plans for population, households and employment levels that are significantly higher than Council's forecasts and higher than activity levels planned by City of Carver in its Comprehensive Plan Update. The Council staff is prepared to recommend to the Council the approval of the following forecasts (representing post-detachment and post-annexation levels) with approval of the County's Plan Update:

Total Pending MCD												
CTU_NAME	POP 2000	POP 2010	POP 2020	POP 2030	HH 2000	HH 2010	HH 2020	HH 2030	EMP 2000	EMP 2010	EMP 2020	EMP 2030
Carver	1266	4680	16130	19560	458	1800	6160	7550	176	700	2200	3030
Dahlgren Twp.	1453	1500	1550	1600	479	500	550	600	203	100	150	200

The County needs to revise the Plan Update to correct inconsistencies and to reflect the forecasts as shown above.

STAFF RECOMMENDED RESPONSE – Revise household forecasts in the transportation plan to match the Total Pending Metropolitan Council forecasts.

**LAND USE/DENSITY** (Lisa Barajas, 651-602-1895)

The Update is incomplete for land use. The Update needs the following:

- 2030 land use plan maps for all of the townships, only Hollywood and Watertown townships' 2030 land use plan maps were provided in the Update

STAFF RECOMMENDED RESPONSE – Add 2030 Land use plan maps in all township chapters

- Existing and 2030 land use tables for all of the townships. The tables need to exclude all lands and waters within existing city boundaries but needs to include any lands and waters within current Orderly Annexation Agreements (transition areas). The future land use table needs to include the following land use designation "Transition Area" and does not need to breakout proposed land uses beyond that for the transition areas.

STAFF RECOMMENDED RESPONSE – Add existing and 2030 land use tables to all township chapters and add a "transition area" land use category to the tables and twp land use maps.

- Existing and 2030 land use table for the County as a whole shown on Land Use page 3 needs to be clarified. It appears to be an aggregation of township land uses excluding city lands but that is not clear. The table needs to be an aggregation of the data provided in the 10 township tables. Please exclude all lands and waters in existing city boundaries

STAFF RECOMMENDED RESPONSE – Revise existing and 2030 land use table to match met council comments

- The text on page 2.4 and Land Use page 3 need to be made consistent with each other and with the tables. If the County's total area of land and water "including" cities is approximately 376 square miles (376 \* 640 = ) or 240,640 acres; then the text needs to be clear about how much of that area is in the townships, and then use the township total for the discussion on Land Use page 3.

STAFF RECOMMENDED RESPONSE – Revise text based on met council comments to clarify township vs. city acreage.

- There is an apparent inconsistency on Land Use page 3, where the text says that the majority of land outside of cities is in agricultural production (111,000 acres), while the Table 1 showing existing and 2030 land use acreages shows a total of 147,196 acres of existing Agriculture. This needs to be clarified.

STAFF RECOMMENDED RESPONSE – Revise text to reflect the 147,196 acres in ag production in twp areas.

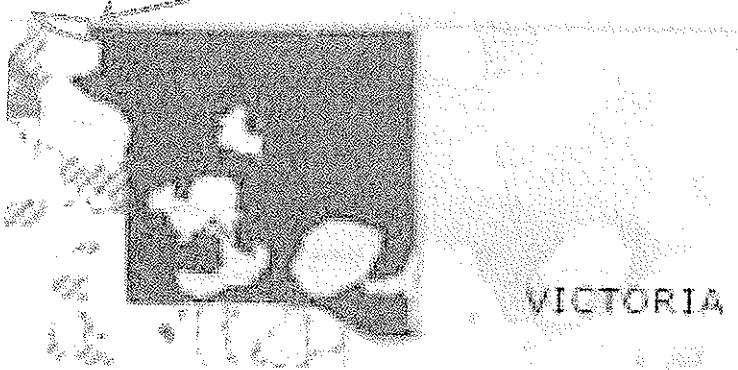
#### **PARKS** (Jan Youngquist, 651-602-1029)

