

Carver County Board of Commissioners  
 Regular Session  
 March 4, 2008  
 County Board Room  
 Carver County Government Center  
 Human Services Building  
 Chaska, Minnesota

			PAGE
9:15 a.m.	1.	<ul style="list-style-type: none"> <li>a) <b>CONVENE</b></li> <li>b) <i>Pledge of Allegiance</i></li> <li>c) <i>Public participation (comments limited to five minutes)</i></li> <li>d) <i>Introduction of New Employees</i></li> </ul>	
	2.	Agenda review and adoption	
	3.	Approve minutes of February 26, 2008 Regular Session.....	1-6
	4.	Community announcements	
9:15 a.m.	5.	<b>CONSENT AGENDA</b>	
	5.1	Approval to withhold tax forfeit land for public use .....	7-17
	5.2	Speed Zone study requests .....	18-21
	5.3	Adoption of Carver County Right of Way Plat No. 17 ....	22-23
	5.4	Knife River-aggregate material mining/processing and asphalt plant .....	24-29
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	5.6	2008 Residential survey.....	36-46
	5.7	Authorize contract with AES for BMP GIS tool .....	47
	5.8	Information Services-Metro GIS Address Point Synchronization .....	48
	5.9	Community Social Services' warrants .....	NO ATT
	5.10	Commissioners' warrants.....	SEE ATT
9:20 a.m.	6.	<b>PUBLIC HEALTH</b>	
	6.1	Announcement: United States Environmental Protection Agency Aging Initiative: Building Healthy Communities for Active Living Award .....	49
9:25 a.m.	7.	<b>SHERIFF</b>	
	7.1	Carver County Receives Patriotic Employer Award from ESGR .....	50-51
9:30 a.m.	8.	<b>ADMINISTRATION</b>	
	8.1	Committee per diems.....	52-54

9:40 a.m.

**ADJOURN REGULAR SESSION**

9:40 a.m.

1. Chair
2. Board Members
3. Administrator

10:00 a.m.

4. Adjourn

David Hemze  
County Administrator

***Work Session Agenda***

10:00 a.m.

1. **ADMINISTRATION**
  - 1.1 Department of Natural Resources Land Acquisition ..... 55-63

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on February 26, 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.

The following amendment was made to the agenda:

Add:

7.2 Declaration of February as Parent Leadership Month

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

Maluchnik moved, Workman seconded, to approve the minutes of the February 12, 2008, Regular Session Motion carried unanimously.

Community announcements were made by the Board.

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

Contract with Bob Roepke for the purpose of providing professional services to the County.

Contract with Fred Radde & Sons for auction services in 2008 and 2009.

Community Social Services budget amendment increasing State staff grant revenue \$85,986 and increasing purchase of services, State staff, \$85,986.

Renewed set up license for Marsh Lake Hunting Preserve, Inc.

Resolution #19-08, Charitable Gambling Application for Exempt Permit for Church of St. Joseph.

Resolution #20-18, Charitable Gambling Application for Exempt Permit for Carver County Ducks Unlimited.

Three year agreement for maintenance and support of CAMA USA between MCCC and ACS.

Approved the following abatements:

06-018-0420 Paul Robideau  
07-300-0041 Christy Schuler-Haasken  
25-262-0070 Teresa A Roberts  
25-325-0010 Brenda & Jeff Jonckowski

25-063-1420 Andrea Glaeser  
25-285-0020 John Benson  
25-342-0210 Hidden Creek Association Inc. (2007 and 2008)  
25-342-0220 Hidden Creek Association Inc. (2007 and 2008)  
25-342-0230 Hidden Creek Association Inc. (2007 and 2008)  
25-342-0240 Hidden Creek Association Inc. (2007 and 2008)  
25-396-0430 Glenn Vandergalien  
25-531-0410 Susan Dean  
30-005-1800 Clarence Wirtz  
65-006-2900 James Jr & Eleanor Kilbane (2006 and 2007)  
65-006-2900 James Jr & Eleanor Kilbane (2000 through 2005)  
65-262-0581 Greenway on the Park Assoc.  
75-382-0180 Provence Townhome Assn, Inc. (2007 and 2008)  
75-522-0210 Thomas Johnson

Contract with the Chaska Herald and the Chanhassen Villager.

2008 police contracts for service between Carver County and the cities of Carver and Township of Watertown and related Sheriff's Office budget amendment increasing police contract cities revenue \$10,700 and increasing Sheriff salaries \$10,700.

Authorized the Sheriff's Office acceptance of memorial donations from the Mary Bevens family and donation from the Schevenius family.

Resolution #21-08, Amendment No. 3 to Professional Services Agreement between Carver County and SRF Consulting Group, Inc., for Final Design Services CSAH 18 (Lyman Boulevard).

Approved reducing retainage from 5% to 2.5% as requested by Ames Construction, Inc., on County Project SP 10-610-30/SP 10-632-14.

Approved the LELS Deputies Local 287 Collective Bargaining Agreement for 2007-2009.

Community Social Services' actions.

Approved payment of the following Commissioners' warrants:

INSERT

Motion carried unanimously.

Chair Ische congratulated Mary Monteith, Carver County CDA Assistant Director, for receiving Chaska's Chamber of Commerce Community Spirit Award. The Board's proclamation recognizing Ms. Monteith's leadership and expertise in providing affordable and workforce housing opportunities was read into the record.



Ms. Monteith stated she was honored to receive the award and believed each and every individual has a right to safe and affordable housing in Carver County. She recognized her mentor, Julie Frick, and thanked the Board for the recognition.

Gary Bork, Community Social Services, introduced the Chair of the Mental Health Advisory Committee and explained they would be presenting their annual update to the Board.

Christine Dondlinger, Mental Health Advisory Committee Chair, recognized the improvements they have seen in the areas of transportation, housing, training and the increased services from the Crisis Team. She stated they have been able to meet with the adult consumers and identified the areas of weakness.

Dondlinger stated the needs will continue to grow as the County grows and noted they have become better at identifying mental health issues. She stated they are looking at ways to increase funding and while some grants have been received, their concern is that grants are limited. Dondlinger stressed they needed to be proactive and needed to be creative in finding and keeping these grants. She also acknowledged the work of the other committee members who are taking the time and effort to review the issues.

Bork requested the Board adopt a Resolution designating February as National Parent Leadership Month. Bork read the proposed Resolution into the record.

Degler offered the following Resolution, seconded by Workman:

Resolution #22-08  
Declaring February as National Parent Leadership Month

On vote taken, all voted aye.

Workman moved, Maluchnik seconded, to open the public hearing to adopt Ordinance 63-2008 and to amend the County Code and fee for service schedule. Motion carried unanimously.

Steve Just, Land and Water Services, explained the amendment would allow Waldron and Associates to conduct commercial plumbing plan review. He stated the required language would be added to the Plumbing Code provision of Chapter 150. Just indicated other cities have entered into an agreement with the State

He stated Waldron and Associates is the County's current Building Official and this would allow commercial plumbing plans to be reviewed on a local level. Just clarified the fees charged would be the same as the State.

No public testimony was received.

Degler moved, Lynch seconded, to close the public hearing. Motion carried unanimously.

Workman offered the following Resolution, seconded by Lynch:

Resolution #23-08  
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

On vote taken, all voted aye.

The following is a summary of Ordinance 63-2008 for the purpose of publication as required by M.S. Section 375.51. A printed official copy of the Ordinance is available for inspection by any person, during regular business hours, at the office of the Carver County Auditor. Ordinance 63-2008 has two main provisions, which read as follows:

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 or extension of any existing plumbing system shall be subject to these same requirements.

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

Non-Residential Plumbing Plan Review:

Building Sewer and/or Water Service Only: \$150

Plumbing System based on drainage fixture units (DFU):

25 or fewer DFU \$150

26 to 50 DFU \$250

51 to 150 DFU \$350

151 to 249 DFU \$500

250 or more DFU \$3.00 per DFU, to a maximum of \$4000

Interceptors/Separators: \$70 each

Storm Drainage System: \$150 minimum, \$50 per internal roof drain opening, \$500

maximum

Storm Water Interceptor, Separator, or Catch Basin \$70 each

Manufactured Home Park or Campground

25 or fewer sites \$300

26 to 50 sites \$350

51 to 125 sites \$400

125 or more sites \$500



Just appeared before the Board to review the EAW Petition related to the L.G. Everist railroad transload facility. He explained he was asking the Board to direct staff to prepare an appropriate Resolution to either grant or deny the EAW Petition.

He pointed out the petition that was received, the information provided by the proposer, the information presented to the Planning Commission and letters received from Public Health, Wenck and Associates and Soil and Water. He stated the Board was required to evaluate and consider all of the evidence in making the EAW decision.

Just reviewed the standards that apply, the criteria that needed to be considered and pointed out the location of the site. He stated approximately 40 acres of ag production land would be converted to industrial use. He highlighted the comments and issues identified by Wenck and Associates, Public Health and Soil and Water that appeared to warrant further study. Just clarified they were required to look at future cumulative effects.

Gregory Korstad, Esq, representing L.G. Everist, stated they have been working on the project to get aggregate materials to the Twin Cities market for some time. He stated the construction industry needs these materials and they need to bring them from somewhere. He stated he wanted to make sure the Board understood what was being proposed and what would occur at the site at this point. Korstad reviewed the operations that would take place at the site.

He believed the issues raised by staff; the public and the professionals should be addressed in the land use process. He stated that the environmental review does not improve the process and does not add additional information for the Board. Korstad stated the company is seeking approval of just what has been described in the operational plan. He indicated there may be other activities that could occur but are not planned today to be conducted on the site.

Korstad requested the Board focus on the project before them rather than focusing on the possibilities. He stated the issues raised for an EAW are capable of being controlled through the permitting process. He believed an EAW would essentially be doing the same review of issues as would occur in the conditional use permit process and therefore unnecessary. He suggested a well focused permitting process should occur that would make sure all issues are addressed as has been done in similar projects. Korstad stated it was not necessary to have additional analysis that does not add anything to the ability to make a decision. He concluded it was their position that there were not significant environmental effects and the petition should be denied.

Molly Hamilton, Esq., representing the petitioners, agreed with Mr. Just's comments, which laid out the arguments of the petitioners. She stated the standard is that it may have potential for significant environmental effects and pointed out the comments made by the experts. She believed there were many issues that needed to be addressed more thoroughly than the land use process and would assist in a decision on whether to grant a permit. She indicated MnDOT has denied L.G. Everist access to the property, that access is in dispute and the neighbors do not agree there is an easement. Hamilton stated there were a number of red flags and they needed to look at the standard that it may have significant environmental effects.

She stated the expert's comments were based on the site development and operational plan provided by Everist. She added they were required to look at anticipated future projects. Hamilton concluded they have met their burden of proof that the project may have significant environmental impacts and requested a motion to grant an EAW.

Public testimony in support of granting of the EAW Petition was received from Kim Wolf, David Bartholomew, Joy Heimark, Jeff and Dawn Taylor, Gerald and Betty Trende, Randy Kohls, Tom Ashbaugh, Judy Waldvogel, and Ralph Laumann

Jason Kuboushek, Esq., representing the County, clarified the burden is on the petitioners to present evidence and the Board needed to determine whether or not the petitioners met their burden.

The Board considered the testimony presented, the opinions submitted by the experts and acknowledged the need for aggregate material in the County. The option to table a decision to allow the Board to determine where aggregate can be mined or brought in was discussed. Just clarified a decision on the petition was needed by March 11<sup>th</sup>. The Board acknowledged the need to look at options for aggregate sources but they needed to deal with what was before them today.

David Hemze, County Administrator, stated the CDA has recently completed a rail study and that would be reviewed with the Board in the near future.

Maluchnik moved that the Chair direct staff to prepare a Resolution, including findings of fact, to grant the EAW Petition related to the L.G. Everist proposed railroad transload facility. Degler seconded the motion with "County Board" replacing "Chair" in the motion. Maluchnik accepted the friendly amendment. Degler, Ische, Lynch, Maluchnik voted aye. Workman voted nay. Motion carried.

Lynch moved, Maluchnik seconded, to adjourn the Regular Session at 11:25 a.m. Motion carried unanimously.

David Hemze  
County Administrator

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





# REQUEST FOR BOARD ACTION

**AGENDA ITEM: Approval to Withhold Tax Forfeit Land for Public Use**

Originating Division: Property Records Taxpayer Services Meeting Date: March 4, 2008  
 Amount of Time Requested: 0 Attachments for packet:  Yes  No  
 Item Type:  Consent  Regular Session  Closed Session  Work Session  Ditch/Rail Authority

**BACKGROUND/EXPLANATION OF AGENDA ITEM**

By Minnesota Statute, the City of Carver withheld a parcel of land from tax forfeiture sale due to non-payment of taxes in December, 1983. Said parcel of land has been used for the approved public use as park and recreational land. In order for the City of Carver to use the withheld parcel for a different public use, the City of Carver has reconveyed the parcel back to the State of Minnesota in Trust. The city has now submitted an application for conveyance of Tax-Forfeited Lands for an Authorized Public Use as a sanitary sewer lift station.

## Attached please find:

- A copy of The Reconveyance of Forfeited Lands back to the State of Minnesota by a Governmental Subdivision (PT975),
- A copy of the City of Carver's Resolution No. 102-08 approving the process of Reconveyance to the State of Minnesota, application for a new public use, and asking for the approval of the Carver County Board of Commissioners of said application,
- City of Carver's application by a Governmental Subdivision for Conveyance of Tax-Forfeited Lands for an Authorized Public Use (FormPT962)
- A print of the current Carver County valuation record for this parcel. (PID20.0502260)
- The Carver County Board of Commissioners Resolution approving the application by the City of Carver for Reconveyance of said land for a new authorized public use.

**ACTION REQUESTED:** Please review and approve the attached request by the City of Carver to reapply for the withholding of this parcel of tax-forfeited land from public sale for a new authorized public use as listed on the attached resolution.

**FUNDING**

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

**FISCAL IMPACT**

- None
- Included in current budget
- Budget amendment requested
- Other:

*Related Financial Comments:*

Reviewed by Taxpayer Services Manager

*Samuel Englund*

Date: 2-25-08

Reconveyance of Forfeited Lands to the State of Minnesota
By a Governmental Subdivision
Under Minnesota Statutes, Section 282.01, Subdivision 1d

State Deed Tax Due Hereon: \$1.65

WHEREAS, pursuant to Minnesota Statutes, Section 282.01, Subdivisions 1a to 1c, the State of Minnesota, on the 2nd day of December, 1983, conveyed to the City of Carver a governmental subdivision of the State of Minnesota (hereinafter "Governmental Subdivision"), by state deed numbered \_\_\_\_\_, the real property described below (hereinafter "Property") to be used for an authorized public use, and

WHEREAS, the Governmental Subdivision has either failed to put the Property to the public use for which it was conveyed, or has abandoned the public use for which it was conveyed, and now desires to reconvey the Property under Minnesota Statutes, Section 282.01, Subdivision 1d to the State of Minnesota, to be held in trust according to Minnesota Statutes, Section 281.25,

NOW THEREFORE, the Governmental Subdivision, pursuant to said laws, and pursuant to the duly adopted resolution of its governing body number 102-08, dated January 7, 2008, does hereby grant and convey the property in the County of Carver, described as follows, together with all appurtenances thereunto belonging:

Lots Two (2) through Five (5), Block One Hundred Sixteen (116), City of Carver

to the State of Minnesota, to be held in trust as provided by Minnesota Statutes, Section 281.25, upon like conditions and with like effect as if the Property had not been conveyed to the Governmental Subdivision for a public use.

CITY OF CARVER

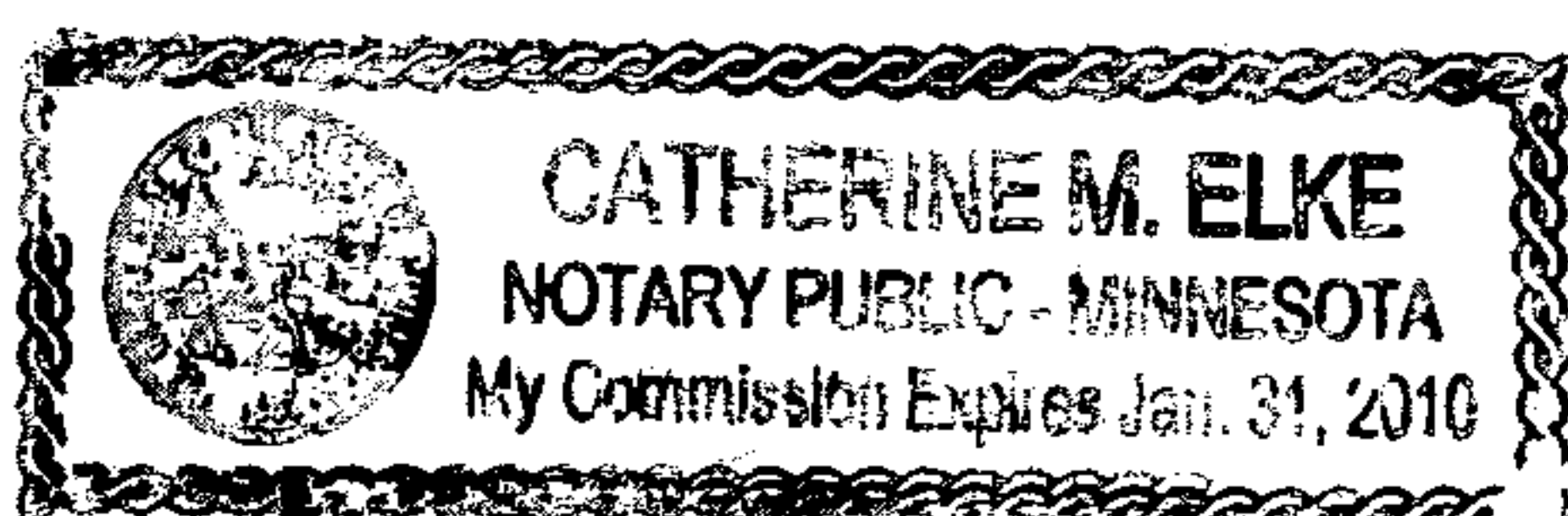
(Name of Governmental Subdivision)

By: James Weygand, Mayor

By: Patricia Plekkenpol, City Clerk

STATE OF MINNESOTA )
County of CARVER ) ss.

On this January 23, 2008, James Weygand and Patricia Plekkenpol, respectively the Mayor and the City Clerk of the governmental subdivision named in the foregoing instrument, appeared before me and acknowledged that they executed the same as the free act and deed of said governmental subdivision pursuant to the statutes in such case made and provided.



