

Carver County Board of Commissioners  
 Regular Session  
 August 14, 2007  
 County Board Room  
 Carver County Government Center  
 Human Services Building  
 Chaska, Minnesota

PAGE

9:00 a.m.	1.	a) <i>CONVENE</i>	
		b) <i>Pledge of Allegiance</i>	
		c) <i>Introduction of New Employees</i>	
	2.	Agenda review and adoption	
	3.	Approve minutes of August 7, 2007 Regular Session .....	1-7
	4.	Public participation (Comments limited to five minutes)	
	5.	Community announcements	
9:05 a.m.	6.	<b>CONSENT AGENDA</b>	
	6.1	Payment of emergency claim .....	8
	6.2	Minnesota Department of Health Quality Improvement Grant agreement.....	9
	6.3	Professional service agreement for hazardous materials Survey.....	10-11
	6.4	Sheriff's Office donation .....	12-13
	6.5	Community Social Services' warrants .....	NO ATT
	6.6	Commissioners' warrants.....	SEE ATT
9:05 a.m.	7.	<b>LAND AND WATER SERVICES</b>	
	7.1	<i>Public hearing</i> -Adopt revisions to County Code Chapter 51 regulating hazardous waste.....	14-47
9:30 a.m.	8.	<b>COMMUNITY SOCIAL SERVICES</b>	
	8.1	Child support awareness month .....	48-49
9:45 a.m.	9.	<b>ADMINISTRATIVE SERVICES</b>	
	9.1	Approval of construction manager and architectural contracts for County facilities.....	50-76
10:10 a.m.	10.	<b>ADMINISTRATION</b>	
	10.1	Metropolitan Inter-County Association Annual Legislative Update .....	77

10:40 a.m. 11. **ADJOURN AS COUNTY BOARD AND CONVENE AS  
CARVER COUNTY REGIONAL RAIL AUTHORITY  
CONSENT AGENDA**

11.1 Design and engineering services for trail construction..... 78-79

10:45 a.m. **ADJOURN CARVER COUNTY REGIONAL RAIL AUTHORITY  
BOARD REPORTS**

- 10:45 a.m. 1. Chair  
2. Board Members  
3. Administrator  
11:15 a.m. 4. Adjourn

David Hemze  
County Administrator

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on August 7, 2007. Chair Gayle Degler convened the session at 9:02 a.m.

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

Members absent: None.

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

Ische moved, Maluchnik seconded, to approve the minutes of the July 24, 2007, Regular Session Motion carried unanimously.

Community announcements were made by the Board.

Under public participation, James Kuhl, acknowledged the letter he received from the County Engineer related to stripping on County Road 40 but questioned if he actually went out and looked into the situation. He acknowledged signs had been installed that advised motorists they could not use the paved shoulders.

Kuhl stated he also wanted to bring to their attention the CIP the County has had since 2005 and according to Statute, it was suppose to be annually updated. He indicated the additional road projects and new license center was not included and recommended that the CIP be updated. He also suggested that when the CIP is updated, they only include those projecrs that are defined as capital improvements as defined by Statute.

Mike Bozich, Dahlgren Township, explained he was present to respond to the complaints that were previously brought up by a neighboring property owner related to his property. He stated the Sheriff's Department has been sent to his home frivolously many times and County ordinances have been selectively enforced against him. He questioned the amount of money that has been spent on these complaints and stated he wanted to be left alone. Bozich invited Board members to call him or stop by if they had additional questions.

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

Resolution #72-07, Joint Powers Agreement between Carver County, Minnesota and City of Mayer, Minnesota for Corridor Preservation Study.

Resolution #73-07, Vacation of a Portion of County Highway 10.

Resolution #74-07, Terminating Utility Permits for Utilities Located in a Portion of Former County Highway 30.

Approved application for settlement and abatement of penalty, interest and costs upon real estate related to PID #30-0501480.

Approved the following abatements:

M09-9510005	Lorna E McMillan (2006, 2007)
25-5460050	Harry Baert (2005, 2006, 2007)
58-6510190	Christopher & Sally Alar
25-4010130	Elling and Monica Olson (2005, 2006, 2007)
75-1060610	Valentin & Vera Mikityuk
30-1360020	Sinxay Philaphandeth & Ka Yang
04-0150910	Randy and Heather Buckentine
10-0141000	John and Yvonne Profaizer Trustees (2005, 2006, 2007)
65-2100010	Alicia Pemble

Resolution #75-07, Professional Service Agreement between Brauer & Associates LTD and Carver County for Comprehensive Park Planning, Park Systems Planning and Blue Cross Blue Shield Active Community Planning Grant.

Approved the Family Planning Special Project Grant and related Public Health budget amendment increasing grant revenue \$252,767 and increasing Family Health Expenditures \$252,767.

Memorandum of Understanding with Scott County for access to data stored in the Department of Human Services Data Warehouse.

Adopted the Findings of Fact and Order #PZ20070031 for the issuance of Conditional Use Permit #PZ20070031, Ed Foley, Watertown Township.

Authorized the Employee Club's acceptance of two ticket donations to the Minnesota Renaissance Festival.

NIMS training contract with Greg Hayes for 2007.

Approved the State of Minnesota grant agreement for workload reduction funding from the State of Minnesota, Department of Corrections in the amount of \$194,496 for FY 2008-2009.

Authorized the Sheriff's Office Mounted Posse's acceptance of \$647.84 and \$1,100 donation and the Sheriff's Office acceptance of stuffed animals to be given to children who encounter law enforcement.

Approved the Sheriff's Office acceptance of the 2007 Federal Supplement grant for safe boating and related Sheriff's budget amendment increasing Federal Safe Boating grant revenue \$9,976 and increasing safe boating equipment expenditure \$9,976.

Resolution #76-07, County Board Approval of Repurchase of Tax Forfeited Lands.

Contract with the University of Minnesota School of Nursing to accept student nurses.

Approved the request for Detective Hughes to attend out of state training in San Diego, California.

Community Social Services' actions.

Approved payment of the following Commissioners' warrants:

INSERT

Motion carried unanimously.

Steve Taylor, Administrative Services, pointed out the transportation donation given by the Positive Connections Bus Company and the employees that allowed Carver County veterans to attend the dedication ceremony of the WWII memorial in St. Paul. He noted without this donation many veterans would not have been able to attend the ceremony.

Chair Degler presented Certificates of Recognition to Ralph Hanson and Michael Robbins for coordinating the donated transportation services. The Board also recognized Positive Connection employees Jonathan Mahowald and Elizabeth Williams for donating their time and Positive Connections for donating the use of the buses.

Ische moved, Lynch seconded, to recess as the County Board and convene as the Carver County Ditch Board. Motion carried unanimously.

Mark Lundgren, Taxpayer Services, explained the inquiries he received related to County Ditch No. 4 and the benefits derived from the ditch. He noted the meeting held in April where they discussed the situation and the option to look at a re-determination of benefits at a cost of approximately \$50,000. He stated those attending the meeting were in favor of moving forward with the re-determination. Lundgren indicated notice was published in the papers and letters were sent notifying landowners of today's meeting.

Mike Wanous, Soil and Water Manager and the County's Ditch Inspector, identified the land areas included in County Ditch #4 and indicated the Ditch was last viewed in 1968. He noted the surrounding development that has occurred and agricultural land that has been drained since that time. He pointed out the major work that needs to be done. He indicated, before that work was commenced, they believed it was prudent to get the ditch re-determined to make sure any assessments were fair.

Jim Wiedemann, ditch viewer, explained the viewing process and classification levels. The cost of the viewing process was discussed and whether it could be spread across the benefiting property owners identified in the new report. Wiedemann clarified when viewers are hired the acquisition of a buffer strip is required.

Randy Feltman, questioned how cities and holding ponds are classified. Wiedemann explained cities are handled differently and they take into account how much they are using the ditch.

Don Scott, landowner, stated eight years ago he put his land in the CRP program and cited problems with water from this district running through his farm in a private ditch. He stated Planning and Zoning told him the problem would be corrected but nothing has happened. He stated he has continued to clean the ditch as far as his property was concerned. He stated this was not a new problem and questioned if he would keep his property in CRP.

Wanous clarified this action only related to the County Ditch system and the Ditch Authority does not make decisions related to private ditches.

Lundgren clarified what the \$50,000 would cover. He stated this would address the acquisition of the buffer strip and hopefully spread the payment process more evenly. He added anyone using the ditch should be paying and should be paying a fair amount.

James Herrmann encouraged the Ditch Board to proceed with the re-determination of benefits, stating it would be more fair and equitable to everyone along the Ditch.

Lundgren clarified once the City's portion is determined, it would be up to the City to decide how to split the bill.

Dave Scott, landowner, stated this was an ongoing problem even if the ditch is cleaned out. He noted the problem with hard surface runoff and with a 2-3 inch rain the ditch is full. He suggested, as the City grows, there would still be a problem with capacity.

Wanous agreed the ditch capacity was not going to change but ditch maintenance would be required in the future. He stated if an improvement is needed, there was a petition process that has to be followed. He clarified at this time they were looking at doing a re-determination of benefits so they can do the necessary maintenance. He noted the water rules try to address stormwater runoff.

Lundgren pointed out at this time they are trying to address whether to proceed with the re-determination of benefits and if an improvement is done additional land owners would be involved.

Gary Widmer, landowner, stated at the April meeting the comment was made that the ditch system was in bad condition and he recommended that the Ditch Board go forward with the project.

Workman moved, Ische seconded, to close the public hearing at 10:35 a.m. Motion carried unanimously.

Ische offered the following Resolution, seconded by Lynch:

Resolution #77-07  
County Ditch No. 4

On vote taken, all voted aye.

Ische moved, Degler seconded, to adjourn as the Carver County Ditch Board and reconvene as the County Board. Motion carried unanimously.

Dave Drealan, Land and Water Services, reviewed the City of Carver's conditional use request for a water tower. He pointed out the City's current and future needs for this tower. He stated the Planning Commission held several public hearings with the Planning Commission recommending approval with several conditions.

Dan Boyum, City of Carver Engineer, stated a new water tower was needed as the current tower was not sufficient to meet the existing and future demands. He stated they did have several meetings with residents, with many of the concerns addressed in the findings.

Maluchnik moved, Ische seconded, to adopt the Findings of Fact and to issue Order #PZ20070028 for the issuance of Conditional Use Permit #PZ20070028, City of Carver. Motion carried unanimously.

Drealan requested Board authorize the submittal of comments on the draft environmental impact statement for a TH 41 Minnesota River crossing. He stated comments were limited to the accuracy of the EIS and they do not attempt to address a recommended corridor.

Steve Taylor, Administrative Services, clarified the plan was to discuss the TH 41 bridge crossing at the August 21<sup>st</sup> work session and the potential corridor selection would be discussed at the September 4<sup>th</sup> County Board meeting.

Paul Moline, Land and Water Services, stated they hoped to get the comments submitted addressed in the responses. He stated they were not looking at the comments applying to one corridor or another and they apply to any alignment that is chosen. Moline indicated Mr. Gustafson provided responses in the transportation section and Land and Water Services looked at it from a water resources standpoint. He indicated, although clarifications needed to be made, they did not feel there was enough inconsistency to stop the process and call the document inadequate.

Ische moved, Lynch seconded, to authorize the submittal of comments on the draft environmental impact statement for a TH 41 Minnesota River crossing. Motion carried unanimously.

Steve Taylor, Administrative Services, reviewed proposed re-organization of information Services. He noted technology within Carver County has changed dramatically over the past five years and they are attempting to meet a number of service demands.

He explained a consultant was hired to perform a comprehensive view of the IS Department and interviews were held with Division Directors. He stated they found a lack of formal project management and Divisions required assistance they could not do themselves. He indicated they looked at operational needs of the Divisions, the number and complexity of help desk requests, technical infrastructure and the open and pending projects. Taylor pointed out the significant

recruitment issues they have also encountered in the IS Department and, in order to attract talent, they have had to look at market adjustments.

He stated the cost impact for 2007 was \$45,000. He indicated three positions within the department had not been filled until the report was completed by the consultants and after they could get a better understanding of their needs. Taylor clarified the 2008 cost would be \$175,000 and that would be part of the 2008 budget requests for the IS Department.

Ische moved, Workman seconded, to approve the Information Services Department reorganization with market adjustment as recommended with the authority to make job offers up to the top of market adjustment. Motion carried unanimously.

Gary Bork, Community Social Services, requested approval to accept the Family Homeless Prevention and Assistance Program grant. He stated the \$275,000 grant will assist County veterans, youth in transition, victims of domestic abuse and person with mental illness by focusing on homeless prevention. He pointed out the significant issues clients face when placed in inpatient facilities and they have no where to go when they are released.

Bork clarified the grant would be disbursed by both the CAP Agency and Safe Haven for Youth.

Ische moved, Maluchnik seconded, to approve acceptance of the \$275,000 for the Family Homeless Prevention and Assistance Program and related CSS budget amendment increasing grant revenue \$275,000 and increasing payments to subgrantees, Community Action Program \$181,496 and Safe Haven \$93,504. Motion carried unanimously.

Janet Cain, Assistant County Attorney, noted the previous work session held where they talked about adding controlled substances to the proposed Social Host Ordinance. She stated, after doing further research, she became concerned about the preemption issue and would like to do further research before including controlled substances. She stated they wanted to address the underage drinking issue that law enforcement brought before them and they were asking to move forward with that at this time. Cain noted the ability to amend the ordinance to include controlled substances after further research.

Cain pointed out they have also been working with Public Health on an educational piece and an article in the newsletter to get the word out.

Sheriff Olson acknowledged after the work session a lot of public attention was given to this proposed ordinance. He stated the intent is not to hold parents responsible who did not know their property was being used but to hold individuals responsible who knowingly host these parties. He indicated Sheriff staff would be available at the upcoming Fair to answer questions and to determine the community's attitude.

The Board expressed consensus to go forward with the August 28<sup>th</sup> public hearing on the proposed Social Host Ordinance as presently written.



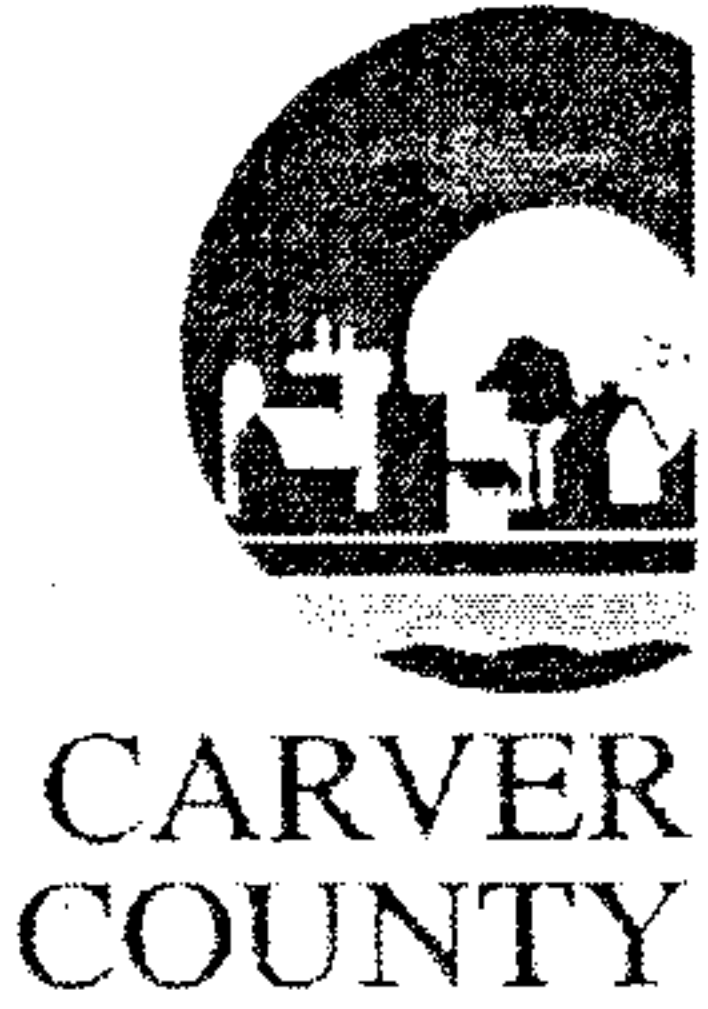
REGULAR SESSION  
August 7, 2007

Lynch moved, Degler seconded, to go into closed session to discuss labor negotiations strategy as permitted by Minnesota Statutes 13D.03. Motion carried unanimously.

The Board adjourned the closed and Regular Session at 12:20 p.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.)



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

269626

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: Xcel Energy

ACCOUNT: 11-429-710-3640-6041

AMOUNT: ~~\$2,295.68~~ 1,996.24

REASON: Restore electricity to the clients home so their children can be returned by Social Services.  
Department Head Signature: Gay Bah

Chairman of County Board

Gayle Degler  
Gayle Degler

County Administrator

Steven H. Taylor  
Dave Hemze

County Attorney

Toni Betz  
~~\_\_\_\_\_~~ Toni Betz

Date: 8/2/07



# REQUEST FOR BOARD ACTION

**AGENDA ITEM : Minnesota Department of Health -Quality Improvement Grant Agreement**

Originating Division: Public Health

Meeting Date: 8/14/07

Amount of Time Requested:

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

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** Public Health has received a Quality Improvement Grant contract from the Minnesota Department of Health for \$2,000.00 plus training and assistance, to improve the testing of the Health Alert Network (HAN) primary and backup notification systems. The overall goal of this project is to decrease staff time involved in the testing process and to increase the number of recipients who respond within 2 hours of receiving a health alert, which is a requirement of the local public health preparedness grant. Public Health plans to use these dollars to carry out this improvement process. Effective dates: July 24, 2007 – February 29, 2008

**ACTION REQUESTED:** Motion to accept and expend grant funds from the Minnesota Department of Health in the amount of \$2,000 for the purpose of carrying out the Quality Improvement grant project.

**FUNDING**

County Dollars = \$  
 Other Sources & Amounts =  
 MN Dept of Health = \$2,000  
**TOTAL = \$2,000**

**FISCAL IMPACT**

None  
 Included in current budget  
 Budget amendment requested  
 Other:

**Related Financial Comments:**

Add to 2007 Revenue	01-460-460-2399-5320	State Grants	\$2,000
Add to 2007 Expenditure	01-460-460-2399-6265	Software	\$2,000

 Reviewed by Division Director

Date: 08/03/07



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Professional Service Agreement for Hazardous Materials Survey

Originating Division: Public Works - Parks

Meeting Date: 8/14/07

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:** Carver County has acquired the former Mittelstaedt 30 acre parcel on Crow River. The Parks Department is in the process of having buildings removed from the site. In order to remove the buildings additional work to identify hazardous materials must be completed. An initial assessment of hazardous materials was completed by Applied Environmental Services, Inc. Now that the buildings are unoccupied, destructive testing for hazardous material can take place without exposing inhabitants to potentially hazardous materials. Staff recommends that Applied Environmental Services, Inc complete the evaluation for hazardous materials due to efficiencies related to past work completed on the site and consistency with reports generated on the project.

**ACTION REQUESTED:** It is recommended the County Board authorize the Board Chair and County Administrator to sign the agreement.

### FUNDING

County Dollars = \$ 1037.00  
Other Sources & Amounts =

**TOTAL** = \$1,037.00

### FISCAL IMPACT

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

*Related Financial Comments:* Funds for this work are part of the \$50,000 budget amendment made on June 12<sup>th</sup>, moving \$50,000 from line item 520-6610 to line item 520-6601.

Reviewed by Division Director *William J. Weckman*  
*for RMS*

Date: *7/30/07*

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

Date: 08/14/07

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

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

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

---

PROFESSIONAL SERVICE AGREEMENT  
BETWEEN  
APPLIED ENVIRONMENTAL SCIENCES, INC. AND CARVER COUNTY  
FOR ASBESTOS AND HAZARDOUS MATERIALS SURVEY AT THE MITTELSTAEDT  
HOME SITE ALONG THE CROW RIVER.

**BE IT RESOLVED**, that the Carver County Board of Commissioners hereby authorize the Board Chair and the County Administrator to execute the Professional Service Agreement between Applied Environmental Sciences, Inc and Carver County for the asbestos and hazardous materials survey at the former Mittelstaedt home site along the Crow River.

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

Dated this 14 day of August, 2007.

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



# REQUEST FOR BOARD ACTION

**AGENDA ITEM : Donation**

Originating Division: Sheriff

Meeting Date: 8-14-2007

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:**

Donation to the Carver County Sheriff's Office Dive Team for their participation in the removal and recovery of rail cars in the MN river.

**ACTION REQUESTED:** County Board moves to accept above listed donation.

**FUNDING**

County Dollars = \$

Other Sources & Amounts = \$

**TOTAL** = \$

**FISCAL IMPACT**

None

Included in current budget

Budget amendment requested

Other:

*Related Financial Comments:* Gifts Restricted 01-201-231-1651-5756 \$7,500.00

Reviewed by Division Director

Date:

Aug 6, 2007

SMITH & CHAMBERS, L.L.C.  
P.O. BOX 588  
FORT SCOTT, KS 66701  
(620) 224-2072

FIRST NEODESHA BANK  
NEODESHA, KS 66757  
83-201/1011

66739

7/26/2007

PAY TO THE ORDER OF Carver County

\$ 7,500.00

Seven Thousand Five Hundred and 00/100

DOLLARS

Carver County  
Sherriff Office  
606 East 4th  
Chaska, MN 55318

*Renee Smith*

MEMO

Donation-Carver Co. Dive Team

⑈066739⑈ ⑆101102014⑆ ⑈10 359 4⑈

SMITH & CHAMBERS, L.L.C.  
Carver County  
5706 · Extra Job Costs

Donation

7/26/2007

66739

7,500.00

01-201-231-1651-5756 *Specs Restricted*

Cash in Bank-Neodesha Donation-Carver Co. Dive Team

7,500.00



# REQUEST FOR BOARD ACTION

## AGENDA ITEM: Adopt Revisions to County Code Chapter 51 Regulaitng Hazardous Waste

Originating Division: Land Water Services

Meeting Date: 14 August 2007

Amount of Time Requested: 10 minutes

Attachments for packet:  Yes  No

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

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** These changes to the Code will allow Environmental Services to continue its state mandate regulating businesses that generate hazardous waste. This ordinance has been and continues to be similar to the other metro county ordinances for consistency and continuity for generators operating in multiple counties. The revisions proposed incorporate Federal and State rule changes. This ordinance also incorporates "Special Hazardous Waste" provisions from the former State Special Waste Pilot Project. These standards reduce some of the regulatory burden to the generators. An explanation of the proposed revisions is attached along with the proposed language changes.