The Update is incomplete for regional parks. In order to be complete and conform to the *2030 Regional Parks Policy Plan (RPPP)*, the following revisions need to be made to the Update:

##### Land Use Plan

There are inholding parcels at Carver Park Reserve that are guided with a future land use of "Agricultural" on the Planned Land Use Map (page 5). Inholdings are parcels that are within the master plan boundaries of the park reserve that have not yet been acquired by Three Rivers Park District. The inholdings need to be guided with a future land use of "Park and Recreation" in order to be consistent with the master plan as well as with Victoria's 2030 Comprehensive Plan Update as reviewed by the Council. The inholding parcels are outlined in pink on the following graphic.

Inholding parcels outlined in pink need to be guided for "Park & Recreation"



STAFF RECOMMENDED RESPONSE – Revise 2030 land use map to show the Three Rivers Parks inholdings as future park and rec. land use.

- **Benton, Dahlgren and Young America Township Policy Sections:** These sections need to acknowledge that the *RPPP* proposes a regional trail along the Twin Cities & Western Railroad Line, and that development of a master plan would not occur until there is a change in the status of the use of the active rail line.

STAFF RECOMMENDED RESPONSE – Revise the Benton, Dahlgren and YA Twp chapters with and additional policy that acknowledges the Metropolitan council's RPPP as showing a regional trail along the TCW corridor. Additional language added to policy similar to "The establishment of any such regional trail would not occur until the TCW corridor was no longer used as an active rail line or an agreement reached for parallel trail use. The development of a trail master plan would not occur until there is a change in the operation of the rail corridor which would support a trail.. At this time, the Township supports the use of the corridor as an active rail line into the foreseeable future."

- **Laketown Township Policy Section:** This section needs to acknowledge the following proposed regional trails from the RPPP:
  - Twin Cities & Western Railroad Line Regional Trail
  - Lake Waconia Regional Trail (known as the Waconia-St. Bonifacius RT in the RPPP)
  - Lake Waconia-Carver Park Reserve Regional Trail (Highway 5 RT in the RPPP)
  - Southwest LRT Connection Regional Trail (Chaska-Victoria RT in the RPPP)

STAFF RECOMMENDED RESPONSE – Revise the Laketown Twp chapter with an additional policy that acknowledges that the Metropolitan council's RPPP shows the above mentioned proposed regional trails.

#### **Park, Open Space and Trail Plan**

- **Parks Plan Map (page 13):**
  - The label depicting the general location of the Minnesota River Bluffs Regional Park Search Area on the Parks Plan Map (page 13) appears to be on the south side of the Minnesota River in Scott County. The label for the search area should be moved to the appropriate location in Carver County.

STAFF RECOMMENDED RESPONSE – Revise the Parks Plan Map to show the general location of the park search area to be in Carver County, with the following additional label (which matches current draft text in parks plan):

The MN River Bluffs Regional Park search area lies south of the City of Carver and follows the bluff and ravine system of the MN river in San Francisco Township in Carver County. The boundaries are currently undefined and will be based on opportunities with willing landowners.

- The State and Federal lands described on page 25 should be shown and labeled on this map.

STAFF RECOMMENDED RESPONSE – Revise the Parks Plan Map to include state and federal lands (NOTE: these lands are shown on a separate "State and Federal Lands" map as well – this map will stay included)

- The description of Carver Park Reserve states that the current master plan does not include expansion of the park boundary (page 21). Please acknowledge that the Council-approved master plan identifies inholding parcels within the park reserve boundary that have not yet been acquired by Three Rivers Park District

STAFF RECOMMENDED RESPONSE – Revise the text to acknowledge the Three Rivers Parks inholdings as an expansion of the Park boundary.

- The description of the Southwest LRT Connection Master Plan (page 36) should indicate that the master plan was approved by the Metropolitan Council, which makes the trail eligible for regional funding.

