

Carver County Board of Commissioners
 Regular Session
 July 10, 2007
 County Board Room
 Carver County Government Center
 Human Services Building
 Chaska, Minnesota

PAGE

9:00 a.m.

1. a) **CONVENE**
- b) *Pledge of Allegiance*
- c) *Introduction of New Employees*
2. Agenda review and adoption
3. Approve minutes of June 26, 2007 Regular Session and June 26, 2007,
 Board of Equalization 1-6
4. Public participation (Comments limited to five minutes)
5. Community announcements

9:05 a.m.

6. **CONSENT AGENDA**
- 6.1 Payment of emergency claim 7
- 6.2 Planning Commission appointment 8
- 6.3 Contract with the Jonas Center for temporary therapist 9
- 6.4 Contract with Schneider Consulting Associates, Inc 10
- 6.5 Jason Dennis-home extended business 11-14
- 6.6 Application for Federal transportation funds TH 101 from
 Lyman Boulevard (CSAH 18) to Pioneer Trail (CSAH 14)15-22
- 6.7 Right of Way acquisition CSAH 11 23-24
- 6.8 Joint Powers Agreement with City of Chanhassen and
 City of Chaska-CSAH 15 (Audubon Road) and Bluff Creek
 Blvd/Butternut Drive Intersection Construction 25-26
- 6.9 LELS Local 289 Memorandum of Understanding 27
- 6.10 Professional services contract-property upkeep services 28
- 6.11 Tax forfeit land Resolutions and Certificate of
 Classification..... 29-36
- 6.12 Community Social Services' warrants NO ATT
- 6.13 Commissioners' warrants..... SEE ATT

9:05 a.m.

7. **COMMUNITY SOCIAL SERVICES**
- 7.1 Create a case aid position..... 37-38

9:20 a.m.

8. ATTORNEY

8.1 Approval of agreement with legal counsel for land use

issues 39-40

9:30 a.m.

ADJOURN REGULAR SESSION

BOARD REPORTS

9:30 a.m.

1. Chair
2. Board Members
3. Administrator
4. Adjourn

10:00 a.m.

David Hemze
County Administrator

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on June 26, 2007. Chair Gayle Degler convened the session at 9:00 a.m.

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

Members absent: None.

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

Workman moved, Maluchnik seconded, to approve the minutes of the June 12, 2007, Regular Session. Motion carried unanimously.

Under public participation, James Kuhl, San Francisco Township, stated there were to be passing lanes on County Road but motorists are unable to use it because there was a solid white lane. He indicated he notified Public Works and was hoping a dashed line could be completed so the lane can be used legally.

Kuhl commented on the Kari Myrold's recommendation to appoint Robert Hendricks as the Acting County Attorney. He questioned the legal advice given in the past to the Board by Mr. Hendricks. Vice Chair Ische responded that Mr. Hendricks has given excellent advice to the County and pointed out that Hendricks has been successful in defending lawsuits brought against the County. Maluchnik stated he spent nine years on the Planning Commission and stated he also had full and complete confidence in Mr. Hendricks.

Community announcements were made by the Board.

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

Accepted \$47,927 in grant funds from the Department of Human Services and approved Community Social Services budget amendment increasing Children's Infrastructure Grant revenue \$47,927 and increasing salaries and benefits \$47,927.

Resolution #58-07, Agreements between Waconia Fire Department and Carver County for Controlled Burning of Designated Buildings within Lake Waconia Regional Park.

Personnel care attendant assessor contract with Minnesota Visiting Nurses Association.

Resolution #59-07, Authorizing Lake Minnewashta Lake Association to use Lake Minnewashta Regional Park for Staging Area for a July 4, 2007, Fireworks Display.

Approved the following abatements:

30-0503580 Nathan & Kelly Oberg
25-0640220 Nikolay & Fedora Formuzal (2005, 2006, 2007)
75-2840080 Francis Trinka
30-4890450 Christopher Paul Thulin
65-2120230 Stanley & Christine Rud
M30-9510105 Judy Skille
85-3760040 Ground Development Inc (2003, 2004, 2005, 2006, 2007)
20-0920140 Thomas & Juli Herrman Durda (2006, 2007)
30-4870120 Kha N Vo (2006, 2007)
65-2100010 Alicia Pemble (2006, 2007)

Approved the following tobacco licenses:

License #10-501, American Legion Post #580- Chanhassen
License #10-506, Byerly's Wine & Spirits Chanhassen
License #10-508, Dahlgreen Golf Club, Inc
License #10-509, Nash Finch Co dba Econofoods #318
License #10-513, Good Time Liquors
License #10-515, Holiday Stationstores, Inc dba Holiday Stationstore #199
License #10-517, Hollywood Sports LLC
License #10-518, Inn Town II Enterprises, Inc
License #10-519, Ivan's Convenience Store, Inc.
License #10-521, MGM Wine & Spirits, Inc d/b/a MGM Liquor Warehouse
License #10-523, Mid-County Coop
License #10-526, R E Smith Oil & Tire Co, Inc
License #10-534, Twin Cities Stores, Inc dba Oasis Market #549
License #10-535, Harms Bar
License #10-540, Bluff Creek Golf Association
License #10-541, Plocher's, Inc dba Floyd's Bar
License #10-543, Speedway SuperAmerica LLC dba SuperAmerica #4366
License #10-555, Charles Rae, Inc. dba Axel's
License #10-557, TBI Liquors Two, Inc. dba Cheers Wine & Spirits
License #10-558, Mayer Oil Co of Mayer dba Mayer MobileMart
License #10-561, Bootlegger's Bar & Grill
License #10-566, Schoknecht, Inc dba Lisa's Place
License #10-567, J & R Entertainment dba Da' Boars Bar & Grill
License #10-578, Kwik Trip, Inc dba Kwik Trip #402
License #10-581, Kenzoil Station
License #10-585, Block One Hospitality, LLC dba Schmitt's Tavern
License #10-586, Kater, Inc dba T-Road Tavern
License #10-594, Holiday Stationstores, Inc dba Holiday Stationstore #360
License #10-596, Champlin 2005 LLC dba Chanhassen Cub
License #10-598, Inn Town Wine & Spirits
License #10-600, Chanhassen CVS LLC dba CVS/Pharmacy #1747.

License #10-602, KTTC Inc. dba Crossroads Restaurant & Bar
License #10-603, Century Wine & Spirits, LLC
License #10-604, Holiday Stationstores, Inc. dba Holiday Stationstore #371
License #10-605, Walgreen Co/dba Walgreens #09728
License #10-606, Harvey's Bar & Grill Inc
License #10-607, Snyders Drug
License # 10-608, Alouls Fuel & Food Service dba Chanhassen BP
License # 10-610, KLMS Group LLC dba Amstar of Chanhassen
License # 10-611, Last Call Too, Inc. dba Last Call
License # 10-612, Burkys Pizza dba Burkys Bar & Grill
License # 10-613, Casey's Retail Company dba Casey's General Store #2655
License # 10-614, Holiday Stationstores, Inc. d/b/a Holiday Stationstore #390
License # 10-615, Parker Tannin's
License # 10-616, TTK, Inc. dba Carver Liquor
License # 10-617, I G W T
License # 10-619, B&B Hospitality dba HI-5 Market
License # 10-620, Chanhassen Winner Co.
License # 10-621, Siggy's Pub Ltd

Approved application and funds for sealing a well located at 18780 122nd Street, Young America, Township and authorized disbursement of funds upon presentation of a bill and well sealing log.

Contracts with Wenck Associates, Inc., Barr Engineering and Emmons & Olivier Resources and authorized signature of all related documents by the Chair and County staff.

Resolution #60-07, Transferring Zoning Authority in a portion of Hollywood Township to the City of New Germany.

Authorized the Sheriff's Office acceptance of Havahart Live Traps donation.

Twin Cities Free Market contract.

Teamsters Local 320, Detention Sergeants Collective Bargaining Agreement for 2007-2009.

Contract in the amount of \$12,093.30 with Rebound Flooring Groups.

Contract with St. Paul Linoleum and Carpet in the amount of \$14,550 and approved re-allocating \$14,550 from Metro Council Sewer System Capital Project to Jail Flooring Project.

Community Social Services' actions.

Approved payment of the following Commissioners' warrants:

INSERT

Motion carried unanimously.

Chris Weldon, Risk and Emergency Management, highlighted the Outstanding Achievement Award in Occupational Safety received by the County for 2006. He stated this was based on the average number of employees, number of hours worked, recordable injuries and days away from work. Weldon noted Risk Management staff has and will continue to work hard on improving the County's safety record.

Del Hurt, Public Health, appeared before the Board to request the approval of a Public Health planner position. He stated the position would be funded by the Local Public Health grant in support of the Office of Aging.