**ACTION REQUESTED:** Motions opening and closing the public hearing; motion adopting Ordinance 60-2007 amending Chapter 51 of the County Code

### 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: 6 August 2007



**CHAPTER 51**  
**HAZARDOUS WASTE MANAGEMENT**  
**FOR CARVER COUNTY**

**DESCRIPTION OF CHANGES**

Chapter 51, Hazardous Waste Management for Carver County is being revised, in accordance with Minnesota Statue 473.811, which specifies that the County have an ordinance which embodies the State Hazardous Waste Rules. Provisions of this statue require revisions of the County Ordinance when the State Rules are modified or new rules adopted.

This amendment incorporates modifications to allow for the regulation of a category of Hazardous Wastes, primarily affecting, Very Small Quantity Generators (VSQGs) called "Special Hazardous Waste" and "Universal Waste". These Hazardous Wastes were once part of a State Pilot Project called "Special Waste Pilot Project". Wastes under this project included Batteries; Wastes containing elemental Mercury; Elemental Mercury; Antifreeze; Circuit Boards, Printed Circuit Boards and Circuit Board Trimmings; Photographic Negatives; and Fluorescent Light Ballasts and small Capacitors.

The Environmental Protection Agency (EPA) adopted Universal Waste Rules which cover Batteries, Fluorescent Lamps, Pesticides and Mercury Containing Equipment. The State adopted the EPA's universal Waste Rules. The remaining Special Wastes from the Pilot project must be managed as fully regulated Hazardous Waste unless we incorporate them into Chapter 51 as Special Wastes. These Special Wastes are a low risk because they have economic value and many disposal outlets. Full regulation is unnecessary and creates a burden for preferred management.

The current ordinance revision also includes several housekeeping changes.

The Minnesota Pollution Control Agency (MPCA) is required, as a condition of their program authorization by the Environmental Protection Agency (EPA), to modify state rules whenever the federal rules are changed. The MPCA has one year from the date federal rules are published to adopt the modifications. Because of state statue and State authorization, the County is obligated to this rule making process.

The actual Ordinance sections being modified are indicated below.

Definitions

Added definition for "Special Hazardous Waste" since the ordinance will now specify standards for hazardous waste management.

Added definitions for "circuit Boards", Circuit Board Trimmings", "Electronics", "Electronic component", "Electronic Device" to clarify the types of electronics covered under Special Hazardous Waste.

Added definitions for "Facility", Generator" and "Hazardous Building Components" for clarification.

Added clarification to definitions.

Standards Amended

Updated to reflect rule changes. Much of these changes have been in place but did not get into the codifier during last revisions.

Standards for Minimal Generators

Added clarification and removed redundancy.

Standards for the Management of Special Hazardous Waste

Reflects management requirements.

Standards for the Management of Universal Waste

Reflects management requirements.

License Requirements

Clarification.

Fees

Clarification.

License Application

Clarification.

Facilities Interim Operating Approval

Clarification and consistency with the Metro Counties.

Termination of Operation

Clarification.

Duties of the Department.

Clarification.

Inspection.

Clarification.

Citation Authority.

Clarification that we do not currently have the authority.

Suspension of License.

Clarification and consistency with the Metro Counties.

Summary Suspension.

Clarification and consistency with the Metro Counties.

Suspension Reinspections.

Clarification and consistency with the Metro Counties.

Revocation of License.

Clarification and consistency with the Metro Counties.

Hearings

Replaced old language with new language used in other County Code Chapters.

Penalty

Removed late penalty fees. These are established in the County Fee Ordinance.

**CARVER COUNTY, MINNESOTA**

**ORDINANCE 60-2007**

**AMENDING CHAPTER 51, HAZARDOUS WASTE MANAGEMENT**

**THE CARVER COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS:**

**SECTION 1.** The specified sections of chapter 51, the Carver County Hazardous Waste Management Code, shall be amended as follows. Strikethrough signifies deleted language and underline is new language.

Carver County, MN Code of Ordinances  
TITLE V: ENVIRONMENTAL SERVICES  
CHAPTER 51: HAZARDOUS WASTE MANAGEMENT

**CHAPTER 51: HAZARDOUS WASTE MANAGEMENT**

Section

General Provisions

- 51.01 Purpose
- 51.02 Authority
- 51.03 Definitions
- 51.04 Compliance
- 51.05 General conditions
- 51.06 False information
- 51.07 Waste classification
- 51.08 Right of entry
- 51.09 Standards for preservation

51. Minimal Generator

51. Special Hazardous Waste

51. Universal Waste

Licensing Requirements

- 51.20 License required
  - 51.21 Licensing not exclusive
  - 51.22 Fees
  - 51.23 Minimal generators
  - 51.24 License term
  - 51.25 License application
  - 51.26 Termination of operation
- Administration and Enforcement
- 51.40 Modifications
  - 51.41 Duties of the Department
  - 51.42 Inspection
  - 51.43 Orders and notices
  - 51.44 Compliance
  - 51.45 Citation authority

- 51.46 Suspension of license
- 51.47 Summary suspension
- 51.48 Suspension re inspections
- 51.49 Revocation of license
- 51.50 Hearings
- 51.99 Penalty

## GENERAL PROVISIONS

### § 51.01 PURPOSE.

It is the purpose and intent of this chapter to establish rules, regulations and standards for hazardous waste management in the county for the identification, labeling and classification of hazardous wastes; the handling, collection, transportation and storage of hazardous waste; the treatment, processing and/or disposal of hazardous waste; the requirement of licensing of hazardous waste generators and hazardous waste facilities; the payment of license fees; the penalties for failure to comply with the provisions of this chapter; the issuing, denying, modifying, imposing conditions upon, suspending, revoking licenses and other matters as determined to be necessary for the health, welfare and safety of the public. Further, this chapter shall be liberally construed so as to protect the natural environment from hazardous waste contamination. (Ord. 28F, passed 10-31-00)

### § 51.02 AUTHORITY.

This chapter is adopted pursuant to M.S. Chapters 145A and 473, as they may be amended from time to time. (Ord. 28F, passed 10-31-00)

### § 51.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AGENCY:** The Minnesota Pollution Control Agency or MPCA.

CIRCUIT Boards. Electrical equipment panels consisting of fiberglass, a paper and epoxy blend, or other inert material and electrical conductors, traces, or foils. Circuit boards shall include circuit board trimmings.

CIRCUIT BOARD TRIMMINGS. The pieces, including dust particles, that are cut or trimmed off of circuit boards during the routing or punching process in order to make the boards the proper size for use.

COUNTY BOARD. The Carver County Board of Commissioners.

DEPARTMENT. The Carver County Environmental Services Department.

ELECTRONICS. Electronic components and electronic devices.

ELECTRONIC COMPONENT. Subassemblies or other parts derived from the disassembly of electronic devices, which exhibit the toxicity characteristic of Minn. R. 7045.0131. Electronic component shall include circuit boards.

ELECTRONIC DEVICE. Electronic equipment that contains one or more electronic circuit boards, cathode ray tubes, or other circuitry or parts that exhibit the toxicity characteristic under Minn. R. 7045.0131

EMBARGO. An order by the Department prohibiting the movement, removal, transport, use, treatment or disposal of a material which is, or is suspected to be, a hazardous waste and which is being mismanaged, or which the Department has reason to suspect is being, or will be managed in violation of this chapter.

FACILITY. shall have the meaning in Minn. Rules pt. 7045.0020, subp. 24 and, shall also include, transfer facilities and facilities that collect for treatment, storage or disposal special hazardous waste, universal waste, appliances, recyclable fuel, used oil or waste contaminated with used oil.

GENERATOR. shall have the meaning in Minn. Rules pt. 7045.0020, subp. 31, and shall include any person, by site, whose act or process produces a universal waste or special hazardous waste or whose act first causes a universal waste or special hazardous waste to become subject to regulation

HAZARDOUS BUILDING COMPONENTS. Materials and articles containing cadmium, lead, mercury, oil, polychlorinated biphenyls (PCBs), or refrigerants; asbestos containing materials; or other items posing risk to humans or the environment including, but not limited to, fluorescent and high intensity discharge lamps; neon lighting; lighting ballasts (both PCB and non-PCB containing ballasts); electrical capacitors; batteries; circuit boards; appliances; components of heating, ventilation and air conditioning (HVAC) systems that contain the above referenced materials; and thermometers, gauges, switches and relays containing mercury. Wastes included in this definition that are regulated by Minn. Rules Chapters 7000 through 7150 and Code of Federal Regulations, Title 40 shall be regulated by those rules, as applicable

HAZARDOUS WASTE. Any refuse, sludge or other waste material or combinations of refuse, sludge or other waste materials in solid, semisolid, liquid or contained gaseous form which, because of its quantity, concentration or chemical, physical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or pose a substantial present or potential hazard to

human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed. Categories of HAZARDOUS WASTE materials include, but are not limited to, explosives, flammables, oxidizers, poisons, irritants and corrosives. HAZARDOUS WASTE does not include source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended.

MINIMAL GENERATOR. Any very small quantity generator who generates one or more of only the following wastes:

- (1) Ten gallons or less per year of hazardous waste that is not acutely toxic, as defined by Minn. Rules Part 7045.0020(3)(a), as it may be amended from time to time;
- (2) Any amount of used oil, waste contaminated with used oil, contaminated absorbents or used oil filters or petroleum fuel filters;
- (3) Any amount of spent lead acid batteries managed under Minn. Rules Part 7045.0685;
- ~~(4) Any number of mercury bearing lamps, such as fluorescent or high intensity discharge lamps;~~
- ~~(5) Universal Waste and Special hazardous wastes as defined by this ordinance included in the MPCA's pilot project, as allowed by Board resolution;~~
- ~~(6) Any amount of photographic fixer solution which is shipped off-site for recycling;~~
- ~~(7) Any amount of photographic fixer solution if treated to remove 80% of the hazardous constituents; or~~
- ~~(8) Any amount of fuel/water mixtures and fuel tank filters that are not stored or accumulated on site; or,~~
- ~~(9) Any amount of waste amalgam from dental operations.~~

NOTICE OF VIOLATION. A formal written notice issued by the Department to notify a party that he or she is in violation of a county chapter. This notice will inform the party of the alleged violations, the nature and extent of the violations, and the required corrective actions. The NOTICE OF VIOLATION shall also specify additional actions that will be taken by the Department, such as the inclusion of NOV orders into a final order or consent order and/or the issuance of a citation, as well as specific time frames in which these actions will be completed.

PERSON. Any human being, any municipality or other governmental or political subdivision or other public agency, any public or private corporation, any partnership, firm, association or other organization, any receiver, trustee, assignee, agent or other legal representative of any of the foregoing, or any other legal entity.

SPECIAL HAZARDOUS WASTE. shall include the following hazardous wastes.

1. photographic and X Ray negatives and paper which exhibit the toxicity characteristic under Minn. Rule pt. 7045.0131.
2. electronics, as defined by this chapter.

~~SPENT BATTERY COLLECTION SITE. A site where spent batteries are collected and/or stored before recycling or transportation to another facility for recycling.~~

~~USED OIL COLLECTION SITE. A site where used oil is collected and/or stored before recycling or transportation to another site for recycling.~~

~~USED OIL FILTER COLLECTION SITE. A site where used oil filters are collected and/or stored before recycling or transportation to another site for recycling.~~

WARNING LETTER. A written notice issued by the Department to notify a party that he or she is in violation of a county chapter. If a WARNING LETTER is issued, it shall be utilized as the initial county notification of alleged violations, except in cases of imminent threat to the public health and safety of the environment. The WARNING LETTER will inform the party of the alleged violations, the nature and extent of the violations, and the required corrective actions.

(Ord. 28F, passed 10-31-00)

#### § 51.04 COMPLIANCE.

No person shall cause or permit the generation, transportation, disposal or processing of hazardous waste or the construction or operation of hazardous waste facilities, except in full compliance with the provisions of this chapter, including, but not limited to all provisions requiring full disclosure of information regarding the generation, transportation, disposal or processing.

(Ord. 28F, passed 10-31-00)

#### § 51.05 GENERAL CONDITIONS.

The Department may impose conditions on any license, permit or variance as deemed reasonably necessary to monitor the operation and ensure the public health and safety and to protect the environment.

Violation of any condition imposed by the county on a license, permit or variance shall be deemed a violation of this chapter.

(Ord. 28F, passed 10-31-00)

#### § 51.06 FALSE INFORMATION.

Omission of any information or submission of false information may be deemed a violation of this chapter or may be deemed a violation of state statutes. State and Federal law.

(Ord. 28F, passed 10-31-00)

§ 51.07 WASTE CLASSIFICATION.

In the event the agency modifies the lists of wastes by listing or delisting, or classifies a waste as hazardous, the Board may, by resolution, amend the lists of wastes set forth in this chapter, or classify certain wastes as hazardous, to incorporate agency action.

(Ord. 28F, passed 10-31-00)

§ 51.08 RIGHT OF ENTRY.

(A) Whenever necessary to perform an inspection, to enforce any of the provisions of this chapter, or whenever the Department has reasonable cause to believe that hazardous waste exists in any building or upon any premises, the Department or its authorized agent may enter the building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Department by this chapter, provided that if the building or premises be occupied, the authorized agent shall first present proper credentials and demand entry; and if the building or premises be unoccupied, the Department shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry.

(B) If the entry is refused, the Department shall have recourse to every remedy provided by law to secure entry including administrative search warrants. If the owner or other person having control of the premises has threatened an authorized agent of the Department with refusal to allow the Department entry at any future date, the Department shall document said refusal and may obtain an administrative search warrant without demanding entry on the future date.

(Ord. 28F, passed 10-31-00)

§ 51.09 STANDARDS FOR PRESERVATION.

(A) Minn. Rules Chapter 7045, except for Minn. Rules Parts 7045.1000 through 7045.1030 inclusive, as it may be amended from time to time, relating to hazardous waste, ~~which were in effect on July 1, 1999,~~ are hereby adopted by reference and made a part of this chapter. Adoption of the State Rules into this chapter does not relieve regulated parties from full compliance with requirements as they also apply to the State or Federal entities specified in the State Rules. Regulated parties must obtain required approvals and submit necessary information to the appropriate State or Federal authorities as well as to the County.

(B) Any amendments, modifications or deletions are hereby adopted by reference and incorporated as if set in full herein.

Standards Amended. The above-adopted rules are hereby amended as follows:

- A. Wherever the term "Minnesota Pollution Control Agency", "Pollution Control Agency" or "Agency", appears in these adopted rules, it shall mean the "Department", except in Minn. Rules pts.: 7045.0020, subps. 4, 9c, and 73h; 7045.0070; 7045.0075; 7045.0080; 7045.0090



when referenced by 7045.0545, 7045.0546, 7045.0547 and 7045.0548; 7045.0125, subp. 9, item D; 7045.0129; 7045.0133; 7045.0135, subp. 1, paragraph 3; 7045.0139; 7045.0218; 7045.0243, subp. 3, item D; 7045.0261, subp. 5, item B and subp. 6; 7045.0275, subp. 2; 7045.0302; 7045.0361; 7045.0395; 7045.0397; 7045.0450, subp. 1; 7045.0452, subp. 2; 7045.0468, subp. 2; 7045.0498 through 7045.0524; 7045.0546; 7045.0552, subp. 3 item A; 7045.0554; 7045.0556, subp. 2; 7045.0574, subp. 2; 7045.0608 through 7045.0624; 7045.0655, subp. 1; and where used with "Environmental Protection Agency", or "federal or state agency", where they shall remain unchanged.

B. Wherever the term "Commissioner" appears in these adopted rules, it shall mean "Department" except in Minn. Rules pts.: 7045.0020, subp. 6a, item B, subps. 9c, 13a, 43.b, 73h, and 85a; 7045.0075; 7045.0080; 7045.0090 when referenced by 7045.0545, 7045.0546, 7045.0547 and 7045.0548; 7045.0125, subp. 4, item N and subp. 9, item D; 7045.0129; 7045.0131, subps. 1 and 7; 7045.0218; 7045.0261, subp. 9; 7045.0265; 7045.0294, subp. 1a, item B; 7045.0302; 7045.0310, subp. 3, items B, C and D, and subp. 5, item C; 7045.0320, subps. 9 and 10; 7045.0474; 7045.0476, subp. 3, item A; 7045.0498 through 7045.0524; 7045.0528, subp. 4, item D(4) and subp. 8, item D(1); 7045.0545, subps. 1 through 7; 7045.0546; 7045.0580; 7045.0582, subp. 3, item A; 7045.0608 through 7045.0624; 7045.0628, subp. 4, item D(4); 7045.0652, subp. 2, item B; 7045.0686; 7045.0875, subp. 8, item B; 7045.0990; 7045.1309; 7045.1315, subp. 2, item G; 7045.1360, where it shall remain unchanged.

C. Wherever the term "permit", "Permitee", "permitting" or "permitted" appears in these adopted rules, it shall mean "license", "licensee", "licensing" or "licensed" except in Minn. Rules pts.: 7045.0020, subp. 10b, subp. 15, item A(4), subp. 23a, subp. 24, item B, and subp. 58a; 7045.0121, subp. 2, item D; 7045.0208, subp. 2, item C; 7045.0210; 7045.0261, subps. 2, 5, and 6; 7045.0310, subp. 3, item D and subp. 6, item D; 7045.0320, subp. 9, item C; 7045.0397; 7045.0450, subp. 1; 7045.0498 through 7045.0524; 7045.0545, subps. 5 and 7; 7045.0546; 7045.0552, subp. 2; 7045.0554, subp. 1; 7045.0608 through 7045.0624; 7045.0790, subp. 7; 7045.1380, subp. 1, item A; and where used with "National Pollutant Discharge Elimination System Permit", "NPDES Permit", "State Disposal System Permit", "Emission Facility Operating Permit", "permit-by-rule", or "Air Quality Permit", where they shall remain unchanged

D. The terms "Minnesota" or "State of Minnesota" shall mean "County of Carver" in Minn. Rules pts.: 7045.0210; 7045.0212; 7045.0214; 7045.0240; 7045.0261, subp. 5 and subp. 6 (except the phrases "Specific Minnesota" and "in Minnesota" which shall remain unchanged); 7045.0302, subp. 1; 7045.0351, subp. 1; 7045.0355 and 7045.0361.

E. Minn. Rules pt. 7045.0020, subp. 66 is deleted in its entirety.

F. Minn. Rules pt. 7045.0060 is amended to read as follows: "No variance may be granted if granting the variance would result in noncompliance with Environmental Protection Agency (EPA) regulations and Minnesota Pollution Control Agency (MPCA) rules for the generation, storage, processing, treatment, transportation or disposal of hazardous waste or the operation of hazardous waste facilities."

G. Minn. Rules pt. 7045.0225, subp. 1 is amended by deleting the last two sentences in their entirety.

H. The first paragraph of Minn. Rules pt. 7045.0230, subp.1 is amended to read "**Information required.** An application must be on a form provided by the Department and must include the following information"

I. Minn. Rules pt. 7045.0230, subp. 1a is deleted in its entirety.

J. Minn. Rules pt. 7045.0240 is amended by the deletion of the second sentence in subp. 3.

K. Minn. Rules pt. 7045.0243 is amended by the deletion of subp. 1 and subp. 3, item C.

L. The first paragraph of Minn. Rules pt. 7045.0248, subp. 1 is amended to read as follows: "A licensed generator must submit a license renewal application to the Department on forms provided by the Department. A generator must submit the application and report by the January 31 preceding the expiration of the generator license. The application must contain the following information for each hazardous waste produced during the preceding calendar year:"

M. Minn. Rules pt. 7045.0248, subp. 1, item B is deleted in its entirety.

N. Minn. Rules pt. 7045.0250 is deleted in its entirety.

O. Minn. Rules pt. 7045.0261, subp. 5 is amended to read as follows:

"Subp. 5. Permitted facilities. The facilities shall be licensed or permitted by:

A. the department if the hazardous waste facility is located within Carver County in Minnesota; or

B. the state agency with a hazardous waste program authorized by the EPA pursuant to Code of Federal Regulations, title 40, part 271 (1983); or

C. the EPA; or

D. having interim status.”

P. Minn. Rules 7045.0261 subp. 9 is amended to read as follows:

“Subp. 9. Number of copies. The manifest must consist of at least the number of copies which will provide the generator, each transporter, and the owner or operator of the designated facility with one copy each for their records, another copy to be returned to the generator by the facility, and the required copies to be returned to the commissioner or to the Hazardous Waste Manifest Program, pursuant to parts 7045.0265, 7045.0474, subpart 2, item D; and 7045.0580, subpart 2, item D, and any additional copies required by the generator's or designated facility's state, if other than Minnesota. Copies to be returned to the commissioner shall be sent to: Minnesota Pollution Control Agency, Hazardous Waste Division, 520 Lafayette Road, Saint Paul, Minnesota 55155, Attention: HWIMS. Copies to be returned to the Hazardous Waste Manifest Program shall be sent to: Hazardous Waste Manifest Program, Mail Code L609, 300 S 6<sup>th</sup> Street, Minneapolis, Minnesota 55487.”

Q. Minn. Rules pt. 7045.0265 subp. 1 D is amended to read as follows:

“D. send one copy to the commissioner within five working days of the initial transporter's acceptance of the hazardous waste shipment if the generator is a large quantity or small quantity generator. Send one copy to the Hazardous Waste Manifest Program if the generator is a very small quantity generator.”

R. Minn. Rules pt. 7045.0265 subp. 2 B is amended to read as follows:

“B. send one copy to the commissioner within five working days of the initial transporter's acceptance of the hazardous waste shipment if the generator is a large quantity or small quantity generator. Send one copy to the Hazardous Waste Manifest Program if the generator is a very small quantity generator.”

S. Minn. Rules pt. 7045.0265 subp. 3 B is amended to read as follows:

“B. send one copy to the commissioner within five working days of the initial transporter's acceptance of the hazardous waste shipment if the generator is a large quantity or small quantity generator. Send one copy to the Hazardous Waste Manifest Program if the generator is a very small quantity generator.”