Catherine M. Elke 1-23-08
Notary Date

**Tax Statements (if any) for the real property described in this instrument should be sent to the County Auditor of the County wherein the property is located, in care of the County Courthouse.**

Approved by the Attorney General. This instrument was drafted by the Commissioner of Revenue, Minnesota Department of Revenue, St. Paul, MN 55146.

## Approval

The undersigned, acting for the Commissioner of Revenue of the State of Minnesota, under delegation of authority duly filed with the Secretary of State, does hereby approve the foregoing conveyance to the State of Minnesota.

Dated: \_\_\_\_\_

STATE OF MINNESOTA

\_\_\_\_\_  
Commissioner of Revenue

By: \_\_\_\_\_

The duly appointed delegate of the Commissioner of Revenue,  
for these purposes.

STATE OF MINNESOTA )  
                                  )ss.  
COUNTY OF RAMSEY )

This Approval was acknowledged before me on \_\_\_\_\_ by \_\_\_\_\_, the duly appointed delegate of the commissioner of revenue for these purposes.

\_\_\_\_\_  
Notary

\_\_\_\_\_  
Date



**CITY OF CARVER  
CARVER COUNTY, MINNESOTA  
RESOLUTION NO. 102-08**

**A RESOLUTION  
BY THE CITY COUNCIL OF THE CITY OF CARVER, MINNESOTA IN  
RELATION TO CERTAIN TAX FORFEITED REAL PROPERTY  
PREVIOUSLY ACQUIRED BY THE CITY OF CARVER**

**RECITALS**

WHEREAS, the City of Carver ("City") did by virtue of a deed from the State of Minnesota Department of Revenue dated December 2, 1983, acquire certain tax forfeited land legally described as follows, to wit:

Lots Two (2) through Five (5), Block One Hundred Sixteen (116),  
City of Carver

(the "Subject Property"); and

WHEREAS, the deed of conveyance from the State of Minnesota Department of Revenue above described limited the use of the property for a sanitary sewer distribution system lift station and sewer line construction/maintenance (the "Original Public Purpose"); and

WHEREAS, in 1989 the City determined that, at that point in time, it could not use the Subject Property for the restricted purpose set forth in the State of Minnesota Department of Revenue's 1983 deed of conveyance; and

WHEREAS, the Carver City Council at its meeting on January 7, 1991 elected to change the use of the Subject Property from the Original Public Purpose to parks and public recreation and City staff filed an Application for Approval of a New Use of Tax Forfeited Lands seeking to change the use of the Subject Property to parks and public recreation, which application was filed with the State of Minnesota Department of Revenue and was subsequently approved; and

WHEREAS, since 1991 the Subject Property has been used for park and recreational purposes; and

WHEREAS, the Subject Property is now needed for the Original Public Purpose set forth in the State of Minnesota Department of Revenue's 1983 deed of conveyance.

NOW, THEREFORE, it is hereby resolved by the Carver City Council as follows:

#### FINDINGS OF FACT

1. The Recitals are incorporated into and adopted as specific findings of fact.
2. The City's current wastewater treatment plant is approaching its design capacity. The City has investigated the possibility of expanding the existing wastewater treatment plant, but ultimately determined that it would be more cost efficient to approach the Metropolitan Council to discuss the possibility of interconnecting the City into the Metropolitan Council's wastewater treatment facilities which are operated by the Metropolitan Council Environmental Services ("MCES").
3. MCES has agreed that it is feasible to interconnect the City into MCES' wastewater treatment facilities.
4. The City and MCES have executed a Construction Cooperation Agreement dated August 24, 2007, by which MCES and the City agree that the City will construct a new gravity sewer line running from the City's existing wastewater treatment plant to a new lift station and double force mains running from the lift station to the existing MCES interceptor in the City of Chaska (the "Wastewater Improvement Project").
5. MCES has agreed to reimburse the City for a substantial portion of the construction of the Wastewater Improvement Project.
6. As part of the preliminary design for the Wastewater Improvement Project, the City Engineer considered the following sites for the lift station which will be required:
  - a. 221 Oak Street
  - b. 117 Broadway Street
  - c. 308 County Road 40 East
  - d. Subject Property
7. It was ultimately determined that the Subject Property was the most appropriate site for the lift station for the following reasons:

- a. Of the feasible sites identified by the City Engineer and MCES, the Subject Property was the only site outside of the City's Historic District.
  - b. The Subject Property is owned by the City, and as such does not require acquisition or condemnation.
  - c. The Subject Property is on the edge of the City's existing development pattern, rather than encircled by development in the Historic District, a condition common to the other sites considered.
  - d. Unlike one of the other sites considered, the Subject Property does not require the demolition of the City's Public Utilities building (former fire station) and the need to construct a new building elsewhere in the City to serve that purpose.
  - e. The other sites under consideration were both located in portions of the downtown that were highly visible and the siting of the lift station facility at either of these sites would have detracted from the ability to maintain the existing sense of place of historic downtown Carver.
  - f. The Subject Property provides greater land area which is necessary for construction of a lift station of the size required by the Wastewater Improvement Project.
8. The completion of the Wastewater Improvement Project will provide significant benefit to the entire City. Ultimately, it will reduce wastewater user fees for City residents. It will allow the City to abandon its existing wastewater treatment facility which discharges into Carver Creek. It will allow the City to reclaim the existing 16.8 acre wastewater treatment site and use that site for other public purposes.
  9. City staff has recently determined that although the Original Public Purpose for the Subject Property would have allowed the construction of the lift station and both the gravity line and the force main thereon, the revisions requested by the City in 1991 no longer permit the Original Public Purpose.
  10. The City desires to have the Subject Property owned by the City but subject to the Original Public Purpose.



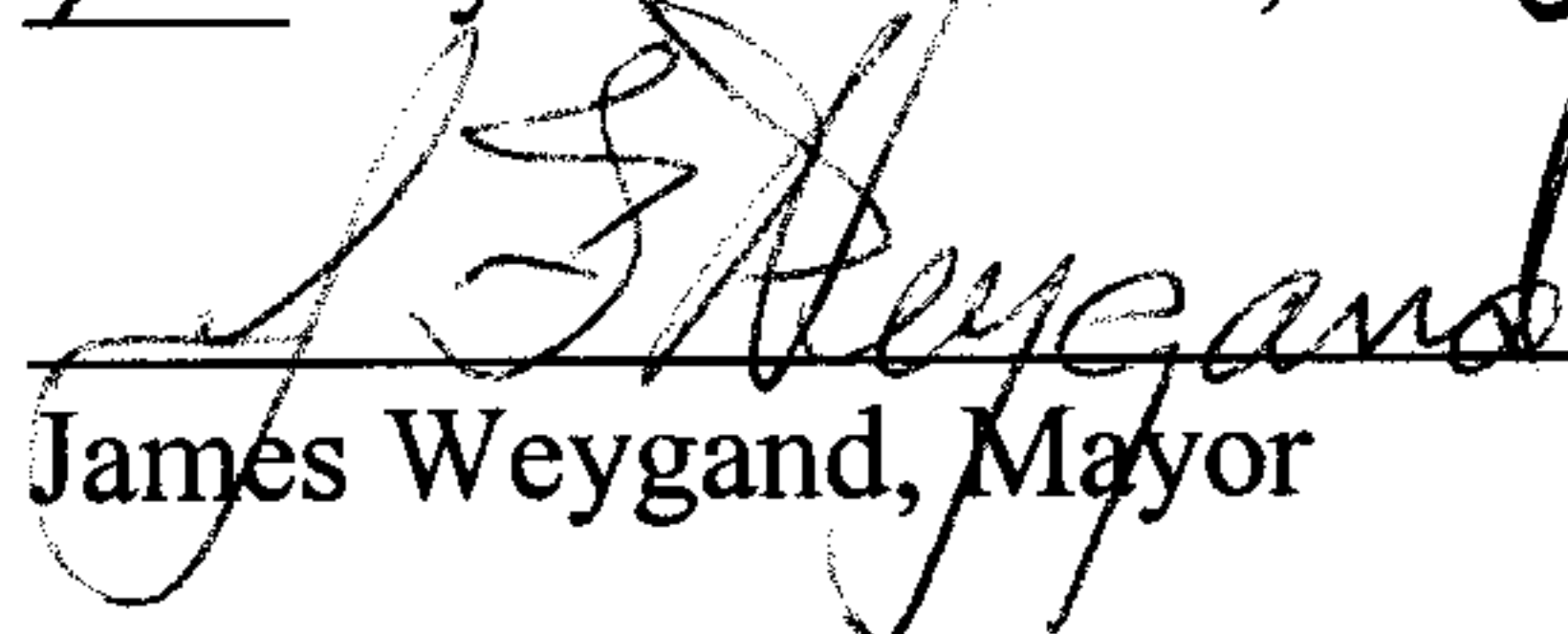
11. The City understands that in order for the public purpose of the Subject Property to be revised, the Subject Property must be conveyed by the City back to the State of Minnesota and then reconveyed back to the City subject to the Original Public Purpose.

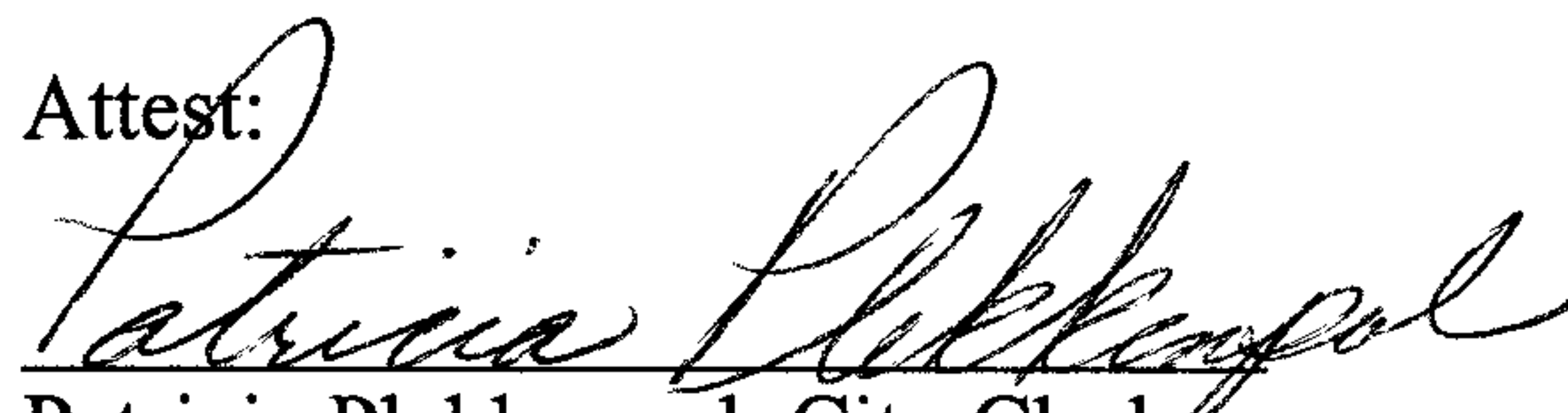
### RESOLUTION

Based upon these findings, it is resolved by the Carver City Council as follows:

1. The City executed a Reconveyance of Forfeited Lands to the State of Minnesota in the form attached hereto as **Exhibit "A."**
2. The City requests a conveyance by the State of Minnesota to the City of the Subject Property as tax forfeited lands for an authorized public use (the Original Public Purpose) in a manner set forth on the form attached hereto as **Exhibit "B."**
3. The City requests that the Carver County Board and the State of Minnesota Department of Revenue take prompt action to approve this request as the City intends to take bids on the Wastewater Improvement Project in the late winter of 2008.

This resolution was adopted and approved by the City Council of the City of Carver by a vote of 5 ayes and 0 nays on this 7<sup>th</sup> day of November, 2008.

  
James Weygand, Mayor

Attest:  
  
Patricia Plekkenpol, City Clerk

Staple All Correspondence

**Application by a Governmental Subdivision for Conveyance of Tax-Forfeited Lands for an Authorized Public Use**  
(Minnesota Statutes, Section 282.01, Subdivisions 1a through 1e)

(Note: If the governmental subdivision has purchased the property, use PT Form 80)

In Carver County

Name of governmental subdivision (applicant): City of Carver

Mailing address of applicant: Box 147, Carver, Minnesota 55315

Date requested property was forfeited to the State: MAY 18 1983  
(month) (day) (year)

Legal description of property (include the name of the city/town in which the property is located):  
  
Lots Two (2) through Five (5), Block One Hundred Sixteen (116),  
City of Carver

Describe the intended public use to be made of the property (be specific, including statute or special law references, if relevant):

A sanitary sewer lift station will be constructed upon the property along with gravity sewer lines and a force main.

State the need for the property (be specific, e.g., why this property instead of some other property?):

The City of Carver conducted a lengthy search and determined that because of topography, preservation of the City of Carver's historic district and constraints imposed by the Minnesota River flood levee, this property was the best location for the lift station. See City of Carver Resolution 102-08 attached hereto.

Please check the appropriate boxes below:

- correcting governmental subd. name and/or
- legal description original deed no. \_\_\_\_\_
- There are one or more wells on this property
- There are no wells on this property

(If recorded, please supply recording information.  
If not recorded, please return the original state deed.)

**A Wetland Certification Form Must Be Attached To This Application**

Return application to: MN Department of Revenue · Property Tax Division · Mail Station 3340 · St. Paul, MN 55146-3340

STATE OF MINNESOTA )  
 )ss.  
County of CARVER )


James Elmquist Being first duly sworn, deposes and says that he/~~she~~ is the authorized representative of the applicant named herein, that he/~~she~~ has read said application and knows the contents thereof, and that the matters stated therein are true and correct.



Name James Elmquist Title City Administrator

Subscribed and sworn to before me this 22nd

day of January, 2008



Notary Public, Scott County, Minn.

My commission expires 1/31/2010



#### RECOMMENDATION OF COUNTY BOARD UPON APPLICATION

The County Board of Carver County, Minnesota, has reviewed the application of the City of Carver dated January, 2008, for the conveyance for an authorized public use of certain tax-forfeited land described therein. The county board recommends that this application be: rejected  granted .

\_\_\_\_\_  
Signature (for the County Board)

\_\_\_\_\_  
Date

#### CERTIFICATION OF COUNTY AUDITOR OR LAND COMMISSIONER

I have taken the necessary steps required by Minnesota Statutes to prepare the herein described tax-forfeited land for conveyance for an authorized public use.

\_\_\_\_\_  
Signature of County Auditor or Land Commissioner

\_\_\_\_\_  
Date

#### OFFICE OF THE COMMISSIONER OF REVENUE

St. Paul, Minn., \_\_\_\_\_, 20\_\_\_\_.

Upon due consideration of this application, it is ordered that it is hereby: rejected  granted .

\_\_\_\_\_  
Commissioner of Revenue

By \_\_\_\_\_



RCB312M1 KLEMKE RECAP Collection System  
 02/25/2008 10:07:55 Inquiry - Parcel Values (B) Rel: PRI  
 R 20.0502260 CARVER CITY

<u>2009</u> Mod? _ MP#			Rate	MvR	
Ins St 0 S 00/00/0000 R 00/00/0000			SR	SMvR	
*----Values/Acres----*	* NET Tax Capacities-*		*-Tax/Credits/SpAsmts-*		S
EMV Land 700	TOT TMV 700				
Total EMV 700					

Classification 958 MUNICIPAL PUB-OTHER  
 Homestead 0 NON-HOMESTEAD  
 Choice & Pct 099

PROPOSED  
 F3=Exit F9=Statuses F10=SmartExit F12=PrevMod F16=Notes Rec# 1 of 1  
 A=GS B=ASM C=DQ E=TR F=SP H=THST I=PRASC J=COJ P=PA R=ADJ U=CAMA Y=CMP

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

Date:

Resolution No.

Motion by Commissioner:

Seconded by Commissioner:

**CARVER COUNTY, MINNESOTA**

WHEREAS, the Carver County Board of Commissioners, State of Minnesota, previously approved the conveyance of a tract of tax forfeited land on December 3, 1983 to the City of Carver, to be withheld from public sale, for the approved public use as park and recreational property. Said property has now been conveyed back to the State of Minnesota in Trust by the City of Carver. The City of Carver is now reapplying for conveyance of said parcel to the City of Carver for a new public use as a sanitary sewer lift station. The Carver County Board of Commissioners has reviewed the application by the City of Carver for conveyance of tax-forfeited lands for an authorized public use as attached.

NOW, THEREFORE, BE IT RESOLVED, the Carver County Board of Commissioners hereby certifies that the parcel of land on the attached list has been reviewed and does comply with the provisions of Minnesota Statutes 85.012, 92.461, 282.01, Subd.8, and 282.018, and other statutes that require withholding of tax-forfeited lands from sale.

BE IT FURTHER RESOLVED, that the Carver County Board of Commissioners hereby approves the application submitted by the City of Carver for reconveyance of said land for a new authorized public use.

Adopted on \_\_\_\_\_, 2008.

YES

ABSENT

NO

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

STATE OF MINNESOTA  
COUNTY OF CARVER

I, David Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the \_\_\_\_ day of \_\_\_\_\_, 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 : SPEED ZONE STUDY REQUESTS

Originating Division: Public Works

Meeting Date: March 4, 2008

Amount of Time Requested: none

Attachments for packet:  Yes  No

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

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** The Minnesota Commissioner of Transportation is responsible for the establishment of speed limits on county roads throughout the state. Speed zoning studies by the Minnesota Department of Transportation are initiated by counties. Study requests are usually submitted to the Commissioner for newly constructed county roads, for road segments along which expanded development and more intense land use are occurring, and for road segments where there is concern about the existing speed limit. The list of County road segments contained in this agenda item reflects these reasons.

**ACTION REQUESTED:** Move to adopt resolution requesting the State of Minnesota Commissioner of Transportation to conduct speed zoning studies on county roads as listed.

### 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: 2/22/08



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

Date: March 4, 2008  
Motion by Commissioner: \_\_\_\_\_

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

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**SPEED ZONE STUDY REQUEST**

BE IT RESOLVED, that the Carver County Board of Commissioner hereby requests the State of Minnesota Commissioner of Transportation to conduct speed zoning studies on the following County State Aid Highway (CSAH) and County Road (CR) segments to determine the appropriate speed limits.

CSAH 30/92 - Between the intersection of State Highway 5 to ¼ mile north of the intersection with CR 155 in Laketown Township.

CSAH 34 - Between the intersection of State Highway 212 and the intersection of Main Street East in the City of Watertown.

CSAH 10 - Between the intersection of State Highway 284 in Waconia and the intersection of CSAH 11 in Laketown Township.