Hurt explained the Health Partnership Senior Commission was established in 2001 based upon a Public Health community needs assessment. He highlighted the composition of the Senior Commission, their purpose and accomplishments. He pointed out the anticipated growth projections of seniors living within the County and noted the Senior Commissions that have developed in several communities.

He reviewed current and future living arrangements of seniors as well their social/economic profile. Hurt shared the Commission's vision for education, community based services, healthcare, housing, transportation, recreation and volunteerism.

He clarified home health care was currently being handled through Ridgeview Medical Services and they would be doing further assessments to determine what the future needs are.

Hurt indicated as the Senior Commission has developed the Master Plan, they have recognized Public Health's role to provide leadership and coordination of these services. He stated Public Health role is to act as a clearing house for services both public and private.

Robert Roepke, Senior Commission Co-Chair, stated a key component is recognizing the aging population as a resource. He stated future issues will revolve around the aging population and there were not many counties that have put together a master plan for aging.

Ische moved, Maluchnik seconded, to approve the Public Health Planner position. Motion carried unanimously.

Robert Hendricks, Acting County Attorney, clarified the Board was being asked to go into closed session pursuant to Minnesota Statue 13D.05 Subd. 3 (c) (3) to develop or consider offers or counteroffers for the purchase of real estate.

Workman moved, Lynch seconded, to go into closed session to discuss License Center land acquisition. Motion carried unanimously.

REGULAR SESSION

June 26, 2007

Present were: Gayle Degler, James Ische, Randy Maluchnik, Tim Lynch, Tom Workman, David Hemze, Steve Taylor, Mark Lundgren, Laurie Engelen and Steve Taylor.

The Board adjourned the closed and Regular Session at 11:19 a.m.

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.)

The reconvened meeting of the Carver County Board of Equalization was held in the County Government Center, Chaska, on June 26, 2007. Chair Gayle Degler reconvened the meeting at 11:18 a.m.

Members present: Gayle Degler, Chair, James Ische, Vice Chair, Tim Lynch, Randy Maluchnik, Tom Workman and Taxpayer Services Manager, Laurie Engelen.

Maluchnik moved, Degler seconded, to approve the minutes of the June 12, 2007, Board of Equalization meeting. Motion carried unanimously.

Keith Kern, Assistant County Assessor, explained the recommendation to maintain the values of the Todd Brown and Dennis Lackey properties and their recommended reduction to the Lois Droege property.

Todd Brown, PID #65.0850390, voiced his concerns with the appeals process and believed he should have been provided the same information as the Boards of Review to allow him an opportunity to respond. He suggested he was denied his appeal at the City as he was unable to make the second meeting. Brown stated that the land values surrounding his property were not calculated the same.

Angie Johnson, County Assessor, clarified the process for an appeal and stated the reason for the denial at the Local Board was because the Local Board upheld the Assessor's recommendation.

The Board acknowledged the current slowing market trends. Kern stated that would be addressed in the upcoming assessment and for this assessment they were looking at older data.

Ische moved, Degler seconded, to concur with the Assessor's recommendation on PID #65.0850390, Todd Brown. Degler, Ische, Lynch voted aye. Engelen, Maluchnik, Workman voted nay. Motion failed.

Maluchnik moved, Workman seconded, to reduce the value on PID #65.0850390, Todd Brown, to \$445,000. Maluchnik, Workman voted aye. Engelen, Degler, Ische, Lynch, voted nay. Motion failed.

Lynch moved, Maluchnik seconded, to reduce the value on PID #65.0850390, Todd Brown, to \$475,000. Engelen, Degler, Lynch, Maluchnik, Workman voted aye. Ische voted nay. Motion carried.

Maluchnik moved, Ische seconded, to concur with the Assessor's recommendation on PID #04.0220700, Dennis Lackey. Motion carried unanimously.

Workman moved, Ische seconded, to reduce the value on PID #45.0283600, Lois Droege, to \$30,000. Motion carried unanimously.

Lynch moved, Workman seconded, to adjourn the County Board of Equalization at 12:02 p.m. Motion carried unanimously.

Laurie Engelen
Taxpayer Services Manager

268012 \$ 1439.50



Office of Finance Director
Carver County Government Center
Administration Building
600 East Fourth Street
Chaska, MN 55318-1202
Phone: 952 361-1509
Fax: 952 361-1308

AUTHORIZATION

PAYMENT OF EMERGENCY CLAIM

Motion passed by the Board of County Commissioners at their February 24, 1987 meeting has authorized the issuance of a check upon the consensus of the Chairman of the Board, County Administrator and the County Attorney (with minimum of two).

VENDOR: CARVER COUNTY LICENSE CENTER
310 6379 9.50
ACCOUNT: 03-301-000-0000 - 6379 1439.00 1439.50 TOTAL
AMOUNT: \$1,439.50
REASON: TAX + LICENSE

Department Head Signature: _____

Chairman of County Board

Gayle Degler

County Administrator

Dave Henze

County Attorney

~~Michael A. Fahey~~

Date: 6/21/07



REQUEST FOR BOARD ACTION

AGENDA ITEM : Planning Commission Appointment

Originating Division: Administration

Meeting Date: 7/10/07

Amount of Time Requested: NA

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

Robert Lamkin, residing in Commissioner District 4, has submitted his application for the vacant Planning Commission appointment in Commissioner District 2. Commissioner Workman has requested the Board consider this appointment.

ACTION REQUESTED: Motion appointing Robert Lamkin to represent Commissioner District 2 on the Planning Commission to serve a three year term expiring December 31, 2009.

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:



REQUEST FOR BOARD ACTION

AGENDA ITEM: Approve Contract with the Jonas Center for Temporary Therapist

Originating Division: Community Social Services

Meeting Date: 07-10-2007

Amount of Time Requested: NA

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM: The services of the Jonas Center to provide a contract therapist at the rate of \$30.00/hour became necessary due to the ongoing medical leave of an employee at the Visions Day Treatment Program. Contract services were utilized until the position was filled by a permanent Carver County employee on 06-08-2007.

ACTION REQUESTED: Motion to approve the contract with the Jonas Center for a temporary therapist to provide coverage for an employee's medical leave.

FUNDING

County Dollars = \$50,000

Other Sources & Amounts =
= \$

TOTAL = \$50,000

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Related Financial Comments: The hourly rate is \$30.00 per hour.

Reviewed by Division Director

Date: 6/29/07



REQUEST FOR BOARD ACTION

AGENDA ITEM : Contract with Schneider Consulting Associates, Inc.

Originating Division: Community Social Services

Meeting Date: 7/10/2007

Amount of Time Requested: NA

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM: The Division is proposing to contract with Schneider Consulting Associates, Inc. to develop a uniform rate setting tool and protocols for use in setting rates for Assisted Living. Maureen Melgaard-Schneider is a well respected consultant on senior services and has worked with the County in other capacities involving senior services.

ACTION REQUESTED: Motion to approve the contract with Schneider Consulting Associates, Inc.

FUNDING

County Dollars = \$2,000.00

Other Sources & Amounts =

= \$

TOTAL

= \$2,000.00

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Related Financial Comments: The hourly rate is \$85.00 per hour.

Reviewed by Division Director

Date:



REQUEST FOR BOARD ACTION

AGENDA ITEM: Jason Dennis – Home Extended Business

Originating Division: Land & Water Services

Meeting Date: July 10, 2007

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:**

File #PZ20070026. The Planning Commission recommended approval of the Conditional Use Permit (CUP) for Jason & Deanna Dennis. The Dennis' own a 9.36 acre property on Co Rd 140 in the Shoreland Overlay District and Dahlgren Township. The request is for the applicants to operate Creekside Landscaping using the shed built in 1993 by a previous owner who had a permit for an existing contractor's yard. The shed is used for storage of equipment and vehicles. Trees and topography provide adequate screening for the operational area. The business is limited to four employees other than family members and four business vehicles operating from the site. The public does not come to the site and landscaping materials are delivered to job sites. The Dahlgren Town Board supports the request.

ACTION REQUESTED:

A motion to adopt the Findings of Fact and to issue Order #PZ20070026 for the issuance of the Conditional Use Permit.