T. Minn. Rules pt. 7045.0265 subp. 4 A is amended to read as follows:

“A. the copy of the hazardous waste manifest signed by the facility operator is sent to the commissioner within 40 days of the acceptance of the hazardous waste by the hazardous waste facility if the generator is a large quantity or small quantity generator. The copy of the hazardous waste manifest signed by the facility operator is sent to the Hazardous Waste Manifest Program within 40 days of the acceptance of the hazardous waste by the hazardous waste facility if the generator is a very small quantity generator.; and”

U. In Minn. Rules pt. 7045.0292, subps. 1, 5, 6 and 8, the phrase "without a permit" is amended to read "without a facility permit". The word "permit" in these references remains unchanged.

V. The first paragraph of Minn. Rules pt. 7045.0302, subp. 2 is amended to read as follows: "Subp. 2. Notification. When shipping hazardous waste outside the state of Minnesota to a foreign country, the primary exporter must notify the Commissioner, the Department and the EPA of an intended export before the waste is scheduled to leave the United States. A complete notification should be submitted sixty (60) days before the initial shipment is intended to be shipped off site. This notification may cover export activities extending over a 12-month or lesser period. The notification must be in writing, signed by the primary exporter and include the following information:"

W. Minn. Rules pt. 7045.0460, subp. 1, item A is amended to read as follows: "A. Procedures are in effect which will cause the waste to be removed safely before floodwaters can reach the facility to a location where the wastes will not be vulnerable to floodwaters. The location to which wastes are moved must be a facility which is either licensed by this Department, or permitted by the Environmental Protection Agency, or by a state with a hazardous waste management program authorized by the Environmental Protection Agency, or which has interim status."

X. The term "in Chapter 7001" is deleted wherever it appears.

Y. The phrase "under chapter 7046" is deleted wherever it appears.

#### STANDARDS FOR MINIMAL GENERATORS

(1) Minimal generators must manage their hazardous waste according to all applicable rules and regulations of the EPA, the state and county.

(2) (a) Minimal generators who fail to comply with the waste management requirements of this chapter may, at the discretion of the Department, lose their minimal generator status.

(b) The Department will notify the minimal generator of the status change.

(3) Minimal generators whose rate of generation exceeds that defined herein shall lose their minimal generator status.

(4) Minimal generators that exceed 55 gallons of accumulated hazardous waste lose minimal generator status. The generation of Used Oil, Used Oil Contaminated Absorbents, Used Oil Filters, Spent Lead Acid Batteries, Universal Waste mercury bearing lamps, Special Hazardous Waste included in the MPCA's pilot project as allowed by County Board resolution, feedstock, or by-product or dental amalgam waste is not counted towards this accumulation limit.

~~(5) (a) Hazardous waste must be placed in a container or tank that is compatible with the waste and that contains no material or residue that may react with the waste. Hazardous waste must not be placed in a container that previously held an incompatible material unless the incompatible material has been entirely removed.~~

~~(b) Hazardous waste must be adequately separated from another container or tank holding an incompatible material.~~

~~(c) Containers and tanks must be kept closed, unless adding or removing wastes. Containers and tanks must be maintained in good condition with no rust, corrosion or damage that may result in a leak or a release. If the container or tank is rusted, corroded or damaged, it must be repaired or the waste must be moved to a sound container or tank.~~

~~(d) Containers and tanks must be labeled with the words "hazardous waste" and a clearly understandable description of the type of waste in the container or tank.~~

~~(6) (a) Storage of liquid hazardous waste indoors or outdoors must be done on a surface impermeable to the hazardous waste.~~

~~(b) Outdoor storage areas must have secondary containment to prevent release to soil or water. If ignitable wastes are stored outdoors, the waste must be shaded from the sun the wastes must be managed to prevent overheating and rupture of containers.~~

~~(c) Storage areas for hazardous wastes must have protection from damage including vehicular accidents and vandalism.~~

~~(d) All generators must comply with the state fire code and local regulations.~~

~~(e) Hazardous waste containers must be stored in a way that there is adequate aisle space to allow for unobstructed movement of personnel and equipment in an emergency.~~

~~(7) (a) Any spills or leaks of hazardous waste or material must be cleaned up immediately. Upon discovering a leak or a spill of hazardous waste or material, the generator must notify the State Duty Officer.~~

~~(b) When reporting the spill or release, the generator must be prepared to describe the location, type of material, amount and the cleanup activities. The generator must have the proper equipment and materials on hand to completely clean up any spills that occur and respond to any other emergencies that occur.~~

~~(8) The generator must comply with all Department of Transportation regulations when shipping hazardous waste.~~

~~(9) Hazardous wastes must be disposed of by one of the~~

following methods:

- ~~(a) — Treat on-site by a method acceptable to the Minnesota Pollution Control Agency or the county;~~
  - ~~(b) — Ship to a licensed or permitted hazardous waste facility using a hazardous waste manifest and hazardous waste transporter;~~
  - ~~© — Ship to a very small quantity generator collection site in compliance with State Department of Transportation regulations;~~
  - ~~(d) — Ship pilot project Special Hazardous waste, used oil, used oil filters, used oil contaminated absorbents, spent lead acid batteries, silver only photographic fixer solution or fluorescent lamps to a recycler or consolidation site in compliance with State Department of Transportation requirements; or~~
  - ~~(e) — Sewer with the approval of local publicly owned treatment works.~~
  - ~~(10) — A licensed generator may transport hazardous waste to another location owned by the same generator, and approved by the county, for the purpose of consolidating small amounts of hazardous waste if the shipment is made in accordance with State Department of Transportation regulations.~~
  - ~~(11) — The following actions are prohibited by minimal generators:
    - ~~(a) — Abandoning or relinquishing control of hazardous waste if the generator has reason to believe that the hazardous waste will not be properly managed or the treatment, storage or disposal facility cannot legally take the waste;~~
    - ~~(b) — Relinquishing control of manifested waste to a transporter who is not licensed or permitted by the State Department of Transportation as a hazardous waste transporter;~~
    - ~~© — Placing used oil in or on the ground; or~~
    - ~~(d) — Evaporating hazardous waste, except to evaporate water to reduce volume of the hazardous waste.~~~~
  - ~~(12) — All hazardous waste management records, including manifest copies, receipts, shipping papers or bills of lading must be kept on-site for three years from the date of shipment.~~
- ~~(Ord. 28F, passed 10-31-00)~~

#### Standards for the Management of Special Hazardous Waste

- A. Special hazardous wastes that are managed in compliance with the management requirements specified in this ordinance are not subject to the hazardous waste management requirements in Minn. Rules pts. 7045.0205 to 7045.0990 and pts. 7045.1300 to 7045.1380, except for those provisions specified by reference in this chapter. Special hazardous wastes that are not managed in compliance with the requirements specified in this ordinance must be managed in accordance with all applicable hazardous waste

management requirements in Minn. Rules pts. 7045.0205 to 7045.0990 and pts. 7045.1300 to 7045.1380. The provisions of this section apply to all generators and facilities.

- B. A person who collects special hazardous waste generated by households or commingles special hazardous waste generated by households with any special hazardous waste defined in this ordinance shall manage the collected special hazardous waste or commingled special hazardous waste under the requirements of this ordinance. Facilities that are operated by or under contract, license or formal agreement with a local unit of government to collect special hazardous waste from households do not need to obtain a hazardous waste generator or facility license to operate, however, such facilities must abide by all other applicable provisions of this ordinance.
- C. Storage. A generator shall store special hazardous waste in containers or in a manner that:
1. prevents damage to or breakage of special hazardous waste during normal handling conditions;
  2. are compatible with the waste being stored in the container;
  3. will not leak or break open during normal handling conditions;
  4. protects handlers and all other persons from physical injury caused by contact with special hazardous waste; and
  5. prevents releases of special hazardous waste, including components or residues of special hazardous waste.
- D. Storage areas.
1. Storage of special hazardous waste indoors or outdoors must be on a surface impermeable to the hazardous waste.
  2. Outdoor storage areas must prevent release to soil or water.
  3. Storage areas for special hazardous wastes must have protection from damage including vehicular accidents and vandalism.
  4. Special hazardous waste containers must have adequate aisle space to allow unobstructed movement of personnel and equipment in an emergency.
- E. Storage time limit. A generator may accumulate special hazardous waste up to 10,000 pounds for no longer than one year from the date the special hazardous waste is generated. A generator of special hazardous waste may accumulate over 10,000 pounds and one year if such activity is solely for the purpose of accumulation of such quantities of special hazardous waste as necessary to facilitate proper recovery, treatment, or disposal. However, the generator bears the burden of proving that such activity is solely for the purpose of accumulation of such quantities of special hazardous waste as necessary to facilitate proper recovery, treatment, or disposal. A generator of special hazardous waste who accumulates special hazardous waste must be able to demonstrate the length of time that the special hazardous waste has been accumulated from the date it becomes a waste. The generator may make this demonstration by:
1. Placing the special hazardous waste in a container and marking or labeling the container with the earliest date that any special hazardous waste in the container became a waste; or
  2. Marking or labeling each individual item of special hazardous waste (e.g., each battery or thermostat) with the date it became a waste; or

3. Maintaining an inventory system on-site that identifies the date each special hazardous waste became a waste; or
  4. Maintaining an inventory system on-site that identifies the earliest date that any special hazardous waste in a group of special hazardous waste items or a group of containers of special hazardous waste became a waste; or
  5. Placing the special hazardous waste in a specific accumulation area and identifying the earliest date that any special hazardous waste in the area became a waste; or
  6. Any other method which clearly demonstrates the length of time that the special hazardous waste has been accumulated from the date it becomes a waste
- F. Labeling of containers. Generators and facilities shall label each waste container with, as applicable:
1. the words "used" or "waste" followed by a brief description of the waste in the container.
  2. a brief description of the waste in the container followed by the words "for recycling."
- G. Response to releases or detection of inadequate container. Generators and facilities shall conduct the activities set out in (1) to (4) below upon detection of storage that no longer meets the standards in item C above or upon a release of a special hazardous waste, including components or residues of a special hazardous waste.
1. Immediately stop and contain any release of a special hazardous waste, including all components or residues of a special hazardous waste.
  2. If a container storing a special hazardous waste begins to leak or does not otherwise meet the container standards in item C, transfer all waste remaining in the leaking or inadequate container to a container that meets the requirements of item C above.
  3. Prior to returning to service any leaking or otherwise damaged container, repair the container so that it meets the container standards of item C above.
  4. If a release may cause pollution of the environment, immediately notify the Minnesota Duty Officer by calling (651) 649-5451.
- H. Treatment. A generator is prohibited from conducting any treatment of special hazardous waste, except for activities associated with:
1. responding to a release as set out in item G above;
  2. transferring a type of special hazardous waste from one storage container into another storage container containing the same type of special hazardous waste;
  3. shredding or cutting up circuit boards, hard drives or photographic and X-ray negatives and paper.
- I. Transportation. All Special Hazardous Waste must be shipped to a Collector, a licensed Processing/Storage facility, a recycler, or a permitted hazardous waste facility. Shipments must be accompanied by a shipping paper, bill of lading, or manifest. The shipping documents must include the name of shipper, the date of shipment, the amount of waste, and the destination facility's name, address and phone number.
- J. Record Keeping. Records shall be kept for all shipments of special hazardous waste. Each copy shall be maintained on site for a period of three years from the date the shipment was initiated by the generator.



## Standards for the Management of Universal Waste

- A. Generators and facilities utilizing the universal waste exemption must manage their universal waste in accordance with Minn. R. 7045.1400 et. al. and this chapter.
- B. A person who collects universal waste generated by households or commingles universal waste generated by households with any universal waste shall manage the collected universal waste or commingled universal waste under the requirements of this chapter. Facilities that are operated by or under contract, license or formal agreement with a local unit of government to collect universal waste from households do not need to obtain a hazardous waste generator or facility license to operate, however, such facilities must abide by all other applicable provisions of this chapter.
- C. Applicability. The term handler adopted in Minn. Rule. pt. 7045.1400, shall mean the following:
1. Generator: when the universal waste activity meets the definition of "generator" in this chapter.
  2. Facility: when the universal waste activity meets the definition of "facility" in this chapter.
- D. Record Keeping. Records shall be kept for all shipments of universal waste. Each record shall be maintained on site for a period of three years from the date the shipment was initiated. The record may take the form of a log, invoice, manifest, bill of lading or other shipping document. The record for each shipment of universal waste sent must include the following information:
1. The name, address and telephone number of the destination to whom the universal waste was sent;
  2. The quantity of each type of universal waste sent (e.g., batteries, pesticides, thermostats);
  3. The date the shipment of universal waste left the generator site.
- E. Additional Standards for Mercury Containing Equipment. Mercury containing equipment must be stored in a container. The container must be closed, structurally sound, compatible with the contents, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions and must be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means.

## LICENSING REQUIREMENTS

### § 51.20 LICENSE REQUIRED.

Unless otherwise provided by this chapter, no person shall, within the county, make or allow property under his, her or its control to be used for any activity which generates wastes regulated under this chapter ~~hazardous waste~~, except at an individual generation site for which a hazardous waste generator license has been granted by the Department. Unless otherwise provided by this chapter, no person shall, within the county, store, deposit, keep, accumulate, process, treat, reclaim, dispose of or otherwise handle,

process or cause to be transported, wastes regulated under this chapter hazardous waste except at a site or facility for which a license has been granted by the Department. Unless otherwise provided by this chapter, no person shall operate a used oil collection site, a used oil filter collection site or a spent battery collection site, except at an individual site for which a hazardous waste license has been granted by the department county. On a case by case basis, the Department may allow a person that does not possess a facility license to accept used oil, used oil filters, recyclable fuel waste, universal waste and/or special hazardous waste if the facility possesses a generator license, using the following criteria as a guide: the site takes these wastes only from generators owned or operated by the owner or operator of the receiving site, is receiving used oil pursuant to Minn. Statute 325E.11, is operated in compliance with 7045.0310, or the volumes of the wastes received or number of generators shipping waste to the receiving site are not deemed to present a hazard requiring management standards over and above what normally would be applied to that generator license.

(Ord. 28F, passed 10-31-00)

#### § 51.21 LICENSING NOT EXCLUSIVE.

The Obtaining of a hazardous waste license shall not be deemed to exclude the necessity of obtaining other appropriate licenses or permits, except as expressly provided herein. Compliance with the provisions of this chapter shall not relieve any person of the need to comply with any and all other applicable rules, regulations and laws.

(Ord. 28F, passed 10-31-00)

#### § 51.22 FEES.

(A) The Board may, by ordinance, establish fees, including fees for the initial and renewal of licenses for generators and for the initial application, initial license, and renewal of licenses for facilities.

~~initial license, initial application and plan review and renewal of licenses.~~

(B) The Board may, by ordinance, establish other fees as may be necessary for the administration of this chapter.

(C) Fees for new licenses are due 30 days after the billing date.

Fees for renewal of licenses are due 30 days prior to the expiration of the current license. Hazardous waste generators whose production of hazardous waste (volume and/or types) exceeds that set forth in their license renewal application, and said excess production places them in a higher license category, shall be invoiced for the additional fee. The additional fee due for the current license year must be paid within thirty (30) days of the invoice date, or before the renewal of their license for the coming year, whichever comes first. As used herein, fees may include license fees, MPCA Agency statewide program fees, application fees, late penalty fees and other fees as may be prescribed by the Board.

(D) Fees for license renewal shall be based on the past year's rate of generation and the highest generator size exhibited during the year. If the license is for new waste generation, the fee shall be based on an estimated rate of generation, which is acceptable to the Department.

(Ord. 28F, passed 10-31-00)

§ 51.23 MINIMAL GENERATORS.

Minimal generators shall comply with the following registration requirements in place of the license and fee requirements of §§ 51.20 and 51.22:

(A) Minimal generators shall register with the Department within 75 days of first generating hazardous waste.

(B) All currently licensed generators that meet the definition of a minimal generator will be converted by the county to registered status.

(C) Registration will be effective as long as the generator meets the minimal generator definition.

(D) Minimal generators shall notify the Department within 30 days before or after whenever any of the following events occurs:

- (1) The business closes;
- (2) The business is sold or otherwise changes ownership;
- (3) The business moves to a new location;
- (4) The business assumes a new name; or
- (5) The generator's rate of generation no longer meets the

minimal generator definition listed herein.

(E) Any generator who loses minimal generator status, pursuant to § 51.09 shall be subject to the full generator licensing standards of this chapter. The generator will not be eligible to regain minimal generator status for a period of two license years.

(F) To regain minimal generator status, the generator must be in compliance with the minimal standards defined in this chapter. An inspection by the Department may be required to confirm compliance with these standards.

(G) Any minimal generator may, by making written request to the Department, remain regulated as a very small quantity generator in lieu of the minimal generator requirements.

(Ord. 28F, passed 10-31-00)

§ 51.24 LICENSE TERM.

(A) Unless otherwise provided by the County Board, each license granted pursuant to the provisions of this chapter shall be nontransferable and shall be for a period of not more than one year, except that initial licenses may be issued for a period of up to 15 months, unless earlier suspended or revoked.

(B) The license year for hazardous waste facilities shall be from July 1 through June 30. The license year for hazardous waste generators shall be from April 1 through March 31.

(Ord. 28F, passed 10-31-00)

§ 51.25 LICENSE APPLICATION.

(A) (1) Applications for license or license renewal shall be submitted to the Department on forms provided by the Department. Applicants shall provide information as may be needed for the administration of this chapter.

~~(2) The information shall include, but not necessarily be limited to the information specified in Minn. Rules Parts 7045.0230 or 7045.0248, as they may be amended from time to time, as applicable. Each application or renewal application for a hazardous waste generator license shall include the parcel identification number (PIN) of the generator site. Applicants for a facility license shall submit to the Department, on request, all of the documents and supporting information required by the agency in its permitting procedures.~~

(2) Generators. Generators shall submit to the Department a license application. The license application shall include, but not necessarily be limited to, the information specified in Minn. Rules pts. 7045.0230 or 7045.0248 as applicable. Applications for a generator license received more than 75 days after commencement of operation, or applications for license renewal received after January 31, shall be considered late and subject to a late application penalty. Applications for license modification shall be deemed late, and subject to a late application penalty, if received later than as set forth in Minn. Rules Part 7045.0243(3)(G), as it may be amended from time to time. The date of receipt is the postmark date if mailed or the Department date of receipt if hand delivered.

(3) Facilities Interim Operating Approval. Unless interim operating approval has been granted hereunder, applicants for a facility license shall not commence any construction or operation until the license application has been approved by the Department, nor shall they commence any operation until a license is issued. A facility license shall not be issued until the facility construction has been completed in compliance with this chapter and the approved plans, and has been approved by the Department.

(B) (1) If an application for a generator license or license renewal is not complete or otherwise does not conform with the requirements set forth in this chapter, the Department shall advise the applicant within 60 days of application receipt, in writing, of the reasons for non-acceptance and may request that the applicant resubmit, modify or otherwise alter the application. The applicant shall comply with the requests within the time specified by the Department.

(2) If an application for a facility license or license renewal is not complete or otherwise does not conform with the requirements set forth in this chapter, the Department shall advise the applicant within 120 days of application receipt, in writing, of the reasons for non-acceptance and may request that the applicant resubmit, modify or otherwise alter the application. The applicant shall comply with the requests within the time specified by the Department.

C (1) Generator applications for license renewal shall be

received by the Department no later than January 31. Applications for license renewal must be accompanied by a statement of any change in information submitted in the last approved license or in the license renewal application. If there are no changes, it shall be so stated in the license renewal application. If the Department does not act on a generator license renewal application, which is complete and submitted on time, the current license shall continue in force until action is taken.

(2) Facility applications for license renewal shall be received by the Department no later than February 28. Applications for license renewal must be accompanied by a statement of any change in information submitted in the last approved license or in the license renewal application. If there are no changes, it shall be so stated in the license renewal application. If the Department or County Board does not approve or deny act on a facility license renewal application, which is complete and submitted on time, the current license shall continue in force until action is taken.

(D) (1) Failure by the Department to approve or deny act on an initial generator license application within 60 days from the date of receipt of a completed application shall constitute grounds for the applicant to request a hearing. The request for a hearing shall be governed hereby. Failure to act shall be construed as denial without prejudice.

(2) Except as provided herein, failure by the Department or County Board to approve or deny act on an initial facility license application within 120 days from the date of receipt of a completed application, shall constitute grounds for the applicant to request a hearing. The request for a hearing shall be governed hereby. Failure to act shall be construed as denial without prejudice.

(E) (1) For licensing purposes, the Department may consider on-site treatment by the generator, of on-site generated hazardous waste, as part of the generator's licensure and may exempt such on-site treatment from facility licensing requirements. The exemption shall be limited to the following types of treatment: the specific treatment activities allowed in Minn. Rules Parts 7045.0450(3)(K); 7045.0652; ~~7045.0665~~; and 7045.0855(3), as they may be amended from time to time; and/or recovery of reusable solvents by distillation. The treatment must be described in the generator license application and approved by the Department. The Department may require generators, who do on-site treatment as identified above, to comply with the requirements of Minn. Rules Parts 7045.0558; 7045.0562(1) and (2); and 7045.0566 through 7045.0576, as they may be amended from time to time, or may impose license conditions as may be deemed necessary to monitor the treatment operation and ensure public health and safety.

~~(2) Generators utilizing any sewer system for the disposal of hazardous wastes shall comply with all of the requirements of this chapter. They shall maintain on site, a copy of any permits or reports required by the Metropolitan Council Environmental Services, other~~

~~publicly owned treatment works or as a condition of a national pollutant discharge elimination system or state disposal system permit concerning the character, concentration and quantity of the sewered hazardous waste for inspection by the Department. These reports shall be maintained for a period of three years from the report date. Generators shall obtain written authorization from the Department before treating or discharging hazardous wastes to Class V injection wells as defined by 40 C.F.R. Part 144.6.~~

(F) Use of Household Hazardous Waste Collection Site. Delivery of waste governed under this chapter to a Household Hazardous Waste Collection Site is prohibited unless the site is authorized by the Agency to accept such hazardous waste and the operator granted permission to accept the waste knowing it was not household hazardous waste.