CSAH 20 - Between the intersection of Carter Street in Watertown to the Hennepin County line.

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

Dated this 4<sup>th</sup> day of March, 2008.

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

## **Carver County Speed Zoning Requests (See attached Location Map)**

### CSAH 30/92- Between TH 5 and ¼ mile north of CR 155

The 2005 ADT between TH 5 and Island View Road was 6500 and the 2005 ADT between Island View Road and CR 155 was 6100.

The current posted speed is 45 mph. This speed limit is based on design speeds. Due to the new alignment, a speed zone study is warranted.

### CSAH 34 – Between TH 5 and Main Street East

The 2005 ADT was 1,100 ADT between TH 212 and 2<sup>nd</sup> Street SE and 560 ADT between 2<sup>nd</sup> Street SE and Main Street E.

The current posted speed is 30 mph. This speed limit is based on design speeds. Due to new construction and increased development in the immediate area, a speed zone study is warranted.

### CSAH 10 – Between TH 284 and CSAH 11

The 2005 ADT between TH 284 and Ravenwood Circle was 1100. From the point where CR 110 turned to CSAH 10 and CSAH 43 (north segment) the 2005 ADT was 4400, from CSAH 43 (north segment) to CSAH 43 (south segment) the 2005 ADT was 4600 and from CSAH 43 (south segment) to CSAH 11 the 2005 ADT was 6000.

The current posted speed is 40 mph between TH 284 and CSAH 59, 50 mph between CSAH 59 and Klein Drive (west junction) and 55 mph between Klein Drive (west junction) and CSAH 11. These speed limits were approved on a temporary basis until final completion of the present reconstruction project. Due to the new alignment and reconstruction in 2007/2008, a speed zone study is warranted.

### CSAH 20 – Between Carter Street and the Hennepin County Line

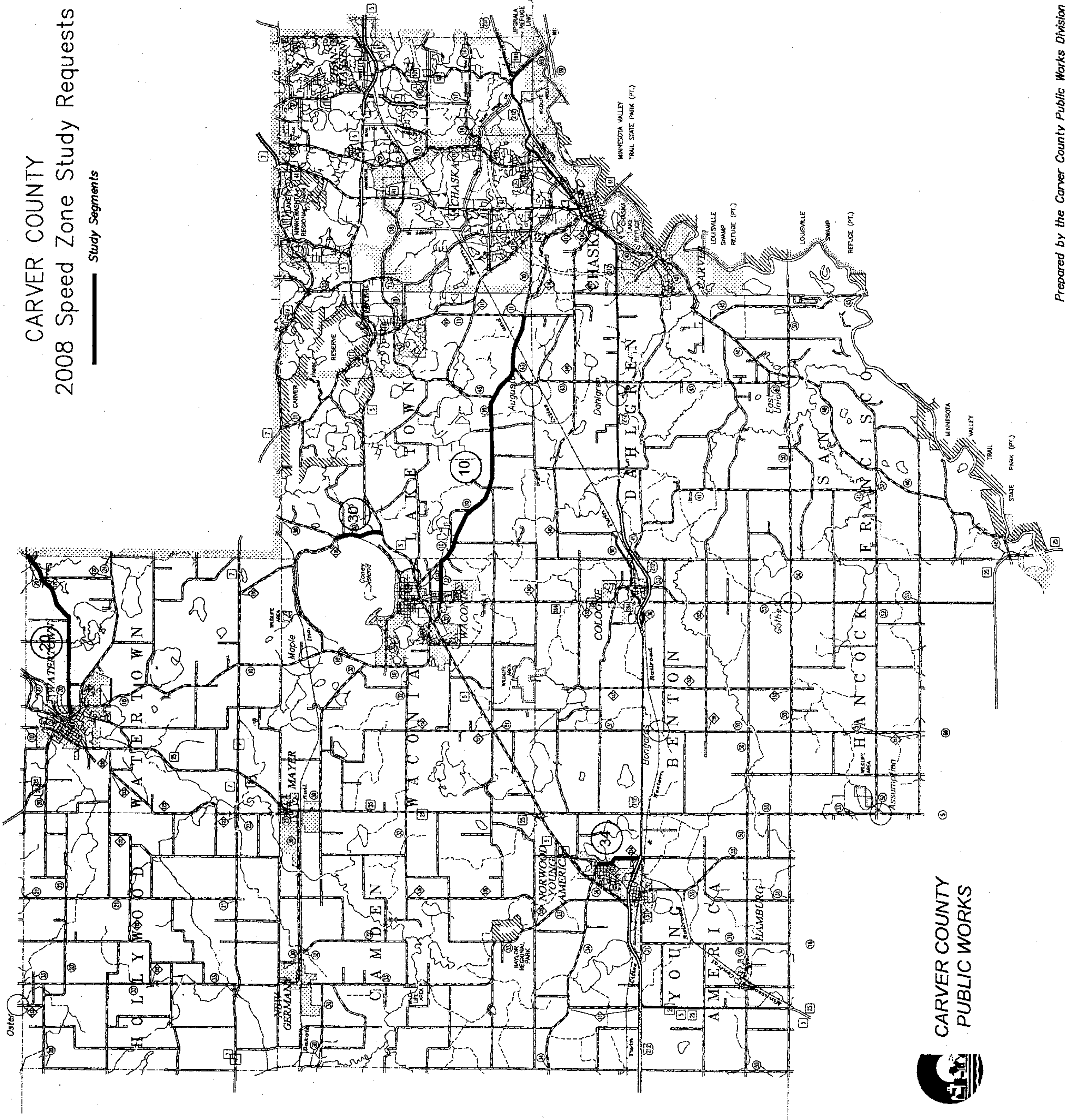
The 2005 ADT between CSAH 10 and Lewis Avenue was 5100, between Lewis Avenue and Hope Avenue it was 9500, between Hope Avenue and Oxford Avenue it was 3900, and between Oxford Avenue and the Hennepin County line it was 3100.

The current posted speed between Carter Street and 400 ft east of Newton Avenue is 40mph, between 400 ft east of Newton Avenue to 500 ft west of Paul Avenue is 50 mph and between 500 ft west of Paul Avenue to the Hennepin County line is 55 mph. These speed limits are previously authorized speed limits. Due to reconstruction of CSAH 20 in 2002, increased development, and the construction of an elementary school in 2006, a speed zone study is warranted.



CARVER COUNTY  
2008 Speed Zone Study Requests

Study Segments



CARVER COUNTY  
PUBLIC WORKS

Prepared by the Carver County Public Works Division - 952-466-5200



# REQUEST FOR BOARD ACTION

**AGENDA ITEM:** Adoption of Carver County Right of Way Plat No. 17

Originating Division: Public Works

Meeting Date: 03/4/08

Amount of Time Requested: None

Attachments for packet:  Yes  No

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

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** In connection with the upcoming construction on Lyman Boulevard and Audubon Road (Project SAP 10-618-09), the County Surveyor has prepared a plat of the anticipated right of way and temporary easements. The signature of the County Board Chair is needed on the plat.

**ACTION REQUESTED:** It is requested the County Board pass this resolution.

**FUNDING**

County Dollars = \$

Other Sources & Amounts =

= \$

**TOTAL** = \$

*Related Financial Comments:*

**FISCAL IMPACT**

None

Included in current budget

Budget amendment requested

Other:

Reviewed by Division Director

Date:

2/22/08

S:\Projects\10-618-09\RW\Plat 17 - baf



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

Date: March 4, 2008 Resolution No: \_\_\_\_\_  
Motion by Commissioner: \_\_\_\_\_ Seconded by Commissioner: \_\_\_\_\_

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**Adoption of Carver County Right of Way Plat No. 17**

WHEREAS, Carver County will be reconstructing portions of Lyman Boulevard and Audubon Road on new and existing alignments, and  
WHEREAS, the County Surveyor has prepared Right of Way Plat No. 17 to simplify the writing of legal descriptions and to identify to the public the County's interest in the highway right of way,  
NOW THEREFORE BE IT RESOLVED, that the County Board Chair is authorized to sign Right of Way Plat No. 17.

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

Dated this 4<sup>th</sup> day of March, 2008.

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



# REQUEST FOR BOARD ACTION

**AGENDA ITEM:** Knife River – Aggregate material mining/processing & asphalt plant.

Originating Division: Land & Water Services

Meeting Date: March 4, 2008

Amount of Time Requested: None

Attachments for packet:  Yes  No

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

**BACKGROUND/EXPLANATION OF AGENDA ITEM:**

File #PZ20070059. Knife River has applied for a Conditional Use Permit (CUP) on the Joel Vinkemeier property located in Section 28, Hollywood Township. The Planning Commission recommended approval of the request to amend an existing Conditional Use Permit (CUP #12348) to include the mining/processing, stockpiling of aggregate material, temporary asphalt operations and truck hauling for the upcoming State Highway 7 project. Currently, Mr. Vinkemeier/Mr. Burns, is permitted to operate a small aggregate mining operation which includes excavating and hauling of approximately 10,000 to 15,000 cu. yds. of material per year. The proposed request would allow Knife River to excavate approximately 100,000 cu. yds. of material from the existing pit location. All processed material will be utilized only for the State Hwy 7 project. The project is set to start early April and be completed approximately November of 2008. After the project is completed, the processing and asphalt activities taking place by Knife River would cease; however, the mining activity would continue to operate by Mr. Vinkemeier/Mr. Burns only if aggregate material is available. If the aggregate material is depleted, the CUP will be terminated upon approved restoration of the site. The hauling to and from the site will be handled by contractor's working on the project. Hwy 7 will be closed to through traffic during the project and access to the site would consist of two (2) temporary accesses. A \$38,000 performance surety will need to be maintained until final restoration approval for the operation by Knife River, and a \$30,000 performance surety will need to be maintained until final restoration approval for the operation by Vinkemeier/Burn. The Vinkemeier/Burns mining will only take place after the Hwy 7 project is completed and if aggregate material remains. Hollywood Township supports the request.

**ACTION REQUESTED:**

A motion adopting Findings of Fact and issuing Order #PZ20070059 for the issuance of a Conditional Use Permit.

**FUNDING**

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

*Related Financial Comments:*

**FISCAL IMPACT**

None  
 Included in current budget  
 Budget amendment requested  
 Other:

Reviewed by Division Director

Date:

22 Feb 08

**COUNTY OF CARVER**  
***PLANNING COMMISSION RESOLUTION***

**FILE #: PZ20070059**

**RESOLUTION #: 08-01**

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

**FILE #:** PZ20070059

**APPLICANT:** Knife River Corp – North Central

**OWNER:** Joel Vinkemeier

**SITE ADDRESS:** No Address Assigned

**PERMIT TYPE:** Mining Activity

**PURSUANT TO:** County Code, Chapter 152, Section(s) 152.080 C4

**LEGAL DESCRIPTION:** See attached Exhibit "A"

**PARCEL #:** 06-028-0100

**WHEREAS**, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meeting of February 19, 2008; and,

**WHEREAS**, the Carver County Planning Commission finds as follows:

1. Knife River Corporation has applied for a Conditional Use Permit (CUP) to mine aggregate and place a temporary asphalt plant on the Joel Vinkemeier property located in the SE¼ of Section 28, Hollywood Township. The subject property has an active mining operation (CUP #12348) located in the northerly portion of the property. The property is located in the Agricultural Zoning District and the CCWRMA – Crow River.
2. Section 152.080 C4 of the Carver County Zoning Code provides for mining and/or land reclamation involving 10,000 cubic yards or more as a conditional use.
3. The Vinkemeier property is currently being utilized as a small aggregate mining operation under CUP #12348. Steve Burns, the CUP operator, excavates and hauls approximately 10,000 to 15,000 cubic yards of material from the site per year. The current hours of operation are from 7:00 a.m. to 5:00 p.m., Monday through Saturday. Mr. Burns has indicated that after the Highway 7 project is completed, his intention would be to continue to utilize the mining area only if aggregate is available. If no aggregate remains, the mining area will be restored and all CUP's on the property would be terminated.
4. The site will be utilized for the mining/processing, stockpiling of materials, asphalt operations and truck hauling for the upcoming Highway 7 project. The applicant states that the site operation would utilize an area of approximately 34 acres. However, that area has been reduced to 17 acres with revisions to plans. The remainder of the property has been either mined, consists of a wetland banking project through BWSR, and/or has setback restrictions due to existing residential home locations.
5. Early April is the approximate starting date for the project when mining/processing operations will begin and continue through late November (all depending on weather and demand of material needed for the project). The asphalt operation are proposed to begin in early June. No structures will be erected, all equipment is portable and on wheels. Stockpiles will be strategically placed around the operation to help reduce the transfer of noise. There will be no use of explosives as part of the mining activities. Approximately 100,000 cu. yds. of material (Class 3 aggregate) will be excavated on the site. The applicant has indicated that the amount taken out will deplete all possible mining on the



property. Material will be excavated by backhoe and hauled on/off site for the Highway 7 project. Knife River is proposing approximately 5 acres for excavation; approximately 2.5 acres will be excavated as a depth of 30', all depending on the availability of the material. The majority of the aggregate mined will be stockpiled and stored on-site for the purpose of processing and for the asphalt operation.

6. Based on the applicant's operational plan; the mining/processing and asphalt activities are considered to be a 24 hour Monday through Saturday operation based on the following:
  - a. **Mining/processing:** 6 a.m. to 9 p.m., Monday – Saturday (however, the warm up of equipment with a 5:30 a.m. startup).
  - b. **Asphalt:** 6 a.m. to 9 p.m., Monday – Saturday (however, the warm up of equipment with a 5:30 a.m. startup).
  - c. **Hauling:** 6 a.m. to 9 p.m., Monday – Saturday.
  - d. **Maintenance:** 24 hours, on occasion and only when necessary minor equipment repairs that may require the use of a small generator. Any lighting that would be required during periods of darkness will be directed downward, onto the equipment.
  - e. **Number of employees, etc.:** Number of employees on-site will depend on the operation, approximately 2-3 employees for mining/processing operations, whereas asphalt and truck hauling would require more employees to be on-site. Knife River employees and contracted employees of Knife River would access the site.
  - f. **Sewage disposal and waste management:** Portable satellites will be provided for employees on-site with an independent contractor. Trash will be collected and contained in a suitable receptacle and hauled off site to an appropriate disposal site.
7. The Carver County Water Management Rules require a formal erosion/sediment control plan and stormwater management plan for an operation of 5 acres or more (Level 3). There is a very large wetland banking project taking place in the center of the property, which does not allow for any disturbance within the proposed easement area. Therefore, Knife River has designed their operational area in order to meet the wetland banking criteria (no disturbance). Carver County, Carver SWCD and the Board of Water (BWSR) have been involved in the review process. The proposal has been reviewed by the SWCD and Wenck Assoc. (see attached). Formal stormwater data is not required because the majority of all runoff would be contained on-site. A silt fence would not be necessary, but appropriate stabilization, topsoil and seeding is to be implemented. Berming will be implemented to help with screening around the temporary staging area located along Highway 7.
8. The relatively small size and limited scope of the operation should minimize the potential for adverse environmental effects. The mining will take place in the northerly portion of the property. The existing pond will be expanded upon. De-watering is not being proposed as the pond dredging progresses. The operation will consist of mining approximately 100,000 cu. yds. (numbers vary based on type of material).
9. Restoration would require grading at a 5:1 ratio (20%, or flatter) slope, and returning the stockpiled material in a uniform manner to provide for final turf establishment. An NPDES (MPCA permit) is required. Seeding & mulching would be required for the stockpiles and restored areas. SWCD would continue to provide technical assistance on these matters. According to the applicant, the asphalt plant operation will be graded slightly for equipment and stockpiling. Overburden topsoil will be stored in berms surrounding the asphalt operations. At the completion of asphalt operations, the topsoil that will be stored in the surrounding berms will be replaced over the disturbed area. The area will be returned to agricultural use for farmable land.
10. Prior to the issuance of the permit, Carver County shall receive the performance securities and insurance which are required as part of the existing CUP and proposed project. The Zoning Code requires that the permittee acquire and keep in force for the duration of the permit, **liability insurance** specifically covering the mining and/or restoration and related operations. The permittee must provide certification of insurance. Also, a **performance surety** must be provided. The permit must specify the amount and type of surety required. The surety shall be used to reimburse the county for any monies, labor, or material expended to bring the operation into compliance with the conditions of the permit. The surety may be used after failure to execute the restoration plan. The surety may also be used if there is a failure to execute a phase of a restoration plan specifically scheduled in the permit. Based on past mining activities by Mr. Burns, restoration has not been completed as required by prior CUP #12348; therefore, an additional amount will



be required as part of this permit application. The performance security is based on the Carver County Zoning Code and Water Management Rules standards. It will also be based on two separate uses: Knife River – a temporary use & Vinkemeier/Burns future use. A security in the amount of \$17,000 for Water Rules and \$20,000 for Zoning Code securities are required of Knife River. A security in the amount of \$10,000 for Water Rules and \$20,000 for Zoning Code securities are required of Vinkemeier/Burns.

11. Access to the site would be via two temporary accesses from Highway 7. The applicant has proposed to control dust on the haul road and site entrance by means of watering regularly and if necessary, calcium chloride. Per MnDOT requirements, 'truck hauling' signs will be placed accordingly to indicate hauling will be taking place. The applicant has submitted a Traffic Study narrative to address the estimated truck traffic on the site. Based on the estimated total average daily traffic generated per hour, the applicant anticipated 20 trucks hauling continuously from 6 a.m. to 9 p.m. Therefore, a 15 hour day would generate approximately 600 trips on the Highway 7 project with perfect weather. However, thru traffic should not be a concern because Highway 7 will be closed and only open to local traffic during the construction project.
12. The Hollywood Town Board has reviewed and recommended approval of the request during their January 2008 Town Board Mtg.

