

Carver County Board of Commissioners  
 Regular Session  
 March 11, 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 March 4, 2008 Regular Session .....	1-3
	4.	Community announcements	
9:15 a.m.	5.	<b>CONSENT AGENDA</b>	
	5.1	Donation to Parks Department .....	4-5
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	5.8	Approval of the Yamaha WaveRunner law loan program agreement.....	14
	5.9	Community Social Services' warrants .....	NO ATT
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9:20 a.m.	6.	<b>LAND AND WATER SERVICES</b>	
	6.1	EAW Petition-L.G. Everist, Inc.....	15-18
9:30 a.m.	7.	<b>COUNTY ADMINISTRATION</b>	
	7.1	Department of Natural Resources Land Acquisition .....	19-24
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9:45 a.m.	8.	<b>FINANCIAL SERVICES</b>	
	8.1	2008 Omnibus Transportation Finance Bill Overview .....	26

- 8.2 Call for a public hearing on the intent to issue bonds and  
Adopt the Road and Bridge Bonding Authorization  
Capital Improvement Plan ..... 27-40
- 8.3 Call for a public hearing for Lyman Boulevard tax  
abatement ..... 41-44

11:00 a.m.

**ADJOURN REGULAR SESSION**

***BOARD REPORTS***

11:00 a.m.

- 1. Chair
- 2. Board Members
- 3. Administrator

11:30 a.m.

- 4. Adjourn

David Hemze  
County Administrator

***Work Session Agenda***

11:30 a.m.

- 1. **LAND AND WATER SERVICES**
  - 1.1 Program to address direct discharge SSTS (septic systems)45-47

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on March 4, 2008. Chair James Ische convened the session at 9:15 a.m.

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

Members absent: Randy Maluchnik.

The following amendments were made to the agenda:

Replace pages 19 and 20 with revised pages.

Replace “no jake braking” with “no engine braking” in condition #10 as part of Agenda Item 5.4.

Move 5.3 to 8.2 – Adoption of Carver County Right of Way Plat No. 17.

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

Lynch moved, Degler seconded, to approve the minutes of the February 26, 2008, Regular Session Motion carried.

Community announcements were made by the Board.

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

Resolution #24-08, Approval to Withhold Tax Forfeit Land for Public Use.

Resolution #25-08, Speed Zone Study Request.

Adopted Findings of Fact and issued Order #PZ20070059 for the issuance of Conditional Use Permit #PZ20070059, Knife River Corporation.

Adopted Findings of Fact and issued Order #PZ20070058 for the issuance of Conditional Use Permit #PZ20070058, Knife River Corporation.

Authorized the 2008 Residential Survey to be conducted as outlined.

Approved contract with Applied Ecological Services to provide the Best Management Practice GIS Tool.

Agreement with Metro GIS for interagency address point synchronization.

Community Social Services' actions.

Approved payment of the following Commissioners' warrants:

INSERT

Motion carried.

Del Hurt, Public Health, explained the Building Healthy Communities for Active Aging Commitment Award the County received from the U.S. Environmental Protection Agency. He noted this followed the County Achievement Award received from the Association of Minnesota Counties.

He acknowledged the planning efforts of the Health Partnership, Senior Commission and the County Board in creating the Office of Aging and recognized the work of Public Health staff since establishing the Office. Hurt added the Senior Commission has incorporated smart growth and active aging principals into a Master Plan and the Office of Aging will include at chapter in the 2030 Comp Plan highlighting specific areas for older adults.

Sheriff Olson explained the Sheriff's Office and the County recently received a second Patriotic Employer Award from the Committee for Employer Support of the Guard and Reserve. He noted the County has had a number of employees deployed and currently Sergeant Michael Palmer is on active duty. Sheriff indicated, before he left, Sergeant Palmer initiated the recognition of the County and Sheriff as being a patriotic employer. Sheriff stated Sergeant Palmer has been an exemplary employee, and as he recognized the County, the County needed to recognize him.

Chair Ische stated their thoughts and prayers are with Sergeant Palmer and all the troops and they were thankful for the work they are doing.

Degler moved, Workman seconded, that the Carver County Board hereby recognizes that supportive employers are critical to maintaining the strength and readiness of our National Guard and Reserve Units. Motion carried.

David Hemze, County Administrator, reviewed proposed per diem increases for members of various advisory committees. He noted the amounts paid by other counties and his recommendation to increase payments to become closer in line to neighboring counties. He clarified he was recommending a \$50 per diem for the Planning Commission and Board of Adjustment due to the complexity of the issues and duration of meetings and a \$40 per diem for the other advisory committees. He noted the per diem for the CDA Board is set by Statute.

Lynch moved, Degler seconded, to approve the Carver County per diem schedule, effective immediately, as follows:

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

Motion carried.

Hemze requested the Board adopt Carver County Right of Way Plat No. 17 related to the construction of the Lyman Boulevard project. He stated there maybe additional detail to update the plat but this was an initial step to approve the right of way plat.

Degler clarified he would abstain from voting on this due to a possible conflict of interest.

Ische offered the following Resolution, seconded by Workman:

Resolution #26-08  
Adoption of Carver County Right of Way Plat No 17

On vote taken, Ische, Lynch, Workman voted aye. Degler abstained.

Workman moved, Degler seconded, to adjourn the Regular Session at 9:46 a.m. to go into a work session to discuss DNR land acquisition. Motion carried.

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: Donation to Parks Department**

Originating Division: Public Works/Parks

Meeting Date: 3/11/08

Amount of Time Requested: 0

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

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** The Parks Department of the County asks the County Board to authorize the acceptance of two (2) pair of 75 mm cross country ski boots from Get Your Gear in Chaska. Carver County Parks currently rents cross country skis at Baylor and Lake Minnewashta Regional Parks in the winter months.

**ACTION REQUESTED:** The County Board authorize acceptance of donation.

**FUNDING**

County Dollars = \$

Other Sources &amp; Amounts =

= \$

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

Date:

*2/28/08*

S:\Parks\BA and RES\BA - Ski boot donation.doc

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

Date: March 11<sup>th</sup>, 2008  
Motion by Commissioner: \_\_\_\_\_

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

---

**ACCEPTANCE OF DONATION  
FROM  
GET YOUR GEAR**

IT IS RESOLVED that Carver County accept the donation of cross country ski boots from Get Your Gear to be used for ski rentals at either Baylor or Lake Minnewashta Regional Parks.

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 11<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 11<sup>th</sup> day of March, 2008.

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



# REQUEST FOR BOARD ACTION

**AGENDA ITEM:** Rescinding Resolution Revoking County Highway 110

Originating Division: Public Works

Meeting Date: 3/11/08

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 September of 2006 the County Board passed a resolution revoking County Highway 110 (in Chaska) that contained an error in the legal description. This resolution rescinds that resolution. Another resolution on the 3/11 agenda will revoke the road using the correct legal description. Both resolutions have been reviewed by County Attorney staff.

**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:

2/28/08

S:EngStaff\Richard\MiscNonProj\Other\MiscTempData\RescindRBA



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

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

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

**RESCINDING RESOLUTION REVOKING COUNTY HIGHWAY 110**

WHEREAS, the County Board passed a resolution on September 5, 2006 (Resolution 80-06), and

WHEREAS, that resolution contained an error in the legal description,

NOW THEREFORE BE IT RESOLVED that Resolution 80-06 adopted on September 5, 2006 is hereby rescinded.

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

STATE OF MINNESOTA  
COUNTY OF CARVER

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

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



# REQUEST FOR BOARD ACTION

**AGENDA ITEM : Resolution Revoking County Highway 110**

Originating Division: Public Works

Meeting Date: 3/11/08

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:** This resolution revokes former County Highway 110 in Chaska and replaces the resolution rescinded earlier that contained an incorrect legal description.

**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

*Frank [unclear]  
for [unclear]*

Date: *2/29/08*

S:EngStaff\Richard\MiscNonProj\Other\MiscTempData\ResRevoke110RBA

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

Date: \_\_\_\_\_

Resolution No: \_\_\_\_\_

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

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

**RESOLUTION REVOKING COUNTY HIGHWAY 110**

WHEREAS, Carver County and the City of Chaska have previously proposed the transfer of jurisdiction of former County Highway 110 to the City of Chaska, and

WHEREAS, it appears to the County Board of the County of Carver that County Highway 110 should be revoked as a County Highway under the provisions of Minnesota Law,

NOW THEREFORE, BE IT RESOLVED, by the County Board of the County of Carver that the road described as follows, to wit:

- 1.) That part of County Highway No. 110 lying northerly of the northerly right-of-way of Trunk Highway No. 212 and southerly of the north line of the Northeast Quarter of Section 1, Township 115, Range 24. Said County Highway No. 110 being part of the following described land:

Northeast Quarter, Section 8, Township 115, Range 23;

Southeast Quarter, Southwest Quarter and Northwest Quarter, all in Section 5, Township 115, Range 23;

Northeast Quarter and Northwest Quarter, all in Section 6, Township 115, Range 23;

and the Northeast Quarter, Section 1, Township 115, Range 24.

- 2.) That part of Parcels 3 and 6, CARVER COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 1 lying southerly of a straight line between boundary corners C33 and C39, said CARVER COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 1.

BE, AND HEREBY IS, REVOKED as a County Highway and all right, title, and interest to the roadway, roadway support structure and rights of way shall revert to the jurisdictional responsibility of the City of Chaska effective upon the adoption of this resolution.