~~(F) (G) (1) Unless otherwise provided by the County Board and/or Department, issuance of a hazardous waste transfer, storage, resource recovery, disposal, treatment or other handling or processing site or facility license, pursuant to the provisions of this chapter, shall be contingent upon the applicant furnishing to the Department a bond or letter of credit acceptable to the Department naming the County as the obligee with sufficient sureties duly licensed and authorized to transact corporate surety business in the state of Minnesota as sureties. The amount of the bond or letter of credit shall be set by the Department according to the following formula: estimated cost, submitted by the applicant and approved by the Department, for a third party contractor, unrelated to the applicant or to Carver County, to dispose of the maximum inventory of hazardous wastes that will be on site at any one time, and to decontaminate the facility and all equipment in the facility, or dispose of any equipment that cannot be decontaminated, and to perform any other activities necessary to ensure that the facility does not pose a threat to human health or the environment; plus an additional thirty (30) percent to cover unanticipated costs and administrative costs that the County might incur.~~

~~The condition of the bond or letter of credit shall be that if the principal fails to obey any of the requirements or do any of the acts required by this chapter an order or notice issued by the Department or conditions of the license in the operation of the site or facility, or if, for any reason, the applicant ceases to operate or abandons the site or facility, and the County determines that chemical analysis and/or testing and remediation are required to restore the site or facility to the condition and requirements as provided by the chapter, notice, order, or license, the principal and the sureties on its bond shall pay for any and all expenses required for chemical testing and to remedy the failure of the principal to comply with this chapter, orders or notices of the Department, or conditions of the license is required to expend monies or expend any labor or material to restore the site or facility to the condition and requirements as provided by the ordinance, notice, order or license, the principal and the sureties on its bond shall reimburse the county for any and all expenses incurred to remedy the failure of the principal to comply with the terms of the ordinance, notice, order or license, and that the principal and its~~

sureties will indemnify and save the County harmless from all losses, costs and charges that may occur to the County because of any default of the principal under terms of his or her license to operate and the ~~chapter ordinance~~ of the County. In the event the County is required to expend monies or expend any labor or material to restore the site or facility to the condition or requirements as provided by this chapter, order or notice by the Department, or license, the principal and the sureties shall reimburse the County for any and all expenses incurred to remedy the failure of the principal to comply with the terms of this chapter, orders or notices of the Department or conditions of the license. The applicant may satisfy the requirements of this section by demonstrating that they pass a financial test, the terms of which will be set on a case by case basis by the Department. For facilities permitted by the Agency or having interim status, or otherwise required by the Agency to establish financial assurance for closure or corrective action, the license applicant, in lieu of the above, shall submit to the Department for review satisfactory evidence of compliance with the Agency's financial assurance requirements.

~~In lieu of the above, for facilities permitted or granted interim status by the agency, the license applicant shall submit, in a form acceptable to the Department, satisfactory evidence of compliance with the agency's financial assurance requirements.~~

(2) Unless otherwise provided by the ~~County Board and/or~~ Department, issuance of a hazardous waste transfer, storage, resource recovery, disposal, treatment or other handling or processing site or facility license which requires an Agency permit or is operating under interim status pursuant to Minn. Rules Parts 7045.0552 through 7045.0648, as they may be amended from time to time, pursuant to the provisions of this chapter, shall be contingent upon the applicant furnishing to the Department satisfactory evidence of compliance with Minn. Rules, Parts 7045.0518 and 7045.0620, as they may be amended from time to time. The Department shall be notified 30 days prior to the effective date of a cancellation or change of insurance. Under interim operating approval, the required insurance shall be specified by the ~~County Board~~.

Unless otherwise provided by the Department, issuance of a license to a facility not required by the Agency to meet the liability requirements of Minn. Rules pts. 7045.0518 or 7045.0620, pursuant to the provisions of this chapter, shall be contingent upon the applicant furnishing to the County a certificate of insurance showing that the applicant maintains the following minimum coverage:

1. A commercial general liability insurance policy covering all premises and operations with limits of not less than \$1,000,000 for personal injuries arising from one occurrence, \$1,000,000 for damages arising from death and/or total bodily injuries arising from one occurrence, and \$1,000,000 for property damage arising from one occurrence, or a combined single limit

thereof, with a \$2,000,000 annual aggregate.

2. An automobile liability insurance policy, if applicable, with limits of \$1,000,000 per accident for death or bodily injury and/or damages to any one person, \$1,000,000 for total bodily injuries and/or damages arising from any one accident and with limits of not less than \$1,000,000 per accident for property damage.

3. Workers compensation coverage at the statutory limits (or written confirmation that the applicant is a qualified self insured or is otherwise exempt under Minn. Statute §176.041).

A financial test for liability coverage may be substituted for the certificate of insurance upon the approval of the Department. The County shall be notified thirty (30) days prior to the effective date of a cancellation or change of insurance.

C. Hazardous waste facilities shall not be required to submit a bond, letter of credit, or financial test, specified herein, and proof of adequate insurance specified herein, if the applicant can demonstrate to the Department that financial assurance is not required by the Agency, and the closure cost estimate approved by the Department is ten thousand dollars (\$10,000.00) or less.

(3) No change shall be made in the operation of a hazardous waste facility, unless the change is first approved by the ~~County Board~~ Department.

(4) In order to operate a hazardous waste site or facility during interim period prior to license approval by the Department, a person must obtain interim operating approval from the Department and comply with conditions set by the Department. Interim operating approval shall require ~~the~~ said person to operate the hazardous waste site or facility in conformance with Minn. Rules Parts 7045.0552 through 7045.0606 and 7045.0626 through 7045.0642, as it may be amended from time to time, if operating as a treatment, storage or disposal facility, or in conformance with Minn. Rules Part 7045.0365, as it may be amended from time to time, if operating as a transfer facility or in conformance with Minn. Rules Part 7045.0125 and/or 7045.0675, as it may be amended from time to time, if operating as a recycling facility. Additionally, the Department may impose conditions as deemed necessary to monitor the operation and ensure public health and safety, and will require compliance with the insurance requirements specified herein. The requirements under interim operating approval shall remain in force until the Department acts to grant or deny the license. If the Department ~~County~~ finds that the hazardous waste site or facility is not being operated in compliance with the requirements of interim operating approval, the approval shall be terminated. Any person operating in full compliance with this ~~division~~ paragraph shall be considered to be in compliance herewith until the Department acts to grant or deny the license. Any person who, on an interim basis, in compliance with this section, owns or operates a hazardous waste transfer, storage, disposal, resource recovery, treatment or other handling or processing facility shall apply for a hazardous waste facility license within 120 days of commencement of operation.

(5) Nothing in this item is intended to allow facilities to operate without permits, licenses or compliance agreements required by the Agency. (Ord. 28F, passed 10-31-00)



§ 51.26 TERMINATION OF OPERATION.

Any person who, for any reason, terminates operations at a regulated site, must remove all hazardous waste and materials contaminated with hazardous waste prior to termination of operations. Termination of operations may include the sale of an operation to a new entity, or the simple shutdown of a business or site, which is then not operated, or the relinquishing of lease or rental rights to a property, or a change in operation such that hazardous waste is no longer generated. This Removal of the waste from the site must be completed in a timely manner as determined by the Department and accomplished in full compliance with this chapter and Minn. Rules Chapter 7045. Materials remaining on the site of a terminated operation shall be considered waste materials. The continued storage of hazardous wastes on the site of a terminated operation shall be done in compliance with the hazardous waste storage facility rules in Minn. Rules Chapter 7045 and 7001 and this chapter. (Ord. 28F, passed 10-31-00)

ADMINISTRATION AND ENFORCEMENT

§ 51.40 MODIFICATIONS.

(A) The County Board may waive or modify the strict application of the provisions of this chapter by reducing or waiving certain requirements when the requirements are unnecessary or impractical, or by imposing additional requirements necessary to reduce risk of harm to persons, property or the environment.

(B) No modification or waiver may be granted if it would result in noncompliance with Minn. Rules Chapter 7045, as it may be amended from time to time, unless the modification or waiver has been approved or granted by the Agency.

(C) For facilities permitted or granted interim status by the agency, amendments to the facility closure/post-closure plans and extensions to the closure/post-closure period shall be granted by the Department only where the amendments or extensions have been approved by the Agency. (Ord. 28F, passed 10-31-00)

§ 51.41 AUTHORITIES OF THE DEPARTMENT.

~~The Department shall be responsible for the~~ is authorized to administration and enforcement of this chapter. ~~The Department's duties shall~~ authority includes, but is not ~~be~~ limited to the following:

(A) Receive and review generator and facility license or license renewal applications, ~~and~~ issue and review hazardous waste generator and facility licenses, and approve or disapprove interim operations of facilities pursuant to this chapter;

~~(B) Receive, review and recommend action on hazardous waste facility licenses pursuant to this chapter;~~

~~(C) Receive and review applications for and issue renewal licenses for a hazardous waste facility under this chapter when no changes in conditions or information from when initial license was issued are identified by the licensee or come to the attention of the Department;~~

- ~~(D)~~(B) Inspect hazardous waste facilities and generators, as provided in this chapter, and investigate alleged complaints of violations of this chapter;
- ~~(E)~~(C) Recommend that legal proceedings be initiated by the county to compel compliance with the provisions of this chapter; and
- ~~(F)~~ (D) Advise, consult and cooperate with other governmental agencies in the furtherance of this chapter. (Ord. 28F, passed 10-31-00)

#### § 51.42 INSPECTION.

- (A) Inspection and evaluation of hazardous waste facilities, including transfer, short-term storage, transportation, storage, disposal, resource recovery, treatment or other handling or processing sites or facilities, or generators may be made by the Department to insure compliance with the provisions of this chapter. The facility owner and/or operator or generator shall be provided with written notice of any deficiencies, recommendations for their correction, and the date by which the corrections shall be accomplished.
- (B) The facility owner and/or operator or generator shall allow the county's authorized agents access for the purposes of making inspections as may be necessary to determine compliance with the requirements of this chapter. At the Department's election, the owner and/or operator shall provide free of charge or shall allow the Department or its agents to collect samples of waste, soils, surface waters, ground waters, air, raw materials, sewage discharges or other materials or residues present at or emanating from the site for testing. The owner and/or operator shall allow free access at all reasonable times to inspect and copy, at a reasonable cost, all business records related to an owner's and/or operator's generation, collection, processing and transportation of waste. All records required to be kept under this ordinance shall be kept at the licensed site and shall be easily available for review during the inspection.
- (C) The owner and/or operator shall allow the Department to record and document its findings in any reasonable and appropriate manner including, but not limited to notes, photographs, photocopies, readouts from analytical instruments, videotapes, audio recordings and computer storage systems or other electronic media. When requested by the Department, photocopies of records shall be provided at a reasonable cost. (Ord. 28F, passed 10-31-00)

#### § 51.43 ORDERS AND NOTICES.

Whenever the Department or its authorized representatives shall find in any building or on any premises, hazardous waste whether at a site or facility for which a license has been granted by the County or where no license has been issued, the Department shall issue orders as may be necessary for the enforcement of this chapter governing and safeguarding the health, welfare and safety of the public.  
(Ord. 28F, passed 10-31-00)

#### § 51.44 COMPLIANCE.

- (A) Any person within the county who shall generate, store, deposit, keep, accumulate, process, treat, reclaim, dispose of or otherwise handle, process or cause to be transported hazardous waste, in violation of this chapter, or who shall permit the hazardous waste to exist on the premises under his or her control or who shall fail to take immediate action to abate the existence of the hazardous waste when ordered or notified to do so by the Department shall be guilty of a misdemeanor.

(B) Any order or notice issued or served by the Department shall be complied with by the owner, operator, occupant or other person deemed by the Department to be responsible for the condition or violation to which the order or notice pertains. Every order or notice shall set forth a time limit for compliance depending upon the nature of the hazardous waste and the danger created by the violation. In cases of extreme danger to the health, welfare and safety of the public, immediate compliance shall be required. If the building or other premises is owned by one person and occupied by another, under lease or otherwise, and the order or notice requires immediate compliance for the health, welfare and safety of the public, the order or notice shall be complied with by the owner, unless the owner and occupant have otherwise agreed between themselves, in which event the occupant shall comply. (Ord. 28F, passed 10-31-00)

#### § 51.45 CITATION AUTHORITY.

Upon approval by resolution the County Board may issue Citation Authority to the Department.

(A) A notice of violation or a warning letter, as defined, may be issued to a person alleged to have committed a violation of this chapter, prior to issuance of a citation.

(B) An authorized representative of the Department shall have the power to issue citations for violations of this chapter, but shall not be permitted to physically arrest or take into custody any violator, except on a warrant duly issued.

(1) Citations shall be issued to the person alleged to have committed the violation either by personal delivery or by registered or certified mail. In case of public, private or municipal corporation, the citation shall be issued to any officer or agent, expressly or impliedly authorized to accept the issuance.

(2) Citations shall be made out in quadruplicate. One copy shall be issued to the person alleged to have committed the violation; one copy shall be filed with the Department; one copy shall be filed with the County Attorney's Office; one copy shall be filed with the District Court, First Judicial District.

(3) Citations shall be on forms as approved by the Department and shall contain at least the following:

(a) The name and address of the person alleged to have committed the violation and, when known, the owner or person in charge of the premises at which the violation occurs;

(b) The date and place of violation;

(c) A short description of the violation followed by reference to the section of this chapter violated;

(d) The name of person issuing the citation;

(e) The date and place at which the person receiving the citation shall appear and a notice that if the person does not respond, a warrant may be issued for the person's arrest; and

(f) Other information as the Court may specify.

(4) The person charged with the violation shall appear at the place and on the date specified in the citation and either:

(a) Pay the fine assigned to the violation; or

(b) Schedule a court date for a hearing on the citation.

(5) If the person charged with the violation fails to appear as required by the citation, the citation shall be referred to the County Attorney's Office. (Ord. 28F, passed 10-31-00)

#### § 51.46 SUSPENSION OF LICENSE.

(A) Any license required under this chapter may be suspended by the Department or the County Board for violation of any provision of this chapter. Upon written notice to the licensee the license may be suspended ~~by the County Board~~ for a period not longer than 60 days ~~or until the violation is corrected.~~

(B) (1) The suspension shall not occur earlier than ten county working days after written notice of suspension has been served on the licensee ~~or, if a hearing is requested, until written notice of the County Board action has been served on the licensee.~~ Notice to the licensee shall be served personally or by registered or certified mail at the address designated in the license application.

(2) The written notice of suspension shall contain the effective date of the suspension, the nature of the violation or violations constituting the basis for the suspension, the facts which support the conclusion that a violation or violations has occurred, and a statement that if a licensee desires a hearing to appeal, he or she must within ten county working days, exclusive of the day of service, file a request for a hearing with the department.

If the licensee fails to request a hearing, he shall forfeit any opportunity to a hearing. If a hearing is requested, the suspension shall be stayed pending outcome of the hearing.

(3) ~~The hearing request shall be in writing stating the grounds for appeal and served personally or by registered or certified mail on the Department by midnight of the tenth county working day following service. Following receipt of a request for a hearing, the Department shall set a time and place for the hearing.~~

(C) ~~If the suspension is upheld and the licensee has not demonstrated within the 60-day period that the provisions of this chapter have been complied with, the County Board may serve notice of continued suspension for up to 60 days or initiate revocation procedures. (Ord. 28F, passed 10-31-00)~~

#### § 51.47 SUMMARY SUSPENSION.

(A) (1) If the Department finds that the public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered by the Department upon notification of the County Attorney's Office and the County Board, ~~subject to County Board ratification at its next meeting.~~ Written notice of the summary suspension shall be served personally or by registered or certified mail to the licensee at the address designated in the license application.

(2) ~~In addition, the Department may post copies of the notice of summary suspension of the license on the licensed facility or property being used for the licensed activity. The posting shall constitute the notice required under this section.~~

(B) The written notice in such cases shall state the effective date of the suspension, the nature of the violation or violations requiring emergency action, the facts which support the conclusion that a violation or violations has occurred and a statement that if the licensee desires a hearing that he must, within ten county working days, exclusive of the day of service, file a request for a hearing with the department. If the licensee fails to request a hearing, he shall forfeit any opportunity to a hearing. Any such suspension shall be reviewed by the department upon a written request of the licensee. ~~The hearing request shall be in writing stating the grounds for appeal and served~~

~~personally or by registered or certified mail on the Department by midnight of the tenth county working day following service. Following receipt of a request for an appeal, the Department shall set a time and a place for the hearing.~~

(C) ~~The summary suspension shall not be stayed pending an appeal or informal review by the Department head, but shall be subject to dismissal on a favorable reinspection by the Department. If a hearing is requested, the summary suspension shall not be stayed pending the outcome of the hearing.~~

(Ord. 28F, passed 10-31-00)

#### § 51.48 SUSPENSION REINSPECTIONS.

Upon written notification from the licensee that all the violations for which a suspension or summary suspension was revoked have been corrected, the Department shall reinspect the facility or activity within a reasonable length of time, but in no case more than three county working days after receipt of the notice from the licensee. If the Department finds upon the reinspection that the violations constituting the grounds for the suspension have been corrected, the Department shall immediately dismiss the suspension, by written notice to the licensee and the County Board. ~~subject to County Board ratification at its next meeting, by written notice to the licensee, served personally or by registered or certified mail at the address designated in the license application.~~

(Ord. 28F, passed 10-31-00)

#### § 51.49 REVOCATION OF LICENSE.

(A) Any license issued granted pursuant to this chapter by the Department or County Board may be revoked by the issuer County Board for violation of any provision of this chapter.

(B) Revocation shall not occur earlier than ten county working days from the time that written notice of the revocation is served on the licensee ~~or, if a hearing is requested, until written notice of the County Board action has been served on the licensee.~~ Notice to the licensee shall be served personally or by registered or certified mail at the address designated in the license application. The written notice of revocation shall contain the effective date of the revocation, the nature of the violation or violations constituting the basis for the revocation, the facts which support the conclusion that a violation or violations has occurred and a statement that if the licensee desires to ~~appeal,~~ a hearing, he or she must within ten county working days, exclusive of the day of service, file a request for a hearing with the department. ~~The hearing request shall be in writing stating the grounds for appeal and served personally or by registered or certified mail on the Department by midnight of the tenth county working day following service. Following receipt of a request for a hearing, the Department shall set a time and a place for the hearing.~~ If the licensee fails to request a hearing, he shall forfeit any opportunity for a hearing. If a hearing is requested, the revocation shall be stayed pending the outcome of the hearing. (Ord. 28F, passed 10-31-00)

#### § 51.50 HEARINGS.

(A) ~~If any applicant or licensee properly requests a hearing on a denial, suspension or revocation of a license, or denial of a variance, the hearing shall be held before the County Board, or a hearing examiner as provided below, and shall be open to the public.~~

~~(B) — Unless an extension of time is requested by the appellant in writing, directed to the chair of the County Board, and is granted, the hearing will be held no later than 45 calendar days after the date of service of request for a hearing, exclusive of the date of the service. In any event, the hearing shall be held no later than 90 calendar days after the date of service of request for a hearing, exclusive of the date of the service.~~

~~(C) — The County Board shall mail the notice of the hearing to the appellant and to the Department at least 15 working days prior to the hearing. The notice shall include:~~

~~(1) — A statement of time, place, and nature of the hearing;~~

~~(2) — A statement of the legal authority and jurisdiction under which the hearing is to be held; and~~

~~(3) — A reference to the particular section of this chapter and rules involved.~~

~~(D) — The County Board may by resolution appoint an individual, to be known as the hearing examiner, to conduct the hearing and to make findings of fact, conclusions and recommendations to the County Board. The hearing examiner shall submit the findings of fact, conclusions and recommendations to the County Board in a written report, and the County Board may adopt, modify or reject the report.~~

~~(E) — The applicant or licensee may be represented by counsel. The~~

~~— Department, the licensee or applicant and additional parties, as determined by the County Board or hearing examiner, in that order, shall present evidence. All testimony shall be sworn under oath. All parties shall have full opportunity to respond to and present evidence, cross-examine witnesses and present argument. The County Board or hearing examiner may also examine witnesses.~~

~~(F) — The Department shall have the burden of proving its position by preponderance of the evidence, unless a different burden is provided by substantive law, and all findings of fact, conclusions and decisions by the County Board shall be based on evidence presented and matters officially noticed.~~

~~(G) — All evidence, which possesses probative value, including hearsay, may be admitted if it is the type of evidence on which prudent persons are accustomed to rely in the conduct of their serious affairs. Evidence, which is incompetent, irrelevant, immaterial or unduly repetitious, may be excluded. The hearing shall be confined to matters raised in the Department's written notice of suspension, summary of suspension or termination or in the appellant's written request for a hearing.~~

~~(H) — At the written request of any party, or upon motion of the County Board or hearing examiner, a pre-hearing conference shall be held.~~

~~The hearing examiner shall conduct the pre-hearing conference, if the Board has chosen to use one, or by a designated representative of the County Board. The pre-hearing conference shall be held no later than five county working days before the hearing. The purpose of the pre-hearing conference is to:~~

~~(1) — Clarify the issues to be determined at the hearing;~~

~~(2) — Provide an opportunity for discovery of all relevant documentary, photographic or other demonstrative evidence in the possession of each party; and (The hearing examiner or Board's representative may require each party to supply a reasonable number of copies of relevant evidence capable of reproduction.)~~

~~(3) — Provide an opportunity for discovery of the full name and address of all witnesses who will be called at the hearing and a brief description of the facts and opinions which each is expected to testify. If the names and addresses are not known, the party shall describe them thoroughly by job duties and involvement with the facts in issue.~~

~~(1) — If a pre-hearing conference is held, evidence not divulged as provided above shall be excluded at the hearing, unless the party advancing the evidence took all reasonable steps to divulge it to the adverse party prior to the hearing and:~~

~~(1) — The evidence was not known to the party at the time of the pre-hearing conference; or~~

~~(2) — The evidence is in rebuttal to matters raised for the first time at or subsequent to the pre-hearing conference.~~

~~(J) — If the applicant or licensee fails to appear at the hearing, he or she shall forfeit any right to a public hearing before the County Board or hearing examiner. (Ord. 28F, passed 10-31-00)~~

Whenever a hearing is requested in regard to an application, renewal, suspension or revocation of a license, the procedure shall be governed by the following:

- A. Hearing Officer. The hearing shall be before an impartial hearing officer who shall conduct the hearing on behalf of the County Board. The Department shall prescribe the duties of the hearing officer or contract with the Office of Administrative Hearings. The Department shall ascertain the availability and timeliness of scheduling the hearing through the Office of Administrative Hearings. If it is determined that a prompt hearing is not readily available through the Office of Administrative Hearings, the Department may appoint an individual learned in the law to act as the hearing officer.
- B. Prehearing and Hearing Notice. The Department shall schedule and provide notice of the date, time and place of the prehearing conference and hearing. The prehearing conference shall be held at least three (3) weeks prior to the hearing. The hearing shall be held no later than forty-five (45) calendar days after receipt of the request for hearing or by mutual agreement of the parties, subject to scheduling by the Office of Administrative Hearings.
- C. Procedure. The prehearing conference and hearing shall be conducted in the following manner:
  1. The prehearing conference shall define the issues, schedule the exchange of witness lists and documentary evidence, seek agreement on the authenticity of documents and relevant testimonial evidence, determine whether intended evidence is cumulative and repetitive, and consider all other matters that will assist in a fair and expeditious hearing.
  2. Each party shall exchange all relevant information and documentary evidence at least one (1) week prior to the hearing date. Such information shall include all evidence intended for introduction at the hearing and includes but is not limited to the following: exhibits; statements; reports; witness lists including a description of the facts and opinions to which each is expected to testify; photographs; slides; demonstrative evidence. Evidence not exchanged in accordance with this provision will not be considered in the hearing unless good cause is shown to the hearing officer.
  3. The hearing shall be public and shall be tape recorded or upon agreement of the parties may be recorded by a court reporter.