STAFF RECOMMENDED RESPONSE – Revise the text to reflect above statement.

- The Update indicates that the Minnesota River Bluffs LRT Regional Trail is planned to extend to Carver, with a future extension to Belle Plaine after 2030 (page 36). The County is encouraged to plan for this trail; however, it cannot be referred to as "regional" since the trail extension is not identified in the RPPP. The Council is currently working on the update of its RPPP; the County may seek regional status for the proposed trail during this process. This section should be updated to indicate that the County may seek regional status for this proposed trail.

STAFF RECOMMENDED RESPONSE – Revise the text in the Parks Plan to reflect that any future extension of the MN River Bluffs trail would be a proposed addition to the RPPP, and revise map to show this segment as a proposed trail.

- The Update describes Waconia-Carver Destination Trail Corridor as connecting the Minnesota River Bluffs Regional Trail in Carver to Lake Waconia Regional Park (page 37). The RPPP identifies this trail search corridor as connecting the Minnesota River Bluffs Regional Park Search Area to Miller Lake Search Area and Lake Waconia Regional Park. This description should be revised in the Update.

STAFF RECOMMENDED RESPONSE – Revise the text in the Parks Plan to reflect met council comments.

- The RPPP identifies the proposed Highway 101 Regional Trail, which will connect the Minnesota River Bluffs LRT Regional Trail to the Lake Minnetonka Regional Trail. This regional trail needs to be described and mapped in the Update.

STAFF RECOMMENDED RESPONSE – Add text to the Parks Plan which identifies the RPPP's proposed hwy 101 regional trail, and show this alignment on the trail map.

- The RPPP identifies the proposed Highway 5 Regional Trail, which will connect the proposed Highway 101 Regional Trail to Carver Park Reserve and Lake Waconia Regional Park. The description of the Lake Waconia-Carver Park Reserve Destination Trail (page 37) plans for a portion of the regional trail, however, the trail segment between Carver Park Reserve and the Highway 101 Regional Trail needs to be described and mapped in the Update.

STAFF RECOMMENDED RESPONSE – Revise text and map to identify this connection as the proposed hwy 5 regional trail.

- **Trails and Bikeway Plan Map (page 34):**
  - The existing and proposed regional trails should be labeled on this map, similar to the labeling on the Park Plan Map (page 13).

STAFF RECOMMENDED RESPONSE – Revise the trail map to number each trail segment and label accordingly.



- The Highway 5 Regional Trail and the Highway 101 Regional Trail are eligible for regional funding and therefore need to be acknowledged as regional trails instead of bikeway/linking trails on this map.

STAFF RECOMMENDED RESPONSE – Revise the trail map to show these 2 trail segments as regional trails.

- The Union Pacific Railroad crossing of the Minnesota River is depicted as a proposed regional trail. The County is encouraged to plan for this river crossing; however, it cannot be referred to as “regional” since it is not identified in the RPPP. This crossing should be labeled as a proposed trail and indicate that the County may seek regional status during the Council’s update of the RPPP.

STAFF RECOMMENDED RESPONSE – Revise the text in the trails map to reflect that any future crossing of the MN River via the Union Pacific alignment would be a proposed regional trail addition to the RPPP.

- The regional trail search corridor between Mayer and Norwood Young America is shown with trails in the city limits with arrows pointing toward one another. Council staff understands the sensitivity of planning these trail corridors in the townships and recommends that without identifying a potential trail alignment, insert a label such as “Regional Trail Search Area (trail alignments not determined and will be based on landowner willingness).”

STAFF RECOMMENDED RESPONSE – Revise the trail map with a label that matches the trail segments and repeat statement currently in plan “Alignment to be determined based on opportunities from municipal expansion and willing landowners”

- The regional trail search corridor between the Minnesota River Bluff Regional Park Search Area, Miller Park Search Area and Lake Waconia Regional Park should be identified as described in the previous bullet point.