YES

ABSENT

NO

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\_\_\_\_\_  
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STATE OF MINNESOTA  
COUNTY OF CARVER

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

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

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

\_\_\_\_\_  
County Administrator **9**



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : UCare for Seniors Group Employer Agreement

Originating Division: Employee Relations

Meeting Date: 3/11/08

Amount of Time Requested: Consent

Attachments for packet:  Yes  No

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

### BACKGROUND/EXPLANATION OF AGENDA ITEM:

UCare is a Minnesota nonprofit corporation that is licensed as a health maintenance organization by the State of MN and participates in the federal Medicare program through a Medicare + Choice product called UCare for Seniors. We are able to offer this group Medicare supplemental plan to retirees and their spouses through UCare at no cost to the County.

### ACTION REQUESTED:

Motion to approve UCare for Seniors Group Employer Agreement for 2008 plan year.

#### FUNDING

County Dollars =	\$
Other Sources & Amounts =	= \$
<b>TOTAL</b>	<b>= \$</b>

#### FISCAL IMPACT

None  
 Included in current budget  
 Budget amendment requested  
 Other:

#### Related Financial Comments:

The attached agreement has no cost to the County.

Reviewed by Division Director

Date: 2/28/08



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Information Services – ESRI Software - County Enterprise License Agreement

Originating Division: Administrative Services

Meeting Date: 3/11/2008

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 (GIS Unit) – As Geographic Information Systems (GIS) continues to grow within the county, so does the demand for software deployment. Environmental Systems Research Institute (ESRI) is offering an Enterprise License solution for small counties to help lower software costs and promote GIS implementation. Over the life of the three year contract the enterprise license will save the county money.

### Details of Contract

- The contract is for an enterprise GIS software solution available to counties whose population is under 100,000 people.
- The new contract replaces our current software maintenance program with ESRI.
- Carver County will not have to purchase individual software licenses from ESRI during the period of the contract.
- The contract is for three years and the cost is \$150,000 (\$50,000 per year). Multiple year contract provides the best cost savings for the County (estimated savings over 3 yrs is approximately \$30,000).

### Benefits:

- Updated versions of ESRI software to provide consistent platform
- A lower cost per unit for licensed software
- Maintenance on all ESRI software deployed under this agreement
- Complete flexibility to deploy software products when and where needed
- Ability to incorporate GIS into mission-critical applications and workflows
- \$10,000 in ESRI Web training to progress GIS knowledge base within the county

**ACTION REQUESTED:** Motion for approval of agreement between ESRI and Carver County for Enterprise License

### FUNDING

County Dollars = \$ 150,000

Other Sources & Amounts =  
= \$

**TOTAL** = \$ 150,000

### FISCAL IMPACT

None

*Included in current budget*

*Budget amendment requested*

Other

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

Reviewed by Division Director

Date: 2/14/2008



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Contract with Norma Cadena De Hinderer - Spanish Speaking In-Home Therapist

Originating Division: Community Social Services

Meeting Date:

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:** ): This is a request for a new contract with Norma Cadena De Hinderer to provide community based treatment services. These services include in-home Signs of Safety therapy and skills training services to help prevent out-of-home placement of youth or to return youth home more quickly. Ms. Cadena De Hinderer has past experience as an in-home therapist with La Familia and has also previously worked for Hennepin County. Ms. Casdena De Hinderer will provide family and individual therapy to clients in their homes and community settings, and skills training services to help children remain with their family or return to their family. Services will be provided to prevent out-of-home placement of children, to prevent more expensive placements, and to return children to their families.

**ACTION REQUESTED:** Motion to approve a contract with Norma Cadena De Hinderer to provide Professional and Paraprofessional Community Based Services from October 1, 2007 through December 31, 2012.

### FUNDING

County Dollars = \$40,000 estimated

Other Sources & Amounts =  
= \$

**TOTAL** = \$

### FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

*Related Financial Comments:* We have \$400,000 budgeted for in-home services for 2008. Unit costs are \$80 per hour for services provided by Ms. Cadena De Hinderer.

Reviewed by Division Director

Date:

Report Date: December 18, 2007



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Approval of the Kawasaki's 2008 Mule Utility Vehicle User Relations Loan Program

Originating Division: Sheriff

Meeting Date:

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:** The Carver County Sheriff's Office would like to participate in the Kawasaki's 2008 Mule Utility Vehicle User Relations Loan Program, using two Kawasaki's for park and trail system patrol and search and rescue operations during the remainder of the 2008 calendar year. The Sheriff's Office participated in this program last year. To participate we need to submit the attached letter and sign the attached agreement. The cost to participate in the program is three hundred and twenty five dollars (\$325.00) per Kawasaki not including routine maintenance or insurance (provided by Carver County).

**ACTION REQUESTED:** The Carver County Board approves the Kawasaki's 2008 Mule Utility Vehicle User Relations Loan Program between Cites Edge Motor Sports and the Carver County Sheriff's Office.

### FUNDING

County Dollars = \$ 325<sup>00</sup> x 2

Other Sources & Amounts =

= \$

### TOTAL

= \$ 780<sup>00</sup>

### FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Related Financial Comments:

*Reimbursed through grant*

Reviewed by Division Director

Date: 3/3/08



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Approval of the Yamaha WaveRunner Law Loan Program Agreement

Originating Division: Sheriff

Meeting Date:

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:** The Sheriff's Office would like to participate in the LAW Loan Program, using two Yamaha WaveRunners from Cities Edge Motor Sports for the Water Patrol and Water Search and Rescue operations during the 2008 boating season. The cost to participate in the program is three hundred and twenty five dollars (\$325.00) per WaveRunner not including routine maintenance or insurance (provided by Carver County). The Sheriff's Office has participated in this program for several years.

**ACTION REQUESTED:** The Carver County Board approves the Yamaha WaveRunner LAW Loan Program Agreement between Cities Edge Motor Sports and the Carver County Sheriff's Office.

### FUNDING

County Dollars = \$ 325<sup>00</sup> x 2

Other Sources & Amounts =

= \$

**TOTAL**

= \$ 750<sup>00</sup>

### FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Related Financial Comments:

*Reimbursed through grant*

Reviewed by Division Director

Date: 3/3/08





# REQUEST FOR BOARD ACTION

**AGENDA ITEM : EAW Petition –L.G. Everist, Inc.**

Originating Division: Land Water Services

Meeting Date: March 11, 2008

Amount of Time Requested: None

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

A resolution has been prepared and approved by the County Attorney's office, which grants the petition for an Environmental Assessment Worksheet (EAW) for L.G. Everist's proposed railroad transloading facility. The material evidence has been referenced establishing that the project may have the potential for significant environmental effects. Based on the findings of fact incorporated in the resolution, an EAW is warranted for the proposed project.

The resolution is attached for adoption by the County Board of Commissioners.

**ACTION REQUESTED:** A motion to adopt the resolution, including findings of fact, granting the petition and ordering the preparation of an EAW.

**FUNDING**

County Dollars = \$

Other Sources &amp; Amounts =

= \$

**TOTAL**

= \$

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

*Related Financial Comments:* The Fee-For-Service Schedule requires the applicant to provide an escrow for staff time and reimbursement to the County for expenses related to the EAW.

 Reviewed by Division Director

Date: March 3, 2008

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

DATE March 11, 2008

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

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

**A RESOLUTION GRANTING THE PETITION FOR AN ENVIRONMENTAL ASSESSMENT WORKSHEET (EAW) FOR THE PROPOSED L.G. EVERIST, INC. RAIL-TRANSLOAD FACILITY**

**WHEREAS**, L.G. Everist, Inc. is proposing to develop a rail-based commercial storage facility to import and export aggregates and similar commercial commodities on a 43.88 acre property, located in Dahlgren Township, which would be purchased from the Donald & Doreen Lenzen Trust; and

**WHEREAS**, on January 29, 2008, the Carver County Land Management Department received a notification letter and citizen petition from the Environmental Quality Board (EQB), stating that Carver County (RGU) must determine the need for an Environmental Assessment Worksheet (EAW) based, in part, on *Minnesota Rules, Chapter 4410.1100, subpart 6; and Minnesota Rules, Chapter 4410.1700, subpart 7*; and

**WHEREAS**, the County's consulting engineer, Wenck Associates, reviewed the EAW petition and determined the "following issues with aggregate and other products may have the potential for significant environmental impacts:"

- A. Noise associated with material transfer;
- B. Airborne dust associated with material transfer;
- C. Traffic associated with material transfer;
- D. Sediment transport;
- E. Water supply;
- F. Other water resources impacts; and
- G. Fly ash storage.

**WHEREAS**, the Carver Soil and Water Conservation District reviewed the EAW petition and made the following determinations:

- A. The proposed grading of the site will drastically change the existing topography of the site;
- B. Several questions remain regarding drainage on the site; and
- C. There is potential for negative water quality impacts from the transfer of material from the rail cars to the stock piles.

**WHEREAS**, the County Board of Commissioners has reviewed all of the information provided, including the presentations made at the Planning Commission meeting on January 15, 2008, and the regularly scheduled Board meeting on February 26, 2008; and

**THEREFORE, BE IT RESOLVED**, the following findings of fact are adopted, substantiating that the material evidence demonstrates the proposed project may have the potential for significant environmental effects:

1. Minnesota Statute § 116D.04, subd. 2a(c) governs EAWs by petition. It states:

An environmental assessment worksheet shall also be prepared for a proposed action whenever material evidence accompanying a petition by not less than 25 individuals, submitted before the proposed project has received final approval by the appropriate governmental units, demonstrates that, because of the

nature or location of a proposed action, there may be potential for significant environmental effects.