4. All witnesses shall testify under oath or affirmation.
5. Hearings shall be informal and the rules of evidence as applied in the courts shall not apply. Irrelevant, immaterial and repetitious evidence shall be excluded.
6. The Department shall have the burden of proof through clear and convincing evidence.
7. The Department, licensee or applicant, and additional parties as determined by the hearing officer, shall present evidence in that order. Each party shall have the opportunity to cross-examine the witnesses of the other party. The hearing officer may examine witnesses.
8. Failure of an applicant or licensee to appear at the hearing shall result in a waiver of the right to a hearing.
9. The hearing officer shall issue a report containing written findings of fact and conclusions based upon the evidence presented at the hearing and shall submit the same to the County Board.
10. Each party may submit written arguments to the County Board.
11. The County Board shall consider the report of the hearing officer at the next possible board meeting and may adopt or modify the report and take action, reject the report of the hearing officer, or remand for further hearing. The parties shall be notified of the action of the County Board within thirty (30) calendar days following its determination.
12. Issuing, denying, suspending, modifying, imposing conditions upon or revoking a license shall be subject to review by the Agency. The Agency shall after written notification have fifteen (15) days to review, affirm, suspend, modify or reverse the action of the County Board. After this period the action of the County Board shall be final subject to appeal to the District Court.
13. Appeal of a decision by the County Board shall be made to the District Court within thirty (30) calendar days following the review by the Agency. The scope of review of the District Court shall be governed by Minn. Statute §14.69. Filing an appeal does not stay enforcement of the County Board decision.

§ 51.99 PENALTY.

(A) Any person who willfully or negligently fails to comply with the provisions of this chapter is guilty of a misdemeanor. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

(B) In the event of a violation or a threat of violation of this chapter, the county may institute appropriate civil actions or proceedings, including requesting injunctive relief to prevent, restrain, correct or abate violations or threatened violations.

(C) If a person fails to comply with the provisions of this chapter, the county may recover costs incurred for corrective action in a civil action in any court of competent jurisdiction, ~~or at the discretion of the County Board, the costs may be certified~~ and such costs may be certified by court order to the County Auditor as a special tax against the real property.

(D) The penalty for late initial license application, late license renewal application or late license fee payment shall be established by ordinance by the County Board. ~~as follows:~~

(1) ~~One to fourteen calendar days late: \$25 penalty.~~

(2) ~~Fifteen to 30 calendar days late: \$50 penalty.~~



~~(3) — Thirty one calendar days or more late: \$100 penalty.~~

(E) The Department may embargo and forbid the movement, removal, transport, disposal, treatment, sale or use of any material which is or is suspected of being a hazardous waste or material contaminated with hazardous waste and which is being mismanaged, or which the Department has reason to suspect is being or will be managed in violation of this chapter. The Department shall place a tag to indicate the embargo on the suspect material. No person shall remove the tag or remove, transport, dispose, treat or use embargoed material, except as authorized by the Department. The action by the Department shall not be considered to impute ownership or management responsibility upon the county. (Ord. 28F, passed 10-31-00)

Adopted by the Carver County Board on August 14, 2007. This ordinance shall be in full force and effect upon adoption and publication pursuant to Minnesota law.

Dated this 14th day of August, 2007.

---

Gayle Degler, Board Chair

ATTEST:

---

David Hemze, County Administrator



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Child Support Awareness Month

Originating Division: Community Social Services

Meeting Date: August 14, 2007

Amount of Time Requested: 5'

Attachments for packet:  Yes  No

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

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** Counties are responsible for providing child support services to custodial and non-custodial parents. Child support staff consistently perform their duties on behalf of children and families, often times under very challenging conditions, without receiving much recognition. The Governor of Minnesota has declared in the attached proclamation the month of August 2007 as Child Support Awareness Month to recognize those who help ensure that children are receiving the support they deserve.

Carver County child support staff collected \$8,036,817 in child support in Fiscal Year 2006, with an average collection per case with a court order of \$4421, the highest of all Minnesota counties. Staff provided services to over 3,000 parents during this time.

### ACTION REQUESTED:

#### FUNDING

County Dollars = \$

Other Sources & Amounts = \$

= \$

**TOTAL** = \$

Related Financial Comments:

#### FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Reviewed by Division Director

Date: 8/1/2007



## STATE of MINNESOTA

WHEREAS: County and state child support staff provide services for more than 408,600 custodial and non-custodial parents in Minnesota; and

WHEREAS: These child support professionals help families work toward becoming and remaining self-sufficient by establishing paternity, establishing and modifying child support orders, and collecting and disbursing child support on behalf of children; and

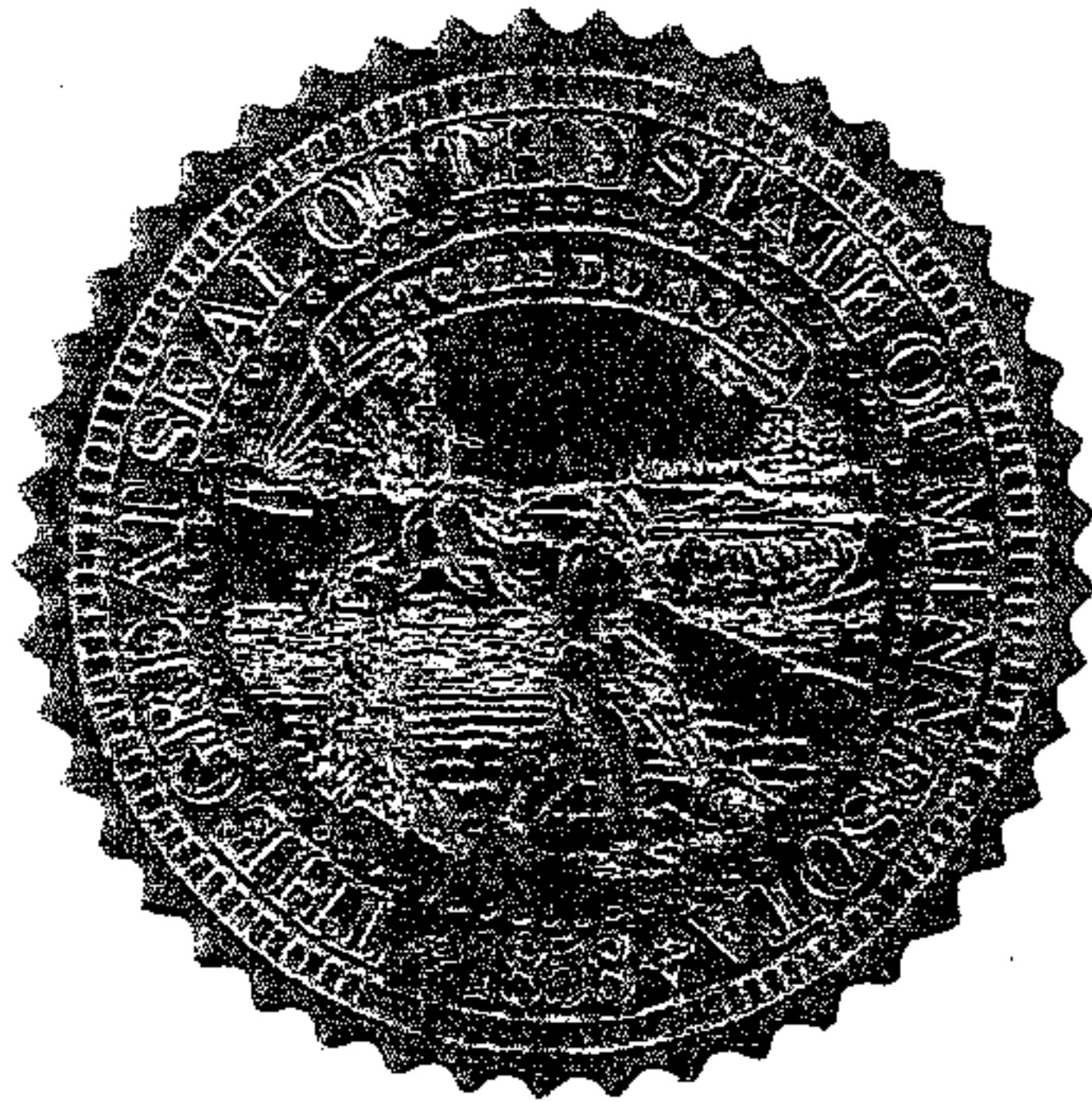
WHEREAS: County and state child support staff collected \$603 million in child support in Fiscal Year 2006, with an average collection per case with a court order of \$2,900; and

WHEREAS: Child support services have a direct impact in helping meet children's basic needs and helping families work towards financial stability.

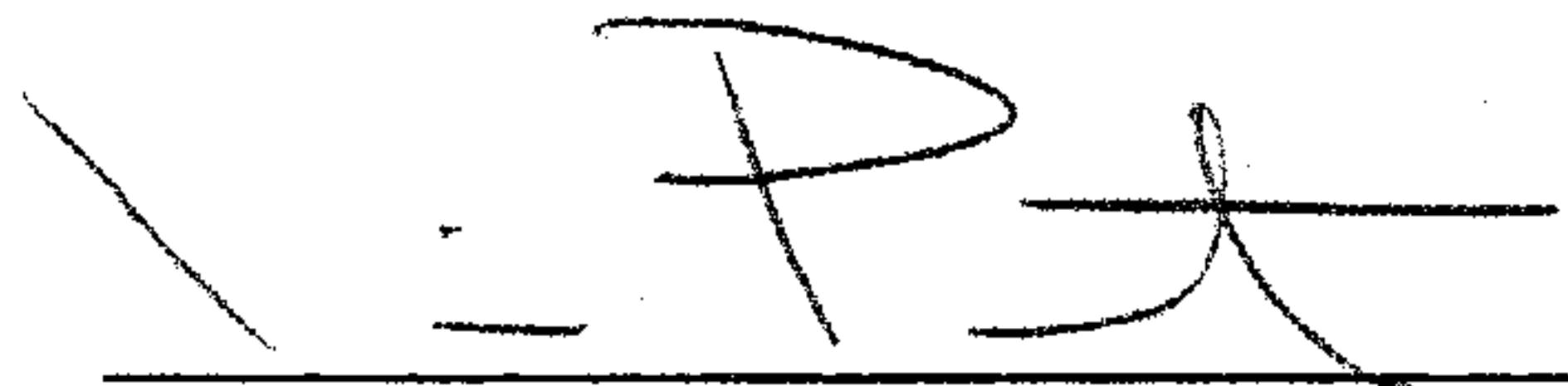
NOW, THEREFORE, I, TIM PAWLENTY, Governor of Minnesota, do hereby proclaim the month of August 2007, as:


## CHILD SUPPORT AWARENESS MONTH

in the State of Minnesota and encourage all Minnesotans, community organizations, faith communities, and others to support families and to recognize those who help ensure that children are receiving the support they deserve.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Minnesota to be affixed at the State Capitol this 27th day of July in the year of our Lord two thousand and seven, and of the State the one hundred forty-ninth.

  
\_\_\_\_\_  
GOVERNOR



SECRETARY OF STATE



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Approval of Construction Manager and Architectural contracts for County facilities

Originating Division: Administrative Services

Meeting Date: August 14, 2007

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:

Background: Four items are being requested from the Board by staff:

Carver County's Service Delivery Master Plan has outlined the need for significant renovation and additional space to be constructed in order to serve the needs of County residents. The renovation effort and new space requirements at the Government & Justice Center is close to being finalized by the Steering Committee which was formed to provide oversight and ultimately recommendations to the Board on space issues. Wold Architecture & Engineering has provided the space planning drawings in support of the Committee's work.

A parallel track has been pursued with the two license centers including the proposed renovation and addition in Chaska and the new facility in Chanhassen. Bentz/Thompson/Rietow Architects (BTR) has been working with Taxpayer Services and Administrative Services to further the design work on these buildings.

In order to better assess and refine the schedule and budget associated with the design effort performed to date, staff is requesting approval to select Kraus-Anderson (KA) as the Construction Manager and to initially award KA a contract to provide pre-construction planning for \$15,900 pending final contract review by the County Attorney and Risk Management. KA responded to a Request for Qualifications, was short-listed and interviewed by a selection panel before being recommended to the Board as the County's Construction Manager. (Attachment A has information on KA outlining their experience and qualifications)

Similarly, staff is requesting contract approval for pre-design work from Wold Architecture and BTR (see Attachments B & C) to support KA's efforts in developing a more detailed schedule, budget, value estimating and early front-end specification writing.

Staff will request from the Board in the next several weeks more detailed and longer-term agreements from the CM and architects to develop specific design and construction documents.

**ACTION REQUESTED:** Staff is requesting four motions: 1) Approve the selection of Kraus-Anderson Construction as the construction manager for the above mentioned projects; 2) Approve a contract with KA for not-to-exceed of \$15,900 to provide preconstruction estimating and construction scheduling; 3) Approve a contract amendment with Wold Architecture of not-to-exceed of \$7,500 for pre-design effort and; 4) Approve a contract amendment with Bentz/Thompson/Rietow Architects for pre-design effort totaling a not-to-exceed of \$4,200.

### FUNDING

County Dollars = \$27,600

Other Sources & Amounts =  
= \$

**TOTAL** = \$27,600

### FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

*Related Financial Comments:* Funding for Kraus-Anderson of \$15,900 and Wold Architects of \$7,500 to be drawn from Justice Center remodeling account and Bentz/Thompson/Rietow Architects of \$4,200 from 2006 budgeted funds for the Chanhassen License Center project.

Reviewed by Division Director

Date: 08/06/07



**KRAUS-ANDERSON<sup>®</sup>**  
**CONSTRUCTION COMPANY**

**ATTACHMENT A**

Breaking new ground since 1897

8625 Rendova Street NE, P.O. Box 158

Circle Pines, MN 55014

O 763.786.7711

F 763.786.2650

www.krausanderson.com

August 8, 2007

Steve Taylor  
 Carver County Facility Management  
 600 East 4<sup>th</sup> Street  
 Chaska, MN 55318

Re: Preconstruction Proposal for Carver Count 2015 Service Delivery Master Plan

Dear Mr. Taylor

Kraus-Anderson Construction Company is please to present this preconstruction proposal for the above mentioned project. Compensation for preconstruction services is developed based on the scope of service as listed below,

- Pre-Construction phase project management
- Estimating
- Construction scheduling
- Value engineering
- Bid packaging and front-end specification writing
- 

Following is a breakdown of hours and associated cost per project:

**Government Center Court Buildings**

- Project Management – 100 hours @ \$80/hr = \$8,000
- Superintend Review – 10 hours @ \$75/hr = \$750

**Chanhassen New Offices**

- Project Management – 40 hours @ \$80/hr = \$3,200
- Superintend Review – 5 hours @ \$75/hr = \$375

**Chaska License Center**

- Project Management – 40 hours @ \$80/hr = \$3,200
- Superintend Review – 5 hours @ \$75/hr = \$375

**TOTAL for Preconstruction Services = 15,900**

It is assumed the above Preconstruction Services will be from August, 2007 through November, 2007.

We appreciate the opportunity to work with Carver County on your upcoming construction project. We are confident that we will bring tremendous value to your team and help you build a facility that will long serve Carver County needs. Please feel free to call with any further questions at 612-747-6258.

Very truly yours,

KRAUS-ANDERSON<sup>®</sup> CONSTRUCTION COMPANY

H. John Huenink  
 Vice President

**EXHIBIT A**  
**CARVER COUNTY GOV'T CENTER, CHANHASSEN NEW OFFICE CHASKA LICENSE CENTER**

PRECONSTRUCTION	GOV'T CTR LOWER LEVEL & REMODEL				CHANHASSEN NEW OFFICE				CHASKA LICENSE CENTER				Totals
	Start Date:		1-Aug-07		Start Date:		1-Aug-07		Start Date:		1-Aug-07		
	Finish Date:		1-Dec-07		Finish Date:		15-Oct-07		Finish Date:		30-Nov-07		
	4.0	17	87	695	2.5	11	53	427	4.0	17	86	689	
	Mo.	Wks	Days	Hours	Mo.	Wks	Days	Hours	Mo.	Wks	Days	Hours	
Description	Quantity	Unit	Unit Cost	Total	Quantity	Unit	Unit Cost	Total	Quantity	Unit	Unit Cost	Total	
Superintendent	10	HRS	\$75.00	\$ 750	5	HRS	\$75.00	\$ 375	5	HRS	\$75.00	\$ 375	\$ 1,500
Project Manager	100	HRS	\$80.00	\$ 8,000	40	HRS	\$80.00	\$ 3,200	40	HRS	\$80.00	\$ 3,200	\$ 14,400
		HRS		\$ -		HRS		\$ -		HRS		\$ -	
<b>Subtotal PRECONST. STAFF</b>	110			\$ 8,750	45		\$155.00	\$ 3,575	45		\$155.00	\$ 3,575	\$ 15,900

# Carver County

Prepared For:

Carver County Facility Management  
Ms. Kathleen Hennessy  
600 East 4th Street  
Chaska, Minnesota 55318

July 11, 2007





**KRAUS-ANDERSON®**  
**CONSTRUCTION COMPANY**

Breaking new ground since 1897

8625 Rendova Street NE  
P.O. Box 158  
Circle Pines, MN 55014  
O 763.786.7711  
F 763.786.2650

[www.krausanderson.com](http://www.krausanderson.com)

July 11, 2007

Ms. Kathleen Hennessy  
Carver County Facility Management  
600 East 4th Street  
Chaska, Minnesota 55318

Re: Construction Management Services RFQ  
Carver County

Dear Ms. Hennessy:

Kraus-Anderson® Construction Company is pleased to have the opportunity to submit our qualifications response for construction management services for your renovation and new facility projects. We believe our team offers strong expertise in construction management of public sector facilities.

As the construction manager for Carver County, Kraus-Anderson would begin immediately to assist in the planning phase by providing comprehensive project cost estimating services, facilities planning, scheduling, and programming analysis of all building components for the projects. We will work with the County and your personnel to develop these successful projects.

We will then implement the bidding process so that all components of the work are competitively priced. We understand the many critical factors that drive this project and in which Kraus-Anderson is able to bring a high level of planning expertise, along with our proven ability to execute a successful construction project in a team format with our clients.

During the construction phase, Kraus-Anderson will provide full-time project supervision to coordinate the daily activities of the job site and to maintain the schedules and quality control as the projects progress. Through weekly project meetings and timely progress reports, all of the work and costs are tracked so there are no surprises from inception to completion.

Kraus-Anderson has proven repeatedly our impeccable reputation for providing dependable and reliable construction management services for numerous public sector clients for whom we have completed many projects of similar size and scope. We are currently serving as the construction manager for Washington County's future campus expansion and facility improvement projects at the Government Center in Stillwater, MN and at Ramsey County on their renovation and remodel to their Records and Revenue Building. Kraus-Anderson also has extensive experience with Wold Architects and Engineers, working on over 20 projects together.





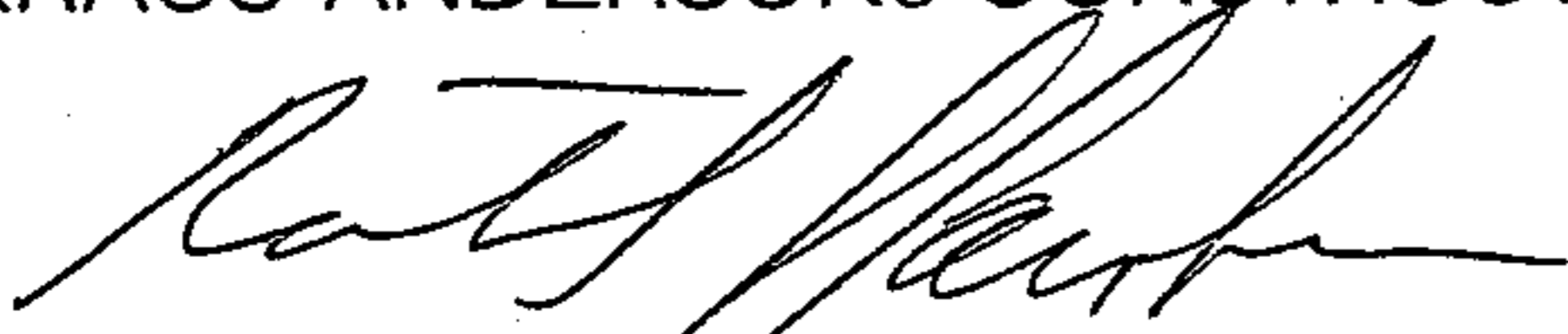
We feel our success is built on the philosophy of understanding our clients' needs and consistently meeting their expectations. Our clients' satisfaction has been accomplished by providing them with an experienced team who provides extraordinary personal service and attention; a trademark of Kraus-Anderson.

Kraus-Anderson can also provide support in MEP coordination along with assisting or writing your facility management program. Our facility management staff has the knowledge and experience to assist you in long range planning, maintenance needs and implementing Building Information Modeling "**BIM**" to help Carver County manage their buildings long into the future.

We appreciate the opportunity to present our qualifications to provide construction management services to meet Carver County's expectations for your challenging and exciting projects. Our entire project team looks forward to the opportunity to meet with you to illustrate why Kraus-Anderson Construction Company is best suited to meet your construction management needs. We are confident that we can bring a tremendous amount of value to your team structure and help you achieve your goals for Carver County's projects. If you have any questions regarding the enclosed RFQ, please feel free to call me at (763) 786-7711.