FUNDING

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

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments: Reviewed by Division Director

Date: 6/28/2007

COUNTY OF CARVER
PLANNING COMMISSION RESOLUTION

FILE #: PZ20070026

RESOLUTION #: 07-17

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

FILE #: PZ20070026

OWNER/APPLICANT: Jason and Deanna Dennis

SITE ADDRESS: 8950 Co Rd 140, Cologne

PERMIT TYPE: Home Extended Business Accessory Use

PURSUANT TO: County Code, Chapter 152, Section 152.079 C9

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 04-006-1110

WHEREAS, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meeting of June 19, 2007; and,

WHEREAS, the Carver County Planning Commission finds as follows:

1. Jason and Deanna Dennis own a 9.37 acre property located in the Southeast quarter (SE ¼) of the Northeast quarter (NE1/4) of Section 6 of Dahlgren Township. The property is improved with a house with attached garage, and a detached garage. The property is in the Ag Zoning District, the Shoreland Overlay District, and the CCWRMA (Carver Creek).
2. The applicants are requesting a Conditional Use Permit (CUP) to operate a Home Extended Business Accessory Use pursuant to Section 152.079 C9 of the Carver County Zoning Code.
3. The applicants have been operating their small landscaping business, Creekside Inc, for seven years. They have been utilizing the existing accessory structure for vehicle and equipment storage. The business vehicles used in the operation are three one-ton pick-up trucks. The business employs four employees in the summer for the landscaping business, and the same number work in the winter doing snow removal. The summer hours of operation are 7:00 am to 5:00 pm Monday through Friday. During the winter, weather dictates the operating hours but generally the work is done off site at night.
4. The number of trips (ADT) generated each day would be approximately seven for employees and business vehicles entering and leaving the site. Deliveries are made to work sites only. The applicants' letter states that customers would not come to the site.
5. Outside storage consists of leftover landscaping materials stored in the indicated storage area and vehicles parked on the west side of the shed. The applicants' site plan shows two rows of trees screening the outside storage area, and natural topography also acts as screening. The vehicles and equipment to be stored outside will be minimal as supplies are delivered to job sites.
6. Building officials have reviewed the shed and business use and determined that since the shed met Building Code at the time it was built and the use has not changed, Building Code requirements are met.
7. The facility would be accessed via the existing driveway off of Co Rd 140. The Dennis' have been informed that they need to contact County Public Works to determine the requirements for an access permit and discuss any necessary improvements. Mr. Dennis had been using a field access drive to access his business, but upon learning that this does not

comply with County Code, has stated that he will no longer use the access for business purposes and the residential driveway will be the sole access for the business. County Public Works has been informed of the application, and may have comments available for the public hearing.

8. The applicants have a 4' X 8' (32 sq. ft.) sign hanging on the shed. The sign ordinance allows for one double sided sign for each conditional use which shall not exceed 36 sq. ft. per surface. The applicants' request appears to meet the requirement for signage.
9. The Dahlgren Town Board reviewed the request at their June 11, 2007 Town Board meeting and recommended approval, and a Town Board Supervisor will be present at the public hearing to comment.

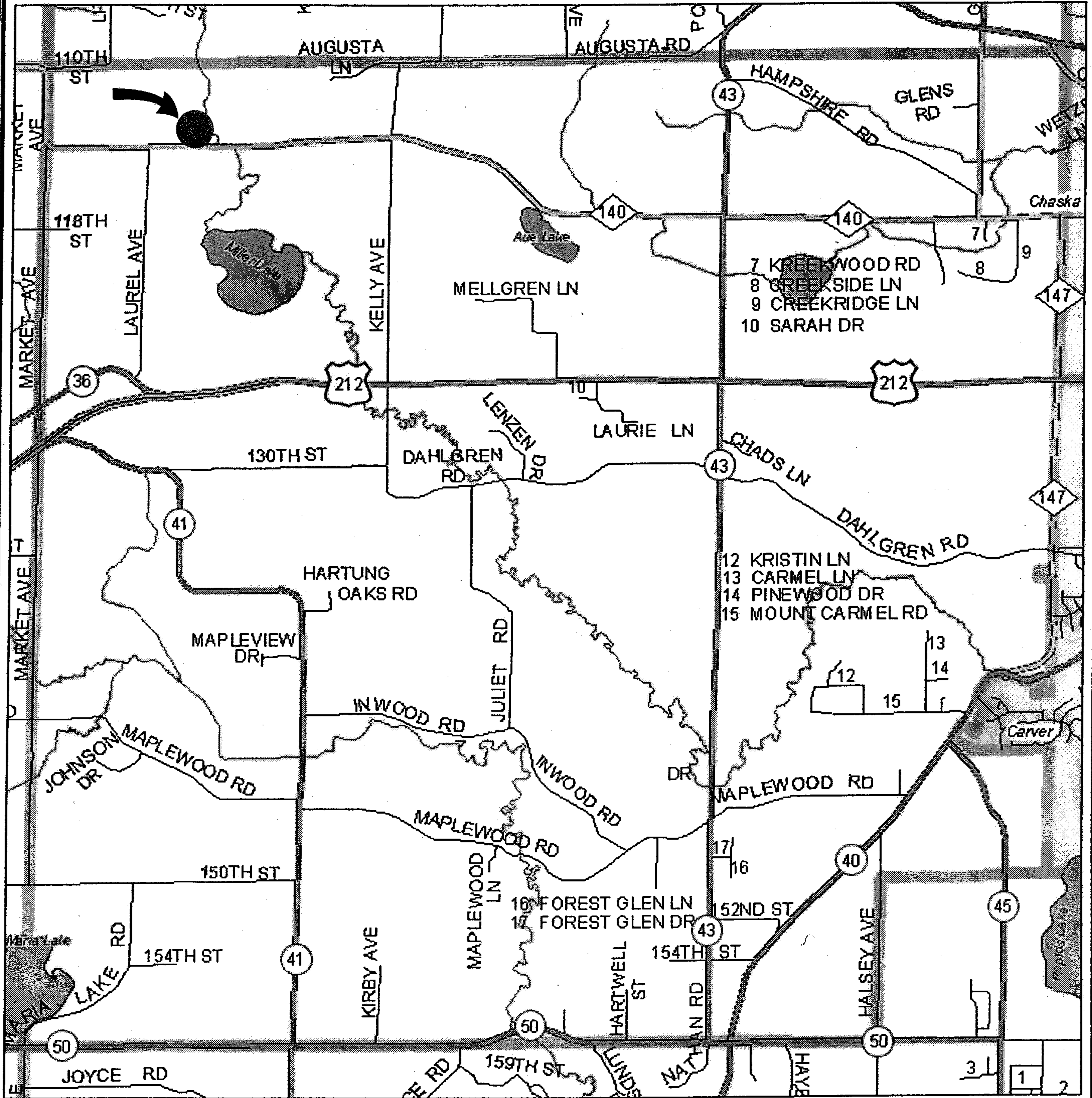
THEREFORE, BE IT RESOLVED, THAT The Carver County Planning Commission hereby recommends the issuance of the subject permit on the land described in Exhibit "A" of the permit application. The Planning Commission further recommends that the following conditions be attached to the permit:

1. The permit is subject to administrative review. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners and/or operators are encouraged to contact Land Management as early on in the timeline of the proposed change as possible.
2. The operation shall be in accordance with the submitted operational & site plans (dated: May 18, 2007). These plans shall be attached to and become part of this permit.
3. All structures used in conjunction with the Home Extended Business Accessory Use operation shall meet the requirements of the Minnesota State Building Code.
4. Outside storage of business equipment, supplies and/or vehicles is permitted within the designated area only. Permanent outside storage of vehicles and equipment shall be permitted if the storage in the designated area is screened from nearby roads and residences. No more than 4 business vehicles shall be permitted.
5. The Permittee shall be responsible for obtaining proper access permits as authorized by the responsible road authority.
6. Permittee shall submit a Certificate of Workers' Compensation Insurance and/or proper affidavit to the Land Management Department. No more than 4 employees shall be permitted.
7. Section 154.18 of the Carver County Sign Code allows for an aggregate of 36 square feet of surface area, or an aggregate of 72 square feet for two-sided signs. The permittee shall not exceed the allowed square footage of signage. If the permittee is considering the addition of signage, they will be required to submit a variance application and be granted the variance request through the Board of Adjustment.
8. At all times this property shall be occupied as a homestead by a principal of the activity.

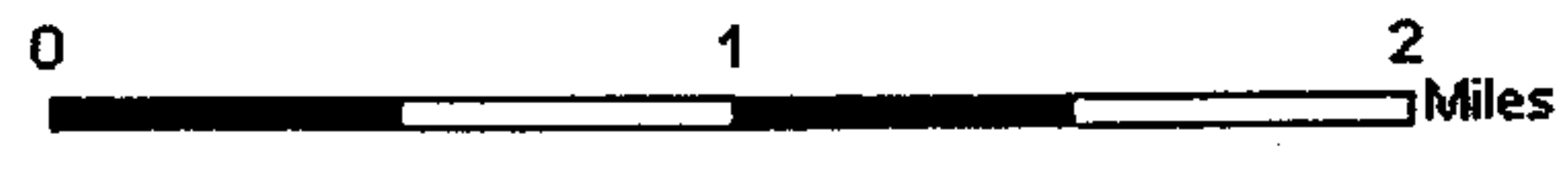
ADOPTED by the Carver County Planning Commission this 19th day of June, 2007.