2. Minnesota Courts have defined material evidence as evidence which is admissible, relevant, and consequential to determine whether the project may have the potential for significant environmental effects.
3. Minnesota Rules, Chapter 4410.1100, subpart 6 states:

The RGU shall order the preparation of an EAW if the evidence presented by the petitioners, proposers, and other persons or otherwise known to the RGU demonstrates that, because of the nature or location of the proposed project, the project may have the potential for significant environmental effects. The RGU shall deny the petition if the evidence presented fails to demonstrate the project may have the potential for significant environmental effects. The RGU shall maintain, either as a separate document or contained within the records of the RGU, a record, including specific findings of fact, of its decision on the need for an EAW.

4. Minnesota Rules, Chapter 4410.1700, subpart 7 states:

In determining whether a project has the potential for significant environmental effects, the following factors shall be considered:

- A. type, extent, and reversibility of environmental effects;
  - B. cumulative potential effects of related or anticipated future projects;
  - C. the extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority; and
  - D. the extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other EISs.
5. The material evidence contained in the EAW petition; the documents submitted by Wenck Associates; Carver Soil and Water Conservation District; and the additional oral and written evidence submitted at the January 15<sup>th</sup> Planning Commission meeting and the February 26<sup>th</sup> County Board meeting shows the type, extent and reversibility of the environmental effects associated with the L.G. Everist facility may have the potential for significant environmental effects. These environmental effects include but are not limited to: the drastic change of the topography and impervious surface of the site; the potential watershed alterations and negative water quality impacts; the increased noise associated with a variety of sources at the site; and the dust and potential air quality impacts associated with the site.
  6. The material evidence in the proceeding also shows the cumulative potential effects of related or anticipated future projects may have the potential for significant environmental effects. Specifically, the record indicates there may be an expansion in size and/or in the type of product at the L.G. Everist facility. This increase in use and addition of different types of product may have the potential for significant environmental effects.
  7. The material evidence in the proceeding also indicates the issues of railroad transloading including, but not limited to, noise, traffic, grading, drainage, and air & water quality may have the potential for significant environmental effects and should be looked at in greater depth to determine whether they are subject to mitigation by ongoing public regulatory authority or whether they can be controlled by other available environmental studies.

**THEREFORE, BE IT FURTHER RESOLVED**, that the Carver County Board of Commissioners hereby grants the petition, and orders the preparation of an EAW for the proposed L.G. Everist facility.

---

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

STATE OF MINNESOTA  
COUNTY OF CARVER

I, Dave Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 11<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 \_\_\_\_\_ day of March 2008.

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



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Department of Natural Resources Land Acquisition

Originating Division: Administration

Meeting Date: 3/11/08

Amount of Time Requested: 15 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  $\frac{3}{4}$ '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:

Motion to adopt Resolution.

#### FUNDING

County Dollars =	\$
Other Sources & Amounts =	
	= \$
<b>TOTAL</b>	<b>= \$</b>

#### FISCAL IMPACT

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

Related Financial Comments:

Reviewed by Division Director

Date: 3/4/08

**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 11, 2008 that the State's proposed acquisition of the attached described property be approved.

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 11<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 11th 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



## **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



	Trout Stream
	Project Boundary
	Request Wildlife Management Area
<b>Rare Natural Features</b>	
	Animal Assemblage
	Vertebrate Animal
	Invertebrate Animal
	Vascular Plant
<b>Native Plant Communities</b>	
	Calcareous Fen (Bauhinia solum)
	Swamp Meadow / Carr
	Bullrush Marsh (Northern)
	Silver Maple - (Virginia Creeper) Roadplain Forest
	Dry Sand - Gravel Oak Savanna (Southern)
	Sugar Maple - Sycamore - (Bitternut Hickory) Forest
	Red Oak - White Oak - (Sugar Maple) Forest
	Lowland Open Forest
<b>MN DOT Interstates and Trunk Highways</b>	
	Interstate
	Federal Trunk
	State Trunk

Copyright 2007 State of Minnesota, Department of Natural Resources. Rare features data have been provided by the Natural Heritage and Wildlife 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.



# REQUEST FOR BOARD ACTION

**AGENDA ITEM : Appointments to Water, Environment and Natural Resource Committee**

Originating Division: Administration

Meeting Date: 3/11/08

Amount of Time Requested: 5 minutes

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

There are currently two vacancies on the Water, Environmental and Natural Resource Committee. One vacancy is in Commissioner District 2 and the other is for citizen resident to represent the Crow River Watershed District. The appointment representing the Crow River Watershed District would fill an unexpired term.

Applications for service on the WENR Committee have been received from the following:

- Scott Hoes-resides Commissioner District 4 and Crow River Watershed
- Chris Bonick-resides Commissioner District 4 and Carver Creek Watershed
- Mark McMullen-resides Commissioner District 5 and Carver Creek Watershed
- Robert Burandt-resides Commissioner District 4 and Carver Creek Watershed
- Dean Gavin-resides Commissioner District 5 and Bevens Creek Watershed
- Gerald Hartman-resides Commissioner District 5 and Bevens Creek Watershed

Time is being scheduled on the Board's agenda to allow Board members to make appointments.

**ACTION REQUESTED:**

Motion appointing applicants to serve on the WENR Committee.

**FUNDING**

County Dollars = \$

Other Sources &amp; Amounts =

= \$

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

Date: 3/4/08



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : 2008 Omnibus Transportation Finance Bill Overview

Originating Division: Public Works/Financial  
Services/County Attorney's Office

Meeting Date: March 11, 2008

Amount of Time Requested: 30 minutes

Attachments for packet:  Yes  No

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

### BACKGROUND/EXPLANATION OF AGENDA ITEM:

According to the MN Department of Transportation website:

Legislation recently passed which will provide a \$6.6 billion increase in State Aid for Road and Bridge projects, plus a possible \$1.8 billion in additional local option sales taxes. The \$6.6 billion increase, which includes a mixture of tax increases and bonding authority, will raise the state's gas tax from 20 cents per gallon to 28.5 cents by 2014, with the first 5.5-cent increase occurring this year. The \$1.8 billion increase, contingent on approval by County Boards in the Twin Cities metro area, allows for an increase of a quarter-of-a-cent sales tax for transit projects, and increases in motor vehicle license fees.

**ACTION REQUESTED:** *No action requested – discussion only.*

#### FUNDING

County Dollars = \$

Other Sources & Amounts =

= \$

**TOTAL** = \$

*Related Financial Comments*

#### FISCAL IMPACT

None (for now)

Included in current budget

Budget amendment requested

Other:

Reviewed by Division Directors

Date: March 5, 2008



# REQUEST FOR BOARD ACTION

**AGENDA ITEM : Call for a Public Hearing on the intent to issue bonds and adopt the Road And Bridge Bonding Authorization Capital Improvement Plan**

Originating Division: Financial Services

Meeting Date: March 11, 2008

Amount of Time Requested: 15 minutes

Attachments for packet:  Yes  No

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

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** Minnesota Statutes, Section 373.40 allow Counties to plan for and finance the acquisition and betterment of roads and bridges. The County must hold a public hearing on the Road and Bridge Bonding Authorization Capital Improvement Plan (CIP) prior to issuing General Obligation Capital Improvement Bonds to finance capital improvements identified in the Plan

The County's Long Term Financial Plan includes the 2008 - 2012 Road and Bridge CIP which identifies over \$20M in road projects for the next 5 years. The road projects approved for 2008 are: CSAH 14 (Pioneer Trail), CSAH 17 (Powers Boulevard), CSAH 18 (Lyman Boulevard), and CSAH 40 (City of Carver).

At a February 19, 2008 Board workshop, Public Works Director Gustafson recommended that the Board consider increasing the **2008 Bond Sale proceeds to \$8.8 million** so the CSAH 10 / TH 7 Intersection Roundabout project can be added to the 2008 road project list. The additional debt service of approximately \$120,000 would need to be financed from either an additional property tax levy in 2009 and/or State aid.

Public Works Director Gustafson also requested that the Board consider **authorizing \$7.5 million** in future road and bridge projects in the Road and Bridge Bonding Authorization Capital Improvement Plan. (The individual road and bridge projects and any future bond sales would still need approval from the County Board but the Statutory CIP authorization process would be addressed in one step rather than in multiple steps.)

At the workshop, the County Board discussed Laketown Road and Highway 20. The County's estimated cost for these projects are: Laketown Road "Option A" \$750,000 and Highway 20 \$1.9M. These two projects could be added to the \$7.5M Authorization List without immediate financial impact to the County. Adding them to the 2008 Bond sale would require additional debt service of approximately \$265K from either an additional property tax levy in 2009 and/or State Aid. It would also put us over the \$10M Bank Qualified limit which has an incremental impact on the County's interest rate - Carolyn Drude from Ehlers can address this issue at the meeting.

See the Road and Bridge Bonding Authorization Capital Improvement Plan (**Exhibit B**) for additional information.