Very truly yours,

KRAUS-ANDERSON® CONSTRUCTION COMPANY



Richard J. Jacobson  
Senior Vice President

RJJ:np

# Statement of Qualification Requirements

## Construction Management Experience

In the last five years, we have been involved in new construction and remodeling of over 92 public sector facility projects totaling more than \$470 million in construction value. These projects have included justice centers, public works facilities, fire stations, libraries, city halls, police stations and other public sector facilities. Kraus-Anderson has an impeccable reputation for meeting estimated budgets and schedules.

### Washington County Campus 2025 Improvements

Stillwater, MN (Pre-Construction)

Architect: Wold Architects and Engineers

Phase 2: 66,000 s.f./three-story addition to the Law Enforcement Center

Phase 3: 132,000 s.f./five-story court addition

Phase 4: 70,000 s.f. renovation of the existing courts building

Phase 5: 125,000 s.f./five-story remodel of the Government Center



### Ramsey County Suburban Courts Facility

Maplewood, MN

Architect: DSGW Architects

This 15,200 s.f. single-story court facility project was completed in Maplewood, MN ahead of schedule and under budget for Ramsey County. The design/build project contains two courtrooms, support offices, detention area, judge's chambers and conference rooms.



### Washington County South Service Center

Cottage Grove, MN

Architect: Ankeny Kell Architects

40,000 s.f. new County Service Center which includes: WIC clinic and other public health services, programs to help children, adults and families be safe, independent and able to meet their basic needs, community corrections offices and a one stop service counter for passport applications and photos; notary services, county park sticker, maps and plat books; and scheduling services for community meeting rooms.



### Washington County North Service Center

Forest Lake, MN

Architect: Ankeny Kell Architects

25,000 s.f. new County Service Center and 25,000 s.f. new library. Included in service center: WIC clinic and other public health services, programs to help children, adults and families be safe, independent and able to meet their basic needs, and a one stop service counter for passport applications and photos; notary services, county park sticker, maps and plat books; and scheduling services for community meeting rooms. Also included is a 250 car parking for park and ride.



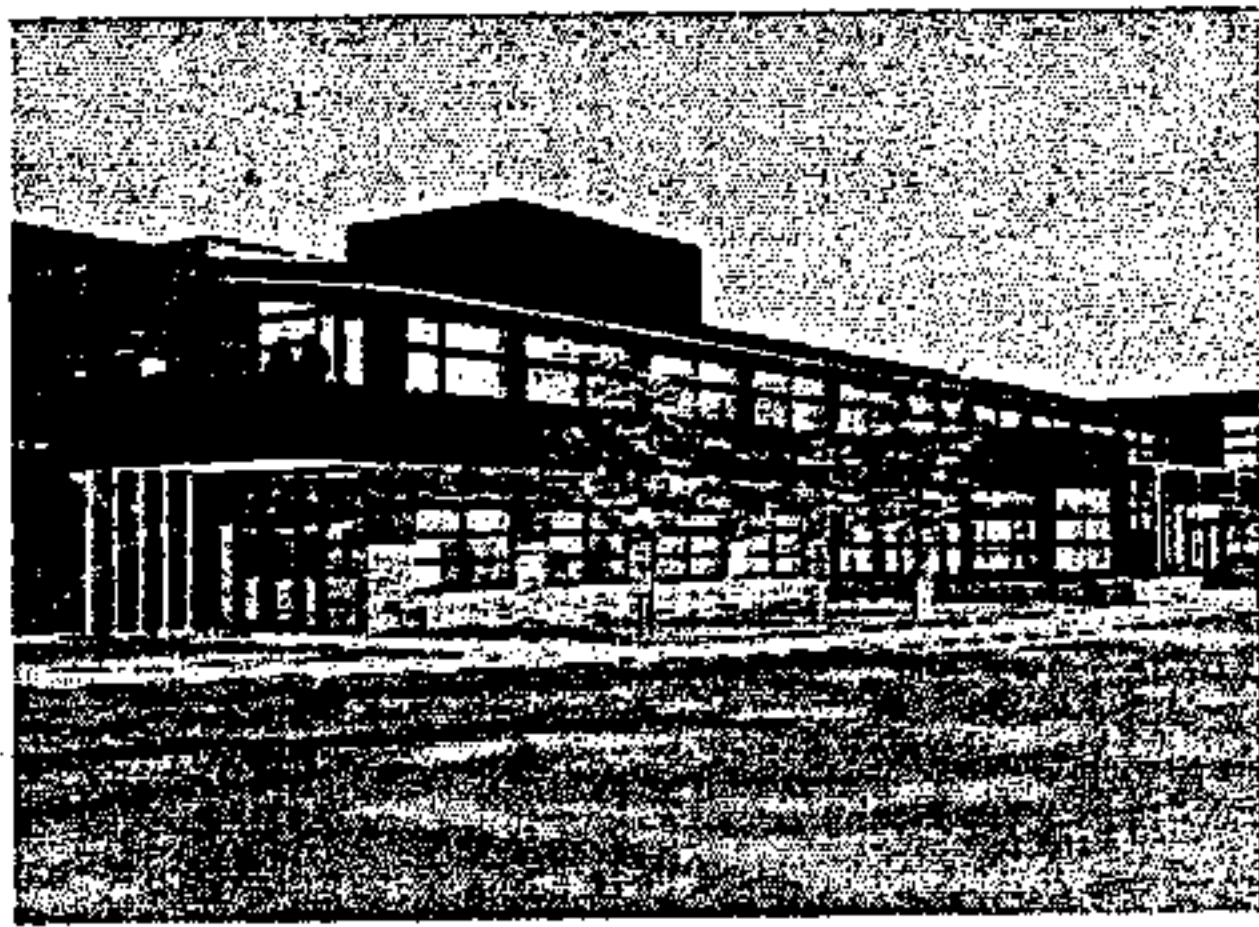
### Elk River City Hall and Public Safety Building

Elk River, MN

Architect: Tushie Montgomery Architects

The City of Elk River hired Kraus-Anderson to be their contractor for their expansive city building program; 28,000 s.f. City Hall addition and remodel project. Along with the City Hall project, the Public Safety Building project was a 26,000 s.f. police and fire station addition and a 7,000 s.f. public utilities office addition.

# Statement of Qualification Requirements

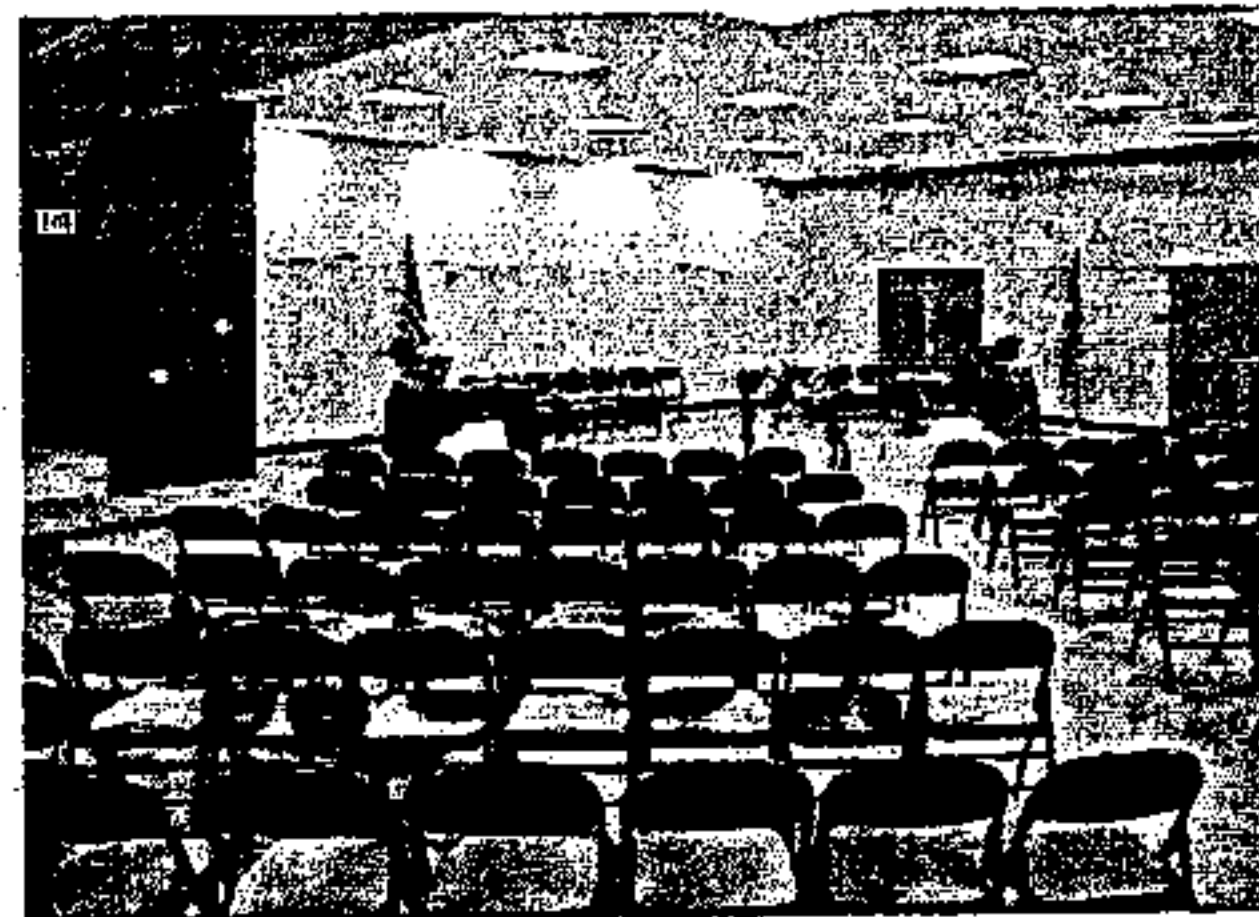


## Woodbury City Hall and Thames Fire Station

Woodbury, MN

Architect: KKE Architects

Kraus-Anderson Construction Company is currently working with the City of Woodbury on the demolition of their existing fire station and building a 8,200 s.f. new Thames Fire Station. The replacement fire station will feature a large four-unit apparatus bay, dispatch area, office area, police office, firefighter utility areas and a large multi-purpose training room that could also be used for community programs. Also included in the project is a 13,850 s.f. addition to their existing City Hall and remodeling of the existing facility. The addition will provide expanded office space, conference rooms, and a new two-story public link opening the offices to the expanded trail system and wetlands to the south.



## Roseau City Center

Roseau, MN

Architect: DSGW Architects

51,868 s.f., two-story new City Center contains police department, museum, city offices, local college, community center and library. The project was constructed with-in a 12-month schedule.

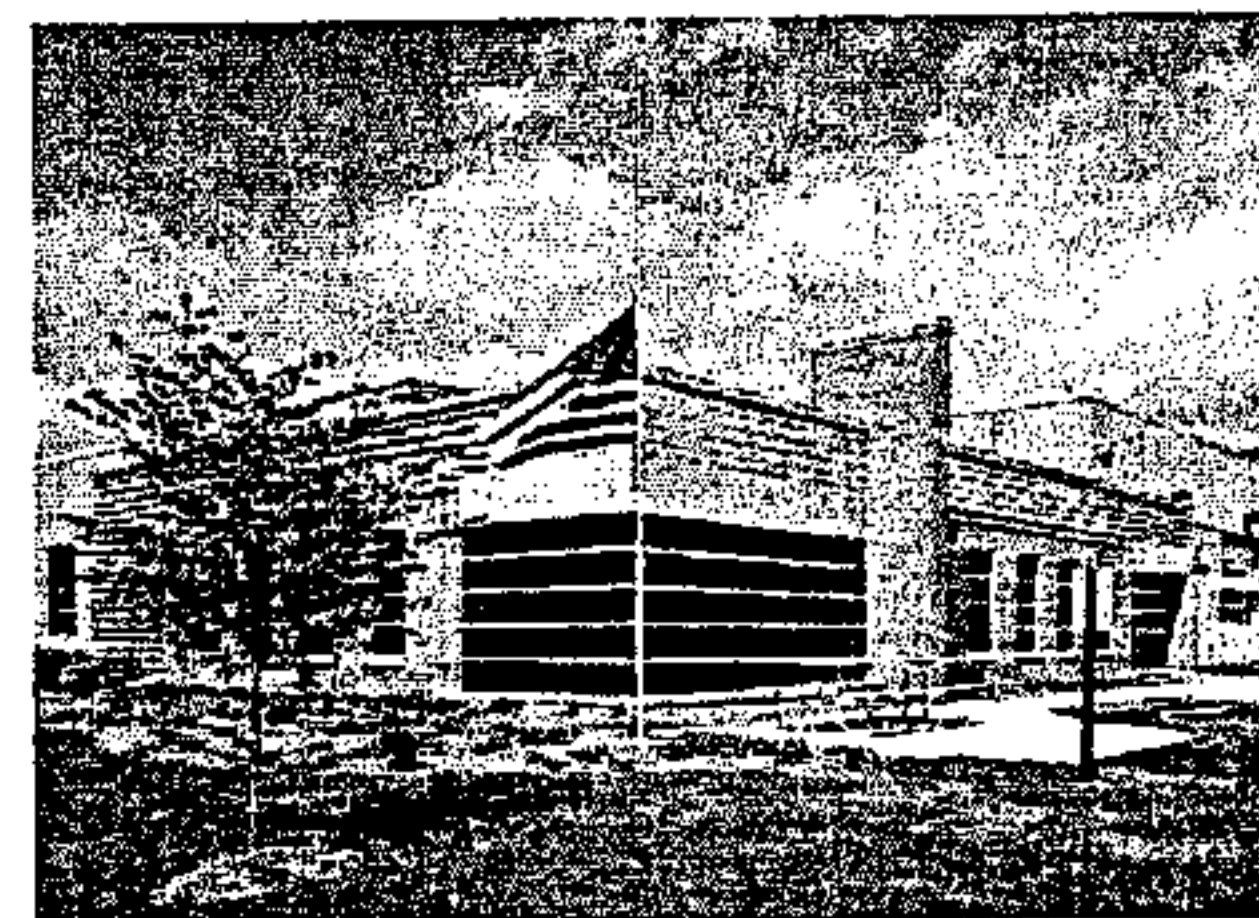


## City of Hopkins

Hopkins, MN

Architect: Collaborative Design Group and Oertel Architects

Kraus-Anderson was construction manager for several projects throughout the City of Hopkins. These projects included; 26,225 s.f. new fire station, 44,000 s.f. public works facility storage addition and 18,000 s.f. police station remodel.



## City of St. Anthony

St. Anthony, MN

Architect: Oertel Architects

Kraus-Anderson built two new facilities for the City of St. Anthony; 28,000 s.f. public works facility and 10,400 s.f. fire station.



## City of North St. Paul

North St. Paul, MN

Architect: TKDA Architects

45,535 s.f. new City Hall, police and fire station facility.

Other projects currently under construction:

**Ramsey County Records & Revenue, St. Paul, MN**

56,000 s.f. renovation and remodel.

**Waconia Public Works, Waconia, MN**

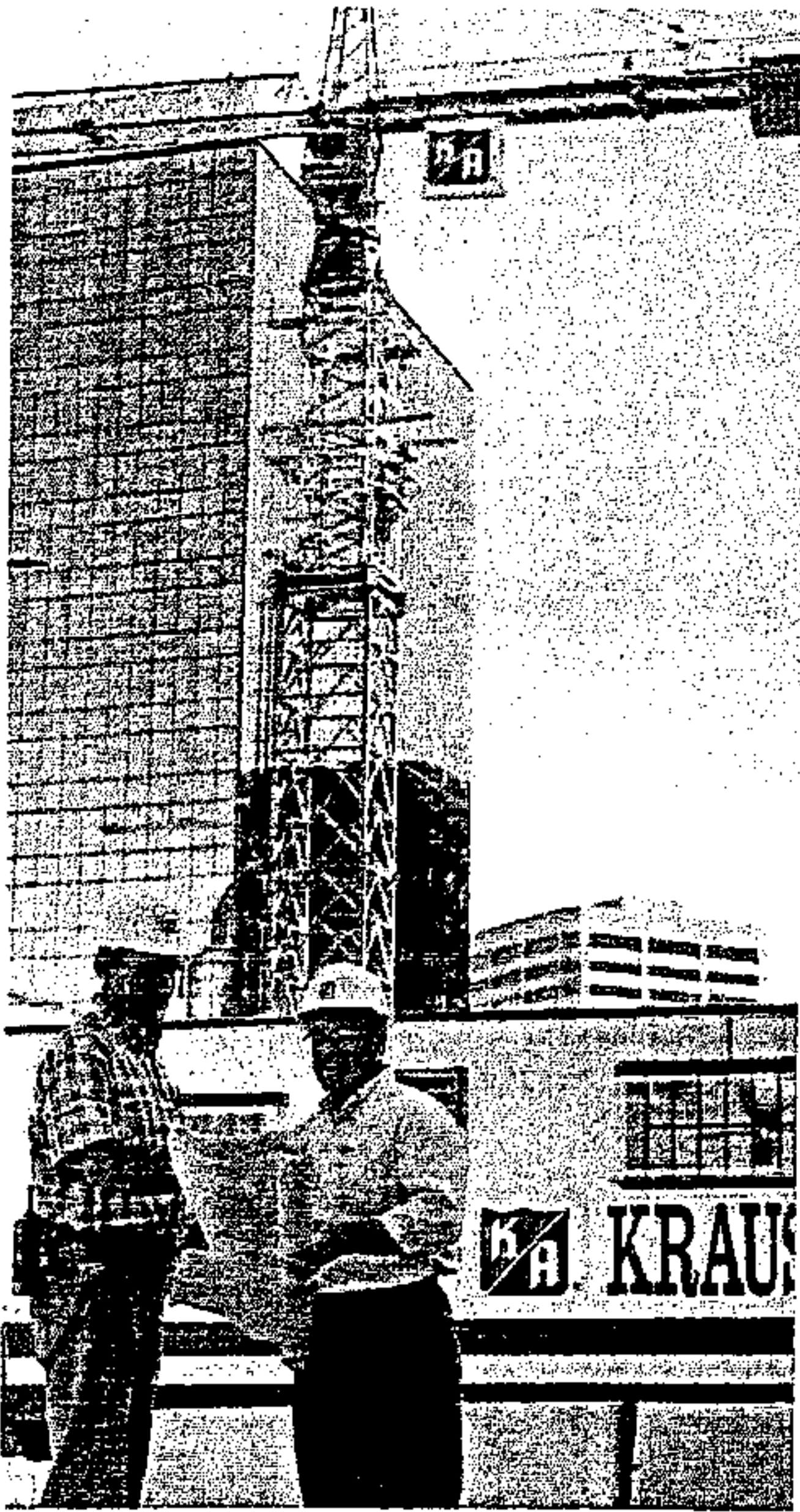
60,000 s.f. new public works facility.

**Cottage Grove Ice Arena, Cottage Grove, MN**

32,500 s.f. ice arena expansion.

# Statement of Qualification Requirements

## Project Team



### Team Members' Responsibilities

One of the greatest benefits we bring to the Carver County projects is our talented, proven project management team. Our team is comprised of individuals with expertise in the delivery of public sector/municipal projects.

#### *Principal-In-Charge*

**Rich Jacobson** will have overall corporate responsibility for the delivery of all pre-construction and construction services. He will ensure that Kraus-Anderson's resources are available to meet Carver County's goals. Rich will

directly interface with all team members during both the pre-construction and construction phases of the projects. He will set the framework for our organization's efforts and will support our entire project team.

#### *Project Director*

**John Huenink** will assume overall supervisory responsibility for implementation of the entire project. He will work with Project Manager, Dave Chase throughout the entire process to ensure that proper execution takes place. John has current relevant construction management experience relating to pre-construction and construction services.

#### *Senior Cost Estimator*

As Senior Cost Estimator, **Gary Benson** will oversee the estimating efforts by making sure that these are the most successful projects for Carver County. He will lead Kraus-Anderson's efforts in schematic design, design development, and construction document estimates. He will also assist in writing front end specifications and bid package coordination.

#### *Project Manager*

**Dave Chase** will oversee and manage the day-to-day requirements of the projects throughout the entire process. He will provide guidance and leadership to the team throughout the pre-construction and construction phases and will direct the project closeout procedures. Dave will be the single source of authority for Kraus-Anderson and will coordinate with Carver County on all significant decisions and policy issues, maintaining constant contact with both Carver County and Wold Architects and Engineers.

#### *Project Superintendent*

**Dick Lembke** is a 52-year veteran of the construction industry with extensive concentration of expertise in public sector facilities, including new construction as well as additions and renovations. Dick is thoroughly up-to-date on the the important elements and processes he will be responsible for implementing.

Dick will be on site full-time during construction and will be responsible for the day-to-day coordination and supervision of all job site activities. He will conduct progress meetings and issue progress reports to the

management team. He is responsible for job quality and safety program compliance. He will attend all site coordination/construction meetings, and he will monitor all deliveries of materials.

#### *Facility and Maintenance Coordinator*

**Brian Boelter** will take the role of assisting the client with the daily tasks and planning activities of facilities management. Brian's position has direct oversight of implementing and servicing programs for preventive maintenance, corrective maintenance, life safety and asset inventory systems.

### Team Member Profile Sheets

On the following pages are the resumes of Kraus-Anderson's management team for the Carver County projects.

## Rich Jacobson

### Principal - In - Charge



#### Education:

BS, Construction  
Management  
University of Wisconsin-  
Stout, Menomonie, WI

Cell  
(612) 670-3267

#### Qualifications:

Rich Jacobson has extensive experience in overseeing projects requiring careful planning, coordination, and execution. His "hands on" experience in management of a wide-range of construction projects includes hospitality, healthcare, corporate office, retail, and public sector facilities.

His knowledge and insight, along with his superior organizational skills, gained from managing, directing, and now overseeing construction projects of all types and sizes, is a key element in the successful management planning that goes into all of Kraus-Anderson's construction projects.

Rich began his career in the construction industry in 1987 as a Project Manager. He quickly moved to the position of Sr. Project Manager. His solid performance as Sr. Project Manager and strong Owner's advocate resulted in Rich being named Vice President of the Circle Pines Office in 1997. In 2005, Rich was named the Sr. Vice President of the Circle Pines Office.