STAFF RECOMMENDED RESPONSE – Revise the trail map with a label that matches the trail segments “Alignment to be determined based on opportunities from municipal expansion and willing landowners”

### **Advisory Comments - Parks:**

The following advisory comments are intended to convey specific information and/or suggested changes to the Update that are not considered matters of completeness. If the suggestions are not addressed before the staff report is prepared, the suggestions may be included in the material sent to the committees and Council for action.

- The “Trends in Park Visits” section (page 3) includes regional park system use estimates from 2005. The County should consider updating this data using information from the Annual Use Estimate of the Metropolitan Regional Parks System for 2008 report, which is available at: [www.metrocouncil.org/planning/parks/ParkUseEstimate2008.pdf](http://www.metrocouncil.org/planning/parks/ParkUseEstimate2008.pdf)
- Council staff recommends that the following revisions be made to the “Funding Sources and Limitations/Probability” section (page 49):
  - The information on Metropolitan Parks CIP Funding describes a strategy of “submitting projects that best meet the Council’s priority grant ranking criteria.” The Metropolitan Council no longer

uses priority ranking criteria to determine which projects receive CIP funds. The County should update this section to reflect current Council policy.

- The County should consider indentifying the Regional Parks Foundation of the Twin Cities as another potential funding source.

STAFF RECOMMENDED RESPONSE – Revise the Parks Plan to include the above met council advisory comments.

#### **WASTEWATER SERVICES (Roger Janzig, 651-602-1119)**

The Update is incomplete with respect to wastewater services for Laketown Township. The Laketown Twp portion of the Update needs a description of the Township's I/I program, including efforts in the maintenance of its sanitary sewer system. The Update needs to indicate whether the Township or County has an ordinance to prohibit the connection of sump pumps, rain leaders, and passive drain tile to the sanitary sewer system.

STAFF RECOMMENDED RESPONSE – Revise the Laketown Twp chapter to include a reference to the townships I & I program including a reference to the townships 1997 ordinance which governs the connection of sump pumps, rain leaders, and passive drain tile to the sanitary sewer system.

October 22, 2009

Paul Moline, Manager  
 Planning & Water Management Department  
 Carver County Land & Water Services Division  
 600 East Fourth Street  
 Chaska, MN 55318

**RE:** Carver County & Townships 2030 Comprehensive Plan Update-- Incomplete  
 Metropolitan Council Review File No. 20668-1  
 Metropolitan Council District 4 (Craig Peterson, 651-602-1474)

Dear Mr. Moline:

Thank you for your submission of the County's 2030 Comprehensive Plan Update (Update) for review on September 30, 2009. Council staff finds the Update is incomplete and further review has been suspended until the additional information is submitted and found complete for review.

**REQUIRED INFORMATION**

The following items were found incomplete:

**FORECASTS** (Todd Graham, 651-602-1322)

The Update is incomplete for Forecasts. The Update's forecast-related content is incomplete due to inconsistency with Council forecasts in the document.

- In the Township Policy Chapter, the household forecasts (2010, 2020, and 2030) for Benton Township are incorrect. Metropolitan Council has forecasted the following:

Total Published MCD												
CTU NAME	POP 2000	POP 2010	POP 2020	POP 2030	HH 2000	HH 2010	HH 2020	HH 2030	EMP 2000	EMP 2010	EMP 2020	EMP 2030
Benton Twp.	939	940	940	940	307	320	330	340	282	310	320	330

The County's document provides different numbers for Benton Township. Since the discrepancy is not explained, this may be a data entry error.