**ACTION REQUESTED:**

1. Approve the attached resolution (**Exhibit A**) calling for an April 8<sup>th</sup>, 2008 Public Hearing on issuing bonds and adopting the Road and Bridge Bonding Authorization Capital Improvement Plan.
2. Adopt a motion approving 2008 Preliminary Bond Sale proceeds of **\$8.8M** plus an additional Authorized project list of **\$7.5M**.
- 3A. Consider motion to add \$750K for Laketown Road to the 2008 Preliminary Bond Sale proceeds (total proceeds of \$9.55M)
- 3B. Consider motion to add \$1.9M for Highway 20 to the 2008 Preliminary Bond Sale proceeds (total proceeds without Laketown Rd \$10.7M, with Laketown Rd \$11.45M)

**FUNDING**

County Dollars = \$

Other Sources & Amounts = \$

**TOTAL** = \$

**FISCAL IMPACT**

None (for now)

Included in current budget

Budget amendment requested

Other:

Related Financial Comments:

Report Date: March 6, 2008

Reviewed by Division Director

Date: March 4th, 2008

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

Date: March 11, 2008  
Motion by Commissioner: \_\_\_\_\_

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

**RESOLUTION CALLING PUBLIC HEARING ON THE INTENTION TO ISSUE GENERAL  
OBLIGATION CAPITAL IMPROVEMENT BONDS AND THE PROPOSAL TO ADOPT A  
CAPITAL IMPROVEMENT PLAN THEREFOR**

A. WHEREAS, pursuant to Minnesota Statutes, Section 373.40, Carver County, Minnesota (the "County") may issue bonds to finance capital expenditures under its capital improvement plan (the "Plan") without an election provided that, among other things, prior to issuing General Obligation Capital Improvement Bonds (the "Bonds") the County adopts the Plan after holding a public hearing thereon and publishing a notice of its intention to issue the Bonds and the date and time of a hearing to obtain public comment on the issuance of the Bonds and adoption of the Plan; and

B. WHEREAS, the Board of Commissioners will hold a public hearing on April 8, 2008, on its intention to issue the Bonds and to adopt the Plan; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Carver County, Minnesota (the "Board") as follows:

1. The Board hereby calls for a public hearing on its intent to issue the Bonds and to adopt the Plan, the public hearing to be held on April 8, 2008, at 9:15 a.m.

2. The County Administrator is hereby directed to cause the notice of public hearing to be published at least 14 but not more than 28 days before the date of the public hearing in the official newspaper of the County or a newspaper of general circulation in the County.

YES

ABSENT

NO

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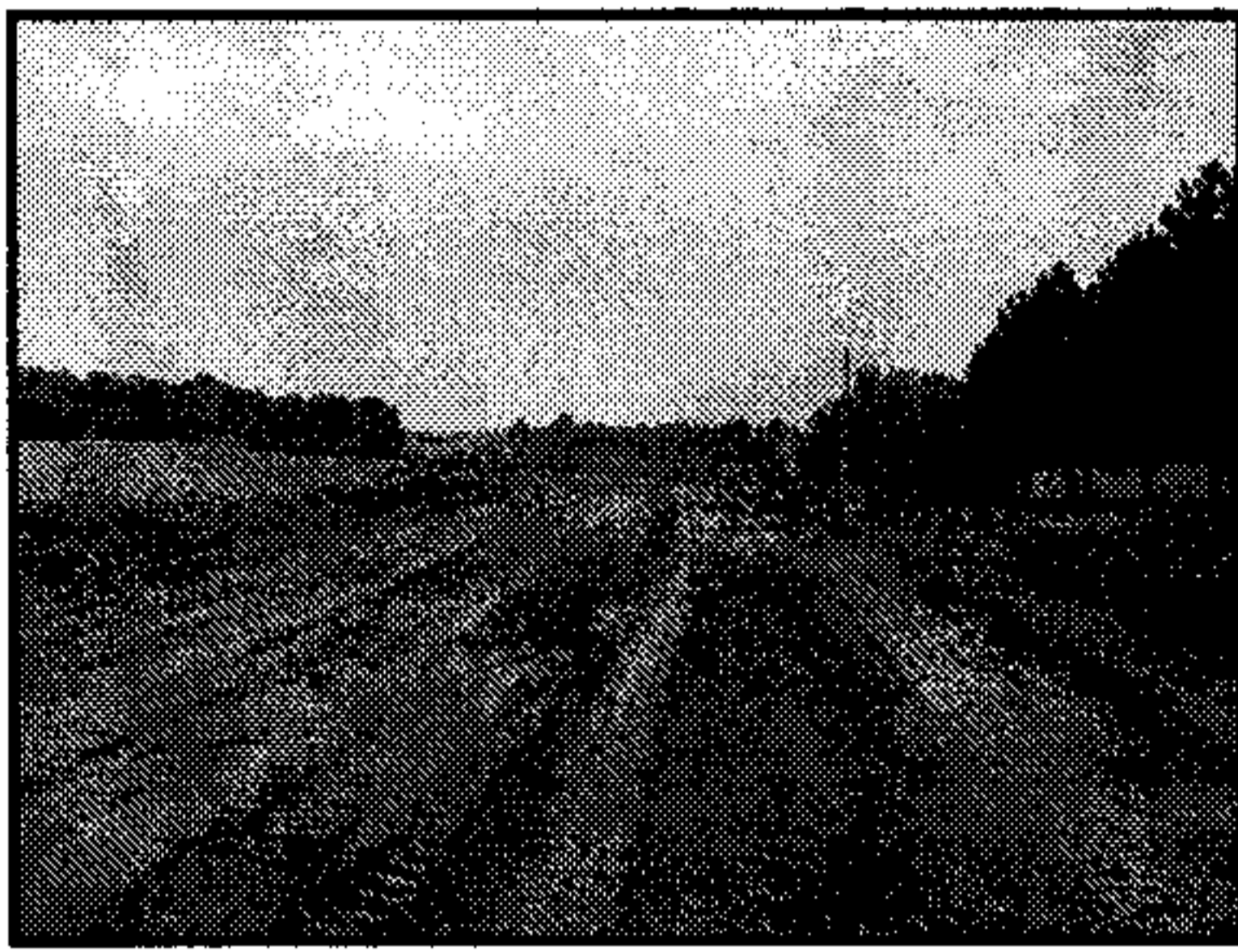
STATE OF MINNESOTA  
COUNTY OF CARVER

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 11<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 \_\_\_\_ day of March, 2008.

\_\_\_\_\_  
County Administrator 28

**Road & Bridge  
Bonding Authorization  
Capital Improvement Plan  
For  
Carver County, Minnesota**



**M.S. 373.40**

**Hearing: Tuesday April 8<sup>th</sup>, 2008**

**(Tentative) Adopted: Tuesday April 8<sup>th</sup>, 2008**

# **CARVER COUNTY, MINNESOTA CAPITAL IMPROVEMENT PLAN/ GENERAL OBLIGATION BONDS**

## **CAPITAL IMPROVEMENT PLAN**

Minnesota Statutes, Section 373.40, allows Counties to plan for and finance the "acquisition and betterment of public lands, buildings, and other improvements within the county for the purpose of a county courthouse, administrative building, health or social service facility, correctional facility, jail, law enforcement center, hospital, morgue, library, park, qualified indoor ice arena, and roads and bridges." An improvement must have an expected useful life of five years or more to qualify.

The law requires that a Capital Improvement Plan be prepared which must cover at least the five-year period beginning with the date of the Plan's adoption. The Plan must set forth:

- 1) the estimated schedule, timing and details of specific capital improvements;
- 2) estimated cost of the capital improvements identified;
- 3) the need for the improvements; and
- 4) the sources of revenues needed to pay for the improvements.

Approval of the Capital Improvement Plan and annual amendments must be approved by the County Board after a noticed public hearing.

## **GENERAL OBLIGATION CAPITAL IMPROVEMENT PLAN BONDS**

This statute also authorizes the issuance of General Obligation Capital Improvement Bonds to finance capital improvements identified in the Plan. The County must publish a notice of intent to issue the Bonds and the date and time of a hearing for public comment. The issuance of the Bonds is subject to reverse referendum; i.e., if a petition requesting a vote on the issuance is signed by voters equal to 5% of the votes cast in the County in the last general election and filed with the County Auditor within 30 days after the public hearing on the bonds, a vote must be held. If no petition is filed, the County may proceed with the issuance of bonds.



## 2008 - 2012 ROAD AND BRIDGE CAPITAL IMPROVEMENT PLAN

The County's portion for the road projects that were approved in the 2008 Budget which include Pioneer Trail and Lyman Boulevard was \$9.4 million. The majority of the \$9.4 million was planned to be financed by issuing \$7.6 million in G.O. Capital Improvement Bonds. To pay the debt service on this new debt, the 2008 Budget included a new debt service levy allocation of \$300,000 and the new wheelage tax (implemented 1/1/08) which is estimated to generate approximately \$315,000. Finally, up to a \$100,000 tax abatement levy is planned to be levied in pay 2009 for the Lyman Boulevard Road Project. These three new revenue sources totaling \$715,000 will cover the majority of the principle and interest payment for the \$7.6 million in new bonds. An additional debt service levy allocation for Pay 2009 is expected to close any funding gap between revenue sources and debt service payments for the 2008 Bond sale.

At a February 19, 2008 Board workshop, Public Works Director Gustafson recommended that the Board consider increasing the **2008 Bond Sale proceeds to \$8.8 million** so the CSAH 10 / TH 7 Intersection Roundabout project can be added to the 2008 road project list. The additional debt service of approximately \$120,000 would need to be financed from either an additional property tax levy in 2009 and/or State aid.

Public Works Director Gustafson also requested that the Board consider authorizing \$7.5 million in future road and bridge projects in the Road and Bridge Bonding Authorization Capital Improvement Plan.

At the workshop, the County Board discussed Laketown Road and Highway 20. The County's estimated cost for these projects are: Laketown Road "Option A" \$750,000 and Highway 20 \$1.9M. These two projects could be added to the \$7.5M Authorization List without any financial impact to the County. Adding them to the 2008 Bond sale would require additional debt service of approximately \$265K from either an additional property tax levy in 2009 and/or State Aid.