#### Professional Associations:

- President of Minnesota Construction Association
- Vice President of the Woodbury Public Safety Board
- University of Wisconsin-Stout Industry Advisory Board
- Rich is a member of CEPI, a nationally active organization of educational professionals

#### Representative Projects:

- **Ramsey County Suburban Courts Facility**, Maplewood, MN  
*15,200 s.f. one-story including two courtrooms and associated support space*
- **City of Waconia**, Waconia, MN
  - *Waconia Ice Arena*  
*47,000 s.f. new ice arena*
  - *Waconia Public Works*  
*60,000 s.f. new public works facility*
- **Ramsey County Department of Records and Revenue**, St. Paul, MN  
*56,000 s.f. interior renovation of existing building*
- **City Woodbury**, Woodbury, MN
  - *Woodbury City Hall*  
*13,850 s.f. expansion and remodel of existing city hall*
  - *Thames Fire Station*  
*8,200 s.f. new fire station*
- **Washington County**
  - *South Service Center, Cottage Grove, MN*  
*40,000 s.f. new county service center*
  - *North Service Center and Library, Forest Lake, MN*  
*50,000 s.f. new county service center & library*
- **City of Milaca**, Milaca, MN
  - *9,160 s.f. new city hall*
  - *9,000 s.f. new city library*
- **City of East Grand Forks**, East Grand Forks, MN
  - *Riverwalk Centre*  
*8,700 s.f. new storefront addition*
  - *Fire Station #1*  
*5,000 s.f. vehicle bay addition & remodel*
  - *Infill Office Building "A"*  
*9,000 s.f. new two-story office building*
- **Richfield Ice Arena**, Richfield, MN  
*29,000 s.f. addition*
- **Eden Prairie Fire Station**, Eden Prairie, MN  
*19,457 s.f. new fire station*
- **Maplewood Fire Station**, Maplewood, MN  
*13,400 s.f. new fire station*
- **Orono Ice Arena**, Orono, MN  
*37,000 s.f. new arena*

## John Huenink

### Project Director



#### Education:

BS, Business  
Administration  
University of Wisconsin-  
River Falls, River Falls, WI

Technical Degree in  
Architectural Drafting  
Minneapolis Drafting  
School, Minneapolis, MN

#### Qualifications:

John has completed numerous projects which have required a great deal of expertise in coordinating schedules and multiple contractors. John has always approached the management of his projects as a strong Owner's representative, especially toward cost and schedule.

Prior to joining Kraus-Anderson in 1995, John worked with a general contractor in Minneapolis as a Project Manager. John has demonstrated his ability to coordinate and manage projects of varying sizes and complexities in his years in the construction industry.

John also has over six years of experience in architectural design and drafting, which has given him a vast knowledge and understanding for the means and methods of construction.

#### Representative Projects:

- **City of East Grand Forks, East Grand Forks, MN**
  - *Riverwalk Centre*  
8,700 s.f. new storefront addition
  - *Fire Station #1*  
5,000 s.f. vehicle bay addition & remodel
  - *Infill Office Building "A"*  
9,000 s.f. new two-story office building
- **Polk County Office Building, Balsam Lake, WI**  
43,400 s.f. precast structure and walls with interior offices
- **Independent School District #181**
  - *Forestview Middle School, Baxter, MN*  
336,000 s.f. new middle school
  - *Mississippi Horizons Middle School, Brainerd, MN*  
Renovations to existing school
  - *Brainerd Sr. High School/Freshman Center, Brainerd, MN*  
Renovations to existing school
- **Lake Crystal-Wellcome Schools, Lake Crystal, MN**  
100,000 s.f. new 7-12 school
- **Byron High School, Byron, MN**  
142,450 s.f. new high school
- **Edina Public Schools, Edina, MN**
  - *Edina High School*  
88,000 s.f. addition & 42,000 s.f. remodel
  - *Valley View Middle School*  
25,074 s.f. addition & 8,260 s.f. remodel
  - *Normandale/Edina Community Center*  
5,000 s.f. administration addition & 60,000 s.f. remodel
  - *Edina South View Middle School*  
90,000 s.f. addition & 80,000 s.f. remodel
- **Rockford Area Schools**
  - *Rockford Elementary School, Greenfield, MN*  
153,000 s.f. new elementary school
  - *Rockford High School, Rockford, MN*  
15,800 s.f. high school entrance and classroom addition, 27,100 s.f. high school remodel
  - *Rockford Community Center, Rockford, MN*  
42,500 s.f. community center addition to the high school
- **South Washington School District**
  - *Woodbury High School, Woodbury, MN*  
Phase 2: HVAC renovations & additions

## Gary Benson

### Senior Cost Estimator



#### Education:

BA, Mathematics and  
Economics  
Augsburg College,  
Minneapolis, MN

MS, Graduate Studies -  
Industrial Engineering  
University of Minnesota,  
Minneapolis, MN

#### Qualifications:

Gary joined Kraus-Anderson in 1989 and has over 32 of years experience in construction cost estimating and project management. During this period, Gary has been a cost estimator and project manager for many significant projects in commercial and industrial construction with a special emphasis in construction management projects.

Prior to joining Kraus-Anderson, Gary developed and managed a design phase cost estimating and project cost control program for the architectural firm of HGA Architects where he spent seven years in this capacity. One of his strongest assets is his ability to provide accurate preliminary cost estimates, value engineering analysis and project scheduling.

As Senior Cost Estimator, Gary has extensive experience working with many public entities in the pre-construction phase to partner with them and their architect in programming, planning, budgeting and constructing successful projects.

#### Professional Associations:

Gary is a long-time board member of the NorthEast Metro 916 Intermediate School District Education Foundation. He also serves as a board member on the Minnesota Higher Education Facilities Authority (MHEFA) for the State of Minnesota. He was just appointed by the Governor, for his third straight 4 year term.

#### Representative Projects:

- **City of Waconia, Waconia, MN**
  - *Waconia Ice Arena*  
47,000 s.f. new ice arena
  - *Waconia Public Works*  
60,000 s.f. new public works facility
- **Washington County**
  - *South Service Center, Cottage Grove, MN*  
40,000 s.f. new county service center
  - *North Service Center and Library, Forest Lake, MN*  
50,000 s.f. new county service center and library
- **City Woodbury, Woodbury, MN**
  - *Woodbury City Hall*  
13,850 s.f. expansion and remodel of existing city hall
  - *Thames Fire Station*  
8,200 s.f. new fire station
- **Milaca Liquor Store, Milaca, MN**  
2,700 s.f. addition & renovation to the existing municipal liquor store
- **City of East Grand Forks, East Grand Forks, MN**
  - *East Grand Forks City Hall*  
36,000 s.f. new city government building
  - *Campbell Library*  
17,000 s.f. new library
- **City of St. Anthony, St. Anthony, MN**
  - *St. Anthony Public Works*  
40,000 s.f. new public works facility, including office, storage, & maintenance garages
  - *St. Anthony Fire Station*  
10,400 s.f. new fire station
- **City of North St. Paul City Hall, Police and Fire Station, North St. Paul, MN**  
45,535 s.f. new two-story city hall, police & fire station
- **City of Hopkins, Hopkins, MN**
  - *Hopkins Public Works*  
44,000 s.f. equipment storage addition
  - *Hopkins Fire Station*  
23,000 s.f. new fire station
  - *Hopkins Police Station*  
18,000 s.f. police station remodel

## Dave Chase

### Project Manager



#### Education:

BS, Building Construction  
Michigan State University,  
East Lansing, MI

#### Qualifications:

Dave Chase has worked in the construction industry since 1972, and joined the Kraus-Anderson team in 2000. The majority of Dave's recent projects have been within the construction management format. His education and his "hands on" experience as a project manager, coupled with his organizational and communication skills, have ideally suited him to work with Owners and architects in a coordinated team effort. All of his projects, regardless of scope and complexity, have been completed on schedule and within budget.

#### Professional Associations:

- Dave is a member of the Twin City Healthcare Engineering organization
- Dave has participated in the one day ASHE training in April 2006 sponsored by Park Nicollet
- AIA contract seminar by Lormon Education Services

#### Representative Projects:

- **Ramsey County Department of Records and Revenue, St. Paul, MN**  
*56,000 s.f. interior renovation of existing building*
- **Ramsey County Suburban Courts Facility, Maplewood, MN**  
*15,000 s.f. one-story building, including two courtrooms & associated support space*
- **City of Hopkins, Hopkins, MN**
  - *Hopkins Pavilion*  
*Renovation of existing mezzanine for classrooms*
  - *Hopkins Public Works*  
*44,000 s.f. equipment storage addition*
  - *Hopkins Fire Station*  
*23,000 s.f. new fire station*
  - *Hopkins Police Station*  
*18,000 s.f. police station remodel*
- **City of East Grand Forks, East Grand Forks, MN**
  - *East Grand Forks City Hall*  
*36,000 s.f. new city government building*
  - *Campbell Library*  
*17,000 s.f. new library*
  - *Distribution Service Center*  
*10,200 s.f. two-story precast office space*
  - *Sunshine Terrace*  
*26,000 s.f. precast equipment storage & truck garage*
  - *Sunshine Terrace*  
*66,000 s.f. new elderly housing building*
- **Amery Regional Medical Center, Amery, WI**  
*119,845 s.f. two-story new hospital & medical center*



**Brian Boelter**  
**Facility &**  
**Maintenance**  
**Coordinator**

**Education:**

BS, Economics  
 Mankato State University,  
 Mankato, MN

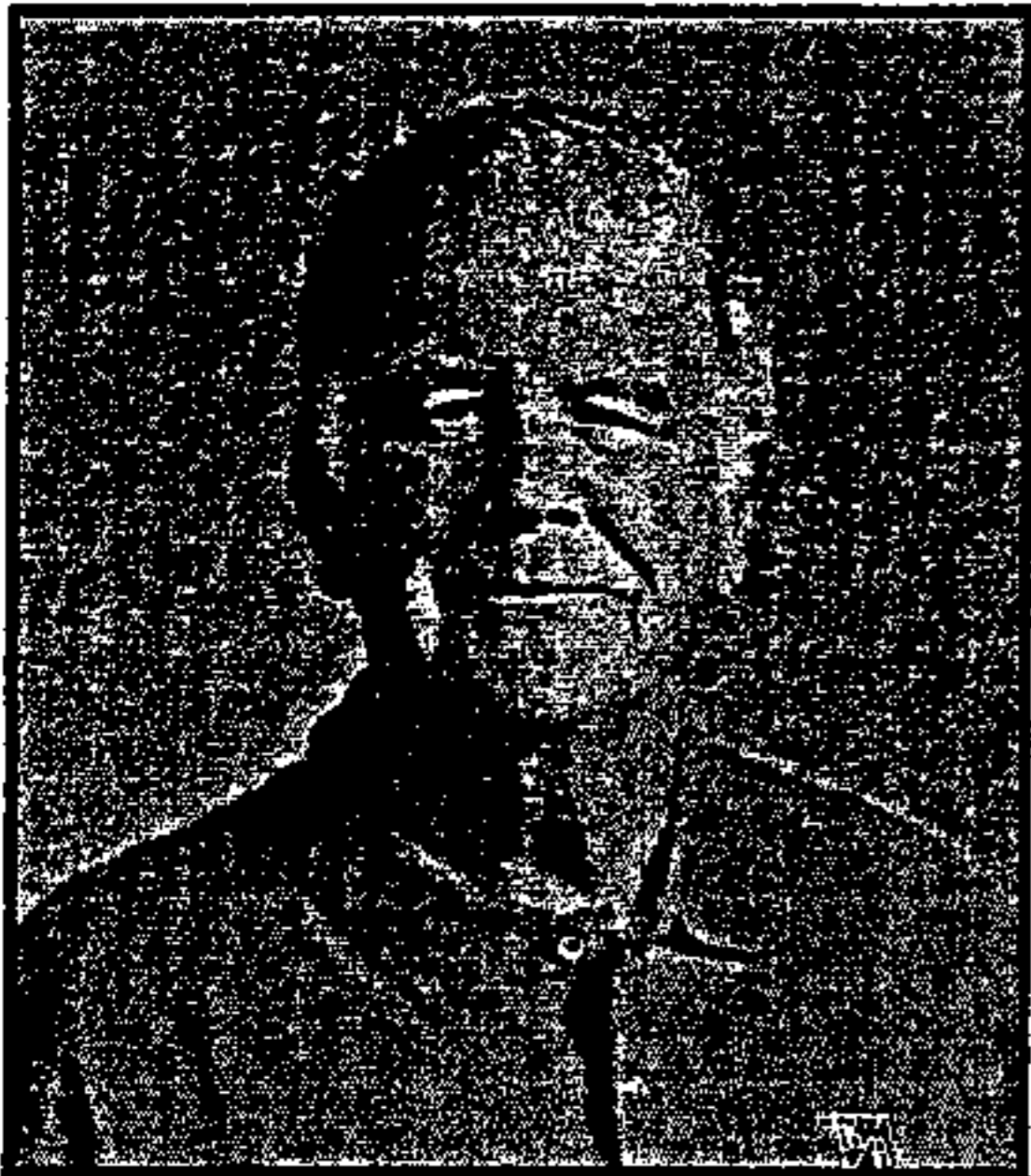
**Qualifications:**

As a member of the Kraus-Anderson Facilities Group, Brian takes the role of assisting the client with the daily tasks and planning activities of facilities management. Specific responsibilities include being part of a five member team that provides support and services to over 30 clients encompassing 38,000,000 s.f. of facilities. Brian's position has direct oversight of implementing and servicing programs for preventive maintenance, corrective maintenance, life safety and asset inventory systems.

**Representative Projects:**

- **Hopkins Schools, Hopkins, MN**  
*Facilities management & software implementation*
- **Minnetonka Public School (5 projects),  
 Minnetonka, MN**  
*Facilities planning, management, & support services*
- **Prior Lake-Savage Schools (5 projects),  
 Prior Lake, MN**  
*Facilities planning, management, & support services*
- **South Washington County Schools (7 projects),  
 Cottage Grove, MN**  
*Facilities planning, management, & support services*
- **Anoka-Hennepin Schools (6 projects), Anoka, MN**  
*Districtwide planning & management services*
- **Bloomington Public Schools (3 projects),  
 Bloomington, MN**  
*Facilities planning & management services*
- **Burnsville-Eagan-Savage Schools (5 projects),  
 Burnsville, MN**  
*Facilities planning & management services*
- **Chisago Lakes Schools (3 projects), Lindstrom, MN**  
*- Facilities software implementation services*  
*- Facilities planning & management services*
- **Faribault Schools (5 projects), Faribault, MN**  
*Facilities planning & management services*
- **Richfield Public Schools (4 projects), Richfield, MN**  
*Facilities planning, management, & support services*
- **Roseville Schools, Roseville, MN**  
*Districtwide planning, management, & support services*
- **Stillwater Area Schools, Stillwater, MN**  
*Facilities maintenance plan development*
- **Wayzata Schools, Plymouth, MN**  
*Districtwide planning, management, & support services*
- **West St. Paul Schools (5 projects),  
 Mendota Heights, MN**  
*Districtwide planning, management, & support services*
- **White Bear Lake Area Schools (2 projects),  
 White Bear Lake, MN**  
*Districtwide planning, management, & support services*
- **Rosemount-Apple Valley-Eagan Schools  
 (5 projects), Rosemount, MN**  
*Districtwide planning & management services*

**Dick Lembke**  
**Project Superintendent**



**Education:**

St. Olaf College,  
 Northfield, MN  
 St. Cloud University,  
 St. Cloud, MN  
 University of Minnesota,  
 Minneapolis, MN

**Qualifications:**

Dick Lembke, Project Superintendent, has worked for over 52 years in the construction industry with "hands on" experience in a wide variety of positions, both administrative and field related. Dick has been with Kraus-Anderson since 1990 working as a Project Superintendent. He is extremely knowledgeable of the entire construction industry practices and has the supervision experience required for projects of this scope.

Dick is an extremely hard working individual, with a great ability to get the job done. He has supervised work crews on many construction projects during his career. He has a strong command and knowledge of all construction trades and is detail oriented. As a Project Superintendent he understands how critical it is to the success of a project to properly schedule the various trades and to monitor their quality and workmanship throughout the job. He is experienced in making timely and informed decisions in crucial situations. Most importantly, Dick will see to it that the project meets the Carver County's approval and is completed within the time schedule and budget expected.

**Representative Projects:**

- City of Hopkins, Hopkins, MN
  - Hopkins Pavilion  
Renovation of existing mezzanine for classrooms
  - Hopkins Public Works  
44,000 s.f. equipment storage addition
  - Hopkins Fire Station  
23,000 s.f. new fire station
  - Hopkins Police Station  
18,000 s.f. police station remodel
- Maplewood Fire Station, Maplewood, MN  
13,400 s.f. new fire station
- Orono Ice Arena, Orono, MN  
37,000 s.f. new arena
- Woodbury High School, Woodbury, MN  
120,000 s.f. remodel/renovation <sup>24M</sup>
- Early Childhood Center, Chaska, MN  
15,000 s.f. classroom addition
- Prescott Schools, Prescott, WI
  - Prescott High School  
Remodel & deferred maintenance work
  - Prescott Middle School  
Remodel & addition of existing middle school
- Independent School District #622
  - Oakdale Elementary School, Maplewood, MN  
Kitchen remodel & remodel interior finishes, mechanical/electrical upgrades & boiler replacement
  - Beaver Lake Elementary School, Maplewood, MN  
Remodel and alterations to existing building & parking lots
  - Carver Elementary School, Maplewood, MN  
Kitchen remodel and remodel interior finishes, mechanical/electrical upgrades and boiler replacement & fire main fix
  - Tartan Arena, Oakdale, MN  
Mechanical upgrades & painting
  - Tartan Senior High School, Oakdale, MN
    - Phase III: demolition and renovation of the entire 3rd floor of the south tower
    - Phase V: deferred maintenance
    - Phase VI: remodel the first floor of the south tower & replace fire alarm system
    - Phase VII: remodel third floor north circle & kitchen
  - Skyview Community School, Oakdale, MN  
201,000 s.f. new elementary & middle school

*Administrative building*

# Statement of Qualification Requirements

Carver County

## Workload

Kraus-Anderson is well positioned to provide effective construction management services for Carver County, due to the fact that many of our construction management projects will be completed before your project begins. Our team of experienced and knowledgeable personnel is available to meet the needs of Carver County's project in a personal and professional manner.

Our current workload is as follows:

### **Dave Chase - Project Manager**

Amery Regional Medical Center - Complete: September 1, 2007

Ramsey County Department of Records and Revenue - Complete: November 7, 2007

### **Dick Lembke - Project Superintendent**

Verizon Wireless - Complete: October 1, 2007

With Dave Chase and Dick Lembke's projects wrapping up and the current availability of John Huenink and Gary Benson, Kraus-Anderson is able to assist Wold Architects and Engineers and Carver County immediately with your pre-construction services.

## Licenses and Certificates

Kraus-Anderson Construction Company's contractors license for the state of Minnesota is #8368 (please see the end of our response to the statement of qualifications for a copy of our license). Kraus-Anderson also has a EEO plan that is certified by the State of Minnesota.

## Public Sector Experience

Kraus-Anderson Construction Company is a leader in the construction of public sector facilities. In the last five years, we have been involved in new construction, addition and remodeling of over 92 public sector facility projects totaling more than \$470 million in construction value. These projects have included court facilities, public works facilities, fire stations, libraries, city halls, police stations and other public facilities. We have worked successfully with clients such as Washington County, Ramsey County, the City of Woodbury and the City of St. Anthony and others public entities constructing and renovating as part of their overall facility needs. In addition, we are just starting construction on a major renovation of the Washington County Courts facility in Stillwater, MN.

After walking through your facility and understanding Carver County's needs Kraus-Anderson can be a very beneficial team member in this project. Kraus-Anderson has extensive experience in addition and remodel projects and understand the importance of how to create a safe and friendly work environment. We have great experience in working with MEP Coordinators and will help them define your mechanical and electrical needs. Kraus-Anderson will assist them with cost estimating, prioritizing work to be performed and cost analysis or pay backs of new systems to be installed.

Kraus-Anderson has a facilities management staff to help in your needs of planning for maintaining your current facility, planning for future projects and/or developing programs to meet your staffs needs.



# Statement of Qualification Requirements

## Design and Project Management Philosophy

The Kraus-Anderson project team will immediately establish a format of open communication and cooperation so that all issues pertaining to design and construction are identified, discussed and resolved so that a "no surprises" project is executed from inception through completion.

This value-added seamless project delivery approach is possible because of the unique element of trust that will be developed between the design and construction disciplines, working with Carver County's project team to reach a common objective.

In addition to proven management systems, Kraus-Anderson brings to the project the construction skills of a contractor who is continually in the marketplace procuring the services of trade contractors while providing "hands-on" management of the construction process.

### Pre-Construction Phase

#### ◆ **General Project Coordination**

Communication and continuity go hand in hand and are critical elements in the execution of the project from inception through completion. During the design phase, our team will work with Wold Architects and Engineers in order to coordinate the pre-construction services. They will be assisted by Dave Chase, Project Manager, so that complete continuity will be carried over into the construction phase. John Huenink, Project Director and Gary Benson, Senior Cost Estimator along with Dave Chase, will direct the estimating, value engineering, scheduling and bid packaging efforts.

#### ◆ **Schedule Strategies and Methods**

Kraus-Anderson takes particular pride in our reputation for delivering projects on time. We are schedule driven. Therefore, we emphasize that comprehensive planning, systematic scheduling, and careful monitoring of all elements of the work are essential to satisfying your time and budget requirements. To achieve this, we have developed state-of-the-art techniques to plan and control all of the complex activities of a major construction program.

The schedule will include:

- Bid and award durations for each of the bid packages
- Delivery of products requiring long lead procurement time
- Realistic construction activity sequences
- Relationships and durations
- Permit acquisition
- Allocation of labor, equipment, and materials
- Processing of shop drawings and samples
- Delivery of products requiring long lead procurement
- Owner's occupancy requirements
- Furniture, fixtures, and equipment installation

During the bidding process, a schedule will be published as a part of the bid documents. This document becomes a part of the contract award to the trade contractors and vendors.