Gene Miller
Planning Commission Chair

Dahlgren Township



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



Map Created by Carver County GIS
Apr 21, 2005



REQUEST FOR BOARD ACTION

AGENDA ITEM : **Application for Federal Transportation Funds**
TH 101 from Lyman Blvd (CSAH 18) to Pioneer Trail (CSAH 14)

Originating Division: Public Works	Meeting Date: July 10, 2007
Amount of Time Requested: None	Attachments for packet: <input checked="checked" type="checkbox"/> Yes <input type="checkbox"/> No
Item Type: <input checked="checked" type="checkbox"/> Consent <input type="checkbox"/> Regular Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Work Session <input type="checkbox"/> Ditch/Rail Authority	

BACKGROUND/EXPLANATION OF AGENDA ITEM:

The Transportation Advisory Board and Metropolitan Council will award approximately \$80 million from the STP-Urban Guarantee program, \$50 million from the CMAQ program and \$15 million from the TEP to projects and programs in the seven-county metropolitan area. The local Bridge Improvement or Replacement program will award approximately \$9 million. These funds will be allocated to the region in 2011 and 2012. The amount of funds available in these programs is based on the funding levels established by SAFETEA-LU. Prior to selecting projects, the funding level will be reviewed to ensure fiscal balance of the Transportation Improvement Program.

The selected projects and programs will be programmed for construction or implementation in 2011 and 2012 as part of the region's Transportation Improvement Program (TIP) for 2009-2012. The 2009-2012 TIP will be drafted in March 2008 and adopted by the TAB in September 2008. Notification of applicants "to proceed" is anticipated to occur in November or December of 2008.

The Chanhassen City Council adopted on June 25, 2007, a resolution by the same title as the one attached and being requested for adoption by the County Board.

ACTION REQUESTED:

Adoption of County Board resolution titled "A Resolution Authorizing an Application for Federal Surface Transportation Program Funding, TH 101 from Lyman Boulevard (CSAH 18) to Pioneer Trail (CSAH 14).

FUNDING

Local and State	= \$ 1,090,000
MnDOT 2009 Pavement Preservation	= \$ 330,000
STP Funds	= \$ 5,680,000
TOTAL	= \$ 7,100,000

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other: See related financial comments

Related Financial Comments:

This is an "emerging" CIP (Highways) project that is not part of the 2007-2011 CIP. Also, refer to attached letter dated May 29, 2007, from Chanhassen and Carver County to Mn/DOT.

Reviewed by Division Director Date: 6/28/07

S:\MetropolitanCouncil\FederalFunding\2007\TH101STPApplication-2007-CarverCoBdBAF

BOARD OF COUNTY COMMISSIONERS CARVER COUNTY, MINNESOTA

Date: July 10, 2007
Motion by Commissioner: _____

Resolution No: _____
Seconded by Commissioner: _____

APPLICATION FOR FEDERAL SURFACE TRANSPORTATION PROGRAM FUNDING TH 101 from Lyman Boulevard (CSAH 18) to Pioneer Trail (CSAH 14)

WHEREAS, Carver County, in conjunction with the City of Chanhassen and the Minnesota Department of Transportation (Mn/DOT), completed a corridor and environmental screening study for TH 101 in May, 2007, from Lyman Boulevard to the Carver/Scott County line; and,

WHEREAS, in June, 2007, a technical memorandum identified TH 101 north of Pioneer Trail to Lyman Boulevard as having independent utility allowing project development to proceed prior to further environmental review of the area south of Pioneer Trail, thereby creating Project 1 and Project 2; and,

WHEREAS, Project 1 (TH 101 from Lyman Boulevard to Pioneer Trail) is the first TH 101 project planned for construction. Construction funding is needed and proposed from Federal Surface Transportation Program (STP) funds (80 percent) and State/Local funds (20 percent).

NOW, THEREFORE, BE IT RESOLVED by the Carver County Board of Commissioners:

1. The Carver County Board of Commissioners approves the findings of fact for the corridor and environmental screening study for TH 101.
2. STP funding is necessary for the advancement of this project which will provide needed capacity and safety improvements for Project 1.
3. The Carver County and the City of Chanhassen will submit a joint STP funding application for Project 1.
4. If selected to receive Federal funds, Carver County will participate with the City of Chanhassen and Mn/DOT in providing the matching construction funds if County Turnback Account dollars are made available to Carver County by Mn/DOT for this purpose. If County Turnback Account dollars are not made available, Carver County reserves the right to consider whether or not to contribute matching construction funds to the project from other funding sources.
5. If selected to receive Federal funds, Mn/DOT is expected to incur project development (engineering and environmental) costs for Project 1.

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 10th day of July, 2007, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 10th day of July, 2007.

David Hemze County Administrator



7700 Market Boulevard
PO Box 147
Chanhassen, MN 55317

Administration
Phone: 952.227.1100
Fax: 952.227.1110

Building Inspections
Phone: 952.227.1180
Fax: 952.227.1190

Engineering
Phone: 952.227.1160
Fax: 952.227.1170

Finance
Phone: 952.227.1140
Fax: 952.227.1110

Park & Recreation
Phone: 952.227.1120
Fax: 952.227.1110

Recreation Center
2310 Coulter Boulevard
Phone: 952.227.1400
Fax: 952.227.1404

Planning &
Natural Resources
Phone: 952.227.1130
Fax: 952.227.1110

Public Works
1591 Park Road
Phone: 952.227.1300
Fax: 952.227.1310

Senior Center
Phone: 952.227.1125
Fax: 952.227.1110

Web Site
www.ci.chanhassen.mn.us

May 29, 2007

Pat Bursaw
Director of Investment Management/Regional Coordination Unit
Metro District Program Management
1500 West County Road B2
Roseville, MN 55113

Re: Request for Financial Commitment by MnDOT
Project 1 - MN 101 from Lyman Boulevard to Pioneer Trail - PW067F4

Dear Pat:

The City of Chanhassen, in conjunction with Carver County and the Minnesota Department of Transportation, completed a corridor scoping and environmental screening study for MN101 in May 2007. The study identified long-term transportation improvements to address safety, capacity, and connectivity issues south of new TH 212. The limits of the study were the Carver/Scott County line on the south end to Lyman Boulevard (CSAH 18) on the north end, which is where the 4-lane section will end upon completion of the new TH 212 freeway improvements. A range of alternatives and a scoping process were developed and applied to evaluate the alternatives. Environmental "screening" was performed to identify natural and social environmental issues that influence selection alternatives and to identify issues that may require further study in future phases of project development. Also, a technical memorandum was drafted that identified the area north of Pioneer Trail as an independent utility allowing project development to proceed prior to further environmental review of the area south of Pioneer Trail.

The corridor has several major safety problems related to steep grades, sharp curves and severe undulations in the vertical profile. Inadequate sight distances along the corridor create blind public street, driveway and trail intersections. "Run off the road" and "loss of control" type crashes are prevalent throughout the corridor. Intersection and congestion related crashes are prevalent at the Old U.S. Highway 212 (U.S. 212) and Trunk Highway 101 intersection. These issues contribute to overall crash and severity rates that are more than three times greater than those experienced on other rural two lane roadways in the Metro area.

MN 101 is classified as a minor arterial roadway. New U.S. 212 is being constructed with an interchange at MN 101. MN 101 (between the Minnesota River and New U.S. 212) is a logical and direct link that would serve travel demands to and from the heart of the Twin Cities Metropolitan Area. While Old U.S. 212 serves a regional transportation route today, its effectiveness is hampered by traffic congestion in the commercial districts of Eden Prairie and Chaska. MN 101, between the communities of Shakopee and Chanhassen, will continue to serve as one of only a few options available to cross the Minnesota River.

The purpose of the proposed project is to address safety and long-term capacity needs for the corridor; in addition, it addresses some regional capacity deficiencies.

The MN101 corridor is included in the 2008-2030 Transportation System Plan (TSP) under Jurisdictional Transfer in the constrained plan. If STP funds are approved, construction will take place in 2011. The project will not adversely affect MnDot's trunk highway operation, but remove a minor arterial roadway from MnDot jurisdiction.

Project Staging: The corridor has been divided into manageable independent projects for construction. The area north of Pioneer Trail is the first project proposed to be constructed.

- Project 1 - Construction would tie into the roadway that is currently being constructed by the 212 project, south of Lyman Boulevard and extend south, through the intersection of Pioneer Trail. This segment is the next logical part of the corridor to be improved. The total length of Project 1 is 0.75 miles. Approximately 6.5 acres of right-of-way will need to be acquired for the widening and safety improvements. However, most of the land is anticipated to be dedicated through new development plats.
- Project 2 - Reconstruction/widening between Pioneer Trail and US 212 would take place after Project 1. The reconstruction/widening between US 212 to the Scott County border, improvements to the bluff alignment with fixes to the "Y" intersection would be included in this project.