### COUNTY BOARD CONSIDERATION

\$3.6 million of bonding authorization remains from the 2005 bonding process. Thus, a new \$5.2 million bonding authorization is necessary in order to receive the \$8.8 million in bond proceeds that are needed to finance the revised 2008 Road/Bridge Projects of \$10.6 million.

In addition, \$7.5 million is needed for future Road and Bridge projects. County staff proposes that the County Board consider increasing the Bond Authorization by \$7.5 million for a total new authorization of \$13.5 million (5.2 million + 7.5 million = 12.7 million).

See Appendix A for a breakdown of the 12.7 million bond sale and authorization

See Appendix B for the 5 year plan for Road and Bridge Projects.

The Board will need to decide if the Laketown Road and Highway 20 projects should be added to either the 2008 Bond sale or the list of Authorized projects.

## PLAN OVERVIEW

Carver County Divisions were asked to look ahead at least five years and to project their capital needs for that timeline. These projected capital needs have been reviewed and are incorporated in the County's Long Term Financial Plan. This Road and Bridge Bonding Authorization Capital Improvement Plan includes only the Road and Bridge projects from the County's Long Term Financial Plan because bonding is necessary to finance road and bridge projects. All other capital projects, including the Buildings Capital Improvement Plan, are planned to be funded with pay-as-you-go financing which should not require the issuance of any County bonds.

In adopting the Road and Bridge Bonding Authorization Capital Improvement Plan, the County finds:

(1) These road and bridge capital projects are necessary to maintain the existing infrastructure of the County and to properly provide for the health, safety and general well-being of its residents.

(2) The County has considered alternatives for undertaking the projects. The proposed projects provide an adequate response to anticipated service demands in each area of operation and protects against undue and/or unnecessary duplication of services.

(3) The County has considered the cost of the projects and the available financial resources and has determined that the projects are within the financial capacity of the County. Further, the County has determined that failure to undertake these capital projects may create a greater financial burden through higher service cost alternatives and increased costs of future project options.

(4) The projects may result in lower operating costs by avoiding future maintenance expense and by providing public services in a cost effective manner. The projects have been designed to keep operating costs at a minimum within safety guidelines.

(6) The Road and Bridge Capital Improvement Plan is designed to make the most effective use of all financial resources available to the County, which includes fund reserves, current or proposed revenues, grants and borrowing. The County's goal is to strike a responsible balance among all of its resources. Any debt incurred in implementing the Road and Bridge Capital Improvement Plan will be within the statutory and financial capacity of the County. However, the County may not be able to meet all of its needs in a timely manner without incurring some debt.

(7) Several financial tools exist for the implementation of a County's Capital Improvement Plan. They include but are not limited to General Obligation Capital Improvement Plan Bonds (Minnesota Statutes, Section 373.40), General Obligation Capital Notes (M.S.373.01), General Obligation Jail Bonds (M.S.641.23), Law Enforcement Lease Revenue Bonds (M.S.641.24), General Obligation State-Aid Road Bonds (M.S.162.181), General Obligation Street Reconstruction Bonds (M.S.475.58), and various types of Lease Purchase Financing (M.S.465.71)

**Note:** A complete copy of M. S. Section 373.40 is included as Appendix E.

## **COUNTY BOARD'S STATUTORY ROLE**

The issuance of bonds must receive a 2/3 vote of a County Board (effectively a 4/5 vote) in counties within the metropolitan area. The County Board must also consider the following for each project and for the overall plan:

- 1) the condition of the County's existing infrastructure, including the projected need for repair or replacement;
- 2) the likely demand for the improvement;
- 3) the estimated cost of the improvement;
- 4) the available public resources;
- 5) the level of overlapping debt in the County;
- 6) the relative benefits and costs of alternative uses of the funds;
- 7) operating costs of the proposed improvements; and
- 8) alternatives for providing services more efficiently through shared facilities with other counties or local government units.

### **STATUTORY LIMITS ON OUTSTANDING DEBT AND DEBT SERVICE**

The statutory debt limit for the County (all general obligation bonds outstanding and lease purchases in excess of \$1 million which are payable entirely from property taxes unless exempt from debt limit) is 2% times the estimated taxable market value of \$10,796,974,900 or \$215,939,498.

The County has a limit on the total amount of principal and interest payments for Capital Improvement Bonds which can be payable in any one year. This limit is equal to .05367% of the County's estimated taxable market value of \$10,796,974,900. This results in maximum annual debt service allowable of \$5,794,736 for General Obligation Capital Improvement Bonds outstanding at any time.

As of December 31, 2008, Carver County has \$14,250,000 (ballpark estimate) of debt outstanding which counts against its statutory debt limit, leaving unused statutory debt limit of \$201,689,498. The debt service on this debt outstanding is \$2,603,160, leaving unused statutory debt service limit of \$3,191,576.

## CARVER COUNTY PUBLIC WORKS CAPITAL IMPROVEMENT PROGRAM (Highway Projects)

### 2005/2008 County Bonding

2005/2008 County Bonding									
	County Annual Levy	2005 Authorization	2008 Sale	Bond Interest	CSAH Regular	CSAH Municipal	Other	Unfunded Amount	TOTAL
<b>CSAH 14 (Shady Oak Drive to Beverly Road) - Chaska</b>									
PROFESSIONAL SERVICES		Yes	0		1,100,000	0	150,000		1,250,000
CONSTRUCTION	80,000	Yes	3,600,000	300,000	420,000	0	600,000		5,000,000
RIGHT-OF-WAY		Yes	0				68,000		68,000
<b>Total - 2005/2008 County Bonding Package</b>	80,000		<b>B 3,600,000</b>	300,000	1,520,000	0	838,000		6,338,000

### 2008 County Bonding

2008 County Bonding									
	County Annual Levy	2008 Authorization	2008 Authorization and Sale	Bond Interest	CSAH Regular	CSAH Municipal	Other	Unfunded Amount	TOTAL
<b>CSAH 10 / TH 284 Intersection - Waconia</b>									
PROFESSIONAL SERVICES		0			105,000				105,000
CONSTRUCTION		400,000							400,000
RIGHT-OF-WAY		0							0
<b>CSAH 10 (Bridge 5837 over Dakota Rail Trail)</b>									
PROFESSIONAL SERVICES		100,000			218,000				318,000
CONSTRUCTION		807,000					520,000		1,327,000
RIGHT-OF-WAY									0
<b>CSAH 10/TH 7 Intersection Roundabout - 0.5 mile</b>									
PROFESSIONAL SERVICES		0	50,000						50,000
CONSTRUCTION	200,000	0	400,000						600,000
RIGHT-OF-WAY		0	50,000						50,000
<b>CSAH 11 (TH 212 to CSAH 10) Highway Construction</b>									
PROFESSIONAL SERVICES	20,000	0			5,000		5,000		30,000
CONSTRUCTION		2,842,603			135,397		2,822,000		5,400,000
RIGHT-OF-WAY		0			900,000				900,000
<b>CSAH 17 (78th Street to North County Line) - Chanhassen</b>									
PROFESSIONAL SERVICES	20,000	0	0						20,000
CONSTRUCTION	82,128	0	549,000						631,128
RIGHT-OF-WAY		0	0						0
<b>CSAH 18 (TH 41 to TH 101) - Chaska/Chanhassen</b>									
<b>School Segment - (Section #1) - Roadway, Signals, Railroad</b>									
PROFESSIONAL SERVICES	14,000	0	128,000		393,000		727,000		1,260,000
CONSTRUCTION		0	2,666,000				3,634,000		6,300,000
RIGHT-OF-WAY		0	345,000				422,000		767,000
<b>Galpin Segment - (Section #2A:1) - Roadway, Signals</b>									
PROFESSIONAL SERVICES		0	5,000		64,000		101,000		170,000
CONSTRUCTION		0	342,000				508,000		850,000
RIGHT-OF-WAY		0	75,000				92,000		167,000
<b>CSAH 30 (Bridge 7118 over Crane Creek)</b>									
PROFESSIONAL SERVICES		0			98,000				98,000
CONSTRUCTION		0			372,000		230,000		602,000
RIGHT-OF-WAY	16,000	0							16,000
<b>CSAH 30 (Yancy Avenue to West County Line)</b>									
PROFESSIONAL SERVICES		200,000							200,000
CONSTRUCTION		1,243,000							1,243,000
RIGHT-OF-WAY		250,000							250,000
<b>CSAH 40 (Bridge L2783 over Carver Spring)</b>									
PROFESSIONAL SERVICES	73,000	0	0						73,000
CONSTRUCTION		0	272,000				165,000		437,000
RIGHT-OF-WAY		0	0						0
<b>CSAH 40 - Carver Metro Sewer Project</b>									
PROFESSIONAL SERVICES	58,000	0	0			28,000			84,000
CONSTRUCTION		0	290,000			130,000			420,000
RIGHT-OF-WAY		0	0						0
<b>CSAH 40 (Bridge 4665 over Bevens Creek)</b>									
PROFESSIONAL SERVICES	129,000	0			47,000				176,000
CONSTRUCTION		875,000					345,000		1,020,000
RIGHT-OF-WAY	82,000	0							82,000
<b>CSAH 41 (Bridge L2784 over Bevens Creek)</b>									
PROFESSIONAL SERVICES	57,000	0			56,000				113,000
CONSTRUCTION		416,000					275,000		691,000
RIGHT-OF-WAY	22,000	0							22,000
<b>CSAH 43 (Bridge 10501 over Carver Creek)</b>									
PROFESSIONAL SERVICES	68,000	0			67,000				135,000
CONSTRUCTION		490,000					343,000		833,000
RIGHT-OF-WAY	22,000	0							22,000
<b>Laketown Road (CSAH 10 to TH 5)</b>									
PROFESSIONAL SERVICES		0	0						0
CONSTRUCTION		0	0						0
RIGHT-OF-WAY		0	0						0
<b>Total - 2008 County Bonding Package</b>	863,128	<b>A 7,223,603</b>	<b>C 5,170,000</b>	0	2,460,397	156,000	9,989,000		25,862,126