**THEREFORE, BE IT RESOLVED,** THAT The Carver County Planning Commission hereby recommends the issuance of Conditional Use Permit #PZ20070059 on the land described in Exhibit "A" of the permit application. The Planning Commission further recommends that this permit shall terminate and supercede the prior approved Conditional Use Permit #12348 on the subject property. The Planning Commission further recommends that the following conditions be attached to the permit:

***General Requirements:***

1. This permit is subject to compliance review. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners and/or operators are encouraged to contact Land Management as early in the timeline of the proposed change as possible.
2. The Knife River portion of the CUP shall be terminated upon completion of the Highway 7 project, site restoration and a final site inspection conducted by Carver County Land Management and Carver SWCD staff. The Vinkemeier/Burns activity shall be allowed only if aggregate material is available after the Highway 7 project has been completed.
3. Operations shall be substantially in accordance with the operational letters (dated: 12/21/07 & dated: 2/12/08) and the site plans (dated: 2/12/08). The hours of operation shall be from 5:30 a.m. to 9:00 p.m. Monday through Saturday. No operations shall occur on Sundays and/or the following holidays; New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
4. Mining and/or similar disturbances shall not occur within 50' of the public right-of-way or any property line, 100' of the proposed wetland banking project and 500' of an existing residential home.
5. A Grading Plan (including restoration), Erosion/Sediment Control Plan and Stormwater Management Plan shall be implemented according to the Carver County Zoning Code, Carver SWCD and Wenck Associates comments. No mining and/or impacts are permitted within the proposed wetland banking easement on the site.
6. Stockpiles and restored areas must be seeded and disc mulched within 72 hours of final grading. Weeds and other unsightly vegetation shall be cut or sprayed as necessary to present a neat appearance and to prevent seeding of adjacent properties. (All standards of Zoning Code must be met.)
7. Permittee must apply dust control measures on all haul roads and/or access roads in order to minimize dust for the surrounding properties. The areas shall be treated with water or other similar dust control measures. Waste oil shall

not be utilized. If Vinkemeier/Burns continue to utilize the mining area as in the past, access will still need to be maintained from County Road 33. Mr. Vinkemeier & Mr. Burns will need to maintain an access across the neighboring property owners land. The mining area will be allowed to exceed a 5 acre area due to setbacks.

8. All storage of equipment and materials utilized as part of the operation shall be kept within the interior of the mining area in order to minimize visual exposure to areas outside the mining area.
9. No trash, garbage, waste, construction debris, or similar materials shall be deposited in or near the permitted area.
10. Signage "NO JAKE BRAKING" shall be placed along the Hwy 7 site entrance to the Vinkemeier property. Permittee is responsible for notifying all employees and contracted employees hauling to and from the site about the requirement for no jake braking. No jake braking within a ¼ of the two (2) identified accesses to the Vinkemeier site.

***Operational Requirements:***

1. The operation shall be conducted so that the required material can be removed while disturbing a minimum area and to permit restoration at the earliest possible time. The Permittee shall confine mining operations as much as possible to one area at a time.
2. Permittee shall maintain erosion control measures including, but not limited to, a berm near wetland area to ensure erosion, sedimentation, or drainage of the wetlands, does not occur.
3. Existing drainage patterns shall not be altered if possible except that runoff containment is mandatory, unless a re-submittal has been approved for the County Water Rules.
4. Topsoil and overburden required for the restoration shall be maintained and shall be preserved from erosion or other loss. Only materials necessary for roadbed re-construction and site restoration may be hauled onto the site. Said materials shall be incorporated into the site restoration immediately or stockpiled according to the site plan. (All standards of the Zoning Code and Water Rules apply).
5. De-watering is not allowed.
6. The material removed pursuant to this permit for the Highway 7 project and/or Knife River is not expected to exceed 100,000 cubic yards. The volume will be reviewed by the Land Management Administrator and/or Carver SWCD during review. The permit must be amended if the land Management Administrator determines that the size or intensity of the operation exceeds the scope of the permit. Once Knife River has restored the project and the temporary use is terminated, this permit shall revert to allow Vinkemeier/Burns to excavate & haul 10,000 to 15,000 cubic yards per year.

***Restoration:***

1. The design of the restored areas must be in accordance to the Zoning Code and the Water Management Rules. To the extent possible, restoration shall be staged such that the exhausted areas are stabilized and turf established as soon as possible. Said design may be subject to revisions and modifications by the Land Management Dept. and Carver SWCD. Due to the possibility of the site still being utilized for aggregate mining after Knife River has completed the temporary Highway 7 project, a separate restoration plan is needed for permanent mining activities. Prior to the final inspection, all restoration shall be completed and be in accordance to Section 152.080 C4 – Mining & the Water Management Rules. In addition, the following need to be completed:

**Knife River:**

- Temporary asphalt plant operation shall be restored to agricultural use for farmable land. At a minimum of 4" to 6" of topsoil shall be replaced over the disturbed area or upland areas.
- No hauling of topsoil off site.
- Final grade shall not impact neighboring properties.
- Seeding and mulching shall be consistent with the Minnesota Department of Transportation specifications for right-of-ways.



- No grades shall exceed a 5:1 ratio (20%). The final grade slope shall commence at the setback.
- Contact the Carver County Land Management Dept. & Carver SWCD prior to moving equipment off-site.
- GPS mining area on map prior to excavation and again after excavation and submit information to the County Land Management Dept in order to determine restoration area needed to be completed by Knife River.

Vinkemeier/Burns:

- Restoration shall take place immediately on areas outside of the original site plan and on neighboring properties.
- At a minimum of 4" to 6" of topsoil shall be replaced over the disturbed area or upland areas.
- No hauling of topsoil off site.
- Final grade shall not impact neighboring properties.
- Seeding and mulching shall be consistent with the Minnesota Department of Transportation specifications for right-of-ways.
- No grades shall exceed a 5:1 ratio (20%). The final grade slope shall commence at the setback.
- Contact the Carver County Land Management Dept. & Carver SWCD prior to moving equipment off-site.

***Performance Securities and Insurance:***

1. The Permittees shall provide a performance security in a form acceptable to the County, naming the County as obligee. The security shall be drafted so as to be effective for the duration of the project which would include restoration and a final site inspection conducted by the Carver County Land Management Dept and Carver SWCD.
2. A security in the amount of \$17,000 for Water Rules and \$20,000 for Zoning Code securities are required of Knife River (\$37,000). A security in the amount of \$10,000 for Water Rules and \$20,000 for Zoning Code securities are required of Vinkemeier/Burns (\$30,000).
3. The conditions of the surety shall be that if the Permittees fails to conform to any of the conditions or requirements of this permit or for any reason ceases to operate the facility in accordance with the provisions of this permit and the County is required to expend monies, labor, or material to bring the operation into conformance with the permit or to perform restoration as provided in this permit due to non-performance by the Permittees, the County may utilize the performance security for reimbursement for any and all expenses incurred to remedy such failure of the Permittees.
4. The obligor and its sureties hereby indemnify and save the County harmless from all losses, costs, and charges that may occur to the County because of default.
5. Both Permittees shall furnish to the County a Certificate of Insurance providing coverage by an insurance company duly licensed by the State of Minnesota indicating that the Permittees have in force coverage for public liability, vehicle liability, loading and unloading, completed operations liability, explosion and collapse of underground operations liability, and bodily injury liability in the amount of at least \$2,000,000 for injury of any one person in any one occurrence. Property damage insurance coverage shall be in force with a minimum amount of at least \$2,000,000. Further, the Permittees shall furnish proof of workman's compensation coverage. Insurance certificate(s) described above shall carry an irrevocable notice to the County by the carrier 30 days prior to any change, modification, lapse, or cancellation of the policies required.
6. Insurance coverage required above shall be kept in effect for the duration of the permit. If the permit is to be terminated, insurance shall be maintained until the completion of restoration and return of the performance security.

**ADOPTED** by the Carver County Planning Commission this 19<sup>th</sup> day of February, 2008.

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Ted Beise  
Planning Commission Chair



# REQUEST FOR BOARD ACTION

**AGENDA ITEM:** Knife River – Aggregate material mining/processing.

Originating Division: Land & Water Services

Meeting Date: March 4, 2008

Amount of Time Requested: None

Attachments for packet:  Yes  No

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

**BACKGROUND/EXPLANATION OF AGENDA ITEM:**

File #PZ20070058. Knife River has applied for a Conditional Use Permit (CUP) on the Benjamin Vosejka property located in Section 17, Camden Township. The Planning Commission recommended approval of the request to mining/processing, stockpiling of aggregate material and truck hauling for the upcoming State Highway 7 project. This property has been utilized for mining activities in the past (CUP #20050045). The proposed request would allow Knife River to excavate approximately 50,000 cu. yds. of material from the site. All processed material will be utilized only for the State Hwy 7 project. The project is set to start early April and be completed approximately November of 2008. After the project is completed, the processing activities taking place by Knife River would cease. The site will be depleted of all aggregate materials; therefore, the CUP will be terminated upon final approved restoration of the site. The hauling to and from the site will be handled by contractor's working on the project. The township haul road (Welcome Road) will have Calcium Chloride applied and maintained for the duration of the project. Access to the site would remain via the existing access. A \$28,000 performance surety will need to be maintained until final restoration approval for the operation by Knife River. Camden Township supports the request.

**ACTION REQUESTED:**

A motion adopting Findings of Fact and issuing Order #PZ20070058 for the issuance of a Conditional Use Permit.

**FUNDING**

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

**FISCAL IMPACT**

None  
 Included in current budget  
 Budget amendment requested  
 Other:

*Related Financial Comments:*

Reviewed by Division Director

Date: 22 Feb 08



COUNTY OF CARVER  
*PLANNING COMMISSION RESOLUTION*

**FILE #: PZ20070058**

**RESOLUTION #: 08-02**

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

**FILE #:** PZ20070058

**APPLICANT:** Knife River Corp – North Central

**OWNER:** Benjamin Vosejka

**SITE ADDRESS:** 181975 78<sup>th</sup> Street

**PERMIT TYPE:** Mining Activity

**PURSUANT TO:** County Code, Chapter 152, Section(s) 152.080 C4

**LEGAL DESCRIPTION:** See attached Exhibit "A"

**PARCEL #:** 02-017-0300

**WHEREAS**, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meeting of February 19, 2008; and,

**WHEREAS**, the Carver County Planning Commission finds as follows:

1. Ms. Brisk, Environmental Assistant with Knife River, has submitted an application for a Conditional Use Permit (CUP) to mine sand & gravel on the Benjamin Vosejka property located in the NW¼ of Section 17, Camden Township. The subject property has been utilized for mining activities in the past (CUP #20050045). The property is located in the Agricultural Zoning District and the CCWRMA – Crow River.
2. Section 152.080 C4 of the Carver County Zoning Code provides for mining and/or land reclamation involving 10,000 cubic yards or more as a conditional use.
3. The Vosejka property will be utilized for the mining/processing, screening, and stockpiling of materials and truck hauling for the upcoming Highway 7 project. The applicant states that the site operation would utilize an area of approximately 4 acres. The remainder of the property has been either mined, consists of wetlands and/or has wooded area that the property owner would like to preserve for future possible building eligibility rights.
4. Early April is the approximate starting date for the project when mining/processing operations will begin and continue until late November (all depending on weather and demand of material needed for the project). No structures will be erected, all equipment is portable and on wheels. Stockpiles will be strategically placed around the operation to help reduce the transfer of noise. There will be no use of explosives as part of the mining activities. Approximately 50,000 ton or 37,000 cu. yds. of material (Class 5, sand and aggregate) will be stockpiled and stored on-site for the purpose of mining/processing, screening and for the asphalt operation. The asphalt operation will be operated off-site and along the Hwy 7 project. The mining/processing of gravel includes the use of portable aggregate crushing equipment, screens, a feeder, loaders, stacking conveyors and dump truck/semi truck hauling equipment.
5. Based of the applicant's operational plan; the mining/processing activity is considered to be a 24 hour Monday through Saturday operation based on the following:
  - a. **Screening:** 6 a.m. to 9 p.m., Monday – Saturday (however, the warm up of equipment with a 5:30 a.m. startup).
  - b. **Hauling:** 6 a.m. to 9 p.m., Monday – Saturday.
  - c. **Maintenance:** 24 hours, on occasion and only when necessary minor equipment repairs that may require the use

of a small generator. Any lighting that would be required during periods of darkness will be directed downward, onto the equipment.

- d. **Number of employees, etc.:** Number of employees on-site will depend on the operation, approximately 2-3 employees for mining/processing operations, whereas truck hauling would require more employees to be on-site. Knife River employees and contracted employees of Knife River would access the site.
  - e. **Sewage disposal and waste management:** Portable satellites will be provided for employees on-site with an independent contractor. Trash will be collected and contained in a suitable receptacle and hauled off site to an appropriate disposal site.
  - f. **Screening:** Stockpiles will be placed strategically between the equipment and property lines to serve as the purpose of a screening barrier to the neighbors and traveling public and for reducing noise.
6. The Carver County Water Management Rules require a formal erosion/sediment control plan and stormwater management plan for an operation of 5 acres or more (Level 3). This site consists of 4 acres, plus the existing 2005 area. There are two (2) delineated wetland areas on the property that have been reviewed by County staff and Carver SWCD. The proposal has been reviewed by the SWCD and Wenck Assoc. (see attached). Formal stormwater data is not required because the majority of all runoff would be contained on-site. A silt fence would not be necessary, but appropriate stabilization, topsoil and seeding is to be implemented. Berming will be implemented to help with screening along the northwest portion of the mining activity.
  7. The relatively small size and limited scope of the operation should minimize the potential for adverse environmental effects. The pit would be expanded in the northerly and southerly direction as the existing pond is enlarged. De-watering is not being proposed as the pond dredging progresses. The operation will consist of mining approximately 50,000 tons or 37,000 cu. yds. (cu. yds. may vary based on type of aggregate).
  8. Restoration would require grading at a 5:1 ratio (20%, or flatter) slope, and returning the stockpiled material in a uniform manner to provide for final turf establishment. An NPDES (MPCA permit) is required. Seeding & mulching would be required for the stockpiles and restored areas. SWCD would continue to provide technical assistance on these matters.
  9. Prior to issuance of the permit, Carver County shall received the performance securities and insurance which are required as part of the project. The permittee shall acquire and keep in force for the duration of the permit, **liability insurance** specifically covering the mining and/or restoration and related operations. The permittee shall provide certification of insurance. Also, a **performance surety** shall be provided. The permit shall specify the amount and type of surety required. The surety shall be used to reimburse the county for any monies, labor, or material expended to bring the operation into compliance with the conditions of the permit. The surety may be used after failure to execute the restoration plan. The surety may also be used if there is a failure to execute a phase of a restoration plan specifically scheduled in the permit. Based on past mining activities by Buffalo Bituminous (purchased by Knife River Corp.), restoration had not been completed as required by prior CUP #20050045; therefore, an additional amount should be required as part of this permit application. The performance security is based on the Carver County Zoning Code and Water Management Rules standards. A security in the amount of \$8,000.00 for Water Rules and \$20,000.00 for Zoning Code securities are required.
  10. Access to the site would be via an existing field road to Welcome Road. The applicant has proposed to calcium chloride the haul road and water when necessary. The mining area will be watered regularly in order to reduce dust. Truck hauling signs will be placed accordingly to indicate hauling will be taking place, per MnDOT requirements. The applicant has submitted a Traffic Study narrative to address the estimated truck traffic on Welcome Road. Based on the estimated total average daily traffic generated per hour, the applicant anticipated 20 trucks hauling continuously from 6 a.m. to 9 p.m. Therefore, a 15 hour day would generate approximately 600 trips on the township haul road with perfect weather.
  11. The Camden Town Board has reviewed and recommended approval of the request with the attached conditions: The applicant shall apply calcium chloride to the haul road (Welcome Road) prior to beginning construction activities on-site, water the haul road when needed for the duration of the project, and provide road upgrading/restoration once



project is completed. Welcome Road shall be restored with the placement of gravel on the road surface by October 1, 2008. No widening of the road is allowed. An appropriate rock entrance will need to be established to prevent tracking onto the Township Road.

**THEREFORE, BE IT RESOLVED,** THAT The Carver County Planning Commission hereby recommends the issuance of Conditional Use Permit #PZ20070058 on the land described in Exhibit "A" of the permit application. The Planning Commission further recommends that this permit shall terminate and supercede the prior approved Conditional Use Permit #PZ20050045 on the subject property. The Planning Commission further recommends that the following conditions be attached to the permit:

***General Requirements:***

1. This permit is subject to compliance review. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners and/or operators are encouraged to contact Land Management as early on in the timeline of the proposed change as possible.
2. This permit shall be terminated upon completion of the Highway 7 project, site restoration and a final site inspection conducted by Carver County Land Management Dept. and Carver SWCD staff.
3. Operations shall be substantially in accordance with the operational letter (dated: 12/21/07) and the site plans (dated: 12/20/07). The hours of operation shall be from 5:30 a.m. to 9:00 p.m. Monday through Saturday. No operations shall occur on Sundays and/or the following holidays; New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
4. Mining and/or similar disturbances shall not occur within 50 feet of the public right-of-way or any property line. The permittee must provide a rock entrance to prevent the tracking of mud from trucks and heavy equipment onto the roadway.
5. A Grading Plan (including restoration), Erosion/Sediment Control Plan and Stormwater Management Plan shall be implemented according to the Carver County Zoning Code, Carver SWCD and Wenck Associates comments. No mining and/or impacts permitted to delineated wetlands on the site.
6. Stockpiles and restored areas must be seeded and disc mulched within 72 hours of final grading. Weeds and other unsightly vegetation shall be cut or sprayed as necessary to present a neat appearance and to prevent seeding of adjacent properties. (All standards of Zoning Code must be met.)
7. Permittee must comply with Camden Township's dust control and road restoration requirements for Welcome Road. Permittee must apply calcium chloride to the haul road (Welcome Road) prior to beginning construction activities on-site, water the haul road when needed for the duration of the project, and provide road upgrading/restoration once project is completed. Welcome Road shall be restored with the placement of gravel on the road surface by October 1, 2008. No widening of the road is allowed. An appropriate rock entrance will need to be established to prevent tracking onto the Township Road. Waste oil shall not be utilized for dust control measures.
8. All storage of equipment and materials utilized as part of the operation shall be kept within the interior of the mining area in order to minimize visual exposure to areas outside the mining area.
9. No trash, garbage, waste, construction debris, or similar materials shall be deposited in or near the permitted area.

***Operational Requirements:***

1. The operation shall be conducted so that the required material can be removed while disturbing a minimum area and to permit restoration at the earliest possible time. The Permittee shall confine mining operations as much as possible to one area at a time.

2. Permittee shall maintain erosion control measures including, but not limited to, a berm near wetland area to ensure erosion, sedimentation, or drainage of the wetlands, does not occur.
3. Existing drainage patterns shall not be altered if possible except that runoff containment is mandatory, unless a re-submittal has been approved for the County Water Rules.
4. Topsoil and overburden required for the restoration shall be maintained and shall be preserved from erosion or other loss. Only materials necessary for restoration may be hauled onto the site. Said materials shall be incorporated into the site restoration immediately or stockpiled according to the site plan. (All standards of the Zoning Code and Water Rules apply).
5. De-watering is not allowed.
6. The material removed pursuant to this permit is not expected to exceed 40,000 cubic yards. The volume will be reviewed by the Land Management Administrator and/or Carver SWCD during review. The permit must be amended if the Land Management Administrator determines that the size or intensity of the operation exceeds the scope of the permit.