Funding Plan for Project 1: No funding has yet been secured for the improvements to the corridor. It is expected that Federal, State and local funds will be needed to finance the improvements.

Funding Plan - Project 1

	<i>STP Funds 80%</i>	<i>\$5,680,000</i>
	<i>MNDOT 2009 Pavement Preservation Project 5%</i>	<i>\$330,000</i>
	<i>Local and State Sources 15%</i>	<i>\$1,090,000</i>
	<i>Total Construction Estimate</i>	<i>\$7,100,000</i>

Right-of-way costs would be split between state and local sources. City and MNDOT staff have discussed use of a variety of state sources including Pavement Preservation, Safety-Capacity, Traffic Signal, COOP Agreement Program, Access Management and Flexible Highway Account. Those discussions are continuing to finalize a financing plan. We request MNDOT consider accomplishing project development by its resources if the project is selected to receive federal funds.

The contact for this project will be Mr. Paul Oehme, Director of Public Works/City Engineer, City of Chanhassen (952) 227-1169 or Mr. Roger Gustafson, County Engineer, Carver County (952) 466-5206.

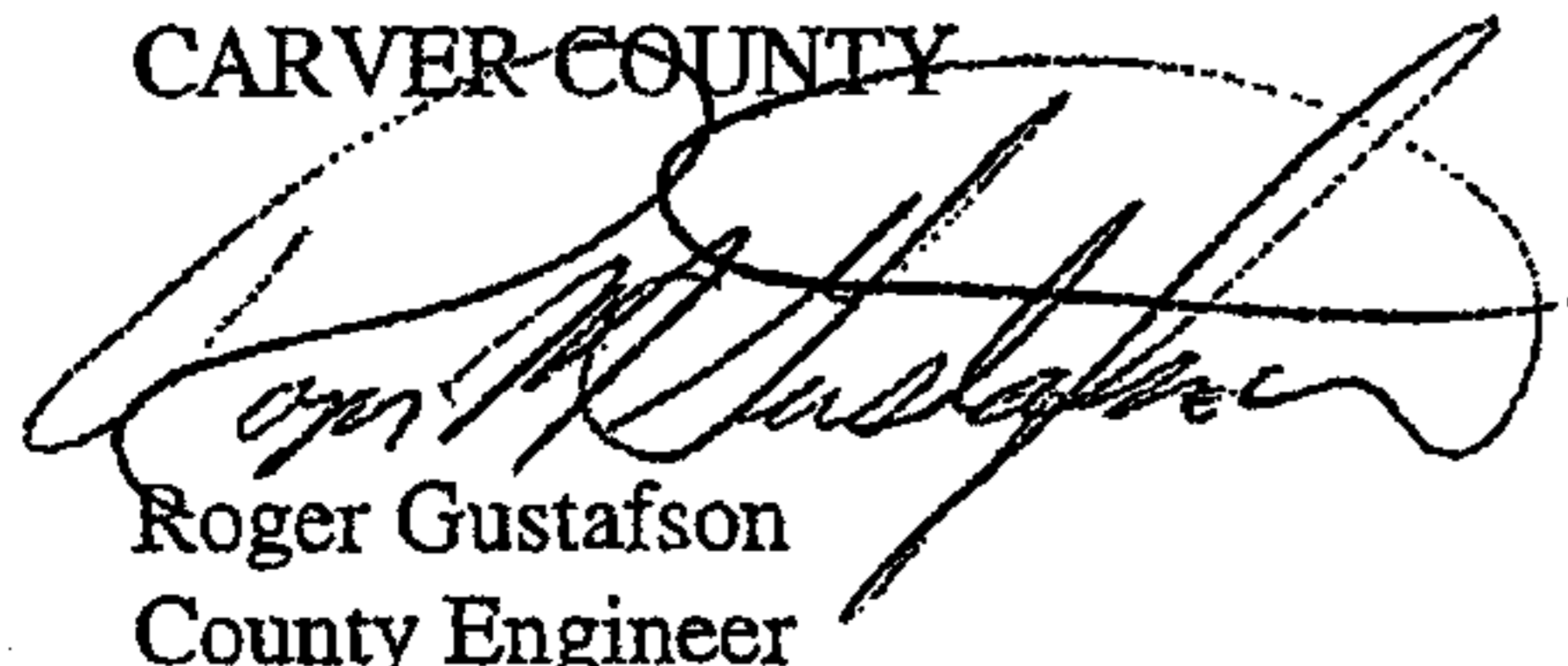
Sincerely,

CITY OF CHANHASSEN



Paul Oehme, P.E.
Director of Public Work/City Engineer

CARVER COUNTY



Roger Gustafson
County Engineer

- c: Lynn Clarkowski, MnDot Area Manager
Cyrus Knutson, MnDot Jurisdictional Project Manager
Victoria Nills, MnDot Area Engineer
Diane Langenbach, MnDot Area Engineer



LEGEND

- CENTERLINE ROADWAY
- PROPOSED RW
- TRAIL
- POTENTIAL ROAD CLOSURE
- PROPOSED ROADWAY
- TEMPORARY PAVEMENT
- POTENTIAL STORMWATER POND LOCATION

NOTES:

TH 101 DESIGN SPEED = 40 MPH
 TH 101 ISD = 40 MPH

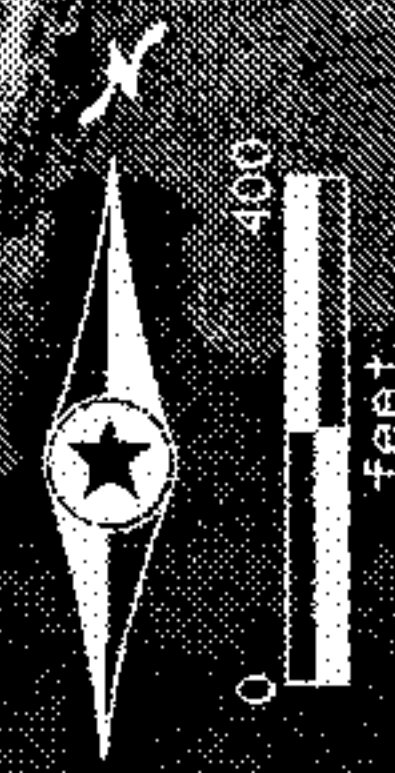



FIGURE NO. 1	Project Limits	TH 101 Pioneer Trail to Lyman Boulevard	PHONE: 952.912.2600 10501 RED CIRCLE DRIVE, SUITE 200 MINNETONKA, MN 55343-9301 
FILE NO. CHAN0601.00			

MN Highway 101 from Scott County Line to Lyman Blvd (CSAH 18)

Corridor Scoping, Environmental Screening and Preliminary Design Study

Study Report Findings

Recommended Alternative

The Central Alignment fully satisfies the purpose and need defined for the corridor, generally has a lesser degree of impact than the others; and is generally favored by the public.

Recommendations and Implementation Plan

The TH 101 Study group prepared the following list of recommendations and implementation planning for the study.

A. Adopt the TH 101 Corridor Scoping and Environmental Screening Study

The City, County, and State will organize work programs and activities to implement the conclusions of this study.

B. Prioritize implementation phases

Recommended development phases and relative priority include the following:

Above the bluff:

- Phase I – Lyman Blvd. to Pioneer Trail (highest priority)
- Phase II – Pioneer Trail to Creekwood Ave (medium priority)

Down the bluff and below the bluff:

- Phase I - Old U.S. 212 and MN 101 intersection safety and capacity improvements (highest priority)
- Phase II – Creekwood Ave to Old U.S. 212 (lower priority due to costs and complexity of solutions - however most solutions are integrated with improvements at the intersection)

C. Begin to preserve and acquire right-of-way by selecting among the following appropriate techniques:

- Prepare an Official Map of the corridor
- Possible early acquisition of a few selected properties prior to environmental study, as specified in the Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA-LU)
- Purchase of development rights
- Purchase options
- Letters of agreement with developers
- Right of first refusal
- Donations of property
- Contributions, exchanges of property
- Access management
- Use of local government land use tools

D. Advance planning to construct the selected build alternative

- Begin an environmental study (likely a combined Federal EA and State EAW), including special studies for Cultural Resources (i.e., further study on the Straw Hill Farm property and other potential resources in the project area)
- Participate in the Old U.S. 212 Turn-back Study
- Determine Composite Preferred Build Alternative and Complete the EA process
- Include the project in the State of Minnesota State Transportation Improvement Plan (STIP)
- Refine design concepts / continue work on Preliminary Design plans

E. Complete final design and program short-and long-term construction projects

1. If local funding is used:

If the City plans to build the first phase of this project (from Lyman Boulevard to Pioneer Trail) an Environmental Assessment Worksheet (EAW) could be prepared if local funding is the sole source of revenue used for the construction of the project. If subsequent segments are virtually on their same alignment, an EAW could be completed if local funding is the sole source of funds for this project. If the alignment down the bluff is on a new alignment and City funds are the sole source of funding, a State Environmental Impact Statement (EIS) would likely need to be completed.