	2008 Authorization A + C	2008 Sale B + C
<b>Summary - County Bonding Package</b>	12,393,603	8,770,000

Exhibit B

**ROAD & BRIDGE  
CAPITAL IMPROVEMENT PLAN - Fund #32  
2008**

DESCRIPTION	ESTIMATED YEAR NEEDED	ESTIMATED COUNTY CONTRIBUTION		2008	2009	2010	2011	2012
<b>COUNTY PORTION OF ROAD &amp; BRIDGE CONSTRUCTION PROJECTS:</b>								
Hwy CR 40	2008	562,000						
CSAH 14 - Pioneer Trail	2008	3,900,000						
Lyman Blvd	2008	2,447,000						
Hwy CR 17	2008	549,000						
CSAH 10/IH 7 Intersection Roundabout	2008	1,250,000						
2009		4,238,000						
2010		2,642,000						
2011		1,530,000						
2012		9,640,000						
Totals				<u>\$ 26,758,000</u>				
PROJECTED BEG. FUND BALANCE (1):								
2008 Bond Proceeds				\$ 300,000	\$ -	\$ -	\$ -	\$ -
Projected Additional Bond Proceeds				8,800,000	-	-	-	(7,559,000)
Annual Capital Property Tax Levy (+125K in 2009, 250K in 2010 & 2011, shift \$1M to Debt Service Levy in 2012)				1,500,000	1,625,000	1,875,000	2,125,000	10,000,000
Whealage Taxes (projected 5% increase each year)				315,000	331,000	348,000	365,000	1,125,000
Transfer to Debt Service Fund for Wheelage Tax supported bonds principal and interest				(315,000)	(315,000)	(315,000)	(315,000)	383,000
Summary of 2008 - 2012 Road & Bridge Projects*:								(315,000)
Pre-Construction Services (Object Code 6260*)				(363,000)	(256,000)		(280,000)	(1,552,000)
County Portion Road & Bridge Construction Projects (Object Code 6281 *)				(8,708,000)	(4,238,000)	(2,642,000)	(1,530,000)	(9,640,000)
Annual Road Resurfacing Costs (Object Code 6284*)				(1,000,000)	(1,200,000)	(1,200,000)	(1,200,000)	(1,200,000)
Right-of-Way Acquisition (Object Code 6285*)				(529,000)	(285,000)	-	(28,000)	(1,000,000)
Culvert Replacement (Object Code 6501 *)				-	(50,000)	(50,000)	(50,000)	(50,000)
Traffic Signs (Object Code 6520*)				-	-	(164,000)	(110,000)	-
PROJECTED YEAR END FUND BALANCE: (R&BCIP - Fund #32) (2)				<u>\$ -</u>	<u>\$ (4,388,000)</u>	<u>\$ (6,536,000)</u>	<u>\$ (7,559,000)</u>	<u>\$ (9,808,000)</u>

\* See 2008 Long Term Financial Plan for listing of individual projects.

(1) Effective 12/31/07, Public Works operating and capital activities were split into two separate funds: operating - Fund #03 and capital - Fund #32. The \$300,000 beginning reserve balance represents interest income from the 2005 Bond Sale that has not yet been spent on projects.

(2) After all known funding sources have been allocated, this amount of additional funding sources need to be identified or the projects will be delayed. Possible funding sources to close the gap are additional County funding, State/Federal aid/grants or contributions from other sources such as local governments.

**APPENDIX C**

**INSERT RESOLUTION ADOPTING THE BONDING AUTHORIZATION CAPITAL  
IMPROVEMENT PLAN / AFFIDAVIT OF PUBLICATION**

**APPENDIX D**

**Insert Underlying Debt Schedule from CAFR**

## **APPENDIX E**

Minnesota Statutes 2006, Table of Chapters  
Table of contents for Chapter 373

### **373.40, Minnesota Statutes 2006**

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#### **373.40 CAPITAL IMPROVEMENT BONDS.**

Subdivision 1. **Definitions.** For purposes of this section, the following terms have the meanings given.

- (a) "Bonds" means an obligation as defined under section 475.51.
- (b) "Capital improvement" means acquisition or betterment of public lands, buildings, or other improvements within the county for the purpose of a county courthouse, administrative building, health or social service facility, correctional facility, jail, law enforcement center, hospital, morgue, library, park, qualified indoor ice arena, roads and bridges, and the acquisition of development rights in the form of conservation easements under chapter 84C. An improvement must have an expected useful life of five years or more to qualify. "Capital improvement" does not include light rail transit or any activity related to it or a recreation or sports facility building (such as, but not limited to, a gymnasium, ice arena, racquet sports facility, swimming pool, exercise room or health spa), unless the building is part of an outdoor park facility and is incidental to the primary purpose of outdoor recreation.
- (c) "Metropolitan county" means a county located in the seven-county metropolitan area as defined in section 473.121 or a county with a population of 90,000 or more.
- (d) "Population" means the population established by the most recent of the following (determined as of the date the resolution authorizing the bonds was adopted):
  - (1) the federal decennial census,
  - (2) a special census conducted under contract by the United States Bureau of the Census, or
  - (3) a population estimate made either by the Metropolitan Council or by the state demographer under section 4A.02.
- (e) "Qualified indoor ice arena" means a facility that meets the requirements of section 373.43.
- (f) "Tax capacity" means total taxable market value, but does not include captured market value.



Subd. 2. **Application of election requirement.** (a) Bonds issued by a county to finance capital improvements under an approved capital improvement plan are not subject to the election requirements of section 375.18 or 475.58. The bonds must be approved by vote of at least three-fifths of the members of the county board. In the case of a metropolitan county, the bonds must be approved by vote of at least two-thirds of the members of the county board.

(b) Before issuance of bonds qualifying under this section, the county must publish a notice of its intention to issue the bonds and the date and time of a hearing to obtain public comment on the matter. The notice must be published in the official newspaper of the county or in a newspaper of general circulation in the county. The notice must be published at least 14, but not more than 28, days before the date of the hearing.

(c) A county may issue the bonds only upon obtaining the approval of a majority of the voters voting on the question of issuing the obligations, if a petition requesting a vote on the issuance is signed by voters equal to five percent of the votes cast in the county in the last general election and is filed with the county auditor within 30 days after the public hearing. The commissioner of revenue shall prepare a suggested form of the question to be presented at the election.

Subd. 3. **Capital improvement plan.** (a) A county may adopt a capital improvement plan. The plan must cover at least the five-year period beginning with the date of its adoption. The plan must set forth the estimated schedule, timing, and details of specific capital improvements by year, together with the estimated cost, the need for the improvement, and sources of revenues to pay for the improvement. In preparing the capital improvement plan, the county board must consider for each project and for the overall plan:

- (1) the condition of the county's existing infrastructure, including the projected need for repair or replacement;
- (2) the likely demand for the improvement;
- (3) the estimated cost of the improvement;
- (4) the available public resources;
- (5) the level of overlapping debt in the county;
- (6) the relative benefits and costs of alternative uses of the funds;
- (7) operating costs of the proposed improvements; and
- (8) alternatives for providing services more efficiently through shared facilities with other counties or local government units.

(b) The capital improvement plan and annual amendments to it are not effective until approved by the county board after public hearing.

Subd. 4. **Limitations on amount.** A county, other than Ramsey, may not issue bonds under this section if the maximum amount of principal and interest to become due in any year on all the outstanding bonds issued pursuant to this section (including the bonds to be issued) will equal or exceed 0.05367 percent of taxable market value of property in the county. Ramsey county may not issue bonds under this section if the maximum amount of principal and interest to become due in any year on all the outstanding bonds issued pursuant to this section (including the bonds to be issued) will equal or exceed 0.06455 percent of taxable market value of property in the county. Calculation of the limit must be made using the taxable market value for the taxes payable year in which the obligations are issued and sold. This section does not limit the authority to issue bonds under any other special or general law.

Subd. 5. **Application of chapter 475.** Bonds to finance capital improvements qualifying under this section must be issued under the issuance authority in chapter 475 and the provisions of chapter 475 apply, except as otherwise specifically provided in this section.

Subd. 6.[Repealed, 1994 c 505 art 2 s 7]

Subd. 7.[Repealed, 2001 c 214 s 49]

**History:** 1988 c 519 s 2; 1988 c 719 art 5 s 84; art 19 s 20; 1989 c 277 art 4 s 30,31; 1989 c 329 art 13 s 20; 1Sp1989 c 1 art 5 s 27; art 17 s 6,7; 1990 c 480 art 9 s 13; 1990 c 592 s 1,2; 1991 c 345 art 2 s 55; 1992 c 511 art 9 s 11; 1995 c 256 s 1; 1997 c 231 art 2 s 31; 1999 c 243 art 5 s 34; 1Sp2003 c 4 s 1; 2005 c 152 art 1 s 7; 1Sp2005 c 1 art 4 s 101,102



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Call for a Public Hearing for Lyman Boulevard Tax Abatement

Originating Division: Financial Services

Meeting Date: March 11<sup>th</sup>, 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:** Minnesota Statutes, Section 469.1815 to 1815 authorize tax abatements for the County to finance public infrastructure improvements in accordance with the County's Tax Abatement Policy. Tax abatement does not reduce the level of taxes paid by a property but will redirect the county's portion of property taxes received in the future from a specific development to pay for the debt service. The County is expecting to utilize up to \$125,000 per year of taxes from the commercial development near the Lyman Boulevard improvements to pay for the debt service on 2008 General Obligation Capital Improvement Bonds.