- In the Township Policy Chapter, the footnotes concerning Dahlgren Township identify forecasts as including "future annexation areas." The year 2020 and 2030 forecasts of population and employment provided in the document match Council's post-detachment (post-annexation to Carver) forecast levels. The household forecasts (2010, 2020, and 2030) for Dahlgren Township are incorrect. Council staff is prepared to recommend approval of the following forecasts (representing post-detachment and post-annexation levels) with approval of the County's Update:

Total Pending MCD												
CTU NAME	POP 2000	POP 2010	POP 2020	POP 2030	HH 2000	HH 2010	HH 2020	HH 2030	EMP 2000	EMP 2010	EMP 2020	EMP 2030
Dahlgren Twp.	1453	1500	1550	1600	479	500	550	600	203	100	150	200

The households discrepancy found in the Update may be a data entry error of the County's planners.

- In the Transportation Plan, Table 4, the forecasts for New Germany are out-of-date. New Germany forecasts were revised by Council action on June 13, 2007. The Council's published forecast is shown below:

Total Published MCD												
CTU_NAME	POP 2000	POP 2010	POP 2020	POP 2030	HH 2000	HH 2010	HH 2020	HH 2030	EMP 2000	EMP 2010	EMP 2020	EMP 2030
New Germany	346	620	1100	1500	143	250	450	650	50	70	200	300

- In the Transportation Plan, Table 4, the forecasts for City of Carver and Dahlgren Township conflict with the Council's forecasts, as well as the City of Carver's Comprehensive Plan Update. Combining the forecasts of the two communities, the County's Transportation Chapter plans for population, households and employment levels that are significantly higher than Council's forecasts and higher than activity levels planned by the City of Carver in its Comprehensive Plan Update. The Council staff is prepared to recommend to the Council the approval of the following forecasts (representing post-detachment and post-annexation levels) with approval of the County's Update:

Total Pending MCD												
CTU_NAME	POP 2000	POP 2010	POP 2020	POP 2030	HH 2000	HH 2010	HH 2020	HH 2030	EMP 2000	EMP 2010	EMP 2020	EMP 2030
Carver	1266	4680	16130	19560	458	1800	6160	7550	176	700	2200	3030
Dahlgren Twp.	1453	1500	1550	1600	479	500	550	600	203	100	150	200

The County needs to revise the Update to correct inconsistencies and to reflect the forecasts as shown above.

**LAND USE/DENSITY** (Lisa Barajas, 651-602-1895)

The Update is incomplete for land use. The Update needs the following:

- 2030 land use plan maps for all of the townships, only Hollywood and Watertown townships' 2030 land use plan maps were provided in the Update.
- Existing and 2030 land use tables for all of the townships. The tables need to exclude all lands and waters within existing city boundaries but needs to include any lands and waters within current Orderly Annexation Agreements (transition areas). The future land use table needs to include the following land use designation "Transition Area" and does not need to breakout proposed land uses beyond that for the transition areas.
- Existing and 2030 land use table for the County as a whole shown on Land Use page 3 needs to be clarified. It appears to be an aggregation of township land uses excluding city lands but that is not clear. The table needs to be an aggregation of the data provided in the 10 township tables. Please exclude all lands and waters in existing city boundaries.

- The text on page 2.4 and Land Use page 3 need to be made consistent with each other and with the tables. If the County's total area of land and water "including" cities is approximately 376 square miles ( $376 * 640 =$ ) or 240,640 acres; then the text needs to be clear about how much of that area is in the townships, and then use the township total for the discussion on Land Use page 3.
- There is an apparent inconsistency on Land Use page 3, where the text says that the majority of land outside of cities is in agricultural production (111,000 acres), while the Table 1 showing existing and 2030 land use acreages shows a total of 147,196 acres of existing Agriculture. This needs to be clarified.

**PARKS** (Jan Youngquist, 651-602-1029)

The Update is incomplete for regional parks. In order to be complete and conform to the 2030 *Regional Parks Policy Plan (RPPP)*, the following revisions need to be made to the Update:

**Land Use Plan**

There are inholding parcels at Carver Park Reserve that are guided with a future land of "Agricultural" on the Planned Land Use Map (page 5). Inholdings are parcels that are within the master plan boundaries of the park reserve that have not yet been acquired by Three Rivers Park District. The inholdings need to be guided with a future land use of "Park and Recreation" in order to be consistent with the master plan as well as with Victoria's 2030 Comprehensive Plan Update as reviewed by the Council. The inholding parcels are outlined in pink on the following graphic.