2. If state or federal funding is used:

If State or Federal funding is used, an EA will need to be completed for any of the phases of the project that basically stay on the existing alignment. If State or Federal funds will be used for construction of the alignment down the bluff, a Federal EIS will need to be prepared.

3. Complete final design and construction as funding is available

**CITY OF CHANHASSEN
CARVER AND HENNEPIN COUNTIES, MINNESOTA**

DATE: June 25, 2007 **RESOLUTION NO:** 2007-36

MOTION BY: Litsey **SECONDED BY:** Peterson

**A RESOLUTION AUTHORIZING AN APPLICATION FOR FEDERAL SURFACE TRANSPORTATION
PROGRAM (STP) FUNDING
MN 101 FROM LYMAN BOULEVARD TO PIONEER TRAIL (PW067F4)**

WHEREAS, the City of Chanhassen, in conjunction with Carver County and the Minnesota Department of Transportation (Mn/DOT), completed a corridor and environmental screening study for MN 101 in May, 2007, from Lyman Boulevard to the Carver/Scott County line; and,

WHEREAS, in June, 2007, a technical memorandum identified MN 101 north of Pioneer Trail to Lyman Boulevard as having independent utilities allowing project development to proceed prior to further environmental review of the area south of Pioneer Trail, thereby creating Project 1 and Project 2; and,

WHEREAS, Project 1 (MN 101 from Lyman Boulevard to Pioneer Trail) is the first MN 101 project planned for construction. Improvement funding is needed and proposed from Federal Surface Transportation Program (STP) funds (80%) and State/Local funds (20%). The total construction estimate is \$7,100,000.

NOW, THEREFORE, BE IT RESOLVED by the Chanhassen City Council:

1. The City of Chanhassen approves the findings of fact for the corridor and environmental screening study for MN 101.
2. STP funding is necessary for the advancement of this project which will provide needed capacity and safety improvements for Project 1.
3. The City of Chanhassen will submit a STP funding application for Project 1.
4. If selected to receive Federal funds, the City of Chanhassen, Carver County, and Mn/DOT will provide 20% matching funds and a jointly sponsored right-of-way acquisition financing plan for Project 1.
5. If selected to receive Federal funds, Mn/DOT will incur project development (engineering and environmental) costs for Project 1.

Passed and adopted by the Chanhassen City Council this 25th day of June, 2007.

ATTEST:

Todd Gerhardt, City Manager

Thomas A. Furlong, Mayor

YES
Furlong
Ernst
Litsey
Peterson
Tjornhom

NO
None

ABSENT
None



REQUEST FOR BOARD ACTION

AGENDA ITEM : Right of Way Acquisition CSAH 11 (SP 10-611-04)

Originating Division: Public Works

Meeting Date: 7/10/07

Amount of Time Requested: n/a

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM: On November 24, 1998, by resolution 90-98, the County Board authorized initiation of eminent domain proceedings for easement acquisitions for the SP 10-611-04 project on CR 11 (Victoria Road) in Victoria. Revisions in the construction plan created a need to acquire some additional easements on CR 43 (Church Lake Blvd.) to accommodate the construction of the CR 11/CR 43 intersection as part of the CR 11 project. Property owners on CR 43 (Church Lake Blvd.) were not included in the eminent domain order, but attempts were made to negotiate easement settlements with these property owners based on values offered to the CR 11 property owners. For various reasons and circumstances, we have just recently reached agreement with three of the property owners. These negotiated settlements require Board approval.

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

FUNDING

County Dollars = \$17,733.00

Other Sources & Amounts =

=\$

TOTAL

=\$17,733.00

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Related Financial Comments:

Reviewed by Division Director

Date:

6/25/07

S:\Projects\SP 10-611-04\ROW Acquisition - baf

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

Date: July 10, 2007
Motion by Commissioner: _____

Resolution No: _____
Seconded by Commissioner: _____

**Right of Way Acquisition CSAH 11 (SP 10-611-04)
Negotiated Settlements**

WHEREAS, the Carver County Board authorized by resolution, the Public Works Division to negotiate right of way for this project, and
WHEREAS, negotiated settlements have been arrived at with Vicky Cywar, Julene Vogel, and Teresa Vogel, and
WHEREAS, these settlements require approval of the County Board,
NOW THEREFORE BE IT RESOLVED, that the Carver County Board of Commissioners approve the above negotiated settlements.

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 10th day of July, 2007, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 10th day of July, 2007.

David Hemze County Administrator



REQUEST FOR BOARD ACTION

AGENDA ITEM : JOINT POWERS AGREEMENT WITH CITY OF CHANHASSEN AND CITY OF CHASKA - CSAH 15 (AUDUBON RD) AND BLUFF CREEK BLVD. / BUTTERNUT DRIVE INTERSECTION CONSTRUCTION

Originating Division: Public Works

Meeting Date: June 5, 2007

Amount of Time Requested: n/a

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM: Carver County and the City of Chanhassen have been working in cooperation in the development of a plan for the construction and traffic signal installation of new Bluff Creek Blvd. that accesses onto CSAH 15 (Audubon Road). The new Bluff Creek Blvd. is directly across from Butternut Drive which is a City of Chaska street. This agreement defines the roles, responsibilities, and financial liabilities of Chanhassen, Chaska, and the County for the completion of this project.

ACTION REQUESTED: The County Board is requested to approve resolution authorizing signing of the agreement.

FUNDING

County Dollars = \$0.00

Other Sources & Amounts =
=\$

TOTAL =\$0.00

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Related Financial Comments: The City of Chanhassen is funding all construction costs.

Reviewed by Division Director

Date:

5/16/07

S:\Projects\SAP 194-20-007\JPA with Chan & Chaska - 6-5-07 - baf

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

Date: June 5, 2007
Motion by Commissioner: _____

Resolution No: _____
Seconded by Commissioner: _____

**JOINT POWERS AGREEMENT
BETWEEN
CARVER COUNTY AND THE CITY OF CHANHASSEN AND CITY OF CHASKA
FOR
CSAH 15 (AUDUBON ROAD) AND BLUFF CREEK BLVD. / BUTTERNUT DRIVE
INTERSECTION CONSTRUCTION**

BE IT RESOLVED, that the Carver County Board of Commissioners hereby authorize the County Chair and the County Administrator to execute the agreement between Carver County and the Cities of Chanhassen and Chaska for CSAH 15 (Audubon Road) and Bluff Creek Blvd. / Butternut Drive Intersection Construction.

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 5th day of June, 2007, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 5th day of June, 2007.

David Hemze

County Administrator



REQUEST FOR BOARD ACTION

AGENDA ITEM : LELS Local 289 Memorandum of Understanding

Originating Division: Employee Relations

Meeting Date: 7/10/07

Amount of Time Requested: Consent

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM:

Carver County and LELS Local 289, Sergeants are in the process of negotiating a Collective Bargaining Agreement (CBA), but have not yet completed negotiations.

Earlier this year, Local 289 prevailed in a grievance arbitration granting the Patrol Sergeants overtime payments for hours worked in excess of 2,080 in a year. The result of that arbitration award would require the payment of overtime for Sheriff's Patrol Sergeants continuing to work the 12-hour shifts allowed by the Fair Labor Standards Act (FLSA).

The Sergeants in Local 289 and the Sheriff's Office leadership team realize the benefit of the 12-hour shifts to the communities with the most consistent coverage possible at this time, and to the employees with a more desirable schedule. In order to continue that coverage and avoid the overtime, the County and Local 289 have entered into a memorandum of understanding whereby the Patrol Sergeants will continue to work the 12-hour shifts resulting in 2,184 hours worked in a year, and will have the additional benefit of bidding their shifts by seniority once they are assigned to the Patrol duties.

ACTION REQUESTED:

Motion to approve the LELS Local 289, Sergeants Memorandum of Understanding.

FUNDING

County Dollars = \$

Other Sources & Amounts =

= \$

TOTAL = \$

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Related Financial Comments:

The 2007 budget was prepared based on this schedule, so there is no additional budget impact.

Reviewed by Division Director

Date: 6/26/07

Doris M. Krogman

Bud Olson



REQUEST FOR BOARD ACTION

AGENDA ITEM : Professional Services Contract – Property Upkeep Services

Originating Division: Administrative Services

Meeting Date: 07/10/2007

Amount of Time Requested: 0

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM:

On May 11, 2007 staff sent a Notice of Default to Mathews Lawn Service. The cancellation of the Contract was mutually agreed upon by the parties due to nonperformance. Staff contracted with EMS Environmental on an immediate and temporary basis until quotes could be received and a contract executed to perform. This was done on an emergency basis and funds to EMS Environmental will come from the Emergency line items. Both the Assistant County Attorney and Administrative Services Director were informed of the situation and resulting action.