See Exhibit B for a list of properties and the projected cash flow.

**ACTION REQUESTED:** Approve resolution (see Exhibit A) calling for an April 8th, 2008 Public Hearing on the proposed Lyman Boulevard Tax Abatement.

### FUNDING

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

### FISCAL IMPACT

None (for now)  
 Included in current budget  
 Budget amendment requested  
 Other:

Related Financial Comments:

Reviewed by Division Director

Date: March 4<sup>th</sup>, 2008

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

Date: March 11, 2008

Resolution No: \_\_\_\_\_

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

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

**RESOLUTION CALLING PUBLIC HEARING ON  
PROPERTY TAX ABATEMENTS FOR  
LYMAN BOULEVARD IMPROVEMENTS**

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Carver County, Minnesota (the "Board") as follows:

1. This Board has authority under the provisions of Minnesota Statutes, Sections 469.1812 to 469.1815, as amended (the "Act"), to adopt an abatement resolution granting property tax abatements under the Act and retain the abatements to pay debt service on general obligation abatement bonds.

2. It has been proposed that the County issue bonds pursuant to the Act (the "Bonds") to finance the costs of the Lyman Boulevard Improvements in the City of Chanhassen in the County. The Bonds would be general obligations of the County, payable primarily from abatements granted under the Act and retained by the County to pay the debt service on the Bonds.

3. There has been presented to this Board a list of properties which are proposed to be considered for abatement and the total estimated amount of the abatements.

4. A public hearing on the proposed abatements is hereby called and shall be held at 9:15 o'clock a.m. on April 8, 2008, at the Carver County Government Center, 600 East Fourth Street in the City of Chaska. The County Administrator is hereby authorized and directed to cause notice of the hearing to be published in a newspaper of general interest and readership in the County at least 10 days, but less than 30 days, prior to the hearing.

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 11<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 \_\_\_\_ day of March, 2008.

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



**Undestad Abatement for Lyman Reconstruction**  
**CITY OF CHANHASSEN, MINNESOTA - UNDESTAD ABATEMENT DISTRICT**  
 Watershed 558

Fiscal Disparities From Outside the District

**ABATEMENT CASH FLOW ASSUMPTIONS**

District	New Abatement Project	
County District #		
Inflation Rate - Every _ Years	0.0000%	
General Obligation Bond Interest Rate:	4.2500%	(Assume G.O. Bond rate)
Note Issued Date (Present Value Date):	01-Aug-08	
Total Local Tax Rate	102.2310%	Pay 2008
City of Chanhassen Tax Rate	23.7130%	Pay 2008
Carver County Tax Rate	37.5630%	Pay 2008
School District 112 Tax Rate (excludes 2006 referendum)	35.9700%	Pay 2008
Other Taxing Jurisdictions	4.9850%	Pay 2008 (Assume not abating taxes)
Fiscal Disparities	Inside	
Year District was established	2007	
Assumes First Abatement For District	2009	
Assumes First Abatement For Dev	2009	
Years of Tax Abatement	15	
Assumes Last Year of Tax Abatement	2023	
Fiscal Disparities Ratio	35.0000%	Pay 2008
Fiscal Disparities Metro Wide Tax Rate	119.5300%	
Local Tax Rate - Current	102.2310%	Pay 2007
State Wide Property Tax Rate (Used for total taxes)	44.0000%	
Market Value Tax Rate (used for total taxes)	0.21926%	Pay 2007
Commercial Industrial Class Rate	1.5%-2.0%	Pay 2007
First 150,000	1.50%	
Over 150,000	2.00%	
Rental Class Rate	1.25%	Pay 2007
Residential Class Rate	1.0%-1.25%	
Under \$500,000	1.00%	
Over \$500,000	1.25%	

BASE VALUE INFORMATION - BEFORE DEVELOPMENT											
	Acreage	PID	Property Address	Land Market Value	Building Market Value	Total Market Value	Class Rate	Base Tax Capacity	Local Base Tax Capacity	Date Payable	
Lot 1, B 1	2.24	25-2240010	2400 Galpin Ct	129,100	0	129,100	1.5%-2.0%	1,937	1,937	Current	
Lot 2, B 1	1.88	25-2240020	2420 Galpin Ct	95,200	0	95,200	1.5%-2.0%	1,428	1,428	Current	
Lot 3, B 1	5.91	25-2240030	2440 Galpin Ct	375,800	0	375,800	1.5%-2.0%	6,766	6,766	2006	
Lot 1, B 2	3.65	25-2240040	2411 Galpin Ct	375,800	0	375,800	1.5%-2.0%	6,766	6,766	2006	
Lot 2, B 2	3.46	25-2240050	2431 Galpin Ct	0	0	0	1.5%-2.0%	0	0	2006	
Lot 3, B 2	2.81	25-2240060	2451 Galpin Ct	375,800	0	375,800	1.5%-2.0%	6,766	6,766	2006	
Lot 4, B 2	5.06	25-2240070	2471 Galpin Ct	375,800	0	375,800	1.5%-2.0%	6,766	6,766	2006	
Lot 5, B 2	3.58	25-2240080	2460 Galpin Ct	375,800	0	375,800	1.5%-2.0%	6,766	6,766	2006	
<b>Totals</b>	<b>Totals</b>			<b>2,103,300</b>		<b>2,103,300</b>		<b>37,195</b>	<b>37,195</b>		

PROJECT INFORMATION - POST DEVELOPMENT											
Phase	PID	Total Bldg Sq. Ft.	Property Address	Market Value Bldg Sq Ft	Market Value Pay 2009	Market Value Future	Class Rate	Total New Tax Capacity	Local Tax Capacity	Date Payable	
Port Lot 1	25-2240010	25,300	2400 Galpin	50.00	129,100	1,265,000	1.5%-2.0%	24,550	24,550	2011	
Port Lot 1	25-2240020	46,152	2420 Galpin	50.00	95,200	2,307,600	1.5%-2.0%	45,402	45,402	2010	
Lot 1, 2, 3, 1	25-2240030	110,000	2440 Galpin Ct	52.85	5,813,600	5,813,600	1.5%-2.0%	115,522	115,522	2009	
Lot 1, B 2	25-2240040	50,000	2411 Galpin Ct	50.00	573,800	2,500,000	1.5%-2.0%	49,250	49,250	2010	
Lot 2, B 2	25-2240050		2431 Galpin Ct			0	1.5%-2.0%	0	0	2009	
Lot 3, B 2	25-2240060	34,800	2451 Galpin Ct	50.00	489,300	1,740,000	1.5%-2.0%	34,050	34,050	2011	
Lot 4, B 2	25-2240070	49,700	2471 Galpin Ct	41.11	2,043,400	2,043,400	1.5%-2.0%	40,118	40,118	2009	
Lot 5, B 2	25-2240080	48,000	2460 Galpin Ct	58.61	2,813,100	2,813,100	1.5%-2.0%	55,512	55,512	2009	
<b>TOTAL</b>		<b>363,952</b>			<b>11,957,500</b>	<b>18,482,700</b>		<b>364,404</b>	<b>364,404</b>		

Note:  
 1. Tax estimates are based upon estimated market value for completed buildings for Pay 2008 inflated 10% for Pay 2009 per County Assessor.

TAX CALCULATIONS											
Use	Total Tax Capacity	Local Tax Capacity	Fiscal Disparities Tax Capacity	Local Tax Rate	Fiscal Disparities Tax Rate	State-wide Property Tax Rate	Local Taxes	Fiscal Disparities Taxes	State-wide Property Taxes	Market Value Taxes	Total Taxes
Comm	364,404	236,863	127,541	1.02231	1.19530	0.44000	242,147	152,450	160,338	40,525	595,460
<b>TOTAL</b>	<b>364,404</b>	<b>236,863</b>	<b>127,541</b>	<b>1.02231</b>	<b>1.19530</b>	<b>0.44000</b>	<b>242,147</b>	<b>152,450</b>	<b>160,338</b>	<b>40,525</b>	<b>595,460</b>