***Restoration:***

1. The design of the restored areas must be in accordance to the Zoning Code and the Water Management Rules. To the extent possible, restoration shall be staged such that the exhausted areas are stabilized and turf established as soon as possible. Said design may be subject to revisions and modifications by the Land Management Dept. and Carver SWCD. All restoration should be completed by mid 2009. Prior to the release of the securities, a final site inspection shall be conducted by the Carver County Land Management Dept. and Carver SWCD. Prior to the final inspection all restoration shall be completed and be in accordance to Section 152.080 C4 – Mining & the Water Management Rules. In addition, the following need to be completed:
  - At a minimum, 4" to 6" of topsoil shall be placed on all upland areas.
  - Final grade shall not impact neighboring properties.
  - No hauling of topsoil off-site.
  - Seeding and Mulching shall be consistent with the Minnesota Department of Transportation specifications for right-of-ways.
  - Contact the SWCD and Carver Land Management Dept. prior to moving equipment off-site.

***Performance Securities and Insurance:***

1. The Permittee shall provide a performance security in a form acceptable to the County, naming the County as obligee. The security shall be drafted so as to be effective for the duration of the project which would include restoration and a final site inspection conducted by the Carver County Land Management Dept and Carver SWCD.
2. The Performance Security required for this permit - \$28,000.00. (A security in the amount of \$8,000.00 for Water Rules and \$20,000.00 for Zoning Code securities are required.)
3. The conditions of the surety shall be that if the Permittee fails to conform to any of the conditions or requirements of this permit or for any reason ceases to operate the facility in accordance with the provisions of this permit and the County is required to expend monies, labor, or material to bring the operation into conformance with the permit or to perform restoration as provided in this permit due to non-performance by the Permittee, the County may utilize the performance security for reimbursement for any and all expenses incurred to remedy such failure of the Permittee.
4. The obligor and its sureties hereby indemnify and save the County harmless from all losses, costs, and charges that may occur to the County because of default.
5. The Permittee shall furnish to the County a certificate of Insurance providing coverage by an insurance company duly licensed by the State of Minnesota indicating that the Permittee has in force coverage for public liability, vehicle liability, loading and unloading, completed operations liability, explosion and collapse of underground operations



liability, and bodily injury liability in the amount of at least \$2,000,000 for injury of any one person in any one occurrence. Property damage insurance coverage shall be in force with a minimum amount of at least \$2,000,000. Further, the Permittee shall furnish proof of workman's compensation coverage. Insurance certificate(s) described above shall carry an irrevocable notice to the County by the carrier 30 days prior to any change, modification, lapse, or cancellation of the policies required.

6. Insurance coverage required above shall be kept in effect for the duration of the permit. If the permit is to be terminated, insurance shall be maintained until the completion of restoration and return of the performance security.

**ADOPTED** by the Carver County Planning Commission this 19<sup>th</sup> day of February, 2008.

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Ted Beise  
Planning Commission Chair



# REQUEST FOR BOARD ACTION

**AGENDA ITEM : 2008 Residential Survey**

Originating Division: LWS/Admin Services

Meeting Date: 3/4/08

Amount of Time Requested: 15 min

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

For 2008, Carver County is partnering with Dakota, Washington and Olmsted Counties to conduct a residential survey. The Board reviewed and provided input on a draft on Feb 5, 2008.

Attached is a revised draft survey instrument. Residents will be contacted by phone in March. The results will be available in May.

Some minor changes could be made to the attached draft survey based on "field" testing.

**ACTION REQUESTED:** Authorize the 2008 Residential Survey to be conducted.**FUNDING**

County Dollars = \$25,000

Other Sources &amp; Amounts =

Grants = \$

**TOTAL** = \$25,000**FISCAL IMPACT** None Included in current budget Budget amendment requested Other:

*Related Financial Comments: On October 23, 2007 the County Board authorized staff to move forward with the survey. The JPA between the participating Counties was authorized on Feb 12, 2008.*

 Reviewed by Division Director

Date: 2/25/08

The CarverCounty  
2008 Residential Survey

[TEXT IN CAPS IS USED AS INSTRUCTIONS OR CODES FOR THE INTERVIEWER ONLY, AND IS NOT READ ALOUD]

Hello, my name is \_\_\_\_\_ and I am calling on behalf of CarverCounty. We are conducting a survey about services that CarverCounty government provides and the quality of life in CarverCounty. The survey is being conducted because CarverCounty is interested in your opinions and suggestions. This survey should last approximately 20 minutes.

In order to keep our survey representative of CarverCounty's population, I would like to speak to the youngest adult member of your household. Is that you? [IF NOT:] May I speak with that person, please?

Your answers to this survey will be kept confidential, and reported in group form only. [DO NOT PAUSE]

COMMON QUESTION

1. What county do you live in?
1. Dakota
  2. Washington
  3. Olmsted
  4. Carver
  5. OTHER
  6. DON'T KNOW/REFUSED

[IF "Other" OR "Don't know/refused", TERMINATE INTERVIEW: "Thank you for your time. We are only surveying residents of CarverCounty."]

COMMON QUESTION

2. In which city or township do you live? [DO NOT READ LIST.]

[IF Q1=4, DISPLAY] [CARVER COUNTY]

68. BENTON TOWNSHIP (DISTRICT 5)
69. CARVER (DISTRICT 3)
70. CAMDEN TOWNSHIP (DISTRICT 5)
71. CHANHASSEN [SKIP TO 2A]
72. CHASKA [SKIP TO 2D]
73. CHASKA TOWNSHIP (DISTRICT 5)
74. COLOGNE (DISTRICT 5)
75. DAHLGREN TOWNSHIP (DISTRICT 5)
76. HAMBURG (DISTRICT 5)
77. HANCOCK TOWNSHIP (DISTRICT 5)
78. HOLLYWOOD TOWNSHIP (DISTRICT 4)
79. LAKETOWN TOWNSHIP (DISTRICT 5)
80. MAYER (DISTRICT 5)
81. NEW GERMANY (DISTRICT 5)
82. NORWOOD YOUNG AMERICA (DISTRICT 5)
83. SAN FRANCISCO TOWNSHIP (DISTRICT 5)
84. VICTORIA (DISTRICT 3)
85. WATERTOWN (DISTRICT 4)
86. WATERTOWN TOWNSHIP (DISTRICT 4)
87. WACONIA TOWNSHIP (DISTRICT 4)
88. WACONIA (DISTRICT 4)
89. YOUNG AMERICA TOWNSHIP (DISTRICT 5)
98. OTHER [IF "OTHER": "Thank you, but we're looking to speak with residents of specific cities within Carver County."]  
TERMINATE INTERVIEW
99. DON'T KNOW/REFUSED [IF "DON'T KNOW/REFUSED": "Thank you, but we're looking to speak with residents of specific cities within Carver County."] TERMINATE INTERVIEW

[IF Q2= 71 CHANHASSEN, ASK:]

- 2S. Do you live north of Lyman Boulevard?
1. Yes (ASK 2T)
  2. No (DISTRICT 1) SKIP TO Q3
  3. DON'T KNOW/REFUSED [IF "DON'T KNOW/REFUSED": "Thank you, but we're looking to speak with residents of specific cities within Carver County."] TERMINATE INTERVIEW
- 2T. Do you live west of Powers Boulevard?



1. Yes (DISTRICT 2) SKIP TO Q3
2. No (ASK 2U)
3. DON'T KNOW/REFUSED [IF "DON'T KNOW/REFUSED": "Thank you, but we're looking to speak with residents of specific cities within Carver County."] TERMINATE INTERVIEW

**2U. Do you live north of Highway 5?**

1. Yes (DISTRICT 2)
2. No (DISTRICT 1)
3. DON'T KNOW/REFUSED [IF "DON'T KNOW/REFUSED": "Thank you, but we're looking to speak with residents of specific cities within Carver County."] TERMINATE INTERVIEW

[IF Q2= 72 CHASKA, ASK:]

**2V. Do you live west of Hwy 41?**

1. Yes (District 3)
2. No (District 1)
3. DON'T KNOW/REFUSED [IF "DON'T KNOW/REFUSED": "Thank you, but we're looking to speak with residents of specific cities within Carver County."] TERMINATE INTERVIEW

**COMMON QUESTION**

3. **How would you rate your overall quality of life in CarverCounty? Would you say it is excellent, good, fair, or poor?**
  1. Excellent
  2. Good
  3. Fair
  4. Poor
  5. DON'T KNOW/REFUSED

**COMMON QUESTION**

4. **What one thing do you like most about living in CarverCounty? [DO NOT READ LIST.]**
  1. GOOD ECONOMY
  2. HOME
  3. JOB OPPORTUNITIES
  4. LIBRARIES
  5. LOCATION
  6. MY NEIGHBORHOOD
  7. OPEN SPACE
  8. PARKS/LAKES
  9. PEACEFUL
  10. PEOPLE
  11. QUALITY OF LIFE IN GENERAL
  12. QUIET
  13. RURAL
  14. SAFE
  15. SCHOOLS
  16. SERVICES
  17. SHOPPING
  18. SMALL TOWN FEEL
  19. WEATHER
  20. UNSURE
  21. NO REASON
  22. TRANSPORTATION SYSTEM [INCLUDES ROADS AND TRANSIT]
  98. OTHER [SPECIFY; ADD CODES AS NECESSARY]
  99. DON'T KNOW/REFUSED

**COMMON QUESTION**

5. **Now I'm going to read you a list of possible problems in CarverCounty. Please tell me to what degree, if at all, each of these is a problem in your County. [OKAY TO PROMPT WITH:] How about [ROTATE A-J], is this not a problem, a minor problem, a moderate problem, or a major problem?**
  - b. Violent crime [
  - c. Property crime [
  - d. Juvenile crime [
  - e. Taxes
  - f. Traffic congestion
  - g. Domestic violence [
  - h. Poverty
  - i. Identity theft or financial fraud [

- j. Soil and water contamination [
  - 1. Major problem
  - 2. Moderate problem
  - 3. Minor problem
  - 4. Not at all a problem
  - 5. DON'T KNOW/REFUSED [DO NOT READ]

**COMMON QUESTION**

6. **What do you feel is the most serious issue facing Carver at this time? [DO NOT READ LIST; PLEASE PROBE FOR SPECIFIC ANSWERS. PROBING FOR MEANINGFUL RESPONSE IS IMPORTANT. ALLOW ONLY ONE.]**
- 1. AFFORDABLE HOUSING
  - 2. AFFORDABLE PROPERTY
  - 3. AMOUNT OF COUNTY SERVICES
  - 4. BRIDGES/RIVER CROSSINGS
  - 5. CONDITION OF ROADS
  - 6. CRIME
  - 7. VIOLENT CRIME
  - 8. PROPERTY CRIME
  - 9. JUVENILE CRIME
  - 10. ECONOMIC DEVELOPMENT
  - 11. GROWTH/DEVELOPMENT
  - 12. JOBS
  - 13. KEEPING FARMS
  - 14. LACK OF BUSINESSES/ATTRACTING BUSINESSES
  - 15. LACK OF RECREATIONAL OPPORTUNITIES
  - 16. LOSS OF RURAL FEEL
  - 17. NATIVE AMERICAN LAND ISSUES
  - 18. PARKING
  - 19. POLITICS/POLITICAL ISSUES
  - 20. POLLUTION
  - 21. PRESERVING NATURAL AREAS/PROTECTING NATURAL RESOURCES
  - 22. QUALITY HOUSING
  - 23. QUALITY OF COUNTY SERVICES
  - 24. SAFETY
  - 25. SCHOOLS
  - 26. TAXES
  - 27. TEEN DRUG/ALCOHOL USE
  - 28. TRAFFIC CONGESTION
  - 29. TRAFFIC LAW ENFORCEMENT
  - 30. ZONING LAWS
  - 31. NO ISSUE
  - 98. OTHER [SPECIFY; ADD CODES AS NECESSARY]
  - 99. DON'T KNOW/REFUSED

**COMMON QUESTION**

7. **Please tell me if you think each of the following characteristics of Carver County is excellent, good, fair, or poor. How about...? [ROTATE A-N] [RE-READ SCALE AS NEEDED]**
- a. Availability of affordable housing
  - b. Availability of affordable health care
  - c. Availability of affordable quality childcare
  - d. Availability of parks
  - e. Availability of trails
  - f. Availability of open space
  - g. Air quality [
  - h. Water quality [
  - i. Availability of public transit [AS NECESSARY, OKAY TO SAY THAT 'PUBLIC TRANSIT' INCLUDES 'PUBLIC TRANSPORTATION' OR 'BUSES' ]
  - k. Preservation of farmland and natural areas [
  - l. Preparedness for bioterrorism and natural disasters [
  - m. Preparedness for communicable disease outbreak [
  - n. Preservation of historic structures and landscapes [
- 1. Excellent
  - 2. Good
  - 3. Fair

4. Poor
5. DON'T KNOW/REFUSED

**COMMON QUESTION**

8. Please rate the speed of growth in the following categories in CarverCounty over the past two years as much too slow, somewhat too slow, the right amount, somewhat too fast or much too fast. How about [ROTATE A-D]?
- a. Population growth
  - b. Retail growth, including stores and restaurants
  - c. Jobs growth
  - d. Growth of housing developments
1. Much too slow
  2. Somewhat too slow
  3. Right amount
  4. Somewhat too fast
  5. Much too fast
  6. DON'T KNOW/REFUSED [DO NOT READ]

**COMMON QUESTION [**

9. How would you rate the job the County does of informing its citizens? Would you say it is excellent, good, fair, or poor?
1. Excellent
  2. Good
  3. Fair
  4. Poor
  5. DON'T KNOW/REFUSED

**COMMON QUESTION**

10. I would like to know to what degree, if at all, each of the following is a health concern in CarverCounty. [ROTATE A-R. READ LIST. OKAY TO PROMPT WITH: How about, is it a major concern, a moderate concern, a minor concern, or not at all a concern?]
- a. Exposure to secondhand smoke [
  - b. Tobacco use
  - c. Depression
  - d. Suicide
  - e. Underage alcohol use
  - f. Alcohol abuse among adults
  - g. Illegal drug use
  - h. Unplanned pregnancy
  - i. The health and support for our elderly and disabled
  - j. The adequacy of care and parenting for infants and young children
  - k. Sexually transmitted diseases
  - l. Physical inactivity
  - m. Overweight adults and children
  - o. Abuse and neglect of children
  - p. Abuse and neglect of seniors
  - q. Drinking and driving
  - r. Motor vehicle accidents
1. Major concern
  2. Moderate concern
  3. Minor concern
  4. Not at all a concern
  5. DON'T KNOW/REFUSED [DO NOT READ]

11. How important is it, if at all, for local government to help people living in Carver County to find ways to promote conservation and reduce their reliance on energy, like gasoline or electricity, that generates greenhouse gases, known as carbon pollution? Would you say it is...
1. Essential
  2. Very important
  3. Somewhat important
  4. Not at all important
  5. DON'T KNOW/REFUSED



12. Now I'm going to read you a list of potential environmental concerns in Carver County. Please tell me to what degree, if at all, each of these is a concern in Carver County. [OKAY TO PROMPT WITH:] How about [ROTATE A-I], is this not a concern, a minor concern, a moderate concern, or a major concern?
- a. Exposure to radon
  - b. Quality of outdoor air [
  - c. Safety of food in public establishments [
  - d. Mold contamination at home or at work [
  - e. Lead poisoning risks in community [
  - f. Proper disposal of garbage [
  - g. Proper disposal of sewage [
  - h. Quality of drinking water [
  - i. Quality of water in lakes and streams [
1. Major concern
  2. Moderate concern
  3. Minor concern
  4. Not at all a concern
  5. DON'T KNOW/REFUSED [DO NOT READ]

COMMON QUESTION

13. Do you feel very safe, somewhat safe, somewhat unsafe, or very unsafe [ROTATE A-F] in Carver County? [RE-READ SCALE AS NEEDED.]
- a. from property crimes, such as burglary and theft
  - b. from violent crimes, such as rape, assault, robbery
  - c. from nuisance crimes, such as vandalism, noise violations
  - d. From drunk driving when traveling within the county
  - f. On Carver County parks and trails [
1. Very safe
  2. Somewhat safe
  3. Somewhat unsafe
  4. Very unsafe
  5. DON'T KNOW/REFUSED [DO NOT READ]

COMMON QUESTION

14. What kind of Carver County service or information would you like to access via the Internet [AS NECESSARY, ADD "the World Wide Web"]? [MULTIPLE RESPONSE. PROBE: Is there any other kind of Carver County service or information that you would like to access via the Internet?] [DO NOT READ LIST: PLEASE PROBE FOR GREATEST SPECIFICITY]
- |  |  |
|--|--|
| 1. RENEW OR APPLY FOR A LICENSE, PERMIT, OR OTHER APPLICATION              | 19. ZONING AND CODE REQUIREMENTS         |
| 2. APPLY TO BE A FOSTER PARENT   | 20. DEPARTMENT/EMPLOYEE CONTACTS         |
| 3. PAY FEES, FINES, OR PROPERTY TAXES                                      | 21. DIRECTIONS/HOURS OF SERVICE          |
| 4. APPLY FOR A LIBRARY CARD AND/OR UTILIZE LIBRARY RESOURCES               | 22. PROJECT INFORMATION                  |
| 5. PARK INFORMATION (E.G., MAKE A RESERVATION AT A REGIONAL PARK FACILITY) | 23. DATA                                 |
| 6. ACCESS PUBLIC COUNTY RECORDS  | 24. GENERAL INFORMATION ABOUT THE COUNTY |
| 7. RESEARCHED PROPERTY SALES/INFORMATION                                   | 25. ECONOMIC DEVELOPMENT                 |
| 8. MAKE AN APPOINTMENT FOR A COUNTY SERVICE                                | 26. ATTEND A COUNTY EVENT                |
| 9. REGISTER A COMPLAINT  | 27. MAPS                                 |
| 10. SERVICE INFORMATION  | 28. REGISTRATIONS                        |
| 11. MEETING CALENDAR, AGENDA, AND/OR MINUTES                               | 29. LIBRARY CATALOGS                     |
| 12. NEWSLETTERS  | 30. CONTACT COUNTY COMMISSIONERS         |
| 13. BUDGET DOCUMENTS   | 31. CONTACT STAFF                        |
| 14. POLICIES   | 32. SUBSCRIBE TO LISTSERVE               |
| 15. PUBLIC TRANSPORTATION SCHEDULES  | 33. HISTORICAL INFORMATION               |
| 16. JOB SEARCH   | 34. ROAD CONSTRUCTION AREAS              |
| 17. RESERVE MEETING SPACE  | 35. GARBAGE AND RECYCLING                |
| 18. ADVISORY COMMITTEE   | 36. JAIL SERVICES                        |
|  | 37. CIVIL PROCESS SERVICES               |
|  | 38. COURT SERVICES                       |
|  | 39. DISPATCH AND PATROL SERVICES         |
|  | 40. NO PURPOSE                           |
|  | 98. OTHER [SPECIFY]                      |
|  | 99. DON'T KNOW/REFUSED                   |