Facilities wishes to contract with Property Upkeep Services for professional lawn services. Request for Proposals were requested on May 31, 2007 for lawn and landscape services at County Facilities. Five proposals were received by Facilities Services with Property Upkeep Services as the lowest proposal. Property Upkeep references have been verified and we recommend approval.

Vendor	2007	Vendor	2008
Property Upkeep Services	\$13,049.00	Property Upkeep Services	\$18,596.00
EMS Environmental	\$13,500.00	EMS Environmental	\$22,000.00
Smythe's Outdoor Services	\$15,545.00	Smythe's Outdoor Services	N/A
K & M Lawn & Landscape	\$18,750.00	K & M Lawn & Landscape	\$23,100.00
Creekside Inc	\$19,133.75	Creekside Inc	\$24,114.00

ACTION REQUESTED: Move to affirm the Emergency expenditure to EMS Environmental for lawn service between May 11, 2006 and July 3, 2007 at \$375 per property.

Move to approve a two year contract with Property Upkeep Services for \$13,049.00 and \$ 18,596.00 for 2008.

FUNDING

County Dollars = \$31,645.00

Other Sources & Amounts =
= \$

TOTAL = \$31,645.00

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Related Financial Comments: 07 Facilities Operating Budget/facilities account 01-110-000-0000-6260.

Reviewed by Division Director

Date: 07/03/07



REQUEST FOR BOARD ACTION

AGENDA ITEM: Tax Forfeit Land Resolutions and Certificate of Classification

Originating Division: Property Records Taxpayer Services Meeting Date: July 10, 2007
 Amount of Time Requested: Attachments for packet: Yes No
 Item Type: Consent Regular Session Closed Session Work Session Ditch/Rail Authority

BACKGROUND/EXPLANATION OF AGENDA ITEM:

Two parcels in the City of Chanhassen have forfeited to the State of Minnesota in Trust because of non-payment of property taxes. To proceed with the sale of Tax Forfeited lands, it is necessary for the County Board to adopt the attached resolution approving the appraised value and classification of tax forfeited lands and to adopt the attached resolution approving the submission of said parcels to the MN Department of Natural Resources for their approval to sell said lands. Attached is the Certificate of County Board of Classification of Forfeited Lands. These resolutions and certificate will allow us to continue the necessary steps towards a tax forfeiture sale.

ACTION REQUESTED:

We request the Carver County Board of Commissioners adopt the following:

- 1) Resolution approving the non-conservation classification and the appraised value, signed by Board Chair.
- 2) Resolution requesting approval from the MN Department of Natural Resources to sell said forfeited lands, signed by Board Chair.
- 3) Certificate of County Board of Classification of Forfeited Lands with required signatures of County Board members.

FUNDING

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

FISCAL IMPACT

- None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments:

Reviewed by Taxpayer Services Manager

Date: 6-21-07

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

Date: July 10, 2007

Resolution No.

Motion by Commissioner:

Seconded by Commissioner:

CARVER COUNTY, MINNESOTA

CERTIFICATE OF COUNTY BOARD OF CLASSIFICATION OF FORFEITED LANDS

WHEREAS, the County Board of Commissioners of the County of Carver, State of Minnesota, desires to offer for sale certain parcels of land, as listed on the attached Certificate, that have forfeited to the State of Minnesota for non-payment of taxes; and

WHEREAS, said parcels of land have been reviewed by the County Board of Commissioners and have been appraised by the Carver County Assessor's Office and classified as non-conservation lands as provided for in MN Statutes 282.01.

NOW, THEREFORE, BE IT RESOLVED, the Carver County Board of Commissioners hereby certifies that all parcels of land on the attached list have been reviewed and do comply with the provisions of MN Statutes 85.012, 92.461, 282.01. subd. 8 and 282.018, subd. 2 (1990) and other statutes that require the withholding of tax-forfeited lands from sale. The County Board of Commissioners hereby certifies that the Soil and Water Conservation Board has reviewed the attached land sale list and identified any and all non-forested marginal land and wetlands.

BE IT FURTHER RESOLVED, that the Carver County Board of Commissioners hereby approves the appraised value and non-conservation land classification of said tax forfeited parcels of land.

Dated this _____ day of _____, 2007

Chairman, Carver County Board of Commissioners

Attest: _____
Administrator

YES

ABSENT

NO

STATE OF MINNESOTA
COUNTY OF CARVER

I, David Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the ____ day of _____, 2007, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this ____ day of _____, 2007.

David Hemze, Carver County Administrator

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

Date: July 10, 2007

Resolution No.

Motion by Commissioner:

Seconded by Commissioner:

CARVER COUNTY, MINNESOTA

COUNTY BOARD APPROVAL FOR SUBMISSION OF TAX FORFEIT LANDS TO MN DNR

WHEREAS, the County Board of Commissioners of the County of Carver, State of Minnesota, desires to offer for sale certain parcels of land that have forfeited to the State of Minnesota for non-payment of taxes; and

WHEREAS, said parcels of land have been reviewed by the County Board of Commissioners and have been classified as non-conservation lands as provided for in MN Statutes 282.01.

NOW, THEREFORE, BE IT RESOLVED, the Carver County Board of Commissioners hereby certify that all parcels of land on the attached list have been reviewed and comply with the provisions of MN Statutes 85.012, 92.461, 282.01. subd. 8 and 282.018, subd. 2 (1990) and other statutes that require the withholding of tax-forfeited lands from sale. The County Board of Commissioners hereby certifies that the Soil and Water Conservation Board has reviewed the attached land sale list and identified any and all non-forested marginal land and wetlands.

BE IT FURTHER RESOLVED, that the Carver County Board of Commissioners hereby request approval from the MN Department of Natural Resources for the sale of said lands.

Dated this _____ day of _____, 2007

Chairman, Carver County Board of Commissioners

Attest: _____
Administrator

YES

ABSENT

NO

STATE OF MINNESOTA

COUNTY OF CARVER

I, David Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the ____ day of _____, 2007, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this ____ day of _____, 2007.

David Hemze, Carver County Administrator

**CERTIFICATE OF COUNTY BOARD OF CLASSIFICATION OF FORFEITED
LANDS AS PROVIDED BY CHAPTER 386, LAWS 1935
AS AMENDED.**

To the Board of the City of Chanhassen

We, the members of the County Board of the County of CARVER, Minnesota, do hereby certify that the parcels of land hereinafter listed are all of the lands which have been classified by us as conservation/non-conservation Lands, from the list of lands forfeited to the State of Minnesota for non-payment of taxes for the year or years 2002 through 2006 as provided by Minnesota Statutes 1945, Section 282.01 as amended.

PID#/Legal Description	Appraised Value of Land	Conservation / Non-Conservation
25.0790030 Outlot A, Arrowhead Addition	\$100	Non-Conservation
25.4190010 Lot 1, Block 1, Lynmore	\$70,000	Non-Conservation

In witness whereof we have here unto subscribed our names this _____ day of _____, 2007.

Gayle Degler, Chair

Randy Maluchnik

James Ische

Tom Workman

Tim Lynch

Attest: Laurie Engelen

Taxpayer Services Department Manager

The foregoing classification and sale is hereby approved on _____, 2007

By the Board of the City of Chanhassen.

Filed this _____ day of _____, 2007.

Laurie Engelen, Manager
Carver County Taxpayer Services

Drafted By: Carver County Taxpayer Services Dept.
Administration Building
600 E 4th St
Chaska, MN 55318-2102

By: _____
Deputy

NOTICE TO PROSPECTIVE PURCHASERS OF TAX FORFEIT LANDS

To: Carver County Auditor

From: Carver County SWCD/Land Commissioner

Subject: WETLAND AND NONFORESTED MARGINAL LAND NOTICE & DETERMINATION: MS 282.018, subd 2

Legally Described As: PID# 25.0790030 - Outlot A, Arrowhead Addition

As a prospective purchaser of tax forfeit land you are advised that this land is not eligible for enrollment in any state-funded program providing compensation for conservation of marginal land or wetlands.

WETLANDS DETERMINATION

- 1. ___ The National Wetlands Inventory map compiled by the US Fish & Wildlife Service indicates that wetlands do exist on this parcel.
2. X The National Wetlands Inventory map compiled by the US Fish & Wildlife Service indicates that wetlands do not exist on this parcel.
3. ___ The National Wetlands Inventory map compiled by the US Fish & Wildlife Service indicates is not available in Carver County.