**CITY OF CHANHASSEN, MINNESOTA - UNDESTAD ABATEMENT DISTRICT**  
Undestad Abatement for Lyman Reconstruction

TAX ABATEMENT CASH FLOW											PAYMENT DATE		
PERIOD BEGINNING			Base Tax	Local Tax	Captured Tax	City Abatement	County Abatement	School Abatement	Semi-Annual Net	Semi-Annual Present	PERIOD ENDING		
Yrs.	Mth.	Yr.	Capacity	Capacity	Capacity	23.7130%	37.56%	35.97%	Abatement	Value	Yrs.	Mth.	Yr.
0.0	02-01	2007									0.0	08-01	2007
0.0	08-01	2007									0.0	02-01	2008
0.0	02-01	2008	Present Value Date is August 1, 2008										
0.0	08-01	2008	0	0	0		0		0	0	0.0	02-01	2009
0.0	02-01	2009	37,195	228,049	190,854		35,845		35,845	34,369	0.5	08-01	2009
0.5	08-01	2009	37,195	228,049	190,854		35,845		35,845	68,023	1.0	02-01	2010
1.0	02-01	2010	37,195	314,507	277,312		52,083		52,083	115,905	1.5	08-01	2010
1.5	08-01	2010	37,195	314,507	277,312		52,083		52,083	162,790	2.0	02-01	2011
2.0	02-01	2011	37,195	364,404	327,210		61,455		61,455	216,961	2.5	08-01	2011
2.5	08-01	2011	37,195	364,404	327,210		61,455		61,455	270,004	3.0	02-01	2012
3.0	02-01	2012	37,195	364,404	327,210		61,455		61,455	321,944	3.5	08-01	2012
3.5	08-01	2012	37,195	364,404	327,210		61,455		61,455	372,803	4.0	02-01	2013
4.0	02-01	2013	37,195	364,404	327,210		61,455		61,455	422,604	4.5	08-01	2013
4.5	08-01	2013	37,195	364,404	327,210		61,455		61,455	471,368	5.0	02-01	2014
5.0	02-01	2014	37,195	364,404	327,210		61,455		61,455	519,118	5.5	08-01	2014
5.5	08-01	2014	37,195	364,404	327,210		61,455		61,455	565,874	6.0	02-01	2015
6.0	02-01	2015	37,195	364,404	327,210		61,455		61,455	611,657	6.5	08-01	2015
6.5	08-01	2015	37,195	364,404	327,210		61,455		61,455	656,488	7.0	02-01	2016
7.0	02-01	2016	37,195	364,404	327,210		61,455		61,455	700,386	7.5	08-01	2016
7.5	08-01	2016	37,195	364,404	327,210		61,455		61,455	743,370	8.0	02-01	2017
8.0	02-01	2017	37,195	364,404	327,210		61,455		61,455	785,460	8.5	08-01	2017
8.5	08-01	2017	37,195	364,404	327,210		61,455		61,455	826,675	9.0	02-01	2018
9.0	02-01	2018	37,195	364,404	327,210		61,455		61,455	867,031	9.5	08-01	2018
9.5	08-01	2018	37,195	364,404	327,210		61,455		61,455	906,548	10.0	02-01	2019
10.0	02-01	2019	37,195	364,404	327,210		61,455		61,455	945,243	10.5	08-01	2019
10.5	08-01	2019	37,195	364,404	327,210		61,455		61,455	983,132	11.0	02-01	2020
11.0	02-01	2020	37,195	364,404	327,210		61,455		61,455	1,020,233	11.5	08-01	2020
11.5	08-01	2020	37,195	364,404	327,210		61,455		61,455	1,056,562	12.0	02-01	2021
12.0	02-01	2021	37,195	364,404	327,210		61,455		61,455	1,092,135	12.5	08-01	2021
12.5	08-01	2021	37,195	364,404	327,210		61,455		61,455	1,126,968	13.0	02-01	2022
13.0	02-01	2022	37,195	364,404	327,210		61,455		61,455	1,161,077	13.5	08-01	2022
13.5	08-01	2022	37,195	364,404	327,210		61,455		61,455	1,194,475	14.0	02-01	2023
14.0	02-01	2023	37,195	364,404	327,210		61,455		61,455	1,227,179	14.5	08-01	2023
14.5	08-01	2023	37,195	364,404	327,210		61,455		61,455	1,259,202	15.0	02-01	2024
<b>Totals</b>						0	1,773,683	0	1,773,683				
						0	1,259,202	0	1,259,202	0			

**NOTES:**

1. Amount of abatement will vary depending upon market value, tax rates, class rates, construction schedule and inflation on Market Value.
2. Abatement does not capture state wide property taxes or market value property taxes



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Program to Address Direct Discharge SSTS (septic systems)

Originating Division: Land Water Services

Meeting Date: 11 March 2008

Amount of Time Requested: 30 minutes

Attachments for packet:  Yes  No

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

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** At the February 19<sup>th</sup> workshop the staff and the Board discussed strategy to address the replacement of direct discharge systems (DDS) in the TMDL pilot subwatersheds and in the county generally. The discussion focused on two strategies:

TMDL subwatersheds – for those systems identified as potential direct discharges, offer an incentive package for a limited period of time followed by a deadline to submit a Compliance Inspection. County-wide - Systems that have no record of ever having a system with a drainfield installed will be treated the same as if they are in the Shoreland District – they will need a Compliance Inspection before any type of County permit can be issued; require a Compliance Inspection and a new system if necessary for any systems on parcels involved in a property split. Implementation of these strategies will require some ordinance amendments and the adoption of the implementation program.

During the time since the February work session, the staff has had a lot of discussion on this topic and has identified some related issues that were not brought up in February – how this would affect the current incentive program; some sort of “safety net” for those with extremely limited financial means. Questions have also arisen regarding some of the nuts & bolts operations of the program. The staff feels that another work session to further discuss the direct discharge program before the Board is asked to take official action is appropriate.

A draft resolution has been attached as a basis for discussion. The resolution incorporates the basic program outline the staff is asking you to consider. The next step after the work session would be to conduct a public hearing on April 1<sup>st</sup> to adopt the required Code amendments and to adopt the program resolution.

**ACTION REQUESTED:** Board direction on the Direct Discharge Elimination Program and concurrence on setting April 1, 2008 as the public hearing date for consideration and adoption of the Code amendments and the program resolution.

### FUNDING

County WMO Dollars =	\$53,000
Dept of Ag Low Interest loan =	\$210,000
BWSR NRB Grant =	\$17,000
<b>TOTAL</b>	<b>= \$280,000</b>

### FISCAL IMPACT

None  
 Included in current budget  
 Budget amendment requested  
 Other: See Related Comments section

*Related Financial Comments:* Some of the funds referenced above are already in existing budgets – the County WMO & BWSR grants. The Dept of Ag funds have not yet been received – these funds will be budgeted when the funds are received.

Reviewed by Division Director

Date: 3 March 2008

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

DATE:  
MOTION BY COMMISSIONER:

RESOLUTION NO.  
SECONDED BY COMMISSIONER:

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**A Resolution Establishing A Program to Accelerate the  
Elimination Of Direct Discharge SubSurface Treatment Systems (SSTS) In Carver County.**

**WHEREAS**, Approximately 15% of the homes in Carver County, approximately 4500, are served by a private sewer system on the property. Of these systems, about 700 are in cities and 3800 in the unincorporated area. Approximately 10% - 20% of the systems in the unincorporated area are still served by systems that have little or no treatment of sewage prior to discharge into the surface water and are considered Direct Discharge Systems; and

**WHEREAS**, Carver County is responsible for the management and regulation of SSTS in the County except in cities that have elected to assume responsibility; and

**WHEREAS**, Carver County is responsible for water management including water quality in the Carver County WMO; and

**WHEREAS**, EPA and MnPCA regulations require that all lakes, rivers and streams ultimately meet water quality standards; and

**WHEREAS**, Carver County has conducted a Total Maximum Daily Load (TMDL) study for fecal coliform bacteria contamination in the Carver and Bevens Creek watersheds; and

**WHEREAS**, the studies have found loads of fecal coliform bacteria substantially in excess of standards in these watersheds and further identified direct discharge of untreated human sewage into the waters of the State as a significant contributor to the load. The County subsequently developed a TMDL Implementation Plan to reduce the fecal coliform bacteria loads to meet standards. The Plan was submitted to MnPCA and the EPA; it was subsequently approved for implementation by both agencies; and

**WHEREAS**, Carver County has applied for and received a Federal grant for Plan implementation; and

**WHEREAS**, three subwatersheds were identified as pilots to begin TMDL implementation. Twenty-eight systems (about 17% of the total systems) were identified as potential direct discharge systems. A number of the owners were contacted made aware of the \$2,000 incentive grant and a low interest loan for system upgrade; no one took advantage of the offer; and

**WHEREAS**, the Carver County Board of Commissioners has determined that it is necessary to institute a program to accelerate the replacement of Direct Discharge Systems in order to reach public health and water quality goals;

**THEREFORE, BE IT RESOLVED, THAT** the Carver County Board of Commissioners hereby adopts the "Carver County Direct Discharge Elimination Acceleration Program" as follows:



Part I. The County Board identifies subwatersheds in the Carver and Bevens/Silver Creek watersheds as priority subwatersheds: Goose Lake – CC1, G1; Reitz Lake – CC7, R1; Silver Creek – SI4. The Board may, from time to time, identify further subwatersheds as priority subwatersheds and specify appropriate compliance deadlines.. From the date of adoption of this resolution until 30 September 2008 the County will provide a low interest loan with an amortization of up to 10 years and a cash grant of 25% of the cost of a new system up to \$2500 for the upgrade of systems identified as a potential direct discharge system. Potential direct discharges systems that have not committed to upgrade by September 30, 2008 shall be required to submit a Compliance Inspection to the County by June 30, 2009.

Part II. The County Code shall be amended to:

- A. Provide for the establishment of the amortization time period for low interest loans in the Work Plan, not in the Code.
- B. Require a compliance inspection for all systems located on any of the parcels resulting from any type of parcel split.
- C. Require that any system with no record of having a drainfield installed be treated the same as a system in the Shoreland Zone regarding the issuance of any County permit.

Part III. The County-wide Direct Discharge incentive as established by the Board on October 23, 2007, will continue.

Part IV. Establish a “safety net” loan program to assist property owners with extremely limited financial capability.

YES

ABSENT

NO

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STATE OF MINNESOTA  
COUNTY OF CARVER

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

Dated this \_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
County