COMMON QUESTION

15. Do you have Internet access from your home? [AS NECESSARY, ADD "the World Wide Web"]
1. Yes
  2. No
  3. DON'T KNOW/REFUSED
16. In your opinion, should the city or county government play a role in assuring that high-speed Internet access is available to residents living in the county?
1. Yes
  2. No
  3. DON'T KNOW/REFUSED [DO NOT READ]

**COMMON QUESTION**

17. I am going to read you a list of potential sources of information about CarverCounty government. Please tell me whether you use each as a major or minor source of information, or not at all. How about [ROTATE A-O.] [RE-READ SCALE AS NEEDED.]
- a. Cable broadcasts of Carver County Board meetings
  - c. Daily newspapers
  - d. Other County residents (such as neighbors or friends)
  - e. CarverCounty employees
  - f. The Internet [AS NECESSARY, ADD "the World Wide Web"]
  - g. County Web site on the Internet
  - h. Weekly community newspapers
  - i. Community meetings
  - l. The Carver County newsletter, The Carver County Citizen [
1. Major source
  2. Minor source
  2. Not at all
  3. DON'T KNOW/REFUSED [DO NOT READ]

**COMMON QUESTION**

18. I'm going to read you a list of services provided by CarverCounty. Please tell me whether you would rate the quality of each service as excellent, good, fair, or poor. How about [ROTATE A-T], [RE-READ SCALE AS NECESSARY.]
- a. County libraries [
  - b. County parks and recreation
  - c. Trail and bikeway system in [
  - d. Condition of County roads
  - e. 911 dispatch services [
  - f. Sheriff services [ADD 'SUCH AS JAIL, PATROL, INVESTIGATIONS, AND CIVIL SERVICES' IF NECESSARY]
  - g. Employment support services [
  - h. Environmental protection
  - i. Social services to seniors
  - k. Services to low income residents
  - l. Child protection services
  - m. Public transportation/transit services [
  - n. Snow and ice removal on County roads
  - o. Self-service options on county Web site [
  - p. Records, vital statistics, licensing, and vehicle registration [
  - q. Land use and planning information [
  - s. Housing assistance services (CARVER ONLY)
  - t. Business assistance services (CARVER ONLY)
1. Excellent
  2. Good
  3. Fair
  4. Poor
  5. DON'T KNOW/REFUSED

**COMMON QUESTION**

19. Have you visited or telephoned any CarverCounty government office within the last 12 months?
1. Yes [
  2. No [
  99. DON'T KNOW/REFUSED

20. What was your impression of the employees of Carver County in your most recent contact? How would you rate [ROTATE A-C: READ LIST]? Was it excellent, good, fair, or poor?
- a. Their courteousness
  - b. Their knowledge
  - c. Their responsiveness

[RE-READ SCALE AS NECESSARY]

- 1. Excellent
- 2. Good
- 3. Fair
- 4. Poor
- 5. DON'T KNOW/REFUSED [DO NOT READ]

COMMON QUESTION

21. I am going to read you a list of statements about CarverCounty government. Please tell me if you strongly agree, somewhat agree, somewhat disagree, or strongly disagree with each of these statements. The first is: [ROTATE A-E: READ LIST] Do you strongly agree, somewhat agree, somewhat disagree, or strongly disagree with this statement?

- a. I feel CarverCounty government listens to citizens.
- b. I feel I know about the work of the CarverCounty Board.
- c. I feel I receive good value for the CarverCounty taxes I pay.

- 1. Strongly agree
- 2. Somewhat agree
- 3. Somewhat disagree
- 4. Strongly disagree
- 5. DON'T KNOW/REFUSED [DO NOT READ]

COMMON QUESTION

22. There are many things that people might do to prepare for a serious emergency. Please tell me if you or anyone in your household has done each of the following to prepare for a serious emergency. What about...[ROTATE A-D]?

- a. Made a phone list for contacting your family members?
- b. Stored enough food, water and supplies to meet your household needs for at least three days?
- c. Obtained a working battery-operated or hand-cranked radio?
- d. Assembled an emergency kit with basic medical supplies?

- 1. Yes
- 2. No
- 3. DON'T KNOW/REFUSED [DO NOT READ]

COMMON QUESTION

23. Right now, do you have any kind of health care coverage, including health insurance from your employer or a spouse's employer? Health insurance includes prepaid plans such as HMOs, or government plans such as Medicare or Medicaid, or military benefits.

- 1. Yes
- 2. No
- 3. DON'T KNOW/REFUSED [DO NOT READ]

24. In the last year, what would say your health insurance status was? Were you... [READ LIST]?

- 1. Insured for the entire year
- 2. Insured for part of the year, and not insured for part of the year
- 3. Not insured at all for the year
- 4. DON'T KNOW/REFUSED [DO NOT READ]

COMMON QUESTION

25. How many times in the past 3 months have you or another member of your family visited a Carverlibrary. Was it...

- 1. Never/zero times [
- 2. Once or twice [
- 3. 3-6 times [
- 4. More than 6 times [
- 5. DON'T KNOW/REFUSED [DO NOT READ] [

26. In dealing with library staff in Carver County, please tell me if you strongly agree, somewhat agree, somewhat disagree, or strongly disagree with the following statements.



- a. When called upon, staff provides useful assistance
- b. Inquiries are handled in a timely manner
- c. Staff responds in a professional manner
- d. Staff is knowledgeable and competent

- 1. Strongly agree
- 2. Somewhat agree
- 3. Somewhat disagree
- 4. Strongly disagree
- 5. DON'T KNOW/REFUSED [DO NOT READ]

27. How did you learn about or become aware of Carver County library services and program? Was it through...

- 1. Flyers and posters at the library(ies)
- 2. Newspaper article/announcement
- 3. TV or radio announcement
- 4. Information on library Web site
- 5. Library staff
- 6. Information from another person
- 7. Some other way
- 8. DON'T KNOW/REFUSED [DO NOT READ]

**COMMON QUESTION**

28. How likely or unlikely is your household to switch to a cell phone only household in the next 12 months? Would you say you are...

- 1. Very likely
- 2. Somewhat likely
- 3. Somewhat unlikely
- 4. Very unlikely
- 5. DON'T KNOW/REFUSED [DO NOT READ]

29. We are interested in how people are getting along financially these days. Would you say that you and your household are better off or worse off financially than you were a year ago?

- 1. Much better
- 2. Somewhat better
- 3. About the same
- 4. Somewhat worse
- 5. Much worse
- 6. DON'T KNOW/REFUSED [DO NOT READ]

30. Please indicate how likely or unlikely you are to remain in Carver County for the next five years.

- 1. Very likely
- 2. Somewhat likely
- 3. Somewhat unlikely
- 4. Very unlikely
- 5. DON'T KNOW/REFUSED [DO NOT READ ALOUD]

31. Do you strongly support, somewhat support, somewhat oppose, or strongly oppose Carver County acquiring areas of natural amenity (such as lake shore, woodland, prairie, bluffs, ravines, or rivers and streams) for open space and parks?

- 1. Strongly support
- 2. Somewhat support
- 3. Somewhat oppose
- 4. Strongly oppose
- 5. DON'T KNOW/REFUSED [DO NOT READ]

32. If the county established dedicated funding, how much more do you think you would be willing to pay in additional property taxes per year in order to purchase lands in your area important for water quality, natural areas, fish and wildlife, and outdoor recreation? Stop me when you hear the level of additional property tax per household that you are willing to pay to purchase these lands: [READ LIST - RANDOMLY FLIP ORDER (1-7 VS. 7-1)]

- 1. \$0
- 2. \$1 - \$20
- 3. \$21 - \$40
- 4. \$41 - \$60

5. \$61 - \$80
6. \$81 - \$100
7. \$101 - \$120
8. DON'T KNOW/REFUSED [DO NOT READ]

33. I'm going to read you a list of various transportation needs in Carver County. Please indicate how important, if at all, each option is in the County. How about... [ROTATE A-E]? Would you say this is essential, very important, somewhat important or not at all important for Carver County?

- a. Expanded road system
- b. Expanded transit bus system
- c. Increased park and ride availability
- d. Commuter rail service
- e. Increased trail connections

1. Essential
2. Very important
3. Somewhat important
4. Not at all important
5. DON'T KNOW/REFUSED [DO NOT READ]

#### DEMOGRAPHIC QUESTIONS

Our last questions are about you and your household. Again, all of your responses to this survey are completely anonymous and will be reported in a group form only.

#### COMMON QUESTION

D2. Please stop me when I reach the category that includes your household's annual income. [READ LIST]

1. Under \$25,000
2. \$25,000 to less than \$50,000
3. \$50,000 to less than \$75,000
4. \$75,000 to less than \$100,000
5. \$100,000 to less than \$150,000
6. \$150,000 to less than \$200,000
7. \$200,000 to less than \$250,000
8. \$250,000 or more
9. DON'T KNOW/REFUSED [DO NOT READ]

#### COMMON QUESTION

D3. How long have you lived in the County? Has it been... [READ LIST]?

1. Less than 2 years
2. 2 to 5 years
3. 6 to 10 years
4. 11 to 15 years
5. 16 to 20 years
6. Over 20 years
7. DON'T KNOW/REFUSED

#### COMMON QUESTION

D4. Are you currently employed for pay?

1. Yes
2. No
3. DON'T KNOW/REFUSED

#### COMMON QUESTION

D6. Are you employed full-time or part-time? [RE-READ LIST AS NECESSARY]

1. Full-time
2. Part-time
3. DON'T KNOW/REFUSED [DO NOT READ]

#### COMMON QUESTION

D7. In what city do you primarily work? [DO NOT READ LIST] [IF RESPONDENT WORKS IN MORE THAN ONE LOCATION, PLEASE ADD: "Please choose the location you work at most often."] [ALLOW ONLY ONE]

D8. If you work outside of the home, approximately how long does it take you to commute to your workplace from your residence? [READ LIST]

1. 10 minutes or less
2. 11 to 20 minutes

3. 21 to 25 minutes
4. 26 to 30 minutes
5. 31-45 minutes
6. Over 45 minutes
7. NOT APPLICABLE/WORK AT HOME [DO NOT READ] [SKIP TO D11]
8. DON'T KNOW/REFUSED [DO NOT READ]

**D9. If you work outside of the home, what would you consider to be a reasonable commuting time to your place of work? [READ LIST]**

1. 5 minutes or less
2. 6 to 10 minutes
3. 11 to 15 minutes
4. 16 to 20 minutes
5. 21 to 25 minutes
6. 26 to 30 minutes
7. Over 31 to 50 minutes
8. Over 50 minutes
9. NOT APPLICABLE/WORK AT HOME [DO NOT READ]
10. DON'T KNOW/REFUSED [DO NOT READ]

**COMMON QUESTION**

**D10. Please stop me when I reach the category that includes your age. [READ LIST]**

1. 18 to 24 years
2. 25 to 34 years
3. 35 to 44 years
4. 45 to 54 years
5. 55 to 64 years
6. 65 years and over
7. REFUSED [DO NOT READ]

**COMMON QUESTION**

**D11. How many children age 17 years and under live in your household?**

- \_\_\_\_\_ [ENTER NUMBER OF CHILDREN AGE 17 AND UNDER]
98. NO CHILDREN [DO NOT READ]
  99. DON'T KNOW/REFUSED [DO NOT READ]

**COMMON QUESTION**

**D12. How many adults under age 65 years live in your household? Please remember to include yourself if you are under age 65.**

- \_\_\_\_\_ [ENTER NUMBER OF ADULTS UNDER AGE 65]
98. NONE [DO NOT READ]
  99. DON'T KNOW/REFUSED [DO NOT READ]

**COMMON QUESTION**

**D13. How many persons age 65 years and over live in your household? Please remember to include yourself if you are age 65 or over.**

- \_\_\_\_\_ [ENTER NUMBER OF ADULTS OVER AGE 65]
98. NONE [DO NOT READ]
  99. DON'T KNOW/REFUSED [DO NOT READ]

**COMMON QUESTION**

**D14. RESPONDENT GENDER [DO NOT ASK.]**

1. FEMALE
2. MALE

Those are all of my questions. Thank you for your time.





# REQUEST FOR BOARD ACTION

**AGENDA ITEM:** Authorize Contract with AES for BMP GIS Tool

Originating Division: Land Water Services

Meeting Date: Mar 4, 2008

Amount of Time Requested: NA

Attachments for packet:  Yes  No

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

**BACKGROUND/EXPLANATION OF AGENDA ITEM:**

As part of the CCWMO's efforts to analyze water quality impacts and implement TMDL's, staff is proposing to purchase a Best Management Practice (BMP) GIS Tool and Optional RUSLE Model add-on for the purpose of providing BMP effectiveness and load reduction information for the purpose of effective BMP Implementation.

**ACTION REQUESTED:** Motion to approve contract with Applied Ecological Services to provide the Best Management Practice (BMP) GIS Tool

**FUNDING**

2008 Funding: CCWMO Watershed Levy = \$ 4,000

**TOTAL =** \$ 4,000

**FISCAL IMPACT**

- None
- Included in current budget
- Budget amendment requested
- Other:

*Related Financial Comments:*

Reviewed by Division Director

Date: Feb 25, 2008



# REQUEST FOR BOARD ACTION

## AGENDA ITEM: Information Services – Metro GIS Address Point Synchronization

Originating Division: Administrative Services

Meeting Date: 3/4/2008

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:** Information Services – The attached interagency agreement between Metro GIS and Carver County is for Address Point Synchronization Application Development.

### Details of Project

Many counties and cities maintain or are in the process of building address point databases either incorporated within GIS or linked to GIS.

The proposed application development project will share address point information in a consistent and universal manner; a schema will be developed to represent the storage of address data within Regional Address Point Repository.

Carver County will assist this initiative with these defined deliverables:

1. Report as described in Section 1.01
2. Un-compiled VB.NET
3. Raw T-SQL database object scripts
4. Compiled VB.NET application code with a distributable setup package
5. Transactional database schema scripts
6. Written installation instructions

Metro GIS will provide Carver County funding in the amount of \$10,000 in recoverable development fees.

**ACTION REQUESTED:** Motion for approval of agreement between Metro GIS and Carver County for Interagency Address Point Synchronization.

### FUNDING

County Dollars = \$

Other Sources & Amounts =

= \$

**TOTAL** = \$

### FISCAL IMPACT

None

*Included in current budget*

*Budget amendment requested*

Other:

*Related Financial Comments: Part of approved 2008 budget.*

Reviewed by Division Director

Date: 2/19/2008



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Announcement: United States Environmental Protection Agency (EPA) Aging Initiative: Building Healthy Communities for Active Aging Award

Originating Division: Public Health

Meeting Date: 3/4/08

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:** The United States EPA awarded Carver County Public Health a Building Healthy Communities for Active Aging Commitment Award at the 7<sup>th</sup> Annual New Partners for Smart Growth: Building Safe, Healthy, and Livable Communities on February 8, 2008. This award acknowledges the planning efforts of the Carver County Health Partnership Senior Commission and the Carver County Board of Commissioners' creation of the Office of Aging. Foreseeing a dramatic increase in the aging population, the Senior Commission has incorporated smart growth and active aging principles into a Master Plan to Create Community for a Lifetime in Carver County. Taking that one step further, the Office of Aging will have an Element chapter in the 2030 Carver County Comprehensive Plan, highlighting topic areas including transportation, housing needs and employment opportunities for older adults. The connection between planning for housing and transportation and physical activity among the aging population will improve the health of our residents 65 plus, which is expected to quadruple to 24,490 by 2030. Walkable Community Workshops held by Public Health, in the cities of Victoria and Watertown which have included members of local Senior Commissions, have complemented the planning efforts by assessing the communities built environment for features of walkability.

This award follows the "2007 County Achievement Award" that Carver County received from the Association of Minnesota Counties (AMC) for exhibiting excellence and innovation in a county project for the adoption of a "Communities for a Lifetime" vision statement in 2006 and then approving the Office of Aging to provide leadership and coordination of services and planning for older adults.

**ACTION REQUESTED:** Acknowledgement of the Commitment Award from the U.S. EPA Aging Initiative.

### 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: 2/27/08





CARVER  
COUNTY

# REQUEST FOR BOARD ACTION

**AGENDA ITEM : Carver County receives Patriotic Employer Award from ESGR**

Originating Division: Sheriff

Meeting Date: 03/04/2008

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:** This award recognizes deserving employers whose goodwill and ongoing support are important to retaining highly skilled, dedicated and qualified members of the Guard and Reserve.

On behalf of Carver County, Sheriff Byron "Bud" Olson and his Office have received a Patriot Award from the Minnesota Committee for Employer Support of the Guard and Reserve (ESGR). The award recognizes Sheriff Olson and the Carver County Sheriff's Office as a Patriotic Employer for contributing to National Security and Protecting Liberty and Freedom by supporting employee participation in America's National Guard and Reserve Force. The award was recommended by Reserve Staff Sergeant Michael Palmer who is currently on military leave from the Sheriff's Office to serve in Operation Iraqi Freedom.

This is the second Patriotic Employer Award the Sheriff's Office has received. In 2007 the Sheriff's Office was recommended, when two Deputy Sheriff's were deployed to serve in Iraq. Both have since returned to their duties in the County.

**ACTION REQUESTED:** Make the following motion: The Carver County Board hereby recognizes that supportive employers are critical to maintaining the strength and readiness of our National Guard and Reserve Units.