**Inholding parcels outlined in pink need to be guided for "Park & Recreation"**



- **Benton, Dahlgren and Young America Township Policy Sections:** These sections need to acknowledge that the *RPPP* proposes a regional trail along the Twin Cities & Western Railroad Line, and that development of a master plan would not occur until there is a change in the status of the use of the active rail line.
- **Laketown Township Policy Section:** This section needs to acknowledge the following proposed regional trails from the *RPPP*:
  - Twin Cities & Western Railroad Line Regional Trail

- Lake Waconia Regional Trail (known as the Waconia-St. Bonifacius Regional Trail in the *RPPP*)
- Lake Waconia-Carver Park Reserve Regional Trail (Highway 5 Regional Trail in the *RPPP*)
- Southwest LRT Connection Regional Trail (Chaska-Victoria Regional Trail in the *RPPP*)

**Park, Open Space and Trail Plan**

- **Parks Plan Map (page 13):**
  - The label depicting the general location of the Minnesota River Bluffs Regional Park Search Area on the Parks Plan Map (page 13) appears to be on the south side of the Minnesota River in Scott County. The label for the search area should be moved to the appropriate location in Carver County.
  - The State and Federal lands described on page 25 should be shown and labeled on this map.
- The description of Carver Park Reserve states that the current master plan does not include expansion of the park boundary (page 21). Please acknowledge that the Council-approved master plan identifies inholding parcels within the park reserve boundary that have not yet been acquired by Three Rivers Park District.
- The description of the Southwest LRT Connection Master Plan (page 36) should indicate that the master plan was approved by the Metropolitan Council, which makes the trail eligible for regional funding.
- The Update indicates that the Minnesota River Bluffs LRT Regional Trail is planned to extend to Carver, with a future extension to Belle Plaine after 2030 (page 36). The County is encouraged to plan for this trail; however, it cannot be referred to as “regional” since the trail extension is not identified in the *RPPP*. The Council is currently working on the update of its *RPPP*; the County may seek regional status for the proposed trail during this process. This section should be updated to indicate that the County may seek regional status for this proposed trail.
- The Update describes Waconia-Carver Destination Trail Corridor as connecting the Minnesota River Bluffs Regional Trail in Carver to Lake Waconia Regional Park (page 37). The *RPPP* identifies this trail search corridor as connecting the Minnesota River Bluffs Regional Park Search Area to Miller Lake Search Area and Lake Waconia Regional Park. This description should be revised in the Update.
- The *RPPP* identifies the proposed Highway 101 Regional Trail, which will connect the Minnesota River Bluffs LRT Regional Trail to the Lake Minnetonka Regional Trail. This regional trail needs to be described and mapped in the Update.
- The *RPPP* identifies the proposed Highway 5 Regional Trail, which will connect the proposed Highway 101 Regional Trail to Carver Park Reserve and Lake Waconia Regional Park. The description of the Lake Waconia-Carver Park Reserve Destination Trail (page 37) plans for a portion of the regional trail, however, the trail segment between Carver Park Reserve and the Highway 101 Regional Trail needs to be described and mapped in the Update.