As a prospective purchaser you should be aware that this notice is not an absolute determination of the existence of wetlands but is based on the best available inventory data. For additional guidelines on the existence and types of wetlands, which may occur, refer to the Minnesota DNR Division of Waters publication "Wetland Types and Definitions". In addition, wetland activities such as filling, draining or altering may be regulated by other local, state, and federal laws. Contact the local Soil & Water Conservation District for additional information.

NONFORESTED MARGINAL LAND DETERMINATION

- 4. ___ Nonforested lands do not exist on this parcel.(Do not check #6, 7, or 8)
5. X Nonforested lands do exist on this parcel.(Must check #6, 7, or 8)
6. ___ If #5 is checked, does the soil survey for Carver County, prepared under the supervision of the US Dept of Agriculture, Soil Conservation Service, indicate that marginal lands do exist on the nonforested areas of the parcel.
7. X If #5 is checked, does the soil survey for Carver County indicate that marginal lands do not exist on the nonforested areas of the parcel.
8. ___ A soil survey does not exist for Carver County.

As a prospective purchaser you should be aware that this notice is not an absolute determination of nonforested lands or marginal lands but is based on the best available inventory data.

For more information or questions on this determination contact the Carver County Soil and Water Conservation District.

Signed: Mike Weiss Manager (Name and Title)

Telephone #: 952 (612) 442-5101

Date: 9/28/06

(NOTE: THIS NOTICE AND DETERMINATION IS REQUIRED FOR ALL PARCELS NOT EXEMPT BY STATUTE)

25-0790030

Carver County GIS Mapping Application



Legend

- Road Text
- US Highways
- MN Highways
- CSAH
- County Roads
- Lakes
- Parcels
- Color 2007



**Carver
County**

**Map Created on:
9-27-2006**

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

NOTICE TO PROSPECTIVE PURCHASERS OF TAX FORFEIT LANDS

To: Carver County Auditor
From: Carver County SWCD/Land Commissioner
Subject: WETLAND AND NONFORESTED MARGINAL LAND NOTICE & DETERMINATION: MS 282.018, subd 2

Legally Described As: PID# 25.4190010 - Lot 1, Block 1, Lynmore

As a prospective purchaser of tax forfeit land you are advised that this land is not eligible for enrollment in any state-funded program providing compensation for conservation of marginal land or wetlands.

WETLANDS DETERMINATION

1. The National Wetlands Inventory map compiled by the US Fish & Wildlife Service indicates that wetlands do exist on this parcel.
2. The National Wetlands Inventory map compiled by the US Fish & Wildlife Service indicates that wetlands do not exist on this parcel.
3. The National Wetlands Inventory map compiled by the US Fish & Wildlife Service indicates is not available in Carver County.

As a prospective purchaser you should be aware that this notice is not an absolute determination of the existence of wetlands but is based on the best available inventory data. For additional guidelines on the existence and types of wetlands, which may occur, refer to the Minnesota DNR Division of Waters publication "Wetland Types and Definitions". In addition, wetland activities such as filling, draining or altering may be regulated by other local, state, and federal laws. Contact the local Soil & Water Conservation District for additional information.

NONFORESTED MARGINAL LAND DETERMINATION

4. Nonforested lands do not exist on this parcel.(Do not check #6, 7, or 8)
5. Nonforested lands do exist on this parcel.(Must check #6, 7, or 8)
6. If #5 is checked, does the soil survey for Carver County, prepared under the supervision of the US Dept of Agriculture, Soil Conservation Service, indicate that marginal lands do exist on the nonforested areas of the parcel.
7. If #5 is checked, does the soil survey for Carver County indicate that marginal lands do not exist on the nonforested areas of the parcel.
8. A soil survey does not exist for Carver County.

As a prospective purchaser you should be aware that this notice is not an absolute determination of nonforested lands or marginal lands but is based on the best available inventory data.

For more information or questions on this determination contact the Carver County Soil and Water Conservation District.

Signed: Mike Wilson Manager
(Name and Title)

Telephone #: ⁹⁵²~~642~~ 442-5101

Date: 9/28/06

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(NOTE: THIS NOTICE AND DETERMINATION IS REQUIRED FOR ALL PARCELS NOT EXEMPT BY STATUTE)

25-4190010

Carver County GIS Mapping Application



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Legend

- Road Text
- US Highways
- MN Highways
- CSAH
- County Roads
- Lakes
- Parcels
- Color 2002



**Carver
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REQUEST FOR BOARD ACTION

AGENDA ITEM : Create a Case Aide Position

Originating Division: Community Social Services

Meeting Date: 7/10/2007

Amount of Time Requested: 10 min.

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM: In 2006 the Division converted a Case Aide position to a Social Worker II position in the Developmental Disabilities Unit. Some significant changes have take place within the past year that justifies putting a Case Aide position back in this unit. The Consumer Support Grant (CSG), which is a Medical Assistance Waiver Program that allows the client and their family to direct their own care. Prior to July 1, 2007, the Division received reimbursement from this waiver by submitting the claim in tis quarterly expense report to the state. Effective July 1, 2007, each service has to be individually billed to the State. This change significantly increases the amount of administrative time the Division spends on collecting the revenue. Currently, a Social Worker performs some of these functions but it is not an efficient use of position at Pay Grade 13 to perform these functions. A Case Aide position (Pay Grade 9) would be a more cost effective way of handling this workload and the tracking that needs to accomplished.

Up until this time, the Division has not been deducting an administrative allowance from the individual CSG's. The grant allows up to 5%. The Division is proposing that an administrative allowance be duducted from the grants to cover the increased administrative costs of the individualized billing. The Case Aide position will monitor the monthly claims from CSG, enter the billing data into the state systems and ensure that the clients are not overspending their allocation.

The Division is requesting that a new 1.0 FTE Case Aide position be created this year. Furthermore, the Division will seek reimbursement for these services from the client's CSG Grant and other waiver allocations as appropriate.

ACTION REQUESTED: Motion to create a 1.0 FTE Case Aide position.

FUNDING

County Dollars =	\$9,434
Other Sources & Amounts =	\$37,523
	= \$5,685
TOTAL	= \$52,642

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments: The above costs are annualized for 2007. The actual cost would be less than one half that amount. The Division projects that 90% of the cost of the position will be covered by Federal Financial Participation and Medical Assistance Waiver funds.

Reviewed by Division Director

Date: 6/29/2007

BUDGET AMENDMENT REQUEST FORM

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

DEPARTMENT: Community Social Services

DATE: 7/10/07

CSS

Description of Account funds are to be transferred from:	Amount	Description of Account funds are to be transferred to:	Amount
Salary Contingency	\$ 9,434	Salaries and Wages	\$ 9,434
TOTAL:	\$ 9,434	TOTAL:	\$ 9,434

A. Reason for Request: See Board Action.

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

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

D. Contingency Acct. Current Bal.:

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

F. Requested By:

G. Recommend Approval: Finance Director

H. County Board Decision: Approval/Disapproval



REQUEST FOR BOARD ACTION

AGENDA ITEM : Approval of Agreement with Legal Counsel for Land Use Issues.

Originating Division: Attorney

Meeting Date: July 10, 2007

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 County Attorney's Office is in need of temporary assistance for land use issues. There is an unanticipated temporary vacancy in the position performing this work for our office. The recommended firm is: Iverson Reuvers LLC of Bloomington. They have performed defense work for Carver County through MCIT. The contract includes most land use issues of a significant nature (e.g., land acquisitions, condemnations, right-of-way issues, easements, ditches, land and water and environmental issues, etc.). They are prepared to take all closings, hearings, planning commission and board of adjustment meetings if necessary. The rate Carver County is being provided is less than a commercial rate for such services. This service is contracted through December 31, 2007, but may be discontinued sooner.

ACTION REQUESTED: Motion to approve Agreement between Carver County, the County Attorney's Office and Iverson Reuvers LLC.

FUNDING

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

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments: Funds from County Attorney budget will be utilized initially. In the event required funds exceed vacancy savings in the County Attorney's Office, additional funds will be transferred as necessary. The amount is estimated at less than \$200,000.00, assuming 40 hours week @\$225.00/hr (top rate) for 26 weeks.

Report Date: July 3, 2007

Reviewed by Division Director

Date: 07/03/07

BUDGET AMENDMENT REQUEST FORM

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

DEPARTMENT: Attorney

DATE: 7/10/07

Revenue

Description of Account funds are to be transferred from:	Amount	Description of Account funds are to be transferred to:	Amount
Personal Services	\$ 60,500	Professional Services	\$ 200,000
Salary Contingency	\$ 139,500		
TOTAL:	\$ 200,000	TOTAL:	\$ 200,000

A. Reason for Request: See Board Action.

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

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

D. Contingency Acct. Current Bal.:

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

F. Requested By:

G. Recommend Approval: Finance Director

H. County Board Decision: Approval/Disapproval