**FUNDING**

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

**FISCAL IMPACT**

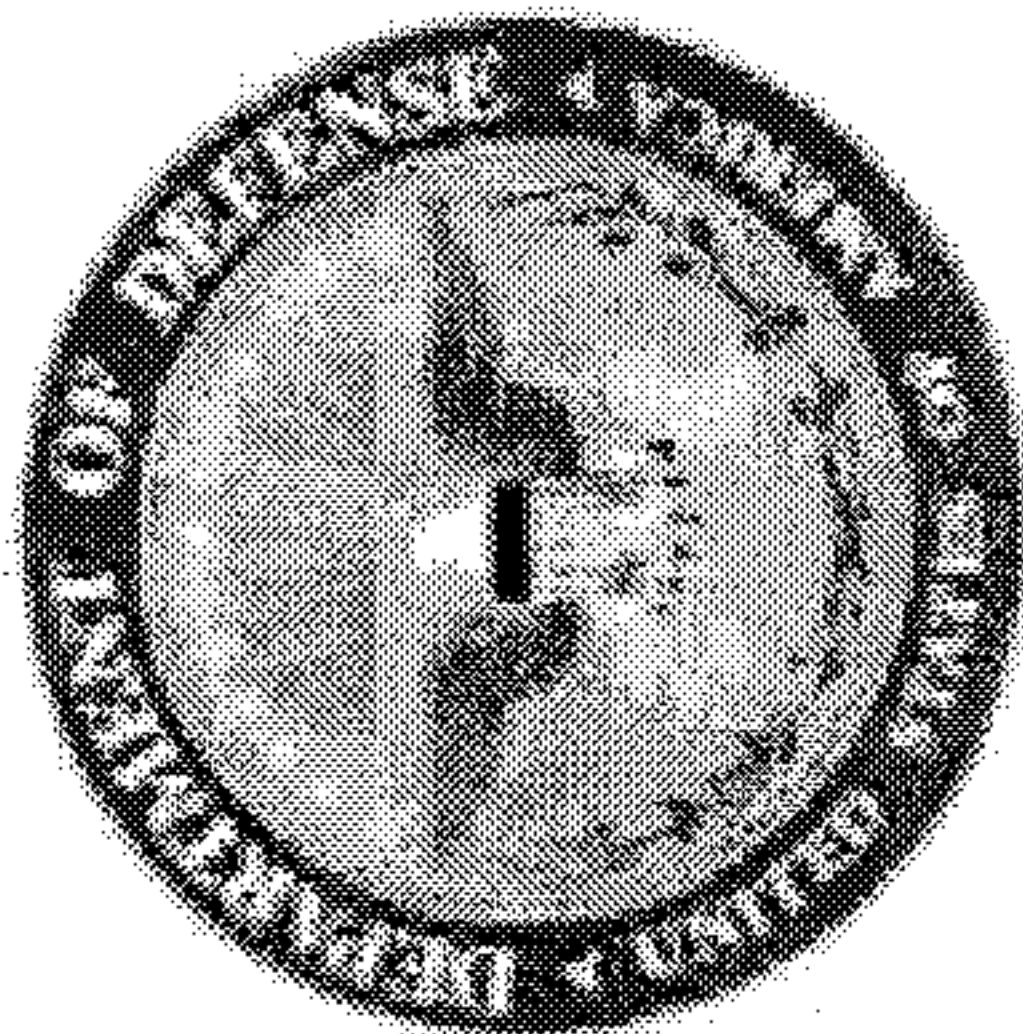
None  
 Included in current budget  
 Budget amendment requested  
 Other:

Related Financial Comments:

# THE NATIONAL COMMITTEE FOR EMPLOYER SUPPORT OF THE GUARD AND RESERVE

RECOGNIZES

**Sheriff Bud Olson**  
**Carver County Sheriff's Office**



AS A

**PATRIOTIC EMPLOYER**

FOR CONTRIBUTING TO NATIONAL SECURITY AND PROTECTING  
LIBERTY AND FREEDOM BY SUPPORTING EMPLOYEE PARTICIPATION  
IN AMERICA'S NATIONAL GUARD AND RESERVE FORCE

A handwritten signature in black ink, appearing to read "L. Gordon Sumner, Jr.", written over a horizontal line.

L. GORDON SUMNER, JR., PH.D.  
EXECUTIVE DIRECTOR  
NATIONAL COMMITTEE FOR  
EMPLOYER SUPPORT OF THE GUARD AND RESERVE

A handwritten signature in black ink, appearing to read "James G. Reibold", written over a horizontal line.

JAMES G. REIBOLD  
CHAIRMAN  
NATIONAL COMMITTEE FOR  
EMPLOYER SUPPORT OF THE GUARD AND RESERVE





# REQUEST FOR BOARD ACTION

**AGENDA ITEM : Committee Per Diems**

Originating Division: Administration

Meeting Date: 3/4/08

Amount of Time Requested: 20 Minutes

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

A chart comparing the Carver County committee per diem schedule to surrounding counties is attached. County Administration will present this information and is recommending increasing the schedule as is outlined below.

**ACTION REQUESTED:** Motion to approve the following Carver County Committee per diem schedule effective immediately.

1. Planning Commission and Board of Adjustment: \$50 per meeting plus mileage
2. Mental Health, Extension Committee, Park Commission, Personnel Board of Appeals, Water Environment and Natural Resource Committee, and Library Board: \$40 per meeting plus mileage

**FUNDING**

County Dollars = \$ 6,600

Other Sources &amp; Amounts =

= \$

**TOTAL**

= \$ 6,600

**FISCAL IMPACT** None Included in current budget Budget amendment requested Other:

*Related Financial Comments:* The estimated annual cost for the increase is approximately \$6,600. Divisions will be asked to cover this additional cost within their 2008 budgets and will make adjustments at the end of the year if necessary.

 Reviewed by Division Director

Date: 2/11/07



County	Committee	Per Diem Paid
Anoka	<p>Board of Adjustment (shoreline/flood plain) Community Action Program</p> <p>Community Corrections Community Health Child and Family Council</p> <p>Area Interagency Early Intervention Committee Cook Creek Watershed District Fairboard Judicare Law Library Board of Trustees Library Board Extension Committee Personnel Board of Appeals Rice Creek Watershed District Board of Appeal and Equalization</p>	<p>\$40 per meeting (24 max per calendar year) Low income sector elected members reimbursed for expenses incurred plus meeting allowance Non-public employees reimbursed for expenses incurred \$25 for attendance and participation in 1 meeting per month \$40 per meeting volunteer stipends for regular council/subcommittee meetings for members who are not otherwise compensated None except any parent member may apply for stipend for expenses Up to \$50 with expenses reimbursed as incurred \$5 per meeting \$15 per meeting for client community members only Meals occasionally offered during meetings \$50 per meeting (24 max per cal year) \$40 per meeting (24 max per cal year) \$50 per meeting (24 max per cal year) \$55 with expenses reimbursed as incurred \$75 per meeting (\$125 if certified license appraiser)</p>
Carver	<p>Board of Adjustment – (12 estimated meetings per year) Mental Health – (12 estimated meetings per year) Extension Committee – (6 estimated meetings per year) Park Commission – (12 estimated meetings per year) Personnel Board of Appeals (meets as needed) Planning Commission – (12 estimated meetings per year) Water, Environment and Natural Resource Committee (6 estimated meetings per year) Community Development Agency (12 estimated meetings per year) Library Board (12 estimated meetings per year)</p>	<p>\$30, plus mileage</p> <p>\$55 per Statute, no mileage</p> <p>\$30, no mileage (if there is an extra meeting a month they pay mileage but no per diem)</p>

Dakota	<p>Community Corrections Advisory Board  Dakota-Scott Workforce Investment Board  Extension Committee  Farmland and Natural Areas Program Advisory Committee  Human Services Advisory Committee  Library Board  Parks and Recreation Advisory Committee  Public Art Citizen Advisory Committee  Planning Commission  Solid Waste Management Advisory Committee  Zoning Board of Adjustment  Personnel Board of Appeals  Special Board of Appeal and Equalization  Appointees to the CDA Board</p>	<p>\$35, no additional expenses, paid to appointees not representing a governmental unit</p> <p>Citizen advisory committee members who serve informally as liaisons from one advisory committee to another are not eligible to receive per diem for attendance at regular or special meetings of any committee to which they were not appointed by the Board.</p> <p>\$35 per diem, plus expense reimbursement  \$175 per day or \$87.50 per half day plus mileage reimbursement  Per diem/reimbursement as determined by CDA</p>
Scott	<p>All advisory committees except BOA and Planning Board of Adjustment and Planning Commission</p>	<p>\$40, plus mileage  \$50, plus mileage</p>
Washington	<p>Board of Adjustment and Appeals  Community Corrections Advisory Board  Community Development Block Grant Citizens Advisory Committee  Community Services Advisory Committee  Groundwater Advisory Committee  Historic Courthouse Advisory Committee  Internal Audit Advisory Committee  Mental Health Advisory Council  Minnesota Extension Service  Noxious Weed Appeal Committee  Parks and Open Space Commission  Personnel Board of Appeals  Planning Advisory Commission  Public Health Emergency Preparedness Advisory Committee  Workforce Investment Board  Housing &amp; Redevelopment Board</p>	<p>\$35, plus mileage</p> <p>\$55 per State Statute</p>



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Department of Natural Resources Land Acquisition

Originating Division: Administration

Meeting Date: 3/4/08

Amount of Time Requested: 25 minutes

Attachments for packet:  Yes  No

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

### BACKGROUND/EXPLANATION OF AGENDA ITEM:

The Department of Natural Resources has indicated its intent to acquire 73.10 acres to be designated as the Seminary Fen Scientific and Natural Area and 32.98 acres to be designated as part of the Raguet Wildlife Management Area.

An outline of the proposed area, the ecological evaluation that was approved by the DNR's Commissioner Advisory Committee as the basis for acquiring the site, and the proposed Resolution are attached.

In accordance with Minnesota Statutes 97A.145, subd. 2, the County Board must approve or disapprove the proposed acquisition within 90 days after being notified. If the County Board disapproves the acquisition, it must state valid reasons. Statutes related to the procedure to purchase are also attached.

The DNR has been working towards this acquisition since 2003 and recently completed a new appraisal and reached an agreement with the landowner. During this time, MnDot has received various documents that reference the DNR's efforts to acquire the land. DNR staff has also participated in the technical groups discussing drafts of the Seminary Fen Wetland Complex Phase 2 Study and Hydrologic and Ecological Assessment of Alternative Corridors TH 41 Tier DEIS Study being done for MnDot.

There would be a payment in lieu of taxes at the rate of 3/4's of 1% of value of land (the appraised value). According to the DNR for this site, at current payment rates, it would work out to  $.0075 \times \$1.449M = \$10,867.50$  per year, which is then split by the local taxing jurisdictions according to Statutes. Assuming the acquisition is completed and recorded by June 30, 2008, the first PILT payment would be in calendar year 2009.

### ACTION REQUESTED:

Provide direction to adopt Resolution.

#### FUNDING

County Dollars = \$

Other Sources & Amounts =

= \$

**TOTAL** = \$

Related Financial Comments:

#### FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Reviewed by Division Director

Date: 2/20/08



## **THE ECOLOGICAL SIGNIFICANCE OF SEMINARY FEN In Chanhassen, Carver County**

Seminary Fen is a large area of wetlands and upland forests on toe slopes and adjacent steep bluffs on the north side of the Minnesota River Valley. The wetlands contain areas of calcareous seepage fen, an exceedingly rare wetland type that forms in specific conditions of cold mineral-rich groundwater seepage. The calcareous seepage fens in the site are in excellent condition and contain populations of seven rare plant species.

At the time of European-American settlement, a broad zone of seepage wetlands occurred on toe slopes within the Minnesota River Valley from present-day Chaska to the river's confluence with the Mississippi. These wetlands contained one of the largest concentrations of calcareous fens in Minnesota. Most of these wetlands have since been destroyed or degraded by past land uses and exotic species invasions, and few areas of high quality fen vegetation remain.

The wetlands of Seminary Fen occur primarily on a deep shelf of peat located at the foot of the steep valley side slopes. Soil cores have identified areas where the peat is at least 10 feet deep, indicating that peat has been accumulating in this site for over 8000 years. The calcareous seepage fens occur on the areas of greatest peat accumulation and appear as elevated mounds of peat within the wetland complex. A small stream running through the wetland complex, Assumption Creek, is one of few trout streams remaining in the Twin Cities Metropolitan Area.

### **NATIVE PLANT COMMUNITIES**

**Four native plant communities have been identified and mapped by the Department of Natural Resources (DNR) Minnesota County Biological Survey (MCBS) within the Seminary Fen area.**

**Calcareous Fen (Southeastern)** vegetation is concentrated in three areas totaling approximately 90 acres within the larger wetland complex. The fen grades another wetland plant community called **Southern Seepage Meadow/Carr**. The bluff slopes uphill from the fen harbor ravines with **Sugar Maple - Basswood - (Bitternut Hickory) Forest** dominated by northern red oak (*Quercus rubra*), sugar maple (*Acer saccharum*), and basswood (*Tilia americana*) with a reasonably diverse ground-layer and sparse shrub layer. There are some signs of erosion in the lower parts of the ravines. Also, areas of **Dry Sand-Gravel Oak Savanna (Southern)** and **Red Oak - White Oak - (Sugar Maple) Forest** in a more degraded state cover other steep valley side slopes between ravines.

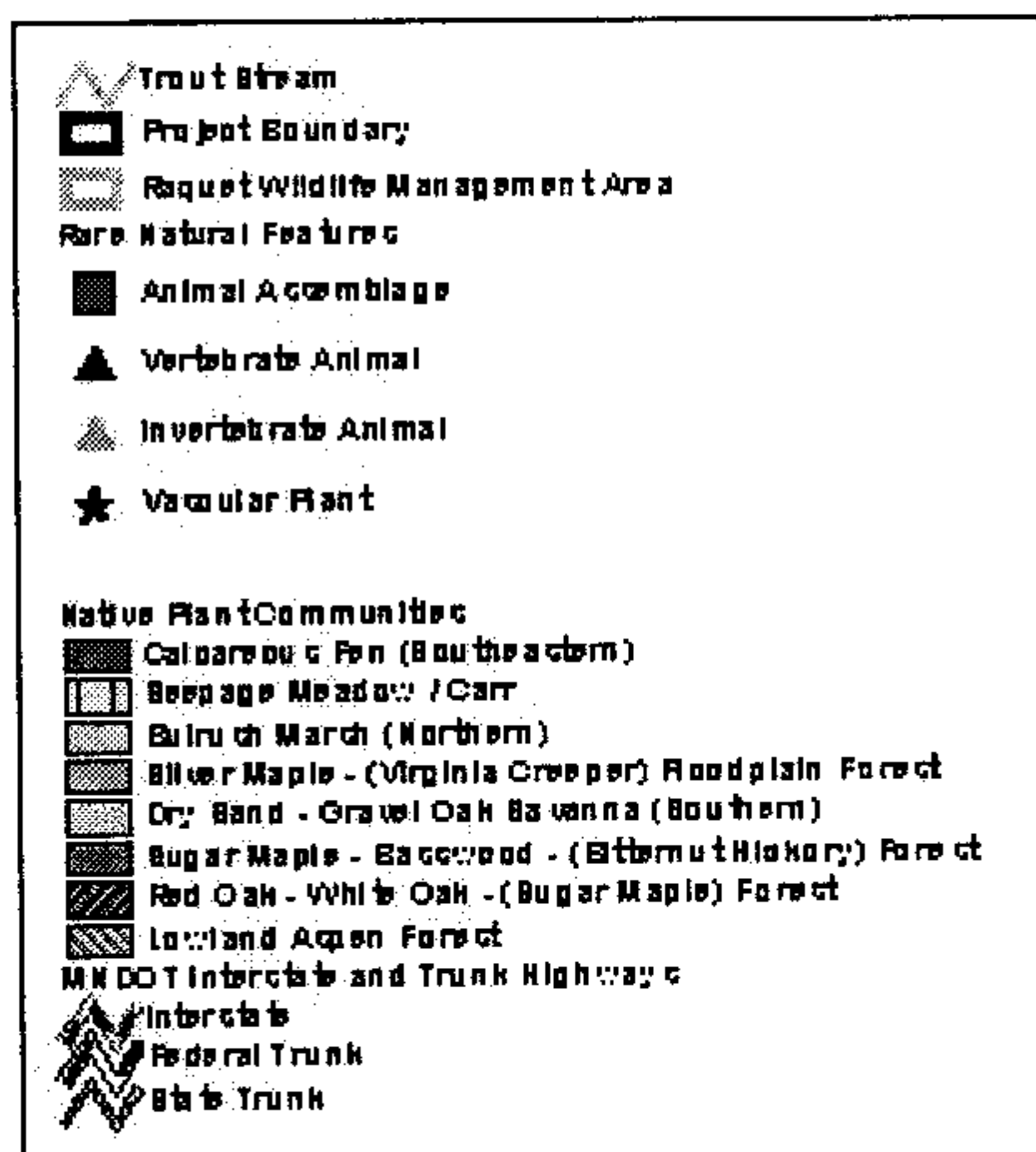
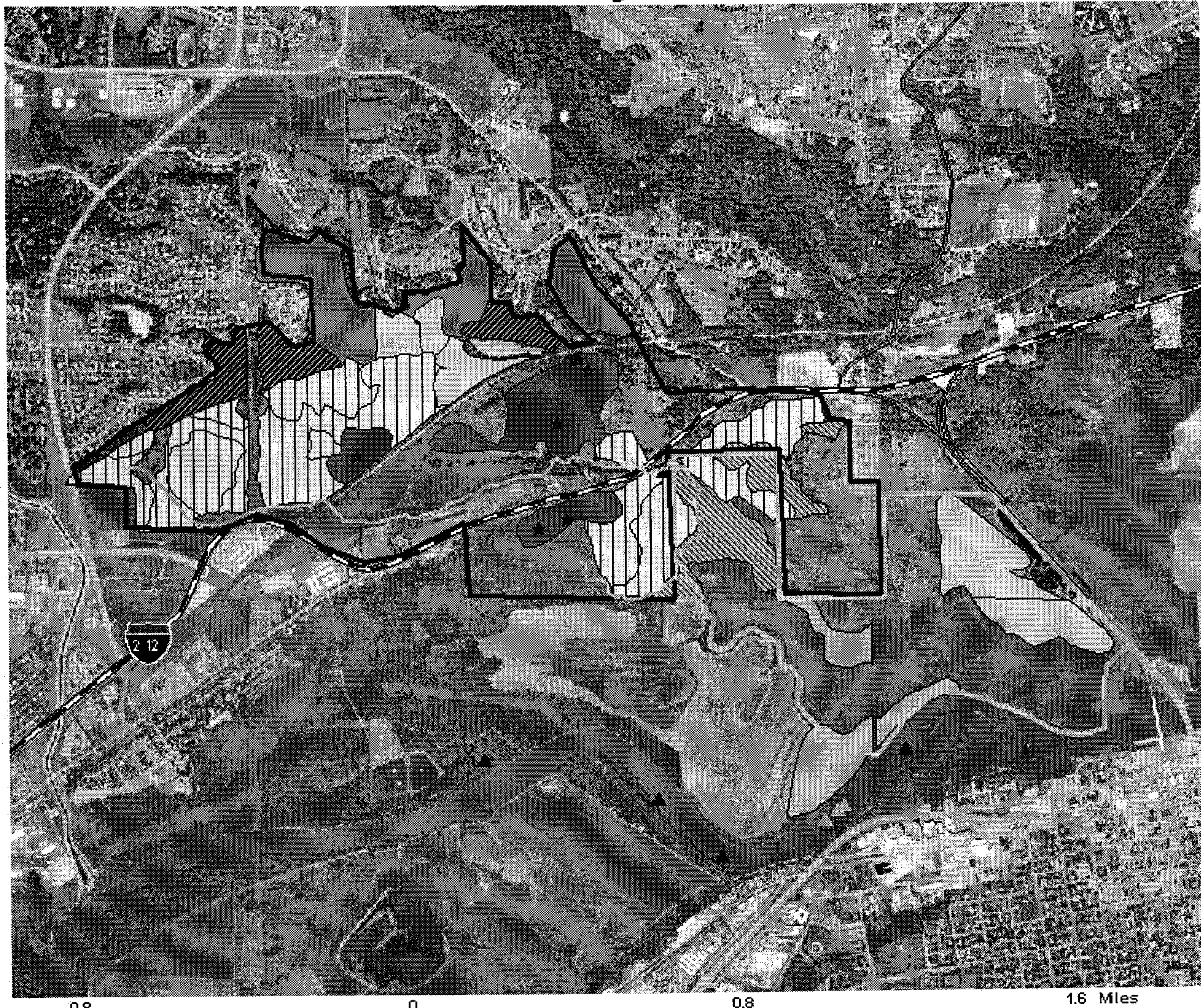
### **RARE SPECIES**

The Seminary Fen area contains the seven rare species. Five are the following state-listed Threatened species. **Sterile sedge (*Carex sterilis*)** is abundant throughout the three areas of calcareous fen in the site. Three species which occur exclusively in calcareous fens in Minnesota - **beaked spike-rush (*Eleocharis rostellata*)**, **whorled nut-rush (*Scleria verticillata*)**, and **hair-like beak-rush (*Rhynchospora capillacea*)**. The Seminary Fen population of **Valerian (*Valeriana edulis*)** is the species' northwestern extent in the state and one of few locations in the Minnesota Valley. Two state-listed Special Concern species found at Seminary Fen are the following. **Twig-rush (*Cladium mariscoides*)** is at the southern edge of its range at Seminary Fen. More than half of the remaining populations of **Small white lady's-slipper (*Cypripedium candidum*)** occur only in Minnesota.

*This information is extracted from the Ecological Evaluation for Seminary Fen developed by the Minnesota Department of Natural Resources, Division of Ecological Services, Minnesota County Biological Survey, updated in February 2007.*



# Native Plant Communities and Rare Species in Seminary Fen



Copyright 2007 State of Minnesota, Department of Natural Resources. Rare features data have been provided by the Natural Heritage and Wetlands Research Program of the Division of Ecological Services, Minnesota Department of Natural Resources (MNDNR) and were current as of January 17, 2007. These data are not based on an exhaustive inventory of the state. The lack of data for any geographic area shall not be construed to mean that no significant features are present.



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

DATE \_\_\_\_\_

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

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

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

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**Review of Proposed State Land Acquisition**

In accordance with Minnesota Statutes 84.033, Subd. 3 and 97A.145, Subd. 2, the Commissioner of the Department of Natural Resources on February 19, 2008 provided the county board with a description of lands to be acquired by the State of Minnesota for water, forestry, wildlife, and natural plant community conservation purposes.

Lands to be acquired are

73.10 acres to be designated as the Seminary Fen Scientific and Natural Area described as follows:

That part of the Northeast Quarter of the Southeast Quarter of Section 34, Township 116 North, Range 23 West, Carver County, Minnesota, bounded by the following described lines:

Commencing at the northeast corner of said Northeast Quarter of the Southeast Quarter; thence South 02 degrees 22 minutes 55 seconds East, assumed bearing, a distance of 230.35 feet along the east line of said Northeast Quarter of the Southeast Quarter to the southeasterly line of HENNEPIN COUNTY REGIONAL RAILROAD AUTHORITY PROPERTY MAP. NO. 13 and the point of beginning of the parcel to be described; thence South 02 degrees 22 minutes 55 seconds East along the east line of said Northeast Quarter of the Southeast Quarter a distance of 697.65 feet; thence South 85 degrees 59 minutes 05 seconds West a distance of 994.61 feet to the southeasterly line of HENNEPIN COUNTY REGIONAL RAILROAD AUTHORITY PROPERTY MAP. NO. 13; thence northeasterly along said southeasterly line of HENNEPIN COUNTY REGIONAL RAILROAD AUTHORITY PROPERTY MAP. NO. 13 a distance of 1231 feet, more or less, to the point of beginning.

AND

That part of the Southwest Quarter of Section 35, Township 116 North, Range 23 West, Carver County, Minnesota, bounded by the following described lines:

Beginning at the northwest corner of said Southwest Quarter; thence South 02 degrees 22 minutes 55 seconds East, assumed bearing, a distance 928.00 feet along the east line of said Southwest Quarter; thence North 85 degrees 59 minutes 05 seconds East a distance of 696.00 feet; thence South 39 degrees 00 minutes 55 seconds East a distance of 710.85 feet to the center line of State Trunk Highway Number 212; thence northeasterly along said center line a distance of 1650 feet, more or less, to the east line of said Southwest Quarter; thence North 02 degrees 54 minutes 05 seconds West along said east line a distance of 740 feet, more or less, to the northeast corner of said Southwest Quarter; thence North 89 degrees 30 minutes 53 seconds a distance of 2621.56 feet along the north line of said Southwest Quarter to the point of beginning.

EXCEPTING therefrom that part of the HENNEPIN COUNTY REGIONAL RAILROAD AUTHORITY PROPERTY MAP. NO. 14 within said Southwest Quarter.

and,

32.98 acres to be designated as part of the Raguet Wildlife Management Area described as follows:



That part of the Southwest Quarter of Section 35, Township 116 North, Range 23 West, Carver County, Minnesota, bounded by the following described lines:

Commencing at the northwest corner of said Southwest Quarter; thence South 02 degrees 22 minutes 55 seconds East, assumed bearing, a distance 928.00 feet along the east line of said Southwest Quarter; thence North 85 degrees 59 minutes 05 seconds East a distance of 696.00 feet; thence South 39 degrees 00 minutes 55 seconds East a distance of 710.85 feet to the center line of State Trunk Highway Number 212 and the POINT OF BEGINNING; thence South 73 degrees 54 minutes 39 seconds West a distance of 460.00 feet; thence South 26 degrees 00 minutes 55 seconds East a distance of 481.71 feet to the south line of the North Half of the South Half of said Southwest Quarter; thence South 88 degrees 58 minutes 05 seconds East a distance of 1773.50 feet to the east line of said Southwest Quarter; thence North 02 degrees 54 minutes 05 seconds West a distance of 1265 feet, more or less, to the center line of State Trunk Highway Number 212; thence southwesterly along said center line a distance of 1650 feet, more or less, to the point of beginning.

IT IS HEREBY RESOLVED, by the Board of County Commissioners of Carver County on March 4, 2008 that the State's proposed acquisition of the attached described property be (approved) (disapproved).

If applicable, reasons for disapproval:

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

STATE OF MINNESOTA  
 COUNTY OF CARVER

I, David Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the \_\_\_ day of March, 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 March, 2008.

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

### **84.033 SCIENTIFIC AND NATURAL AREAS.**

Subdivision 1. **Acquisition; designation.** The commissioner of natural resources may acquire by gift, lease, easement, or purchase, in the manner prescribed under chapter 117, in the name of the state, lands or any interest in lands suitable and desirable for establishing and maintaining scientific and natural areas. The commissioner shall designate any land so acquired as a scientific and natural area by written order published in the State Register and shall administer any land so acquired and designated as provided by section 86A.05. Designations of scientific and natural areas are exempt from the rulemaking provisions of chapter 14 and section 14.386 does not apply.

Subd. 2. [Repealed, 2005 c 161 s 26]

**Subd. 3. County approval.** *The commissioner must follow the procedures under section 97A.145, subdivision 2, when acquiring land for designation as a scientific and natural area under this section.*

**History:** 1969 c 470 s 1; 1969 c 1129 art 10 s 2; 1973 c 35 s 22; 1975 c 353 s 15; 2004 c 221 s 5; 2004 c 262 art 2 s 3; 2005 c 161 s 1

### **97A.145 WETLANDS FOR WILDLIFE.**

Subdivision 1. **Acquisition; generally.** (a) The commissioner or the commissioner of administration may acquire wetlands and bordering areas, including marshes, ponds, small lakes, and stream bottoms for water conservation relating to wildlife development. The lands that are acquired may be developed for wildlife, recreation, and public hunting. The wetlands may be acquired by gift, lease, purchase, or exchange of state lands.

(b) The commissioner may also acquire land owned by the state and tax-forfeited land that is suitable for wildlife development. The wetlands may not be acquired unless public access by right-of-way or easement from a public road is also acquired or available. In acquiring wetlands under this section the commissioner shall assign highest priority to type 3 and 4 wetlands, as defined in United States Fish and Wildlife Service Circular No. 39 (1971 edition), that are public waters. Lands purchased or leased under this section may not be used to produce crops unless needed for wildlife. The commissioner may designate, by written order published in the State Register, land acquired under this section as a wildlife management area for purposes of the outdoor recreation system. Designations of wildlife management areas are exempt from the rulemaking provisions of chapter 14 and section 14.386 does not apply.

**Subd. 2. Acquisition procedure.** (a) *Lands purchased or leased under this section must be acquired in accordance with this subdivision.*

(b) *The commissioner must notify the county board and the town officers where the land is located and furnish them a description of the land to be acquired. The county board must approve or disapprove the proposed acquisition within 90 days after being notified. The commissioner may extend the time up to 30 days. The soil and water conservation district supervisors shall counsel the county board on drainage and flood control and the best utilization and capability of the land.*

(c) *If the county board approves the acquisition within the prescribed time, the commissioner may acquire the land.*

(d) *If the county board disapproves the acquisition, it must state valid reasons. The commissioner may not purchase or lease the land if the county board disapproves the acquisition and states its reasons within the prescribed time period. The landowner or the commissioner may appeal the disapproval to the district court having jurisdiction where the land is located.*

(e) *The commissioner or the owner of the land may submit the proposed acquisition to the Land Exchange Board if: (1) the county board does not give reason for disapproval, or does not approve or disapprove the acquisition within the prescribed time period; or (2) the court finds that the disapproval is arbitrary and capricious, or that the reasons stated for disapproval are invalid.*

(f) *The Land Exchange Board must conduct a hearing and make a decision on the acquisition within 60 days after receiving the proposal. The Land Exchange Board must give notice of the hearing to the county board, the commissioner, the landowner, and other interested parties. The Land Exchange Board must consider the interests of the county, the state, and the landowner in determining whether the acquisition is in the public interest. If a majority of the Land Exchange Board members approves the acquisition, the commissioner may acquire the land. If a majority disapproves, the commissioner may not purchase or lease the land.*

Subd. 3. **Management.** If a drainage outlet is petitioned and drainage proceedings are conducted under the Drainage Code, chapter 103E, the commissioner should not interfere with or unnecessarily delay the proceedings.

**History:** 1986 c 386 art 1 s 28; 1990 c 391 art 10 s 3; 2004 c 221 s 40

## *Lower Minnesota River Watershed District*



**Len Kremer**, President  
Hennepin County  
**Ron Kraemer**, Vice President  
Dakota County  
**Lawrence Samstad**, Manager  
Scott County

**Kent Francis**, Secretary  
Carver County  
**Edward A. Schlampp**, Treasurer  
Hennepin County  
**Terry L. Schwalbe**, Administrator  
Cell (952) 221-1089

Monday, February 25, 2008

David Hemze, Administrator  
Carver County Administration  
600 East 4<sup>th</sup> Street  
Chaska, MN 55318

RE: Seminary Fen/Assumption Creek

Dear Dave:

Attached is a copy of a thank you letter sent to legislative authors of the legislation they supported to fund the DNR for Acquisition of the Seminary Fen for your information. Also, attached is a list of legislators to whom our letter was sent.

Sincerely,

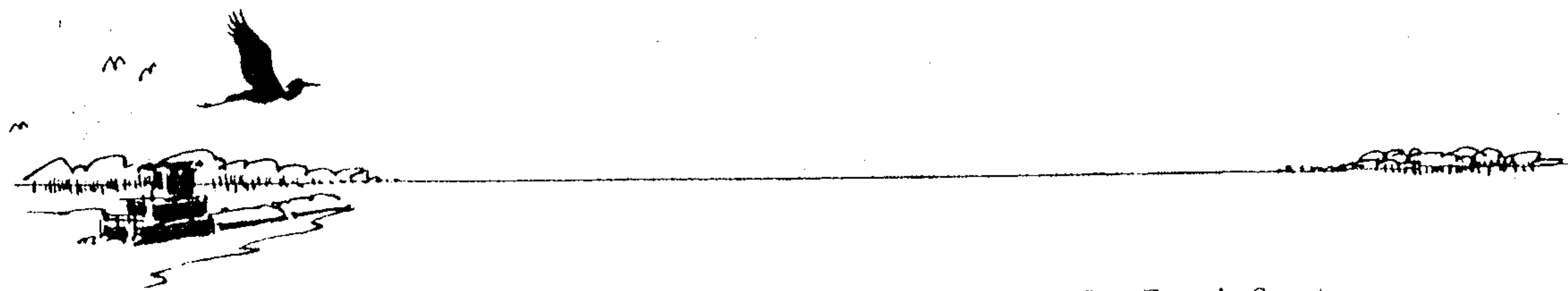
A handwritten signature in black ink, appearing to read 'Terry L. Schwalbe', written in a cursive style.

Terry L. Schwalbe

*1600 Bavaria Road, Chaska, MN 55318*  
*Terry Schwalbe: 952-227-1037; Joan Ellis: 952-227-1038; Fax: 952-227-1039*  
*E-mail [terryst@lowermn.com](mailto:terryst@lowermn.com); [joane@lowermn.com](mailto:joane@lowermn.com)*



## *Lower Minnesota River Watershed District*



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Cell (952) 221-1089

Senator Julianne Ortman  
Minnesota Senate  
125 State Office Building  
75 Rev. Dr. Martin L. King Jr. Blvd.  
St. Paul, MN 55155-1606

Dear Senator Ortman:

On behalf of the Lower Minnesota River Board of Managers, I would like to thank you for your efforts to make the acquisition of the Seminary Fen in Carver County and our watershed district a reality.

The news of the signing of a purchase agreement between the Department of Natural Resources (DNR) and the owners of the Wetterlin property after years of negotiations is the first success in the protection of the entire Seminary Fen area.

The District looks forward to continuing our efforts along with those of the DNR, the cities of Chanhassen and Chaska and Carver County for the acquisition of easements for the protection of the remaining fen area. In so doing we will ensure the preservation of this unique natural resource for generations.

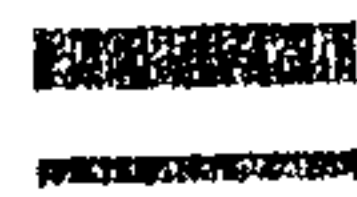
Yours truly,

A handwritten signature in black ink, appearing to read 'Terry L. Schwalbe', written over a horizontal line.

Terry L. Schwalbe  
District Administrator

cc: LMRWD Board of Managers  
City of Chanhassen  
City of Chaska  
✓ Carver County

1600 Bavaria Road, Chaska, MN 55318  
Terry Schwalbe: 952-227-1037; Joan Ellis: 952-227-1038; Fax: 952-227-1039  
E-mail [terrys@lowermn.com](mailto:terrys@lowermn.com); [joane@lowermn.com](mailto:joane@lowermn.com)



Senator Julianne Ortman  
Minnesota Senate  
125 State Office Building  
75 Rev. Dr. Martin L. King Jr. Blvd.  
St. Paul, MN 55155-1606

Senator Dennis Frederickson  
Minnesota Senate  
139 State Office Building  
75 Rev. Dr. Martin L. King Jr. Blvd.  
St. Paul, MN 55155-1606

Senator John Marty  
Minnesota Senate  
328 Capitol  
75 Rev. Dr. Martin L. King Jr. Blvd.  
St. Paul, MN 55155-1606

Senator Steve Murphy  
Minnesota Senate  
325 Capitol  
75 Rev. Dr. Martin L. King Jr. Blvd.  
St. Paul, MN 55155-1606

Representative Erik Paulson  
MN House of Representatives  
Room 459-State Office Bldg.  
100 Rev. Dr. Martin L. King Jr. Blvd.  
St. Paul, MN 55155-1606

Representative Mike Beard  
MN House of Representatives  
Room 451-State Office Bldg.  
100 Rev. Dr. Martin L. King Jr. Blvd.  
St. Paul, MN 55155-1606

Representative David Dill  
MN House of Representatives  
Room 571-State Office Bldg.  
100 Rev. Dr. Martin L. King Jr. Blvd.  
St. Paul, MN 55155-1606

Representative Tom Hackbarth  
MN House of Representatives  
Room 209-State Office Bldg.  
100 Rev. Dr. Martin L. King Jr. Blvd.  
St. Paul, MN 55155-1606

Representative Margaret Kelliher  
MN House of Representatives  
Room 463-State Office Bldg.  
100 Rev. Dr. Martin L. King Jr. Blvd.  
St. Paul, MN 55155-1606

Representative Paul Kohls  
MN House of Representatives  
Room 313-State Office Bldg.  
100 Rev. Dr. Martin L. King Jr. Blvd.  
St. Paul, MN 55155-1606

Representative Dennis Ozment  
MN House of Representatives  
Room 283-State Office Bldg.  
100 Rev. Dr. Martin L. King Jr. Blvd.  
St. Paul, MN 55155-1606

Representative Kathy Tingelstad  
MN House of Representatives  
Room 255-State Office Bldg.  
100 Rev. Dr. Martin L. King Jr. Blvd.  
St. Paul, MN 55155-1606

Representative Ann Lenczewski  
MN House of Representatives  
Room 509-State Office Bldg.  
100 Rev. Dr. Martin L. King Jr. Blvd.  
St. Paul, MN 55155-1606

Representative Joe Hoppe  
MN House of Representatives  
Room 537-State Office Bldg.  
100 Rev. Dr. Martin L. King Jr. Blvd.  
St. Paul, MN 55155-1606

*Sen*