- **Trails and Bikeway Plan Map (page 34):**
  - The existing and proposed regional trails should be labeled on this map, similar to the labeling on the Park Plan Map (page 13).
  - The Highway 5 Regional Trail and the Highway 101 Regional Trail are eligible for regional funding and therefore need to be acknowledged as regional trails instead of bikeway/linking trails on this map.
  - The Union Pacific Railroad crossing of the Minnesota River is depicted as a proposed regional trail. The County is encouraged to plan for this river crossing; however, it cannot be referred to as “regional” since it is not identified in the *RPPP*. This crossing should be labeled as a proposed trail and indicate that the County may seek regional status during the Council’s update of the *RPPP*.
  - The regional trail search corridor between Mayer and Norwood Young America is shown with trails in the city limits with arrows pointing toward one another. Council staff understands the sensitivity of planning these trail corridors in the townships and recommends that without identifying a potential trail alignment, insert a label such as “Regional Trail Search Area (trail alignments not determined and will be based on landowner willingness).”
  - The regional trail search corridor between the Minnesota River Bluff Regional Park Search Area, Miller Park Search Area and Lake Waconia Regional Park should be identified as described in the previous bullet point.

**Advisory Comments - Parks:**

The following advisory comments are intended to convey specific information and/or suggested changes to the Update that are not considered matters of completeness. If the suggestions are not addressed before the staff report is prepared, the suggestions may be included in the material sent to the committees and Council for action.

- The “Trends in Park Visits” section (page 3) includes regional park system use estimates from 2005. The County should consider updating this data using information from the Annual Use Estimate of the Metropolitan Regional Parks System for 2008 report, which is available at: [www.metrocouncil.org/planning/parks/ParkUseEstimate2008.pdf](http://www.metrocouncil.org/planning/parks/ParkUseEstimate2008.pdf)
- Council staff recommends that the following revisions be made to the “Funding Sources and Limitations/Probability” section (page 49):
  - The information on Metropolitan Parks CIP Funding describes a strategy of “submitting projects that best meet the Council’s priority grant ranking criteria.” The Metropolitan Council no longer uses priority ranking criteria to determine which projects receive CIP funds. The County should update this section to reflect current Council policy.
  - The County should consider indentifying the Regional Parks Foundation of the Twin Cities as another potential funding source.

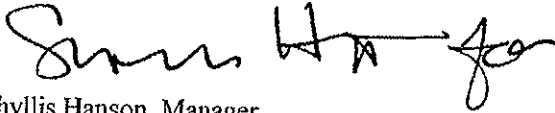
**WASTEWATER SERVICES (Roger Janzig, 651-602-1119)**

The Update is incomplete with respect to wastewater services for Laketown Township. The Laketown Twp portion of the Update needs a description of the Township’s *I/I* program, including efforts in the maintenance of its sanitary sewer system. The Update needs to indicate whether the Township or County has an ordinance to prohibit the connection of sump pumps, rain leaders, and passive drain tile to the sanitary sewer system.

Paul Moline, Manager  
October 22, 2009  
Page 6

To expedite the Council staffs' review of supplemental materials submitted in response to incomplete items, please provide a cover memo that outlines where and how the incomplete items are addressed in the new material. After the supplemental information is received and evaluated, if staff finds the Update complete the Council's review process will be restarted. If you have any questions about the information requested in this letter, please call the technical reviewers directly (names and numbers in parentheses), or Jim Uttley, Principal Reviewer, at 651-602-1361.

Sincerely,



Phyllis Hanson, Manager  
Local Planning Assistance

cc: Dave Drealan, AICP, Director, Carver County Land & Water Services  
Craig Peterson, Metropolitan Council District 4  
Jim Uttley, Sector Representative and Principal Reviewer  
Cheryl Olsen, Reviews Coordinator

N:\CommDev\LPA\Counties\Carver\Letters\Carver County 2030 CPU 20668-1 Incomplete.doc





# REQUEST FOR BOARD ACTION

**AGENDA ITEM :** Library Foundation of Carver County Sustainability Plan

Originating Division: Administrative Services

Meeting Date: November 17, 2009

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:** The Library Foundation staff and Board will provide information regarding the development of its sustainability plan. Board seeks input from Commissioners regarding proposals for 2011 and beyond.

**ACTION REQUESTED:**

**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: