

Carver County Board of Commissioners  
 Regular Session  
 February 26, 2008  
 County Board Room  
 Carver County Government Center  
 Human Services Building  
 Chaska, Minnesota

PAGE

9:15 a.m.

1. *a) CONVENE*
- b) Pledge of Allegiance*
- c) Public participation (comments limited to five minutes)*
- d) Introduction of New Employees*
2. Agenda review and adoption
3. Approve minutes of February 12, 2007 Regular Session..... 1-2
4. Community announcements

9:15 a.m.

5. **CONSENT AGENDA**
  - 5.1 Administrative Services-Elected Leaders Program  
 Coordinator ..... 3
  - 5.2 Administrative Services-Auction Services..... 4
  - 5.3 Budget amendment for Mental Health State shared staff ..... 5-6
  - 5.4 Renewal application for set up license for Marsh Lake  
 Hunting Preserve, Inc. .... 7
  - 5.5 Charitable gambling application for exempt permit for  
 Church of St. Joseph ..... 8-9
  - 5.6 Charitable gambling application for exempt permit for  
 Carver County Ducks Unlimited Chapter 128..... 10-11
  - 5.7 CAMA USA Maintenance and support agreement between  
 MCCC and ACS ..... 12
  - 5.8 Abatements/additions..... 13-14
  - 5.9 Contracts with the Chaska Herald and Chanhassen Villager . 15
  - 5.10 2008 Police service contracts ..... 16-17
  - 5.11 Sheriff's Office donations ..... 18-19
  - 5.12 Amendment No. 3 to Agreement with SRF Consulting  
 Group, Inc. for final design services-CSAH 18..... 20-21
  - 5.13 Board approval to reduce retainage from 5% to 2.5% as  
 requested by Ames Construction ..... 22-23
  - 5.14 LES Local 287 Deputies Collective Bargaining Agreement .. 24
  - 5.15 Community Social Services' warrants ..... NO ATT
  - 5.16 Commissioners' warrants..... SEE ATT

9:20 a.m.	<b>6.</b>	<b>COUNTY ADMINISTRATION</b>	
	6.1	Recognition of Mary Monteith .....	25-26
9:25 a.m.	<b>7.</b>	<b>COMMUNITY SOCIAL SERVICES</b>	
	7.1	Mental Health Advisory Council Update .....	27-29
9:40 a.m.	<b>8.</b>	<b>LAND AND WATER SERVICES</b>	
	8.1	Public hearing-Adoption of Ordinance 63-2008: Building Code-Commercial Plumbing and Fee Schedule .....	30-33
	8.2	EAW Petition-L.G. Everist proposed railroad transload facility .....	34-56
11:15 a.m.		<b>ADJOURN REGULAR SESSION</b>	
		<b>BOARD REPORTS</b>	
11:15 a.m.	1.	Chair	
	2.	Board Members	
	3.	Administrator	
11:45 a.m.	4.	Adjourn	

David Hemze  
County Administrator

REGULAR SESSION  
February 12, 2008

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on February 12, 2008. Chair James Ische convened the session at 9:15 a.m.

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

Members absent: None.

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

Degler moved, Maluchnik seconded, to approve the minutes of the February 5, 2008, Regular Session. Motion carried unanimously.

Community announcements were made by the Board.

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

Payment of emergency claim in the amount of \$343.

Approved the market adjusted salary range equivalent to AFSCME grade 18 for the classification of Project Manager.

Resolution #16-08, Electronic Recording.

Contract with 5 Star Recovery to provide group counselor services.

Approved Memorandum of Agreement with Lower Minnesota River Watershed District and authorized Chair to sign the agreement and any other necessary documents.

Authorized the County Administrator to sign a Joint Powers Agreement with the Counties of Dakota, Olmsted and Washington to conduct 2008 residential survey.

Approved the civilian background investigator position becoming a permanent FTE in the Sheriff's Office.

Community Social Services' actions.

Approved payment of the following Commissioners' warrants:

INSERT

Motion carried unanimously.

Doris Krogman, Employee Relations, requested the Board approve updates to County policies. She noted updating the Personnel and Administrative Policy Manuals was a joint effort with Administrative Services. Krogman stated updating the policies would increase efficiencies in operations and add clarifications. She highlighted the proposed changes to the Personnel Policy.

Steve Taylor, Administrative Services, explained the goal of the Administrative Policy was to streamline business practices and allow the Board to focus on policy decisions. He reviewed the letter of agreement for services \$2,500 or less that could be signed by the Division Director. Taylor stated he was asking for the County Administrator to have signature authority for contracts between \$2,500 and \$25,000. He indicated the County Administrator could still decide to have an item brought before the Board and any contract above \$25,000 would go before the Board. Taylor pointed out the use of on call service contract for services that take place on a routine basis.

He noted a March 1<sup>st</sup> implementation date. He clarified the Board would continue to approve Commissioner warrants.

James Keeler, County Attorney, stated the standard contract has been reviewed and he was comfortable that the contract included language that provides for modification if one or both parties feel there is a provision that is not clear and needs to be addressed. He also stated there was contract language that allows the County to address any performance issues.

David Hemze, County Administrator, stated ample input was provided and training with staff will follow. He indicated they will be prioritizing areas not addressed and will continue to work on these.

Degler offered the following Resolutions, seconded by Workman:

Resolution #17-08  
Approval of the Administrative Policy Manual

Resolution #18-08  
Approval of the Personnel Policy Manual

On vote taken, all voted aye.

Degler moved, Lynch seconded, to adjourn the Regular Session at 10:04 a.m. to go into a work session with Public Works. Motion carried unanimously.

David Hemze  
County Administrator

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



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Administrative Services - Elected Leaders Program Coordinator

Originating Division: Admin Services

Meeting Date: 2/26/08

Amount of Time Requested: NA

Attachments for packet:  Yes  No

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

### BACKGROUND/EXPLANATION OF AGENDA ITEM:

The University of Minnesota Extension started a program called Elected Leaders that focused on educating the elected leaders within Carver County. For 2008 this program has been transferred from Extension to Administrative Services. In the past, the coordination of this program has been provided by Bob Roepke. The County wishes to continue this partnership into the future.

The contract is for a maximum of 500 hours in 2008. The types of activities that will be performed include preparing agendas, serving as a facilitator of the meetings and assisting with the administrative duties of the program.

The County along with the elected leaders group is currently considering changes to this program and the assistance provided by Roepke will be valuable in assisting with this transition.

**ACTION REQUESTED:** Approve a contract with Bob Roepke for the purpose of providing professional services to the County.

### FUNDING

County Dollars =	\$10,400
Other Sources & Amounts =	
Grants =	\$
<b>TOTAL</b>	<b>= \$10,400</b>

### FISCAL IMPACT

None  
 Included in current budget  
 Budget amendment requested  
 Other:

Related Financial Comments:

Reviewed by Division Director

Date: 2/1/08



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Administrative Services - Auction Services

Originating Division: Administrative Services

Meeting Date: 2/26/08

Amount of Time Requested: NA

Attachments for packet:  Yes  No

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

### BACKGROUND/EXPLANATION OF AGENDA ITEM:

Administrative Services staff requested a professional services auctioneering quote for the County for 2008 and 2009. The Request for Quotation indicated the following scope of work be provided by the successful vendor:

- Conduct necessary auctioneer services including auctioneering, clerking, and cashiering;
- Assist in unloading items and organizing items to be sold;
- Disperse said proceeds from the auction along with records and receipts of said sale and provide this information to the County;
- Sell Carver County items in conjunction with another scheduled auction or at a consignment sale;
- Place and pay for advertisements announcing the auction in local newspapers;
- Provide the County with a list of where the Auction/Consignment Sale was advertised;
- Dispose of unsold items at no cost to Carver County.

Three Request for Quotations were sent out and two vendors submitted information:

- Fahey Incorporated – Auctioneer commission rate of 20%
- Fred Radde & Sons – Auctioneer commission rate of 7%

Fred Radde & Sons had the lower commission rate on all items to be sold by the County and it is recommended the Board enter into an agreement with this firm. For informational purposes, the County sold \$52,790 (excluding forfeiture vehicles from the Sheriff's Office) worth of surplus vehicles, computers, bicycles, furniture and other miscellaneous items last year. The auctioneer charged the County a 6% commission to facilitate the selling of these items (\$3,167) and the County netted approximately \$49,623.

**ACTION REQUESTED: Approve contract with Fred Radde & Sons for Auction Services in 2008 and 2009.**

#### FUNDING

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

#### FISCAL IMPACT

- None  
 Included in current budget  
 Budget amendment requested  
 Other:

Related Financial Comments:

Reviewed by Division Director

Date: 1/29/08



# REQUEST FOR BOARD ACTION

**AGENDA ITEM : Budget Amendment Mental Health State Shared Staff**

Originating Division: Community Social Services

Meeting Date: 2/26/2008

Amount of Time Requested: NA

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

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** In the February 5<sup>th</sup> Board Meeting the Board passed the Mental Health Initiative Staff Shared Income Agreement, this is the budget amendment required to recognize the revenue and purchase of services in our 2008 budget.

**ACTION REQUESTED:** Motion to approve the attached budget amendment which would recognize in the 2008 Social Services budget State Revenue and Purchase of Staff Services in the amount of \$85,986 for the State Operated Shared Services Agreement.

**FUNDING**

County Dollars =	\$	
Other Sources & Amounts =		
State Grant	=	\$85,986
<b>TOTAL</b>	= \$	

**FISCAL IMPACT**

None  
 Included in current budget  
 Budget amendment requested  
 Other:

*Related Financial Comments:* There will be no costs to Carver County, all State Funds.

 Reviewed by Division Director

Date: 02/08/2008

# BUDGET AMENDMENT REQUEST FORM

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

**DEPARTMENT: Community Social Services**

**Date of County Board Session:**

**Fund: 11**

Description of Revenue Account funds are to Increased/(Decreased):	Amount	Description of Expenditure Account funds are to Increased/(Decreased):	Amount
State Staff Grant	\$ 85,986	Purchase of Services - State Staff	\$ 85,986
<b>TOTAL:</b>	<b>\$ 85,986</b>	<b>TOTAL:</b>	<b>\$ 85,986</b>

**A. Reason for Request:**

To recognize in the 2008 Budget the State Grant Revenue and Purchase of Service Staffing in the amount of \$85,986.

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

**C. Contingency Acct. Beginning Bal.:** \$ 300,000

**D. Contingency Acct. Current Bal.:** \$ -

**E. Current Balance After Adj.:** \$ 300,000

**F. Prepared/Requested By:** Chuck Churchill/Gary Bork

**G. Recommend Approval:** Finance

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





# REQUEST FOR BOARD ACTION

**AGENDA ITEM:** Renewal Application for Set-Up License for Marsh Lake Hunting Preserve, Inc.

Originating Division: Property Records Taxpayer Services Meeting Date: February 26<sup>th</sup>, 2008

Amount of Time Requested: 0 minutes Attachments for packet: Yes No X

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

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** Shawn Eastman manager of the Marsh Lake Hunting Preserve Inc. has applied for renewal of their Set-Up License. Marsh Lake Hunting Preserve Inc. is located at 5785 Hunters Road Chaska, MN 55318. There are no delinquent real estate taxes on this property.

**ACTION REQUESTED:**

Approval of the Request for Renewal of Set-Up License for Marsh Lake Hunting Preserve Inc.

**FUNDING**

County Dollars = \$

Other Sources & Amounts = \$

=

**TOTAL** = \$

**FISCAL IMPACT**

None

Included in current budget

Budget amendment requested

Other: Not Budgeted

*Related Financial Comments:*

License Fees: Set-Up License \$100.00

Reviewed by Laurie Engelen Taxpayer Services Manager

Date:

2-11-08



# REQUEST FOR BOARD ACTION

**AGENDA ITEM:** Charitable Gambling Application for Exempt Permit for Church of St. Joseph.

Originating Division: Property Records Taxpayer Services Meeting Date: February 26, 2008

Amount of Time Requested: 0 minutes Attachments for packet:  Yes  No

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

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** An application for Exempt Permit was received from Church of St. Joseph. They have planned an event on Saturday, March 8, 2008, at Island View Dining, located at 9150 Island View Road, Waconia, MN 55387. This event will include pull-tabs. They have requested the County waive the 30 day waiting period.

**ACTION REQUESTED:** See Attached Resolution.

**FUNDING**

County Dollars = \$

Other Sources & Amounts =

= \$

**TOTAL** = \$

*Related Financial Comments:*

**FISCAL IMPACT**

None

Included in current budget

Budget amendment requested

Other: Not Budgeted

Reviewed by Laurie Engelen, Taxpayer Services Manager

Date: 2-7-08

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

Date:

Resolution No.

Motion by Commissioner:

Seconded by Commissioner:

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**CARVER COUNTY, MINNESOTA**

WHEREAS, the Church of St. Joseph, seeks approval of a Application for Exempt Permit for lawful gambling;  
and

WHEREAS, the Church of St. Joseph will sell pull-tabs at Island View Dining, 9150 Island View Road,  
Waconia, MN, located in Laketown Township; and

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

NOW, THEREFORE, BE IT RESOLVED, the Carver County Board of Commissioners does approve the  
Application for Exempt Permit, with no waiting period, upon compliance with Code of Ordinance, Title XI, Chapter  
112, and Section 112.02.

Adopted on 2008.

Attest:

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YES

ABSENT

NO

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STATE OF MINNESOTA  
COUNTY OF CARVER

I, David Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the \_\_\_\_ day of \_\_\_\_\_, 2008, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2008.

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# REQUEST FOR BOARD ACTION

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

Originating Division: Property Records Taxpayer Services Meeting Date: 2/26/07  
Amount of Time Requested: 0 minutes Attachments for packet:  Yes  No  
Item Type:  Consent  Regular Session  Closed Session  Work Session  Ditch/Rail Authority

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** Charitable Gambling application for Exempt Permit was received from Carver County Ducks Unlimited Chapter 128. They will be holding a raffle on Friday, April 11, 2008, at the Lakeside Ballroom, 8155 Paradise Lane, Waconia, MN 55387.

**ACTION REQUESTED:** See attached resolution.

**FUNDING**

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

**FISCAL IMPACT**

None  
 Included in current budget  
 Budget amendment requested  
 Other:

Related Financial Comments:

Reviewed by Laurie Engelen, Taxpayer Services Manager

Date: 2-7-08

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

Date:

Resolution No.

Motion by Commissioner:

Seconded by Commissioner:

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**CARVER COUNTY, MINNESOTA**

WHEREAS, the Carver County Ducks Unlimited Chapter 128 seeks approval of a gambling Application for Exempt Permit; and

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

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

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

Adopted on 2008.

Attest:

\_\_\_\_\_

YES

ABSENT

NO

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STATE OF MINNESOTA  
COUNTY OF CARVER

I, David Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the \_\_\_\_ day of \_\_\_\_\_, 2008, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2008.

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



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : CAMA USA Maintenance & Support Agreement between MCCC & ACS

Originating Division: Property Records Taxpayer Services Meeting Date: February 26, 2008

Amount of Time Requested: Attachments for packet:  Yes  No

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

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** Approve a 3 year maintenance & support agreement for our current appraisal system, CAMA USA, between MCCC & ACS

**ACTION REQUESTED:** The Board to approve this 3 year agreement for maintenance & support of our CAMA USA between MCCC & ACS.

### FUNDING

County Dollars = \$36,900

Other Sources & Amounts =

= \$

**TOTAL** = \$36,900

### FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other: 2009-2011 Budget

*Related Financial Comments:* This amount is budgeted over the next 3 years in the amounts of \$10,500, \$12,000, & \$14,400

Reviewed by Division Director

Date: 2-14-08



# REQUEST FOR BOARD ACTION

**AGENDA ITEM : Abatements/Additions**

Originating Division: Property Records Taxpayer Services Meeting Date: 2/26/08  
 Amount of Time Requested: 0 minutes Attachments for packet:  Yes  No  
 Item Type:  Consent  Regular Session  Closed Session  Work Session  Ditch/Rail Authority

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** See Attached.

**ACTION REQUESTED:**  
Recommend to approve.

**FUNDING**  
 County Dollars = \$ - 4,081.89  
 Other Sources & Amounts = - 9,325.11  
 =  
**TOTAL** = \$-13,407.00

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

*Related Financial Comments:*

Reviewed by Taxpayer Services Manager

Date: 2-15-08



CARVER  
COUNTY

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

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

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

**Abatements presented to the  
Carver County Board of Commissioners  
February 26, 2008**

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

Payable Year	Parcel Number	Name	Reason for Abatement	Original Tax Amount	Adjusted Tax Amount	County Dollars Abated	Total Amount of Adjustment
2007	06-018-0420	Paul Robideau	Disaster Credit	3,909.00	3,425.00	-200.71	-484.00
2006	07-300-0041	Christy Schuler-Haasken	Value Adjustment	8,238.00	7,220.00	-393.62	-1,018.00
2007	25.2620070	Teresa A Roberts	Homestead	3,492.00	3,400.00	-36.84	-92.00
2007	25.3250010	Brenda & Jeff Jonckowski	Homestead	4,112.00	4,030.00	-31.03	-82.00
2007	25-063-1420	Andrea Glaeser	Homestead	1,846.00	1,604.00	-94.27	-242.00
2007	25-285-0020	John Benson	Disaster Credit	5,214.00	3,315.00	-641.10	-1,899.00
2007	25-342-0210	Hidden Creek Association Inc.	Exempt-Homeowners Assoc.	10.00	0.00	-2.99	-10.00
2008	25-342-0210	Hidden Creek Association Inc.	Exempt-Homeowners Assoc.	10.00	0.00	-3.51	-10.00
2007	25-342-0220	Hidden Creek Association Inc.	Exempt-Homeowners Assoc.	10.00	0.00	-3.72	-10.00
2008	25-342-0220	Hidden Creek Association Inc.	Exempt-Homeowners Assoc.	8.00	0.00	-2.82	-8.00
2007	25-342-0230	Hidden Creek Association Inc.	Exempt-Homeowners Assoc.	10.00	0.00	-2.99	-10.00
2008	25-342-0230	Hidden Creek Association Inc.	Exempt-Homeowners Assoc.	10.00	0.00	-4.11	-10.00
2007	25-342-0240	Hidden Creek Association Inc.	Exempt-Homeowners Assoc.	10.00	0.00	-2.99	-10.00
2008	25-342-0240	Hidden Creek Association Inc.	Exempt-Homeowners Assoc.	10.00	0.00	-3.51	-10.00
2007	25-396-0430	Glenn Vandergalien	Disaster Credit	5,254.00	1,520.00	-1,117.21	-3,734.00
2007	25-531-0410	Susan Dean	Homestead	2,440.00	2,240.00	-73.49	-200.00
2007	30-005-1800	Clarence Wirtz	Disaster Credit	1,414.00	636.00	-235.03	-778.00
2007	65.0062900	James Jr & Eleanor Kilbane	EXEMPT - Property owned by DNR	146.00	0.00	-46.36	-146.00
2006	65.0062900	James Jr & Eleanor Kilbane	EXEMPT - Property owned by DNR	318.00	0.00	-109.00	-318.00
2000 thru 2005	65.0062900	James Jr & Eleanor Kilbane	Property was deeded to DNR in 1982. Omitted tax processed in 2006 for 6 years. Property should have been EXEMPT.	1,418.00	0.00	-293.93	-1,418.00
2007	65-262-0581	Greenway on the Park Assoc.	Exempt-Homeowners Assoc.	2.00	0.00	-1.01	-2.00
2007	75-382-0180	Provence Townhome Assn, Inc.	Exempt-Homeowners Assoc.	2.00	0.00	-1.19	-2.00
2008	75-382-0180	Provence Townhome Assn, Inc.	Exempt-Homeowners Assoc.	2.00	0.00	-1.21	-2.00
2007	75-522-0210	Thomas Johnson	Disaster Credit	3,730.00	818.00	-779.25	-2,912.00
<b>Grand Total</b>				<b>\$41,615.00</b>	<b>\$28,208.00</b>	<b>-\$4,081.89</b>	<b>-\$13,407.00</b>





# REQUEST FOR BOARD ACTION

**AGENDA ITEM : Contracts with the Chaska Herald and Chanhassen Villager**

Originating Division: Administration

Meeting Date: 2/26/08

Amount of Time Requested: NA

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

At the January 8<sup>th</sup> Organizational Session, the 2008 bid for the Carver County legal newspaper was awarded to the Chaska Herald. The Chanhassen Villager was awarded the bid for the second publication of the financial statement. County Administration is now requesting the approval for the 2008 contracts with these newspapers.

**ACTION REQUESTED: Approve contracts with the Chaska Herald and Chanhassen Villager.****FUNDING**

County Dollars = \$

Other Sources &amp; Amounts = \$

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

Date: 2/12/08



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : 2008 Police Service Contracts

Originating Division: Sheriff

Meeting Date: February 26, 2008

Amount of Time Requested: N/A

Attachments for packet:  Yes  No

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

### BACKGROUND/EXPLANATION OF AGENDA ITEM:

2008 Police Contracts for service between Carver County and the cities of:  
Carver  
Township of:  
Watertown

### ACTION REQUESTED:

Approve the 2008 Police Contracts in addition to hiring .106 FTE along with the budget amendment.

### FUNDING

County Dollars = \$  
Other Sources & Amounts =  
= \$10,699.86  
**TOTAL** = \$10,699.86

### FISCAL IMPACT

None  
 Included in current budget  
 Budget amendment requested  
 Other:

### Related Financial Comments:

Increase revenue in Sheriff's Office 2008 budget 01-201- 201-0000-5574  
Increase expense account in the Sheriff's Office 2008 budget 01-201-201-0000-6111

Reviewed by Division Director JDE

Date: 2/7/2008

# BUDGET AMENDMENT REQUEST FORM

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

**DEPARTMENT: Sheriff's Office**

**Date of County Board Session: 02/26/08**

**Fund: 01**

Description of Revenue Account funds are to Increased/(Decreased):	Amount	Description of Expenditure Account funds are to Increased/(Decreased):	Amount
Police Contract Cities	\$ 10,700	Sheriff salaries	\$ 10,700
<b>TOTAL:</b>	<b>\$ 10,700</b>	<b>TOTAL:</b>	<b>\$ 10,700</b>

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

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

**C. Contingency Acct. Beginning Bal.:** \$ 300,000

**D. Contingency Acct. Current Bal.:** \$ -

**E. Current Balance After Adj.:** \$ 300,000

**F. Prepared/Requested By:** Jeff Enevold

**G. Recommend Approval:** Finance

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

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



# REQUEST FOR BOARD ACTION

**AGENDA ITEM : Donations**

Originating Division: Sheriff

Meeting Date: 1-26-08

Amount of Time Requested:

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

Memorial Donations to the Carver County Sheriff's Office from the Mary Berens family totaling \$415.00.

\$25.00 Donation from the Schevenius family.

**ACTION REQUESTED:**

Motion to approve \$440.00 in donations to the Sheriff's Office.

**FUNDING**

County Dollars = \$

Other Sources &amp; Amounts = \$

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

01-201-201-0000-5756 Gifts Restricted

 Reviewed by Division Director

Date: 2-14-08



**CARVER COUNTY SHERIFF'S OFFICE  
DONATION FORM**

606 E. 4<sup>th</sup> Street  
Chaska, MN 55318  
952-361-1212

I would like to donate the following item(s) to the Carver County Sheriff's Office. I am aware that all donated items become the property of the Sheriff's and will not be returned.

Please list donated item(s):

- 1) Memorial Donations to the Sheriff's Office
- 2) \$ 390<sup>00</sup>
- 3) \_\_\_\_\_
- 4) \_\_\_\_\_
- 5) \_\_\_\_\_

If you are interested in a specific use for this donation please let us know:

\_\_\_\_\_

Signature: Trisha Wall Date: 1-24-08

Your Address:

800 Carver Beach Road  
Chanhassen MN 55317  
952-474-3626

**Berens, Mary I.**  
age 75 of Chaska, on 12/14/07. Preceded in death by her parents, Dr. Herbert and Isabel Berens, brother, James Berens and brother-in-law, James Maynard. Survived by sister, Nancy (Dr. Robert) Phillips; twin sister, Lola Maynard; nieces, Martha (Douglas) Wall, Logan (Timothy) Mather; nephews, Paul (Paula) Maynard, Bladon (Paula) Phillips, Alexander Phillips, Rob (Sara) Phillips and many other loving relatives and friends. Memorial Service 11:00 AM Tuesday, 1/8/2008 at Trinity Episcopal Church, 322 2nd Street in Excelsior, with a visitation one hour prior to the service at CHURCH. Interment, Lakewood Cemetery, Minneapolis. A special thank you to the officers of the Carver County Sheriff's Department for their exceptional care and compassion. In lieu of flowers memorials preferred to, Trinity Episcopal Church, Minnesota Landscape Arboretum, or the Carver County Sheriff's Department.  
Huber Funeral & Cremation Services  
The Excelsior Chapel  
952-474-9595

**Thank you for your donation to the Carver County Sheriff's Office**



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : AMENDMENT NO. 3 TO AGREEMENT WITH SRF CONSULTING GROUP, INC. FOR FINAL DESIGN SERVICES - CSAH 18 (LYMAN BLVD)

Originating Division: Public Works

Meeting Date: February 5, 2008

Amount of Time Requested: N/A

Attachments for packet:  Yes  No

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

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** SRF Consulting is under contract to provide design engineering services for the reconstruction of CSAH 18 (Lyman Blvd.). The agreement defines the tasks and services that will be completed and allows for completion of this work. The agreement includes terms for Indemnification and Insurance. A change is needed in these terms to meet new requirements. This amendment revises the agreement terms for Indemnification and Insurance.

**ACTION REQUESTED:** We would request that the County Board approve the attached resolution authorizing signing of the Amendment No. 3.

### FUNDING

County Dollars =	\$
SAR =	\$
Chaska, Chan & School=	\$
<b>TOTAL</b>	<b>=\$</b>

### FISCAL IMPACT

None  
 Included in current budget  
 Budget amendment requested  
 Other:

Related Financial Comments:

Reviewed by Division Director

Date:

1/11/08

S:\Projects\SAP 10-618-09\PSA with SRF for Final Design Services - Amndt 3 - baf

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

Date: February 5, 2008  
Motion by Commissioner: \_\_\_\_\_

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

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**AMENDMENT NO. 3 TO  
PROFESSIONAL SERVICES AGREEMENT  
BETWEEN  
CARVER COUNTY  
AND  
SRF CONSULTING GROUP, INC.  
FOR FINAL DESIGN SERVICES  
CSAH 18 (LYMAN BLVD)**

BE IT RESOLVED, that the Carver County Board of Commissioners hereby authorize the Board Chair and the County Administrator to execute the Amendment No. 3 to the agreement between Carver County and SRF Consulting Group, Inc. for final design services on CSAH 18 (Lyman Blvd) from TH 41 to CSAH 17 (Powers Blvd.).

YES

ABSENT

NO

\_\_\_\_\_  
\_\_\_\_\_  
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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 5<sup>th</sup> day of February, 2008, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 5<sup>th</sup> day of February, 2008.

\_\_\_\_\_  
David Hemze

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



# REQUEST FOR BOARD ACTION

**AGENDA ITEM :** Board approval to reduce retainage from 5% to 2.5% as requested by Ames Construcion, Inc. on county project SP 10-610-30 / SP 10-632-14

Originating Division: Public Works

Meeting Date: February 26, 2008

Amount of Time Requested: 5

Attachments for packet:  Yes  No

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

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

The original project contract amount was over \$12.4 million. The total of all payments to date for work done by Ames is \$11,645,894.09. This work was completed during the fall of 2006 and the 2007 construction season. The remaining work under this contract is expected to be done in the spring of 2008. Presently the retainage of 5% totals \$582,294.71. The request to lower the retainage to 2.5% will release \$291,147.35 to Ames Construction, Inc.

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

Based on the specifications and staffs evaluations, it is staffs recommendation to grant the request of Ames Construction, Inc. and reduce the retainage from 5% to 2.5% and release to them the corresponding amount of \$291,147.35.

**ACTION REQUESTED:** Staff asks the Board to make a motion reducing the retainage from 5% to 2.5% and release the corresponding retainage amount of \$291,147.35 to Ames Construction, Inc. for Project SP 10-610-30 / SP 10-632-14.

**FUNDING**

County Dollars = \$291,147.35  
Other Sources & Amounts =  
=\$  
**TOTAL** =\$291,147.35

**FISCAL IMPACT**

None  
 Included in current budget  
 Budget amendment requested  
 Other:

*Related Financial Comments:*

Reviewed by Division Director 

Date: 2/15/08





**Ames Construction, Inc.**

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



January 31, 2008

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

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

Dear Scott,

Per our phone conversation today, I am writing this letter on behalf of Ames Construction to formally request that Carver County reduce the retention on the above mentioned project from 5.0% down to 2.5%.

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

Sincerely,

Scott Eckers  
Ames Construction, Inc.

*An Equal Opportunity Employer*

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



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : LELS Local 287 Deputies Collective Bargaining Agreement

Originating Division: Employee Relations

Meeting Date: 2/26/08

Amount of Time Requested: Consent

Attachments for packet:  Yes  No

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

### BACKGROUND/EXPLANATION OF AGENDA ITEM:

Carver County and LELS Local 287 Deputies have concluded negotiations for the Collective Bargaining Agreement (CBA) and associated Appendices and Memoranda of Understanding for the period January 1, 2007 - December 31, 2009. The highlights of the terms agreed to are:

Wage increases of 3% effective January 1, 2007, 2008 and 2009 with an additional 2.5% on the maximum rate in 2008. Wage reopener in 2009 to negotiate the implementation of the Compensation Study results.

Replacement of the elective use of accrued sick time paying for COBRA or Retiree health insurance continuation with a Post Retirement Health Care Savings Plan for employees who leave with more than 20 years of service.

Beginning in 2009, a 5% employee contribution toward the cost of single health insurance coverage.

Uniform allowances increase \$10.00 per year in 2008 and 2009 with a change to allow a cash payment in January and July or the current reimbursement system.

Increase shift differential to \$0.80 in 2008 and \$0.85 in 2009.

Use of sick leave in certain bereavement situations to be granted at shift length.

Other minor language changes.

### ACTION REQUESTED:

Motion to approve the LELS Deputies Local 287 Collective Bargaining Agreement for 2007 - 2009.

#### FUNDING

County Dollars = \$90,000

Other Sources & Amounts =

= \$

**TOTAL**

= \$90,000

#### FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

### Related Financial Comments:

The 2007 and 2008 amounts indicated above are included in the current budget.

Reviewed by Division Director

Date: 2/15/08

Doris M. Krogman



# REQUEST FOR BOARD ACTION

**AGENDA ITEM : Recognition of Mary Monteith**

Originating Division: Administration

Meeting Date:2-26-2008

Amount of Time Requested: 5 minutes

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

Mary Monteith, Carver County CDA Assistant Director and a Board member of the Chaska Community Land Trust, was recently awarded the Chaska Chamber of Commerce 2007 Community Spirit Award. Commissioner Maluchnik would like to recognize the leadership and expertise provided by Ms. Monteith to residents throughout the County.

**ACTION REQUESTED:** Adopt Resolution attached.**FUNDING**

County Dollars = \$

Other Sources &amp; Amounts =

= \$

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

Date: 2/19/08



## Carver County In Recognition of Mary Monteith

Whereas, Mary Monteith, is the Assistant Director of the Carver County Community Development Agency; and

Whereas, Ms. Monteith is on the Board of Directors of the Chaska Community Land Trust that was created in 2002 to provide secure, affordable access to land and housing for community members; and

Whereas, Ms. Monteith, continually exhibits her dedication, foresight, knowledge and commitment in ensuring that residents find the right housing option that best fits their situation; and

Whereas, Ms. Monteith was recently awarded Chaska's Chamber of Commerce 2007 Community Spirit Award that recognizes individuals for exemplary ideas, contributions to community and commitment to public service;

Now, therefore, the Carver County Board of Commissioners hereby congratulates Mary Monteith on her receipt of the Community Spirit Award and recognizes the leadership and expertise of Ms. Monteith in providing affordable and workforce housing opportunities for residents throughout the County.

### BOARD OF COMMISSIONERS

James Ische, Chair  
Tim Lynch, Vice Chair  
Gayle Degler  
Randy Maluchnik  
Tom Workman

---

Carver County Board Chair



# REQUEST FOR BOARD ACTION

**AGENDA ITEM : Mental Health Advisory Council Update**

Originating Division: Community Social Services

Meeting Date: 02/26/2007

Amount of Time Requested: 10

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

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** The Carver County Mental Health Advisory Council would like to give a brief update to the Board on their activities since the last presentation to the Board and provide recommendations on mental health services and needs in the county. The Council Chairperson will present a brief letter to the Board, and stand for questions, if any, from the Commissioners.

**ACTION REQUESTED:** Not Applicable**FUNDING**

County Dollars = \$

Other Sources &amp; Amounts = \$

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

Date: 2/19/2008

2/12/08

Dear Carver County Board of Commissioners:

The Carver County Mental Health Advisory Council would like to present its perspective on the current state of Mental Health affairs in Carver County. The Council continues to examine programs and services in Carver County through presenters at the monthly meetings. We have been informed of many strengths and improvements. These include:

- Carver County Transit has increased the number of routes, vehicles, professional drivers. They will be receiving a grant in coordination with Scott County to develop central transit hubs. Overall, there has been an increase in transportation options with CART and private providers which provide increased accessibility to needed services.
- The crisis response team has added health care navigators to follow clients to assist in accessing mental health services and medical coverage. They have also expanded their coverage to 24 hours, 7 days a week with additional staff members.
- The Carver County child protection consultation team has been re-affirmed and has been well utilized.
- Housing grants from UCare and the Family Homeless Prevention and Assistance Program, along with the CSP housing subsidy have enabled numerous adults in Scott and Carver Counties to access affordable housing options.
- More mental health training has been completed for the law enforcement officers in Carver County. Mental health services are now available to inmates in the Carver County Jail via interactive video to First Street Center.
- Salvation Army Matrix program was initiated in 2006 and is currently full. Carver County has added this new chemical dependency program and increased treatment options for residents in need.
- There has been an acknowledgement of the lack of awareness of mental health issues in the County's growing elderly population.
- Carver County has entered into collaboration with Rolling Acres to support autistic clients and their families. In addition, Social Services have added an autism caseworker to the Developmental Disabilities Unit.

The Council met with adult consumers who are experiencing serious and persistent mental illness. They supported many of the positive changes that are mentioned above. They also pointed out that the county still has needs in the following areas:

- Psychiatric services—wait time
- Long travel times and inconsistent transportation services.
- Affordable housing

- Need for other health insurance plan.
- Chemical health services in the school
- Early childhood preventative mental health services
- Autism resources including programs and case management
- Mental health support for the re-integration of veterans.

While the Council applauds the progress we see in meeting the mental health needs of the County's population, we also see a need to continue to address the deficits in needed services. These include psychiatry time, access to transportation, affordable housing, and increase in school liaison officers, crisis beds, veteran needs, and chemical and mental health services in the schools.

We recommend that you diligently seek creative ways to financially and programmatically meet the above needs. We also ask that the Board continue to analyze and assess the impact of the federal and state changes on our residents who are receiving children and adult mental health case management.

In closing, as Carver County's population increases and diversifies, our mental health needs continue to broaden. According to analysis of school records, the at-risk population is growing faster than the general population. As the Advisory Council continues to seek out information regarding the mental health needs of the community, it will work to keep the Board informed and recommend solutions when appropriate.

We appreciate your continuing interest and support.

Sincerely,



# REQUEST FOR BOARD ACTION

**AGENDA ITEM: Public Hearing and Adoption of Ordinance 63-2008: Building Code–Commercial Plumbing & Fee Schedule**

Originating Division: Land Water Services

Meeting Date: February 26, 2008

Amount of Time Requested: 5 minutes

Attachments for packet:  Yes  No

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

**BACKGROUND/EXPLANATION OF AGENDA ITEM:**

Carver County Code Chapter 150, Building Regulations – a provision for Commercial Plumbing Plan Review and associated plan review fees:

The Minnesota Dept of Labor and Industry (DLI) provides plumbing plan review for commercial & industrial facilities, unless a Plumbing Plan Review Agreement has been established with a jurisdiction allowing the local building official to perform the work. Our Building Official (Waldron & Assoc) has a qualified Master Plumber on staff. About 40 other jurisdictions have received authorization to conduct plumbing plan review, including Waconia & Watertown (cities). The purpose of the ordinance is to facilitate the plan review agreement by incorporating the required language into the Minnesota Plumbing Code provision of Chapter 150, and to establish the appropriate fees (which are the same fees charged by the State). The advantage of being able to perform commercial plumbing plan reviews would be significant time savings for contractors and/or business owners.

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

**ACTION REQUESTED:** Opening of the Public hearing; a motion closing the public hearing; a motion adopting Ordinance 63-2008, and authorizing any necessary signatures on the plan review agreement.

**FUNDING**

County Dollars = \$

Other Sources & Amounts =

= \$

**TOTAL** = \$

**FISCAL IMPACT**

None

Included in current budget

Budget amendment requested

Other:

*Related Financial Comments:* No Financial Implications

Reviewed by Division Director

Date: February 15, 2008



**COUNTY OF CARVER**  
**BOARD OF COMMISSIONERS**

DATE February 26, 2008

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

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

**A RESOLUTION ADOPTING ORDINANCE 63-2008,**

**AN ORDINANCE AMENDING THE CARVER COUNTY CODE OF ORDINANCES, CHAPTER 150 - BUILDING REGULATIONS; AND AMENDING ORDINANCE #48 – FEE FOR SERVICE SCHEDULE**

**WHEREAS**, the County is authorized by Minnesota Statute to enforce the State Building Code, including the Minnesota Plumbing Code; and

**WHEREAS**, local jurisdictions (municipalities) may request an agreement with the Minnesota Department of Labor and Industry (DLI) that gives responsibility for review of plans and inspections for plumbing systems to the municipality for most projects in the jurisdiction, including specified commercial, public, and industrial buildings ; and

**WHEREAS**, Chapter 150 of the Carver County Code of Ordinances needs to be amended to provide for Commercial Plumbing Permits and Plan Review; and

**WHEREAS**, Ordinance #48, the County Fee-For-Service Schedule, needs to be amended to provide for the associated plumbing plan review fees.

**THEREFORE, BE IT RESOLVED**, THAT The Carver County Board of Commissioners hereby adopts Ordinance 63-2008, Amending the County Code and Fee-For-Service Schedule.

YES	ABSENT	NO
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

STATE OF MINNESOTA  
COUNTY OF CARVER

I, Dave Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 26<sup>th</sup> day of February, 2008, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2008. \_\_\_\_\_  
County Administrator

**ORDINANCE 63-2008 [Building Code-Commercial Plumbing & Fee Schedule]**

**COUNTY OF CARVER, STATE OF MINNESOTA**

**DRAFT**

**AN ORDINANCE AMENDING THE CARVER COUNTY CODE OF ORDINANCES, CHAPTER 150 - BUILDING REGULATIONS; AND AMENDING ORDINANCE #48 – FEE FOR SERVICE SCHEDULE**

**WHEREAS**, the County is authorized by Minnesota Statute to enforce the State Building Code, including the Minnesota Plumbing Code; and

**WHEREAS**, local jurisdictions (municipalities) may request an agreement with the Minnesota Department of Labor and Industry (DLI) that gives responsibility for review of plans and inspections for plumbing systems to the municipality for most projects in the jurisdiction, including specified commercial, public, and industrial buildings ; and

**WHEREAS**, Chapter 150 of the Carver County Code of Ordinances needs to be amended to provide for Commercial Plumbing Permits and Plan Review; and

**WHEREAS**, Ordinance #48, the County Fee-For-Service Schedule, needs to be amended to provide for the associated plumbing plan review fees.

**THEREFORE**, THE COUNTY BOARD OF COMMISSIONERS OF CARVER COUNTY, MINNESOTA ORDAINS THAT:

**SECTION 1.** Changes to the code are shown as follows: additions are underlined; deletions are ~~strikethrough~~.

**SECTION 2.** Chapter 150.01 (B) of the Code is amended as follows:

- (18) 4715 – Minnesota Plumbing Code;
  - Commercial Plumbing Permits. Prior to installation of a system of plumbing other than for a single-family dwelling, with independent plumbing service, complete plumbing plans and specifications, together with any additional information that the Building Official may require, shall be submitted in triplicate and approved by the Building Official. No construction shall proceed except in accordance with the approved plans. Any alteration of extension of any existing plumbing system shall be subject to these same requirements.

**SECTION 3.** Ordinance #48, the Fee-For-Service Schedule, shall be amended to include the following fees:

<u>Non-Residential Plumbing Plan Review:</u>	
<u>Building Sewer and/or Water Service Only:</u>	<u>\$150</u>
<u>Plumbing System based on drainage fixture units (DFU):</u>	
<u>25 or fewer DFU</u>	<u>\$150</u>
<u>26 to 50 DFU</u>	<u>\$250</u>
<u>51 to 150 DFU</u>	<u>\$350</u>
<u>151 to 249 DFU</u>	<u>\$500</u>
<u>250 or more DFU</u>	<u>\$3.00 per DFU, to a maximum of \$4000</u>
<u>Interceptors/Separators:</u>	<u>\$70 each</u>
<u>Storm Drainage System: \$150 minimum, \$50 per internal roof drain opening, \$500 maximum</u>	
<u>Storm Water Interceptor, Separator, or Catch Basin</u>	<u>\$70 each</u>

Manufactured Home Park or Campground

<u>25 or fewer sites</u>	<u>\$300</u>
<u>26 to 50 sites</u>	<u>\$350</u>
<u>51 to 125 sites</u>	<u>\$400</u>
<u>125 or more sites</u>	<u>\$500</u>

**SECTION 4.** This ordinance shall be effective upon its passage and publication.

Adopted by the Carver County Board of Commissioners February 26, 2008.

COUNTY OF CARVER

BY:

\_\_\_\_\_  
Chair of the Board, Jim Ische

BY:

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



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : EAW Petition –L.G. Everist proposed railroad transload facility

Originating Division: Land Water Services

Meeting Date: February 26, 2008

Amount of Time Requested: 60 minutes

Attachments for packet:  Yes  No

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

### BACKGROUND/EXPLANATION OF AGENDA ITEM:

L.G. Everist, Inc is proposing to develop a rail-based commercial storage facility to import and export aggregates and similar commercial commodities on a 43.88 acre property, located in Dahlgren Twp (map att'd), which would be purchased from the Donald & Doreen Lenzen Trust. On January 29, 2008, the Land Management Dept received a notification letter (attached) & citizen petition from the Environmental Quality Board (EQB), stating that Carver County (RGU) must determine the need for an Environmental Assessment Worksheet (EAW). According to Mn. Rule: "The RGU shall order the preparation of an EAW if the evidence presented by the petitioners, proposers, and other persons or otherwise known to the RGU demonstrates that, because of the nature or location of the proposed project, the project may have the potential for significant environmental effects."

The complete EAW petition is available on the website by clicking here. Excerpts are attached from the petitioner & proposer submittals, which provide an overview of the operation and the various environmental topics & concerns. The petitioner's representative has also provided a letter from a local Veterinarian pertaining to the effects that dust can have on horses (i.e. Cross Creek Stables). The petition has been reviewed by a number of individuals within the County system and their comments are also being provided for the Board's consideration (see letters from SWCD, Wenck Assoc. & Public Health). Land Management has prepared a memo that provides an overview of key environmental issues and addresses the standards that need to be applied in making the EAW decision.

**ACTION REQUESTED:** A motion directing staff to prepare an appropriate resolution, including the findings of fact, to either grant or deny the petition.

### 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: February 19, 2008

**COUNTY OF CARVER  
LAND & WATER SERVICES**

**Government Center - Administration Building  
600 E. 4th St.  
Chaska, MN 55318**

**Phone: (952) 361-1820  
Fax: (952) 361-1828**

**DATE:** February 20, 2008  
**TO:** Board of Commissioners, Dave Hemze  
**FROM:** Land Management Department  
**SUBJECT:** EAW Petition –standards that apply, review of the issues

The proposed L.G. Everist project is neither an exempt nor mandatory EAW category. However based on the citizen petition, and any other available evidence, the Board will need to decide whether the “nature or location” of the operation **may** have the **potential** for **significant** environmental effects. The standards that need to be considered in deciding whether an EAW should be ordered are found in Mn Rules, Chapter 4410, as follows:

*Minnesota Rules, Chapter 4410.1100, subpart. 6*

*Subp. 6. **EAW decision.** The RGU shall order the preparation of an EAW if the evidence presented by the petitioners, proposers, and other persons or otherwise known to the RGU demonstrates that, because of the nature or location of the proposed project, the project may have the potential for significant environmental effects. The RGU shall deny the petition if the evidence presented fails to demonstrate the project may have the potential for significant environmental effects. In considering the evidence, the RGU must take into account the factors listed in part 4410.1700, subpart 7. The RGU shall maintain, either as a separate document or contained within the records of the RGU, a record, including specific findings of fact, of its decision on the need for an EAW.*

*Minnesota Rules, Chapter 4410.1700, subpart 7*

*Subp. 7. **Criteria.** In deciding whether a project has the potential for significant environmental effects, the following factors shall be considered: A. type, extent, and reversibility of environmental effects; B. cumulative potential effects of related or anticipated future projects; C. the extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority; and D. the extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other EISs.*

The purpose of an Environmental Assessment Worksheet (EAW) is to evaluate critical information about a project and to determine whether an Environmental Impact Statement should be prepared. The EAW petition identifies 12 areas of concern that mirror a number of the categories found on the EAW form. The proposer (L.G. Everist) has provided site plans and operational plan information, including proposed noise abatement and dust abatement practices in an effort to address these issues. It is important to note that in making the decision, the Board must weigh the required criteria against all of the available evidence. The following is a brief overview of the questions & study areas, which are included in the EAW form, and a short discussion of the relevance or potential relevance to the Everist proposal:

- **Cover types** (acreage of the site with each ground cover types before and after development): The applicant is proposing a conversion of the 43.88 acre property from principally ag production land to an industrial storage site that would be about 70% impervious surface (gravel). The significance of the “cover type” conversion may relate to dust, runoff, sedimentation, future uses & storage areas on the property.

Cc. Attorney’s Office, Dave Drealan

- **Fish, wildlife and ecologically sensitive resources** (habitats, endangered species, rare plants): The property is currently crop production land, which has been manipulated annually. Therefore, it is unlikely the project would have significant effects in this category. The concerns pertaining to the potential effects on equestrian activities are discussed in the noise/dust category.
- **Physical impacts on water resources** (will the project involve the physical or hydrologic alteration - dredging, filling): The project would involve significant topographical alterations and filling. L.G. Everist has provided a preliminary grading plan & proposed storm water pond locations, illustrating that all of the runoff would flow to the southwesterly portion of the site adjacent to the neighboring farmstead & MnDOT right-of-way. The applicant's engineer has indicated that the material would essentially "balance" so import/export of materials should not be necessary. These issues are discussed further under erosion and sedimentation. However, the SWCD & Wenck comments support the need for further study in this category.
- **Water-related land use management district** (does any part of the project involve a shoreland zoning district): The Miller Lake Shoreland Overlay District includes the adjacent TCW rail corridor and approximately 14 acres of the proposed operation. Miller Lake is on the list of impaired waters. The SWCD & Wenck comments support the need for further study in this category.
- **Erosion and sedimentation** (acreage to be graded or excavated and the cubic yards of soil to be moved): L.G. Everist has provided preliminary plans for sediment & filtration ponds. All of the runoff would be directed to the southwesterly portion of the property. None of the volumes, calculations or potential downstream impacts have been addressed at this point. SWCD previously reviewed the wetland delineation and commented on the need for an NPDES permit and stormwater pollution prevention plan (SWPPP). The project would be considered a Level 3 Water Rules project. Again, the SWCD & Wenck comments support the need for further study in these categories.
- **Water quality: surface water runoff** (the quantity and quality of runoff before and after the project - controls to manage runoff & any stormwater pollution prevention plans, impact of runoff on the quality of receiving waters): See erosion & sedimentation category above.
- **Geologic hazards and soil conditions** (approximate depth to ground water, soil granularity and potential for groundwater contamination): Very little information has been provided in this area. The SWCD & Wenck comments support the need for further study in this category.
- **Solid wastes, hazardous wastes, storage tanks** (any toxic or hazardous materials to be used or present at the site and identify measures to be used to prevent them from contaminating groundwater and use of any above or below ground tanks to store petroleum products or other materials & any emergency response containment plans): The potential for expanded operations & cumulative impacts would correspond to this category and additional details may be necessary.
- **Traffic** (estimated total average daily traffic generated & maximum peak hour traffic, any traffic improvements necessary and impact on the regional transportation system): L.G. Everist is proposing to share the residential access from Hwy 212 and MnDOT has recommended turn lanes & acceleration lanes but no designs have been developed. A traffic study has not been prepared but appears to be warranted. The City of Cologne has expressed a concern about safety and their future planning efforts pertaining to Hwy 212. Another issue that has not been resolved would be the potential impacts that the increased rail traffic & rail siding may have in the area (e.g. Taylor residence on the north side of TCW corridor). The Public Health & Wenck comments support the need for further study in this category.
- **Vehicle-related air emissions** (effect of the project's traffic generation on air quality): Diesel exhaust has been raised as a concern. The Public Health & Wenck comments support the need for further study in this category.

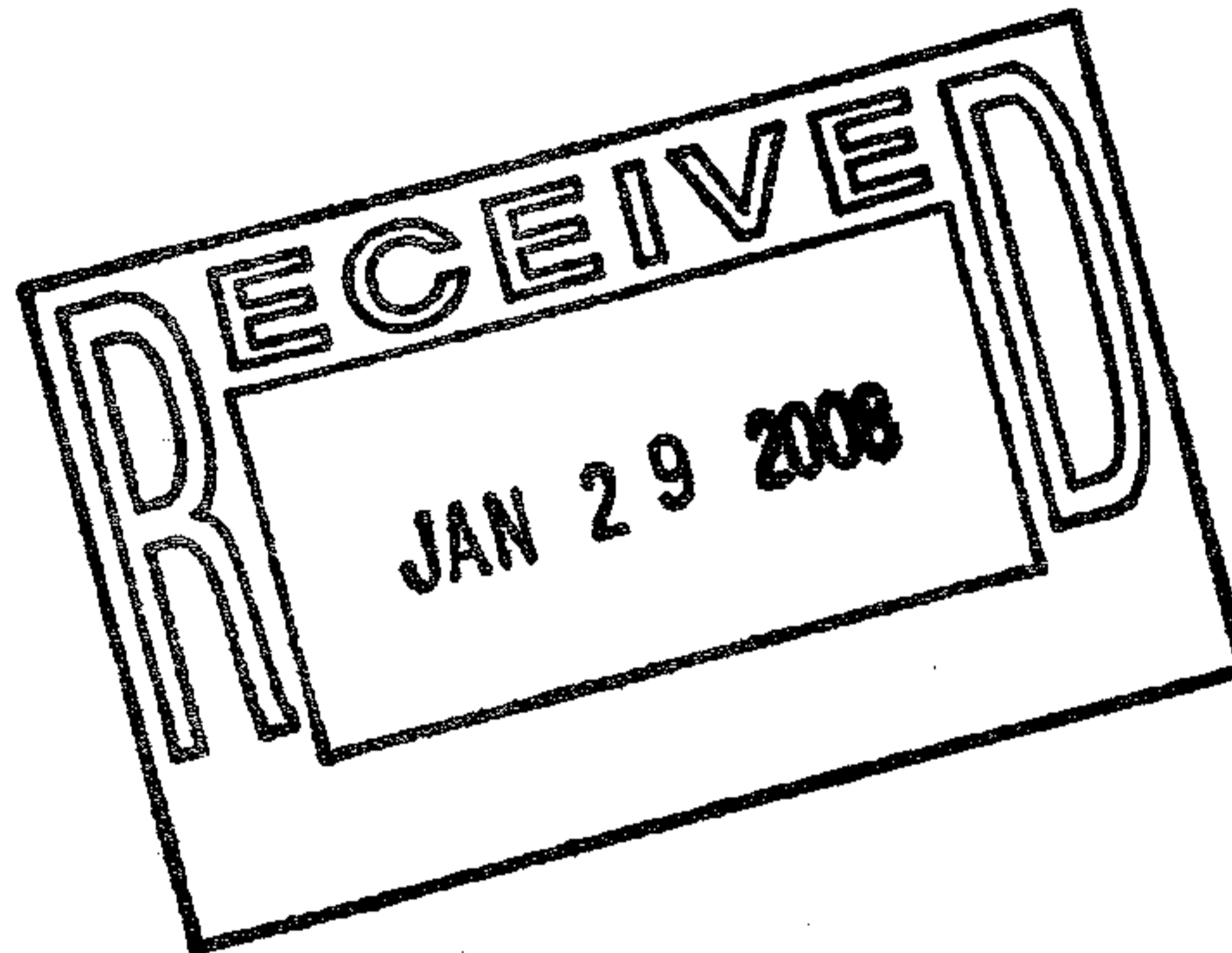
- **Odors, noise and dust** (will the project generate odors, noise or dust during construction or during operation): L.G. Everist has provided dust abatement and noise abatement practices. Their proposed dust control would include chemical stabilizers (magnesium chloride) & watering; and their proposed noise mitigation measures would include equipment design & selection and path control (e.g. berms, vegetation, stockpiles). Cross Creek Stables is located just to the east of the proposed operation and their Veterinarian has commented on the potential effects of dust on horses. The noise issue would be quite broad, in that it includes the increased rail traffic, engines and material transfers, in addition to conveyors, equipment and truck traffic. The potential for elevated levels of airborne particulates and increased noise generation (from many sources) is a major concern contained in the petition. The Public Health & Wenck comments support the need for further study in these categories.
- **Nearby resources** (are the following resources on or in proximity to the site: archaeological resources, prime or unique farmlands, designated parks, recreation areas or trails, scenic views and vistas other unique resources): L.G Everist has applied for a variance to exceed the limitation on prime ag land. The 2020 Comp Plan identifies Miller Lake as a future open space search area.
- **Visual impacts** (will the project create adverse visual impacts during construction or operation): This category is typically related to glare from lighting or large smoke stacks, which would not directly relate to the applicant's proposal. However, the conveyors & stockpiles would be about 50 feet in height so the visibility of the proposed rail-storage uses would be inevitable and further study may be warranted. L.G Everist has provided 2 view-scape illustrations and a preliminary landscaping plan that includes evergreen plantings along the northerly and southerly portions of the property but the neighboring landowners have identified this as a major concern.
- **Cumulative impacts** (anticipated future projects or reasonably foreseeable future projects): It appears that about 1/3 of the site would be utilized initially; however, the entire 43.88 acre site would be graded and prepared for rail-based transloading & storage. L.G. Everist has been forthright about potential future uses, which may include rail spurs, warehousing, magnesium chloride & fly ash storage, ready mix or asphalt plants and similar commodities and/or uses. The EAW decision will need to be based on the consideration of future cumulative effects.

In summary, the Board needs to consider all of the evidence presented and the decision must be based on: the type, extent, and reversibility of environmental effects; the cumulative potential effects of related or anticipated future projects; the extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority; and the extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other EISs.



**Environmental Quality Board**

658 CEDAR STREET  
ST. PAUL, MN 55155  
PHONE: 651-297-1257  
FAX: 651-296-3698  
TTY: 800-627-3529  
WWW.EQB.STATE.MN.US



January 25, 2008

Steve Just  
Carver County Land Management  
600 East Fourth Street  
Chaska, Minnesota 55318-2158

RE: Petition for an Environmental Assessment Worksheet (EAW) for the L.G. Everist  
Gravel Transload Station

Dear Mr. Just:

The Environmental Quality Board (EQB) has received a petition requesting that an EAW be prepared on the project described in the petition, and has determined that Carver County is the appropriate governmental unit to decide the need for an EAW. The requirements for environmental review, including the preparation of an EAW, are found in the Minnesota Rules, parts 4410.0200 to 4410.7800.

The procedures to be followed in making the EAW decision are set forth in part 4410.1100. Key points in the procedures include:

1. No final government approvals may be given to the project named in the petitions, nor may construction on the project be started until the need for an EAW has been determined. Project construction includes any activities which directly affect the environment, including preparation of land. If the decision is to prepare an EAW, approval must be withheld until either a Negative Declaration is issued or an Environmental Impact Statement (EIS) is completed (see part 4410.3100.)
2. A first step in making the decision regarding the need for an EAW would be to compare the project to the mandatory EAW, EIS and Exemption categories listed in Parts 4410.4300, 4410.4400, and 4410.4600, respectively. If the project should fall under any of these categories, environmental review is automatically required or prohibited. If this should be the case, proceed accordingly.
3. If preparation of an EAW is neither mandatory nor exempted, the county has the option to prepare an EAW. The standard to be used to decide if an EAW should



be done is given in part 4410.1100, subp. 6. Note that this requires that a record of decision including specific findings of fact be maintained.

4. You are allowed 30 working days (Saturdays, Sundays and holidays do not count) for your decision if it will be made by a council, board, or other body which meets only periodically, or 15 working days if it will be made by a single individual. You may request an extra 15 days from EQB if the decision will be made by an individual.
5. You must notify, in writing, the proposer, the petitioners' representative and the EQB of your decision within five working days. I would appreciate your sending a copy of your record of decision on the petition along with notification of your decision for our records. This is not required, however.
6. If for any reason you are unable to act on the petitions at this time (e.g., no application has yet been filed or the application has been withdrawn), the petitions will remain in effect for a period of one year, and must be acted upon prior to any final decision concerning the project identified in the petition.

Notice of the petitions and its assignment to your unit of government will be published in the EQB Monitor on February 11, 2008.

If you have any questions or need any assistance, please do not hesitate to call. The phone number is (651) 201-24773.

Sincerely,



Jon Larsen, Principal Planner  
Environmental Review Program

cc: Kim Wolf, petitioners' representatives

**PETITION  
FOR AN ENVIRONMENTAL ASSESSMENT WORKSHEET (EAW)\***

TO: Minnesota Environmental Quality Board (EQB)  
Attn: Jon Larsen  
300 Centennial Office Building  
658 Cedar Street  
St. Paul, MN 55155

Pursuant to Minnesota Rule 4410.1000, Subpart 3.B., the undersigned petitioners, for their Petition for an Environmental Assessment Worksheet (EAW), state and allege as follows:

**A. PROJECT DESCRIPTION.** LG Everist Gravel Transload Station by L. G. Everist, Inc. plan for PID # 040080710, Hwy 212, Cologne, MN 55322.

L. G. Everist Inc., a company with mines and distribution sites nationwide, is proposing to develop a rail-based commercial storage and transfer facility to import and export aggregates and similar commercial commodities on a 43.88 acre property that would be purchased from the Donald & Doreen Lenzen Trust. The subject site is located in the SW ¼ of Section 8 of Dahlgren Township, and is currently used as cropland. It is located on the northerly side of Hwy 212 and on the southerly side of Twin Cities & Western Railroad (TCW). The property is in the Agricultural Zoning District, and the Carver County WMO (Carver Creek Watershed). The northeasterly 14± acres of the parcel is within the Miller Lake Shoreland Overlay District, and is located approximately 350 feet from Miller Lake. *Located in tab 2*, Maps of location of proposed site, (marked page 4-7), aerial overlay of project on site photo, and shoreland overlay on site photo.

**Phase one** of the applicant's proposal is to stockpile approximately 60,000 tons (43,000 cubic yards) of aggregate on the site in 7 or more piles approximately 50 feet in height. The sales are estimated to require 130 average daily heavy truck trips in and out of the site with projected total annual sales of 200,000 tons.

The applicant is proposing future phases for development and operation. The applicant has indicated these may include the following:

- Transloading and scale ticketing of cement, fly ash (a hazardous waste product), and hydrated lime stored in overhead silos.
- Transloading and scale ticketing of magnesium chloride and calcium chloride.
- Leasing of plant site and supply of aggregates for a Ready Mix Customer.
- Leasing of plant site and supply of aggregates for an Asphalt Customer.
- Storage of "other" commodities for "other" customers.

*(Transloading, in this instance, consists of transferring from train to storage to truck, or truck to storage to truck.)*

The applicant owns and operates several other distribution yards, photos and available commodities listed are *located in tab 7*.

**B. PROJECT PROPOSER.** L. G. Everist Inc. P. O. Box 5829, Sioux Falls, SD 57117

**C. PETITIONERS' REPRESENTATIVE.** Kim Wolf, 8780 Hwy 212, Cologne, MN 55322

**D. BRIEF DESCRIPTION OF THE POTENTIALLY SIGNIFICANT ENVIRONMENTAL EFFECTS:**

**Wetland**—A 2+ acre wetland on the proposed development parcel of 43+ acres will be impacted by changing the natural topography of the land as a result of regrading the property to make the site useable for the Everist operation. This regrading will significantly alter the present characteristics of the water flow toward the wetland. This wetland continues on the eastern neighboring parcel, which will subsequently be negatively impacted by altering the watershed of the portion on the proposed site.

**Lake**—14 acres of the 43+ acres proposed for development is within an area regulated by Bluffland Shoreland regulations. These regulations are designed to protect the adjacent Miller's Lake from environmental impacts. The prevailing winds in the area will carry any airborne particulate either directly to the lake, or surrounding flora where it would be washed or blown to lake or surrounding wetlands.

**Erosion**—Changes in topographical structuring will affect the existing adjacent topography by changing the current wind flow patterns. The developer further proposes tree plantings on the north and south borders of the parcel, leaving the east and west borders "open", further altering wind patterns. An approximately 1,404,810 square foot area, (32.25 acres), of open gravel surface with high crosswinds will allow uncontrolled dust to be blown on to neighboring properties. The large open surface allows for significant site erosion during any rain event.

**Storm Water Runoff**—An open area of approximately 1,404,810 square foot, (32.25 acres), surface area is proposed to feed into two storm water holding ponds located on the lowest part of the property and immediately north of Highway 212. A study of holding capacity of ponds and possible run-off from this acreage of event storms of 5, 10, 25, 50 or 100 years has not been done.

**Wild Life impacts**—The existing open farm land provides corridor for area wildlife to connect to water and food sources north and south of highway 212 and Miller's lake. Also, horse boarding facilities directly east of the proposed project will experience a significant increase in noise generated at the project site and traveling to the horse boarding facilities. Some of the noises will be of a sudden nature which may startle the horses, while other noises may have a characteristic pitch which frightens horses. This type of noise may have the effect of increasing the probability of precipitating injury to horses and riders. Dust generated at the site and carried easterly by the wind will have a negative impact on the horses' health.

**Ground Water contamination**— Extensive grubbing and excavation is proposed to the site. Plans are to remove as much as 16 feet of existing earth off portions of the site. There are currently no reports on soil depth to water table in this area, nor any that address the scope, scale, depth or volume of grading for this site. Estimates are that a minimum of 100,000 cubic feet of earth will be moved to achieve the site grading in the Everist proposal.

Diesel fuel exhaust particulate will also be washed into the soil. (Diesel exhaust components are discussed extensively in the air quality section.)

The project proposes, in a future stage, the storage and transfer of fly ash, hydrated lime, magnesium chloride, calcium chloride and other materials (unnamed at this time, but left entirely open) and the project applicant does not discuss the handling, delivery or transfer method associated with these products.

The Project site surface is gravel, not impervious surface, used by loading/transfer machinery and heavy trucks. The Project will utilize vehicles that must be fueled on-site, but does not designate a fueling area or discuss fueling procedures. The northern section of site is within the shoreland overlay boundaries of

Miller's Lake. The applicant does not address anywhere in their application how they would propose to handle or mitigate an accidental spill of any of the materials listed above.

**Soil Contamination**—The same as ground water.

**Increased vehicle traffic**—The Project proposes initial phase to include 130 heavy truck trips per day, exclusive of 10 employees' and any service vehicles. All of this traffic is proposed to use the existing driveway and highway access currently serving 3 residential homesteads.

**Decreased Air Quality**—The Project proposes a site with at least seven uncovered aggregate stockpiles which will be 50 feet in height. In addition, the site will need conveyors greater than 50 feet in height to convey the material from train cars onto the stockpiles. Everist is proposing to be operating 11 hours per day, 6 days per week, in an area of prevalent winds. Granite, aggregate and other particulate and diesel emissions from train engine, heavy trucks and loading equipment will be continually borne aloft.

**Noise**—Train: engine, car couplers, brake air release and belly dump gates  
Truck: engine, exhaust brakes, air brakes, transmission, back up alarms  
Loaders: engine, back-up alarms  
Conveyors: belt and pulley screech  
Run out pipes: vibration of product in huge metal tubes  
Train cars emptying contents into a hopper under or beside tracks  
Site operation proposed 11 hours per day, 6 days per week per the Phase One outline

**Odors**—The diesel exhaust will be the prevalent aroma of the countryside

**Visual Impacts**—Per the L. G. Everist Application in which they state that their intention is to Stockpile Aggregate in 50' piles, necessitating conveyors and run-out chutes which will be higher than 50 foot high aggregate storage plies. They also propose to store other commodities in silos and propose to mitigate the view of these items with berms of unspecified height and 5' tall trees. To date we have not seen any landscaping plan which would have the effect of mitigating any of the significant visual impacts of this proposed project on the adjacent rural residential properties and the horse boarding business.

# L.G. Everist, Inc.

## SITE DEVELOPMENT AND OPERATIONAL PLAN

OPERATOR: L.G. EVERIST, INC.  
SITE NAME: Lenzen Property – Carver County, MN  
PERMIT:  
USE: Transload and Storage Facility

### SITE DEVELOPMENT

1. **Phase 1** - Provided that all permitting issues are approved by March 31, 2008, L.G. Everist will begin site preparation on May 1, 2008. This work will include clearing and grubbing, grading, construction of the sediment and filtration ponds, construction of the access road, preparation of the aggregate stockpile base, and construction of the berms/screening. We anticipate 60 days to complete this work.
2. **Phase 2** – L.G. Everist will begin on the track work necessary to construct the rail siding(s) and aggregate unloading system on June 1, 2008. The rail siding will be constructed jointly with the TCW within their right of way and/or within the limits of our proposed site. We anticipate 60 days to complete this work.
3. **Phase 3** – L.G. Everist will begin assembly of the run out conveyor system and placement of the stockpile conveyors on July 1, 2008 after the site grading has been completed and during construction of the rail siding(s). We will also mobilize the temporary office trailer, portable restrooms, and truck scale at this time. We anticipate 30 days to complete this work.

### ANTICIPATED FUTURE DEVELOPMENT

1. **Phase 4** – L.G. Everist anticipates additional opportunities to transload other bulk commodities delivered from the TCW however, does not have any specific products or services under contract at this time. Depending on the future transload product or service type, additional rail and temporary storage structures may be required onsite. Since those products are unknown at this time, it is difficult to provide any details other than we are allocating room for additional transload and storage opportunities.

At other locations where we operate a similar facility, we provide the following transload and supply services;

- a. Transloading and sales of aggregates stored in outdoor stockpiles.
- b. Transloading and scale ticketing of cement, fly ash, and hydrated lime stored in overhead silos. (photo attached)
- c. Transloading and scale ticketing of grain products direct from railcars to shipping containers.
- d. Transloading and scale ticketing of magnesium chloride and calcium chloride stored in tanks.

- e. Leasing of plant site and supply of aggregates for a Ready Mix customer.
- f. Leasing of plant site and supply of aggregates for an Asphalt customer.

Each of these commodities requires a unique track design and transload terminal layout therefore any additional track leading into the facility will be designed when and if such a contract(s) should develop. The site plan has been modified to show a possible track configuration for future transload terminals.

2. **Phase 5** – L.G. Everist will initially operate out of a temporary office trailer with portable restrooms and a truck scale. We will operate with these facilities until our business grows and we determine what type and how much office space will be required for our own employees as well as any future business opportunities that may require office space. A permanent office building will be designed and constructed at that time under a separate building permit to accommodate those needs. An onsite well and sewer system will also be designed at that time. The site plan has allocated an appropriate area for future onsite sewer

### **OPERATIONAL PLAN**

1. Our general hours of operations are proposed to be 7:00 a.m. to 6:00 p.m., Monday through Saturday.
2. Our aggregates will be shipped to the site in 114 ton railcars via the TCW railroad. When the loaded train arrives onsite, the cars will be spotted on the newly constructed rail track for unloading. Once spotted, the rail cars will be unloaded one car at a time with the train progressing forward until all carloads have been unloaded. Open top hopper railcars will be unloaded through bottom dump doors into a hopper located under the track and conveyed to their designated stockpile location. Gondola railcars will be unloaded using car-topper equipment into a hopper or truck and either conveyed or trucked to their designated stockpile location. This slow moving progression of unloading the railcars will allow for movements under reduced locomotive power and therefore are much quieter than locomotives under full power at higher speeds.
3. To meet our forecasted sales volumes, we are currently planning to ship approximately 6,000 tons/week into the facility during the construction season of April through October. The train lengths will vary depending on demands however, in general we will start with blocks of 25-30 rail cars shipped to the site for unloading twice per week. As sales and inventory demands increase, we will increase the number of cars per train and trains per week accordingly. In general, 114 ton railcars will be unloaded at an average rate of 4 cars/hour therefore a 30 car train can be unloaded in an 8 hour period.
4. The stockpiled aggregates will be then be loaded onto customer's trucks using a front end wheeled loader. The loaded trucks will then proceed to the truck scale where they are weighed and ticketed before exiting the site to their final destination. This equipment and its locations are reflected on the site plan.



January 9, 2008

Mr. Steve Just  
Land Management Department  
Carver County  
600 East 4th Street  
Chaska, MN 55318

Re: Addendum to the CUP Application for Rail-Based Storage Facility on PIN  
040080710

Dear Steve:

L.G. Everist, Inc. ("L.G. Everist") has received your email sent on January 2, 2008 requesting additional information as an addendum to our CUP Application. We are pleased to submit the following information and clarifications as an addendum to our CUP Application:

1. **Site Development and Operational Plan** - L.G. Everist has prepared and attached a stand-alone Site Development and Operational Plan as requested. This plan details development of our site in scheduled phases and also provides a more detailed narrative of our on-site operations.
2. **Clarification of Dust Control** - In our application, we refer to using water to control dust emissions as part of our Best Management Practices for Dust Abatement. Based on our experience, we do not anticipate significant dust emissions from the aggregate stockpiles. However, should this condition occur, we will bring water in via a water truck from an offsite source to wet the stockpiles as necessary.
3. **Clarification of Noise Mitigation** - Our proposed site is located directly adjacent to the TCW railroad track along the northern perimeter. Three to four trains per day currently utilize this track traveling at 25-30 mph. To the south, our property borders heavily traveled TH 212. The TCW rail traffic and TH 212 truck traffic currently create an elevated level of ambient noise at the proposed site. Noise created on-site will be managed through limited hours of operation, berming, maintenance of natural buffers, placement of mechanical conveyors systems at the north side of the property and use of noise-deadening technology, such as vulcanized rubber conveyor belts and bbs-tek broadband back up alarms. Please see the attached Best Management Practices for Noise Abatement.
4. **Aggregate Volume Forecasts** - Because the Twin Cities Metro market is a relatively new market for L.G. Everist, it is difficult for us to accurately forecast

sales volumes. To the best of our ability, we are forecasting aggregate sales of 200,000 tons per year for the first five years of operation beginning in 2009. We feel this could increase approximately 50,000 tons per year in years 5 – 10. These volumes will be market driven and are affected greatly on the rate of depletion of aggregates reserves in the Twin Cities Metro area as well as the need for high quality (granite) construction aggregates in the market area.

5. **Estimated Average Daily Trips (ADT)** - We have calculated our estimated ADT of 130 by taking our forecasted annual sales volume of 200,000 tons, dividing it by 8 months (construction season) then by 4 weeks/month and again by 5 days/week to arrive at an average daily volume of 1,250 tons. We assumed an average truck capacity of 20 tons giving us 62.5 trucks needed to haul 1,250 tons/day (this was then rounded up to 65 trucks). This estimated ADT is market driven and therefore will vary depending on what projects and customers we are actively supplying to on any given day. Weather conditions will also affect truck traffic into our facility. We have no data indicating consistent daily peaks in truck traffic other than it is very common to have a peak at the beginning of the business day during the construction season.
6. **Private Rail Crossings** - The private rail crossing located near the NE corner of the property provides access to the home located north of the TCW track. If a rail siding is constructed parallel to the TCW track this private crossing could be blocked during railcar spotting and unloading. There are several ways to address this issue and we have been working with the TCW on a design alternative that will allow access to that property during our unloading operations. We hope to have an alternative design addressing this issue within the next few days.

We would like to schedule a time with you on Friday of this week or Monday of next week to go over our CUP application and addendum in more detail and address any further questions you may have. Please let me know what day and time works best for you to meet. In the mean time, should you have any questions or require any further information from L.G. Everist, please do not hesitate to give me a call.

Sincerely,

Matt J. Ellefson  
L.G. Everist, Inc.

Direct Dial: (605) 330-6581  
Cell Phone: (605) 366-2829  
Email: [mjellefson@lgeverist.com](mailto:mjellefson@lgeverist.com)



# L.G. Everist, Inc.

## BEST MANAGEMENT PRACTICES DUST ABATEMENT

OPERATOR: L.G. EVERIST, INC.  
SITE NAME: Lenzen Property – Carver County, MN  
PERMIT:  
USE: Transload and Storage Facility

1. Finished product aggregate stockpiles shall be watered as necessary to control any emissions, if the moisture in the materials is not sufficient to control fugitive particulate emissions during material handling (i.e. un-load, conveying, load-out).
2. Conveyor systems are equipped with water spray systems to be used as necessary to control emissions.
3. Vehicle speed on-site (which may include paved and unpaved roads and service areas) shall not exceed a maximum of 25 mph. Speed limit signs shall be posted.
4. Unpaved roads and service areas shall be watered as often as necessary to control fugitive particulate emissions so that there shall be no off-property transport of visible emissions.
5. If watering is insufficient to control fugitive particulate emissions on unpaved haul roads and service areas, then those areas shall be treated with chemical stabilizers (i.e. magnesium chloride) per manufacturers' specifications.
6. Site access entryway 100 feet into the site will be treated with chemical stabilizers (i.e. magnesium chloride) per manufacturers' specifications.

# L.G. Everist, Inc.

## BEST MANAGEMENT PRACTICES NOISE ABATEMENT

OPERATOR: L.G. EVERIST, INC.  
SITE NAME: Lenzen Property – Carver County  
PERMIT:  
USE: Transload and Storage Facility

1. Hours of operation - 7:00 am to 6:00 pm Monday thru Saturday. (Occasionally equipment maintenance or administrative work will be performed beyond 6:00 pm.)
2. Reduction of Noise at the Source – Reducing the source sound emissions results in the most desirable effect; particularly when it is included in the equipment design prior to installation. Through over 100 years of experience, L.G. Everist, Inc. has engineered and selected railcar unloading and conveying equipment that reduce source sound emissions. Offering lower source emissions through equipment design and selection often times preempts the need for alternate mitigation efforts. Our conveyor belts will be vulcanized to reduce noise and Broadband sound back-up alarms (bbs-tek) will be installed in our loaders in lieu of traditional back-up beepers. (<http://www.reverseinsafety.co.uk/bbs-tek/bbs-tek.html>)
3. Path Control - Berming and vegetation will be provided along the perimeter of the property to block and absorb the direct path of the sound and reduce emissions from traveling off site. The aggregate stockpiles also offer great reductions to noise emissions since they are placed very close to the equipment sources and are relatively very large in height and length. (Properly designed noise barriers can offer reductions in sound level of up to 10 – 15 dB).

**PEGASUS VETERINARY SERVICE, PA**  
**ROBERT J. NEITZKE, D.V.M.**  
6025 County Road 26  
Mound, MN 55364

February 05, 2008

To Whom It May Concern,

This letter is in reference to the aggregate / gravel operation that is proposed near Cross Creek Stables in Cologne, Minnesota.

It is my opinion that the dust generated by this operation and the associated trucking would threaten and/or impair the health of the horses at Cross Creek Stables. The equine respiratory system is prone to developing problems as the result of exposure to dust. Chronic exposure to dust can result in a condition called Chronic Obstructive Pulmonary Disease. This condition can result in the loss of the use of the horse and in some cases, even result in the death of the horse.

If you have any questions regarding this matter, please feel free to contact me at my office by calling 952.472.7389 or by responding to the address noted above.

Sincerely,



Robert J. Neitzke, DVM



219 East Frontage Road  
Waconia, MN 55387  
Phone: 952-442-5101  
Fax: 952-442-5497

<http://www.co.carver.mn.us/departments/LWS/swcd.asp>

*Mission Statement:* Providing high quality assistance to the land managers and citizens of Carver County for the protection of land and water resources.

February 12, 2008

Steve Just  
Land Management, Carver County Land & Water Services Division  
600 Fourth Street East  
Chaska, MN 55381

RE: LG Everist Transfer Station EAW

Dear Mr. Just:

This letter is in response to the EAW petition that I received on February 5, 2008.

The Carver SWCD works with landowners and land managers to protect, and enhance soil and water quality in Carver County. While items such as noise, dust, and air quality are important items that need to be addressed, our agency concentrates on soil and water quality.

Based on the materials received to date, the Carver SWCD would like to see more information provided on the following items:

- Grading plan – the proposal is to drastically change the existing topography of the site. Information should be provided on how this grading would be done, including but not limited to: erosion and sediment control plans, phasing of grading, stormwater management during grading, soil borings, and topsoil placement. These issues will need to be addressed as part of the NPDES permit.
- Drainage – in addition to properly handling stormwater during grading of the site, additional information should be provided that details the drainage off the site pre construction vs. post construction. Is there existing drain tile on this site? How will the drainage be altered post construction? The runoff curve numbers from this site could change dramatically from the existing conditions. Will additional water quality treatment be needed beyond stormwater ponds to treat runoff from the proposed stock piles (contents of future stock piles should be identified).
- Water quality – In addition to the above mentioned drainage issues, there is potential for negative water quality impacts from the transfer of material from the rail cars to the stock piles. Again, the severity of this will depend on the materials being transported, including possible future materials that may be handled at this site. The applicant should provide details on how water quality will be protected in this area.
- Wetland impacts – What are the applicants avoidance and/or mitigation plans? How will the changing drainage patterns impact adjacent wetlands?

Thank you for considering these comments as part of the EAW process, please contact me if you have any questions regarding this letter.

Sincerely,

Mike Wanous  
Manager, Carver SWCD



Wenck Associates, Inc.  
1800 Pioneer Creek Ctr.  
P.O. Box 249  
Maple Plain, MN 55359-0249

(763) 479-4200  
Fax (763) 479-4242  
E-mail: wenckmp@wenck.com

February 19, 2008

Steve Just  
Department of Land Management  
Carver County Land and Water Services Division  
600 Fourth Street East  
Chaska, MN 55381

RE: LG Everist Transfer Station EAW

Dear Mr. Just:

Wenck Associates, Inc. (Wenck) received and reviewed the citizens petition requesting that an EAW be completed for the proposed LG Everist Transfer Station project site in Cologne, Minnesota.

Based on the materials contained in the citizen's petition, Wenck believes the following issues with aggregate and other products may have the potential for significant environmental impacts:

**Noise Associated with Material Transfer:** The transfer of materials at the site, which has been initially identified as aggregate but may include other materials in the future, has the potential to significantly increase noise at the project site. The additional rail road traffic, engines, loading and off-loading of rail cars, the storage and transport of aggregate or other materials on the site through conveyor belts and machinery, and the loading and/or travel patterns of increase heavy truck traffic to transport material off site all have the potential to significantly increase noise at the project site.

**Airborne Dust Associated with Material Transfer:** The unloading and loading of materials on site and the transport of stockpiled materials on site through the use of conveyor belts and heavy equipment has the potential to increase the amount of airborne dust and particulate that may create environmental impacts to surrounding property. An air permit assessment that includes conducting an emissions calculation could be conducted within the EAW process to determine the potential air quality impacts resulting from site activities.

**Traffic Associated with Material Transfer:** The transfer of materials off site is proposed to take place using heavy trucks. Heavy trucks entering and leaving the site have the potential to impact local traffic patterns and/or intersection safety for vehicles and pedestrians. The need for traffic improvements and their associated costs, including but not limited to acceleration lanes, turn lanes and/or by-pass lanes, as a result of the proposed site activities should be explored as part of the site traffic impacts analysis.

**Sediment Transport:** The storage of materials on site, such as aggregate stockpiles, creates the potential for significant amounts of sediment transport off site as a result of storm events or wetting of stock piles for dust control. Miller Lake is a potential downstream receiving water

body from the railroad property that is listed as impaired for excessive nutrients on the Minnesota Pollution Control Agency Impaired Waters 303(d) list. The transport of additional sediment and nutrient loads is a potential impact and preventative and protection measures to be used on site should be detailed.

**Water Supply:** The proposal to manage materials on site includes the wetting of stock piles for dust control. Water supply for wetting and site activities would require an appropriation permit from the Minnesota Department of Natural Resources. Additional details describing the proposed amount of water consumption as a result of site activities should be provided.

**Other Water Resources Impacts:** In addition to the above mentioned concerns regarding sediment transport off site and water consumption, the proposed site activities have the potential to impact of water resources adjacent to the project site. Additional details describing measures taken to minimize and/or avoid impacts to wetlands and downstream receiving waters should be provided. Carver County has specific storm water management requirements controlling runoff rates, volume and water quality that will need to be properly addressed at the project site.

**Fly Ash Storage:** Fly ash is a regulated solid waste in Minnesota and has a limited amount of permitted uses. Fly ash is a very fine material that is easily airborne when dry and is also a corrosive substance that causes irritation when in contact with skin. As a result, requirements for handling fly ash typically include specific methods such as pneumatic containers and transport systems to prevent airborne release. The proposed handling methods and management plan for fly ash should be described and reviewed for the proposed site.

Please contact me at 763.479.2209 or Jeff Madejczyk at 479.4263 if you have any questions or require any further information in regards to the comments provided.

Sincerely,

Kent Torve, P.E.  
Wenck Associates, Inc.



CARVER  
COUNTY

**Carver County Public Health**  
Government Center, Administration Building  
600 East Fourth Street  
Chaska, MN 55318-2102  
Phone (952) 361-1329  
Fax (952) 361-1360

Del Hurt, Division Director

February 19, 2008

Steve Just  
Carver County Land & Water Services Division  
600 Fourth Street East  
Chaska, MN 55318

**RE: LG Everist Transfer Station EAW**

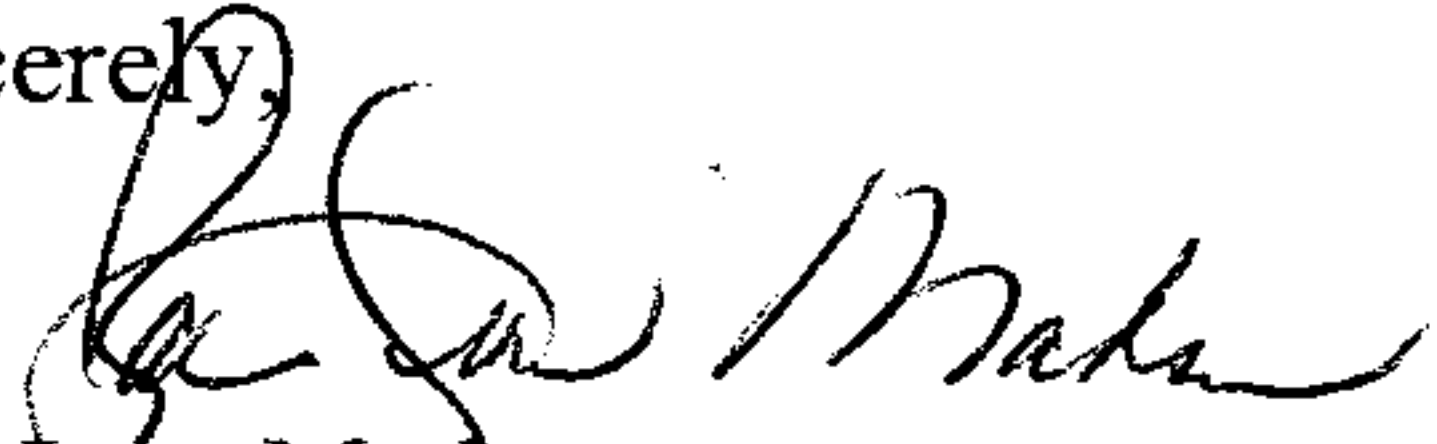
Dear Mr. Just:

This letter is in response to the EAW petition for the above named project. There is a growing body of evidence that design of the built environment influences the physical and mental health of residents. Design aspects include water and air quality, physical activity and safety, social capital and health equity. Promoting healthy communities is a concern for both planning and public health. The Carver County Public Health Division staff has been trained to conduct Health Impact Assessments (HIAs). Using a HIA checklist to review this project, we have identified the following issues of concern and request a more in-depth HIA be completed:

- **Safety:** The proposed 130 truck trips per day plus other service and supply trucks and employee vehicles may create safety hazards as they enter and exit Highway 212 using the existing residential driveway. This increased traffic congestion may endanger other drivers and nearby residents.
- **Noise:** The proposed loading and unloading of trucks and railcars, and the operation of machinery on site to pile and distribute the materials will potentially increase the noise level on and near the site substantially. Coupled with the eleven hours a day/six days per week operation, this noise level may be a nuisance and negatively impact the mental and physical health of the nearby residents.
- **Air Quality:** It appears dust/airborne particulate will be generated on site from the outdoor activities including: loading and unloading of materials (granite, aggregate and other) from railcars and trucks, and handling of the materials on site. Vehicle traffic on the unpaved roadways will also generate dust. The daily train trips will increase from three per day increasing the levels of diesel exhaust. The trucks, other vehicles and machinery operating on site will generate additional diesel exhaust, especially while idling in cold weather.
- **Social Capital:** The proposed change of land use from agricultural to industrial will reduce the interaction between neighbors and the ambience of the landscape. Both will have an effect on the mental health and sense of place of the nearby residents. In addition, there is the potential stress of the economic impact on the land values and the surrounding businesses.

Thank you for considering these comments as part of the EAW process. Please contact me if you have any questions.

Sincerely,

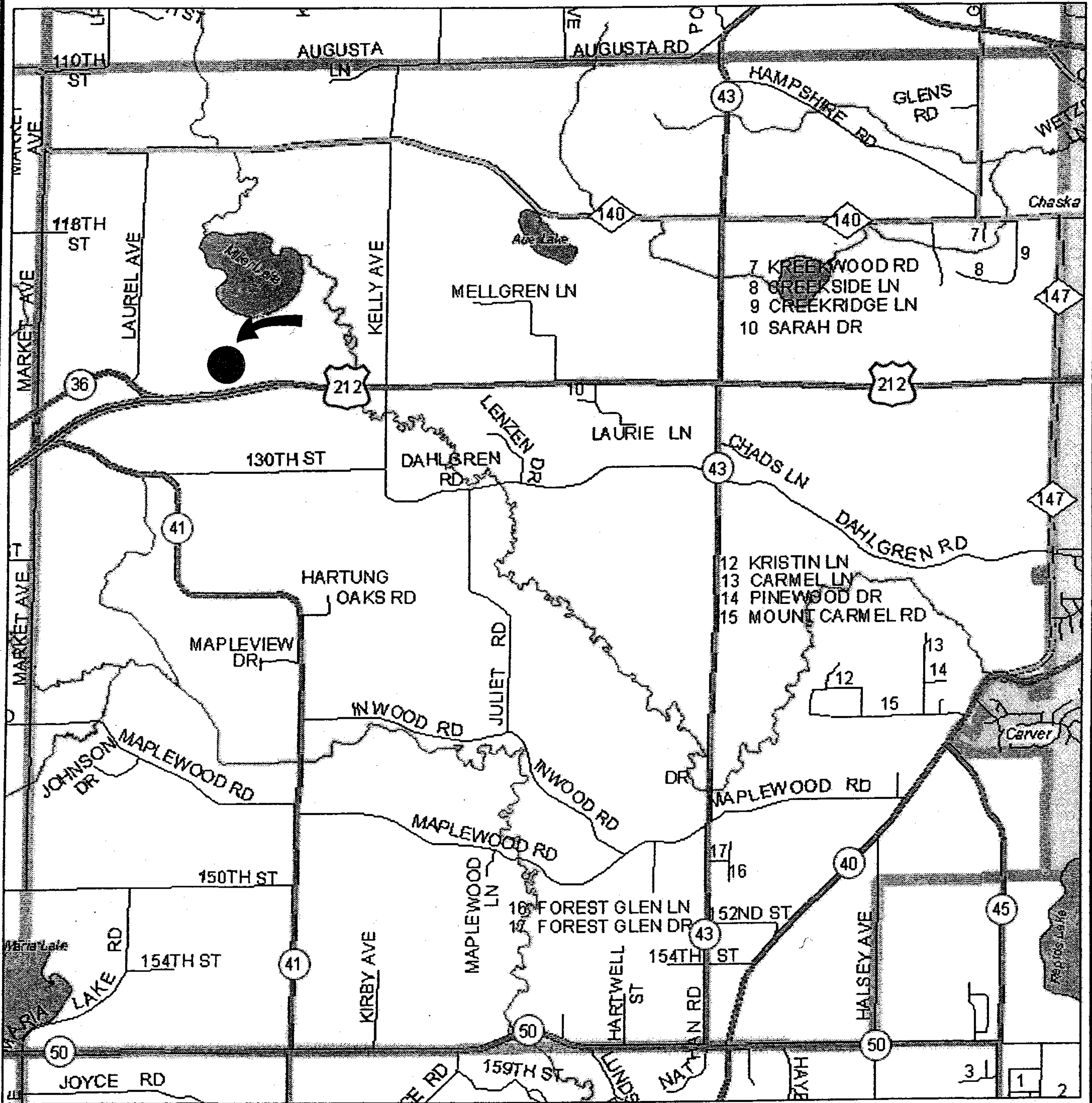
  
Rae Jean Madsen

Manager, Planning and Development [www.co.carver.mn.us](http://www.co.carver.mn.us)

Equal Opportunity Employer

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# Dahlgren Township



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

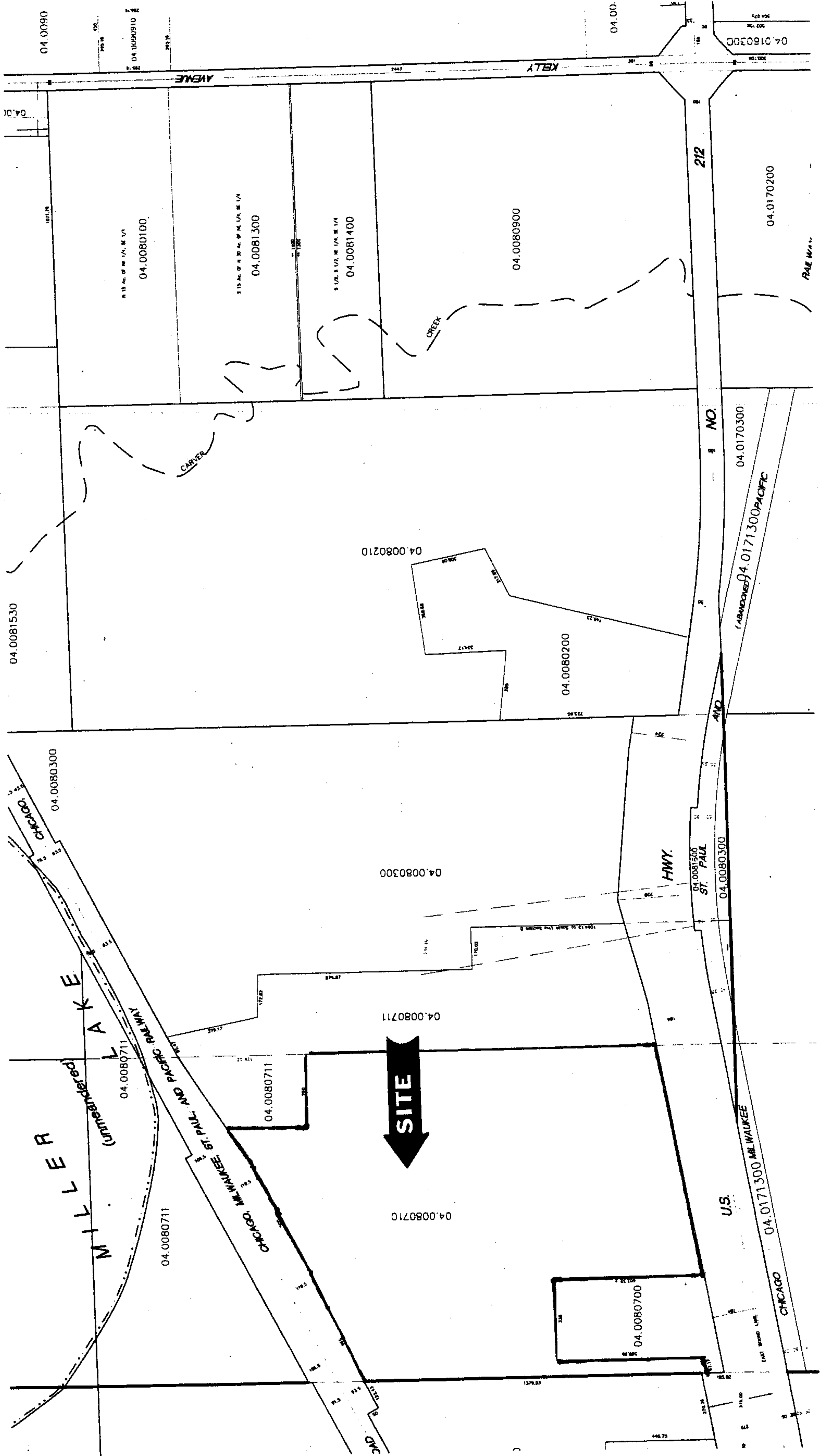


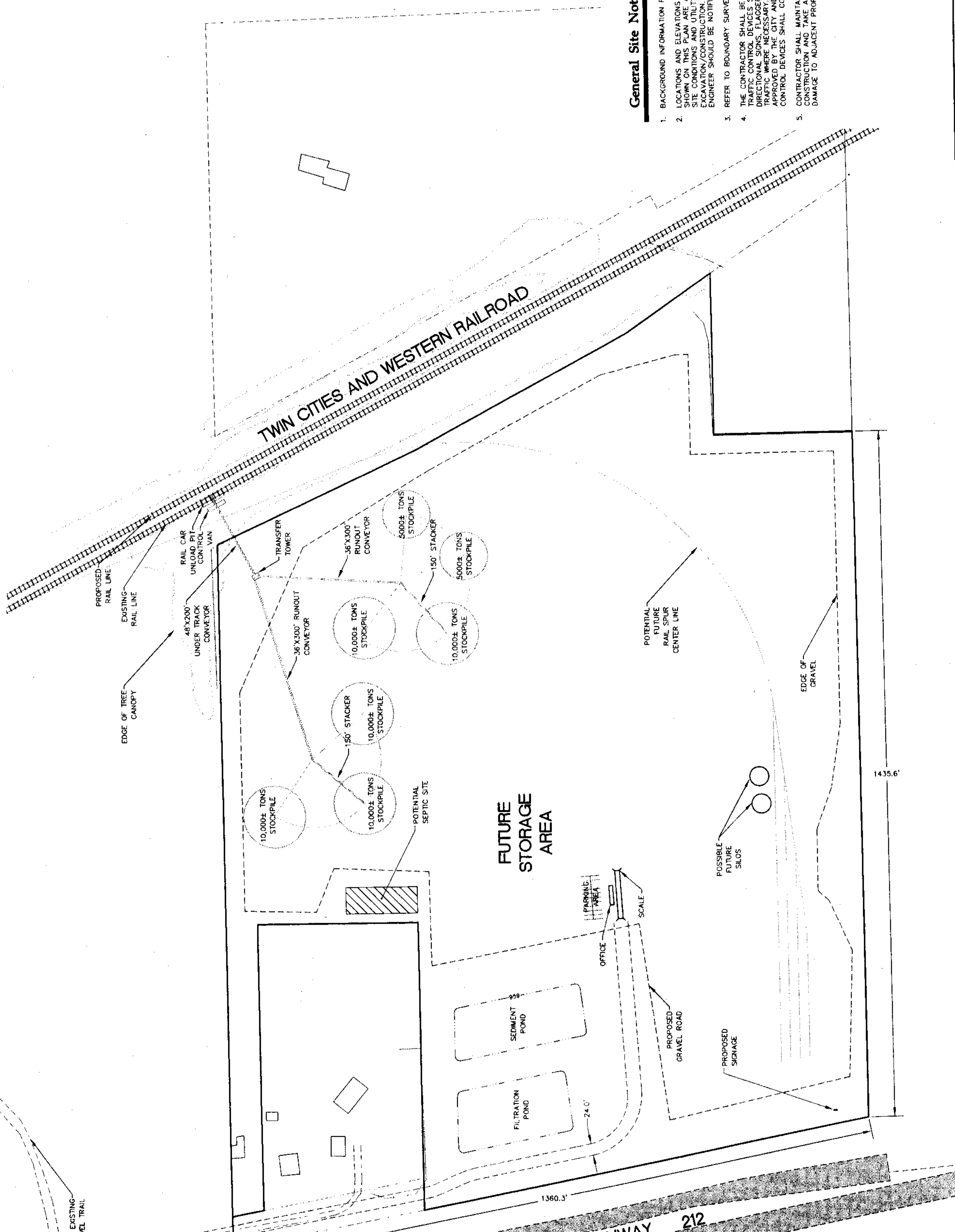
Map Created by Carver County GIS  
Apr 21, 2005



# S 1/2 SEC. 8, T.115, R.24

THIS IS NOT A LEGALLY RECORDED PLAT  
 AS THEY APPEAR IN THE CARVER COUNTY  
 OFFICES AND OTHER SOURCES. THIS MAP  
 PURPOSES. THE COUNTY AND ITS AGENTS  
 ARE NOT RESPONSIBLE FOR ANY  
 MISMATCHES CONTAINED THEREIN.





**General Site Notes**

1. BACKGROUND INFORMATION FOR THIS PROJECT PROVIDED BY WESTWOOD.
2. LOCATIONS AND ELEVATIONS OF EXISTING TOPOGRAPHY AND UTILITIES AS SHOWN ON THIS PLAN ARE THE PROPERTY OF THE CONTRACTOR. THE CONTRACTOR SHALL FIELD VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION. IF ANY DISCREPANCIES ARE FOUND, THE ENGINEER SHOULD BE NOTIFIED IMMEDIATELY.
3. REFER TO BOUNDARY SURVEY FOR LOT BEARINGS, DIMENSIONS AND AREAS.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING AND MAINTAINING TRAFFIC CONTROL DEVICES SUCH AS BARRIERS, CONES, SIGNS, DIRECTIONAL SIGNAGE, FLAGMEN AND PARTS TO CONTROL THE MOVEMENT OF TRAFFIC THROUGH THE SITE. THE NECESSARY PLACEMENT OF THESE DEVICES SHALL BE APPROVED BY THE CITY AND ENGINEER PRIOR TO PLACEMENT. TRAFFIC CONTROL DEVICES SHALL CONFORM TO APPROPRIATE MNDOT STANDARDS.
5. CONTRACTOR SHALL MAINTAIN FULL ACCESS TO ADJACENT PROPERTIES DURING CONSTRUCTION AND TAKE ALL PRECAUTIONS NECESSARY TO AVOID PROPERTY DAMAGE TO ADJACENT PROPERTIES.

**NOT FOR CONSTRUCTION**

Date 12/21/07 Sheet 3 OF 5

**Lenzen Property**

Preliminary Civil Site Plan

**L.G. Everist, Inc.**  
INCORPORATED IN THE STATE OF MINNESOTA

Prepared for:

Engineer	
Checker	
Drafter	

Revision:  
 01/07/08 MDCS Comments (S)

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer in the State of Minnesota.  
*Cecilia R. Neft*

Wood Professional Services, Inc.  
 7699 Augustan Drive  
 Eden Prairie, MN 55344  
 PHONE 952-951-9100  
 FAX 952-951-9200