# Statement of Qualification Requirements

## ◆ Constructability Review

Kraus-Anderson's project team will monitor the design to ensure that constructability issues are addressed for each project component. Meetings will be held to review the design documents as they develop. The agenda will include:

- Review of selected materials - This review will be based on performance, availability, and compatibility with adjacent materials and compliance with project requirements.
- Review of developed details - Can they be constructed as indicated; is shop or field fabrication preferred; how do they relate to stipulated performance criteria and are they serviceable for maintenance?
- Clarity of documents - Are the documents presented clearly and concisely regarding what is anticipated during construction? Can the trade contractors define their scope of work?
- Completeness of documents - Has the complete project scope been represented in sufficient detail?
- Provide recommendations relative to the feasibility of contemplated building systems, construction methods, availability of materials and labor, time requirements for procurement, installation and construction, and factors related to cost.
- Recommend alternative solutions whenever design details adversely affect construction feasibility, methods, cost or schedule.

## ◆ Bid and Procurement

Kraus-Anderson will prepare a procurement plan that will identify every trade item required to complete construction and the dates when procurement action must be initiated, as well as completed. This procurement plan will consider long lead time items, schedule implications and budget information and how the intended procurement is consistent with the Carver County's.

With the design team, we will establish the appropriate number of bid packages based on our experience with projects of similar size and complexity. Building on this experience, the bid packages will be structured to allow for the most competitive bidding, keeping in mind that a manageable format must be maintained for quality and schedule.

Qualified vendors and trade contractors will be invited to submit bids. Pre-bid meetings will be organized for general project information as well as for specific trade packages when appropriate. The Kraus-Anderson project team will organize and conduct the meetings as an important element of the procurement process to familiarize potential vendors and trade contractors with the scope of work required.

All bids will comply with the uniform trade contractors' agreement and/or purchase order, and conform to contract document requirements. Bids will be received by the Kraus-Anderson project team on the dates specified in the invitation to bid. All bids will be analyzed and potential candidates will be interviewed to review the scope of work. The Kraus-Anderson project team will make a recommendation to Carver County and if the bidder is approved, the trade contract will be awarded.

## Construction Phase

### ◆ On-Site Management

Dick Lembke, Project Superintendent will be stationed full time at the project site. He is accustomed to taking a hands-on, proactive role in organizing and supervising all on-site construction activities. Dick will help coordinate and facilitate the work of the trade contractors, ensuring that quality standards are achieved, safety is maintained, and the work is logically sequenced and executed.

He will monitor trade contractor progress and measure physical completion of the work, both in conjunction with each trade contractor's invoicing procedures and at greater frequencies when needed. Dick Lembke will ensure that each trade contractor has the appropriate staffing to meet the schedule requirements, and will advise each trade contractor of his/her performance or shortcomings.

The Kraus-Anderson project team has the obligation to assure that when an activity is scheduled to start, the work place is ready to receive the work.

Dave Chase will submit progress reports to Carver County, including information on each trade contractor's work. The reports will contain the following information:

1. Job status narrative
2. Previous meeting minutes
3. Construction schedule reports
4. Project financial summary
5. Critical owner decisions needed

The Kraus-Anderson project team will provide regular monitoring of the schedule as construction and installation of systems progresses and they will identify potential variances between scheduled and probable completion dates. They will review the schedule for work not started or incomplete, and inform Carver County and the trade contractors of adjustments in the schedule to meet the completion date. The project team will provide summary reports and document all changes in schedule.

Another key to obtaining quality and site productivity is providing a safe, clean, and when appropriate, sheltered, heated and ventilated work place. Through the planning and supervision of the work force activities, we will maintain a safe and clean site without exception.

### ◆ Fiscal Controls

Kraus-Anderson Construction Company will implement fiscal controls which accurately account for, manage, report and support project costs, progress billings and change order management. These essential elements of project management provide responsive, verifiable accounting and financial data for submission to Carver County.

# Statement of Qualification Requirements

## Contract Control Log

Dave Chase, Project Manager will have the responsibility for monitoring of all progress billings of the trade contractors by maintaining a control log of each contract. This log indicates the adjusted contract amount and, as each invoice is received, the log is updated to reflect the cumulative amount billed to date, the percent complete, the amount retained to date and finally the balance to finish.

## Job Cost Management Reports

Kraus-Anderson employs the IBM AS400 with a fully integrated Construction Accounting software system. The key job cost management reports generated by this system are the following:

### - Labor and Material Report

The combined labor and material report is a cumulative report that details out by cost description the budget amount, the actual cost to date, and finally, the balance to finish.

### - Trade Contract Status Report

The trade contract status report monitors the status of each material contract and trade contract issued. This report reveals:

- Adjusted contract amount for each vendor
- Amount billed to date
- Amount paid to date
- Date paid
- Amount retained
- Balance to finish

### ◆ **Project Safety**

We understand the sensitivity and critical nature of maintaining a safe job site at all times for visitors and individuals involved in the construction process. Under the direction of our full-time Safety Director, we will review the safety programs of each of the trade contractors and develop an overall safety plan for the project. Job site visits, along with weekly "tool box" meetings will provide constant monitoring of the safety programs.

### ◆ **Project Close Out**

The planning for the project close out or post-construction phase starts in the pre-construction phase of the project. It is during this phase that requirements for the close out process must clearly be defined and included in the bid documents. The need to identify and include the specific requirements at this stage permits Owner's to identify its needs in terms of warranties, guarantees, and as-built drawings, and also permits Carver County to identify special training requirements, extra parts requirements, and so forth.

As each trade contractor is closed out, we will perform an inspection of the work as appropriate and will prepare a list of incomplete or unsatisfactory items within each contract. We will document all inspections and establish a schedule for completion or remediation by the trade contractors.

# Statement of Qualification Requirements

## ◆ Client Satisfaction

We take pride in making sure that the client is satisfied, not only at the time that the building is turned over, but also that any unforeseen problems which may arise in the future receive our full attention and cooperation in being solved. We will do all we can at Kraus-Anderson to ensure Carver County's full satisfaction. We still abide by Kraus-Anderson's formula for success: "Keep the client happy."

## References

Kraus-Anderson has always focused on the importance of providing personal service and attention to our clients. We understand the need to develop open and honest communication among all members of the project team.

We have included the names of several public sector clients for whom Kraus-Anderson is currently providing or has provided construction services. We encourage you to contact these individuals regarding the quality of services which Kraus-Anderson provided to them and their reasons for selecting Kraus-Anderson for their projects.

- ◆ **Mr. Don Theisen, County Engineer/Deputy Director** (651) 430-4304  
Washington County  
11660 Myeron Road North  
Stillwater, MN 55802
- ◆ **Mr. Bruce Thompson,** (651) 266-2262  
**Assistant Director Property Management**  
Ramsey County  
50 West Kellogg Blvd.  
St. Paul, MN 55102
- ◆ **Mr. Jay Hartman, Director of Public Works** (612) 782-3314  
City of St. Anthony  
3301 Silver Lake Road  
St. Anthony, MN 55418
- ◆ **Mr. Greg Lerud, City Manager** (320) 983-3141  
City of Milaca  
255 First Street East  
Milaca, MN 56535
- ◆ **Mr. Clinton Gridley, City Administrator** (651) 714-3521  
City of Woodbury  
8301 Valley Creek Road  
Woodbury, Minnesota 55125
- ◆ **Mr. Steve Stadler, Director of Public Works** (952) 548-6350  
City of Hopkins  
11100 Excelsior Blvd.  
Hopkins, Minnesota 55343



# Statement of Qualification Requirements

## Fees

Kraus-Anderson's compensation for construction management services is separated into two components; a basic construction management fee and the actual cost for site related construction phase services.

Our total compensation is developed based on the scope of services Kraus-Anderson provides to the owner. Those services are influenced by the project scope, descriptions, project schedule and project personnel needed for the project.

The construction management fee is typically a lump sum amount. The cost for site related construction phase services is budgeted as a fixed dollar amount per month. The actual scope and cost of site related construction services Kraus-Anderson provides will be reviewed and approved with the owner prior to the start of the project.

### Construction Management Fee

Once the scope of the project is identified, we will submit a fixed fee for basic construction management services. This fixed fee typically amounts to less than 2-3/4% of the construction cost. The following services are included in our basic construction management fee:

- Pre-Construction Phase Project Management
- Cost Estimating and Budgeting
- Scheduling/Phasing Coordination
- Value Engineering
- Bid Packaging and Trade Contractor Awards
- Accounting and Bookkeeping at Home Office
- Punchlist and Final Close Out
- Assistance and Coordination of Project Commissioning Requirements
- One Year Warranty, Plus Standard Manufacturers/Suppliers Warranties

### Site Related Construction Services/Reimbursables

The construction phase construction management compensation will be based on actual costs incurred for services provided. This cost typically is about 4 %- 6% of the construction cost.

The following is a list of the typical site related services and reimbursable expenses that will be provided during the construction phase:

- Construction Phase Project Management
- Site Project Supervision
- Site Administrative Services
- Site Office/Trailer
- Subsistence
- Site Office Equipment/Supplies
- Vehicles/Trucking/Travel
- Phone/Fax/Copier
- Postage/Courier

Once the project scope is determined, we will submit to Carver County, for approval, an estimated not-to-exceed budget of these site related items.

# Statement of Qualification Requirements

Carver County

## Approach to Costing

### Cost Estimating

Under the direction of Gary Benson, Senior Cost Estimator, Kraus-Anderson's will track costs from conceptual design through final design, providing accurate estimates based on actual unit costs from recently completed new construction, expansions and renovation projects. In addition, Kraus-Anderson will provide value engineering and constructability input into the design as it is being developed by Wold Architects and Engineers. Schematic, design development and construction document estimates will be prepared to ensure the project is on budget.

### Value Engineering

Throughout the pre-construction phase, Kraus-Anderson Construction Company will provide continuous value engineering, constructability review, and life-cycle cost information relative to various components, systems, and equipment.

Value engineering will be a continuous cost control process as a part of our estimating activity. At key design intervals, we will assess our current estimate relative to the budget and convene a value engineering session to identify and test alternate systems which offer performance and cost advantages. To obtain a cost versus benefit ratio, we will identify areas or systems of high costs. Each of these systems will require investigation, not only in terms of initial cost vs. life-cycle, but in certain cases they will be evaluated on whether or not the equipment or system is "user-friendly".

As the design alternatives are developed, their cost will be estimated and compared to the control estimate so that informed decisions can be made in the selection of the "best value" alternative. The additional costs associated with the selection of an element which exceeds the cost of the corresponding element described in the control estimate can often be offset through the selection of other elements whose cost is less than those described in the control estimate.

## Comparison of Last Three Project Estimates

The following three projects are Kraus-Anderson's most recent construction management facilities we have bid out for public entity clients. In all cases, bid response was strong, contract documents were clear, and the project was awarded on budget. Kraus-Anderson takes great pride in the fact that many of our trade contractors are repeat bidders and we are willing to assist new potential bidders for our projects.

### Waconia Public Works

Project Estimate: \$6,658,000

Actual Bid Results: \$6,629,278

### Washington County South Service Center

Project Estimate: \$6,200,000

Actual Bid Results: \$5,700,000

### Washington County North Service Center

Project Estimate: \$8,700,000

Actual Bid Results: \$8,100,000



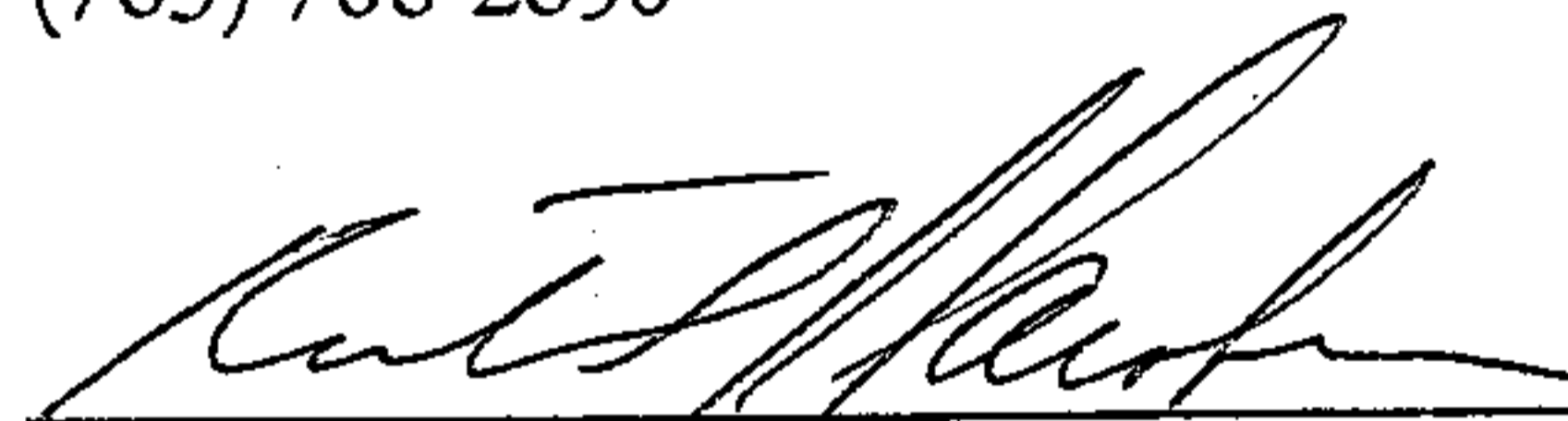
**Statement of Qualification  
Requirements**

Carver County

**Attachment A Instructions to Bidders  
Carver County  
Certification Statement**

Submittal of this document with authorized signature constitutes complete understanding and compliance with all applicable terms and conditions.

**Dated:** July 11, 2007  
**Company:** Kraus-Anderson Construction Company  
**By:** Richard J. Jacobson  
**Title:** Senior Vice President  
**Address:** 8625 Rendova Street NE  
Circle Pines, Minnesota 55014  
**Telephone Number:** (763) 786-7711  
**Fax Number:** (763) 786-2650

**Authorized Signature:**   
Richard J. Jacobson



State of Minnesota  
Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155-4344

Construction Codes and Licensing Division  
Telephone: (651) 284-5065  
E-mail address: dli.contractor@state.mn.us  
Website address: www.doli.state.mn.us

**Residential Building Contractor License**

Legal Name: KRAUS ANDERSON CONSTRUCTION COMPANY MPLS DIVI      Business Structure:  
CORPORATION

Address: 525 SOUTH 8TH ST  
MPLS, MN 55404

License Identification Number: 8368

Qualifying Person: JOHN HARRY DAVIES

License Expiration Date: 3/31/2008

Continuing Education: 7 hours due by 3/31/2008

August 8, 2007



MINNESOTA  
ILLINOIS  
MICHIGAN  
COLORADO

Steve Taylor  
Administrative Services Division Director  
602 East 4<sup>th</sup> Street  
Chaska, Minnesota 55318

MINNESOTA OFFICE  
305 ST. PETER STREET  
ST. PAUL, MINNESOTA 55102  
651.227.7773  
FAX 651.223.5646  
WWW.WOLDAE.COM  
MAIL@WOLDAE.COM

Re: Chaska Government Center Renovations  
Pre-Construction Proposal  
Commission No. 9999

Dear Steve:

As we discussed, I am forwarding you a proposal to provide a Pre-Construction Study of the Chaska Government Center Renovations prior to beginning the actual design work. This study would be done in conjunction with Kraus Anderson (KA), and would include more detailed information related to the schedule, budget and impact of work being proposed. As part of this report, we would provide a more comprehensive breakdown of required decisions, tasks, and milestones related to the design process, most likely in a weekly or bi-weekly format. We would provide additional development of the diagrams established as part of the Service Delivery Plan to assist in a more detailed understanding of the construction estimate and budget. We would also prepare a preliminary phased occupancy and move schedule to provide greater understanding of the impact on facility occupants during the construction, and anticipated plans to minimize disruption. This would form the basis of the *Disruption Avoidance Plan* we have discussed with KA.

We are proposing a fixed fee for our role in this effort of \$7,000, with reimbursable expenses not to exceed \$500. As we have discussed before, we believe a fixed fee provides you with full services without the surprise of added expenses at a later date.

This effort will be covered by the master contract currently under review by the County, and will not require any modifications to the proposed document. We are excited about the opportunity to continue to provide services for the County, and look forward to this project. Please let me know if you have any questions.

Sincerely,

WOLD ARCHITECTS AND ENGINEERS

A handwritten signature in black ink, appearing to read "R. Dierks".

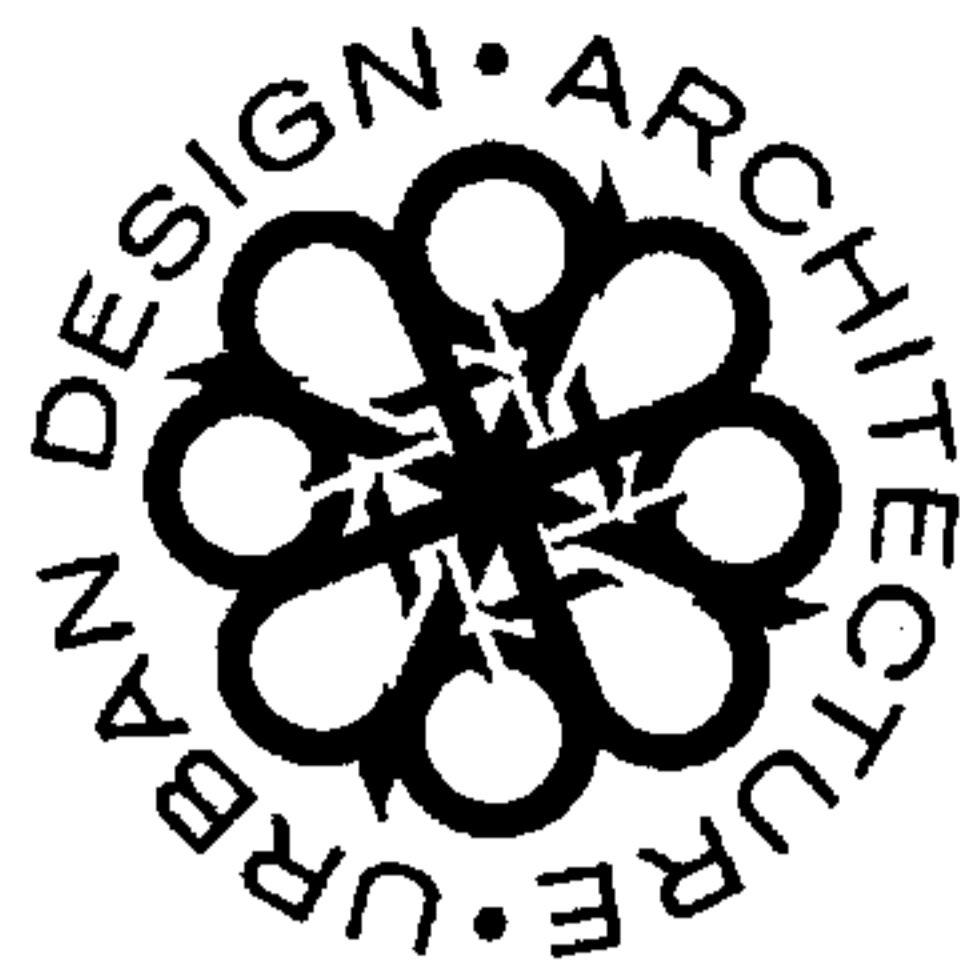
Vaughn Dierks, AIA, LEED-AP  
Partner

cc: John McNamara, Wold  
Matt Mooney, Wold  
Michael Cox, Wold  
Norm Glewwe, Wold

DR/Promo/Assoc\_PM Crsp/promo\_Vaughn/crsp/2007/aug07

75

FREDERICK BENTZ / MILO THOMPSON / ROBERT RIETOW INC.  
801 NICOLLET MALL • MINNEAPOLIS, MINNESOTA • 55402



August 9, 2007

Steve Taylor  
Division Director  
Administrative Services  
Carver County  
Administration Building  
600 East Fourth Street  
Chaska, MN 55318

Dear Steve:

We at Bentz/Thompson/Rietow propose to provide additional pre-design and project planning services to coordinate the Chaska and Chanhassen Service Centers with the Construction Manager and the larger program of projects in Carver County. We understand that this effort will consist of additional meetings and adjustments in the scope and scheduling of the service center projects. There will be time to ensure that the user group is satisfied with the program going forward. We offer the following fee proposal:

**Pre-Design and Planning Services**

We propose to perform this scope hourly up to a maximum fee of \$4,200. This assumes 32 to 36 hours of Project Principal and Project Architect time, along with 10 to 12 hours of Principal time from our Project Engineers. This pre-design work is to be completed before the end of this month.

Please do not hesitate to call with questions or comments.

Sincerely,

Ann Voda AIA

cc.: Gary Milne Rojek



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Metropolitan Inter-County Association Annual Legislative Update

Originating Division: Administration

Meeting Date: 8/14/07

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:

Keith Carlson, MICA Executive Director, will be presenting MICA's annual legislative update to the Board. Also present will be Bob Vanasek, Claudia Brewington and John Tuma, MICA Intergovernmental liaisons.

### ACTION REQUESTED:

*No Board action requested. Informational only.*

#### FUNDING

County Dollars = \$

Other Sources & Amounts =

= \$

**TOTAL**

= \$

*Related Financial Comments:*

#### FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Reviewed by Division Director

Date: 8/6/07



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Design and Engineering Services for Trail Construction

Originating Division: Public Works/Parks

Meeting Date: August 14, 2007

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:** Carver County has been awarded \$976,000 in Federal Transportation Enhancement Funds to construct a portion of the Dakota Rail Regional Trail in Carver County during Federal Fiscal Year 2010. The overall construction cost is estimated at \$1,454,921 including design and engineering services. The proposed contract with SRF Consulting Group, Inc. provides necessary consulting, design and engineering service to complete construction documents for the project. Work to begin construction documents is recommended to begin due to the number and types of reviews necessary to meet federal standards for the project. Because the Dakota Rail Regional Trail is planned to be a part of the Metropolitan Council's Regional Parks and Trails System, expenses incurred by Carver County for the project would be grant eligible in a future CIP request to the the Council.

### ACTION REQUESTED:

It is recommended that the Board Chair and County Administrator sign the agreement.

### FUNDING

County Dollars = \$234,921

Other Sources & Amounts =

= \$

### TOTAL

=\$234,921

### FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other: Budget Amendment 2008

**Related Financial Comments:** Currently the Dakota Rail account has set aside \$199,929 for all expenditures related to the preservation of the former rail corridor. It is anticipated that \$74,000 in professional service would be expended during 2007 for design and engineering service related to trail construction documents. In 2008, the Parks Department will request a budget transfer allocating an additional \$160,921 for design and engineering service. Expenses incurred by Carver County are grant eligible in a future CIP request to the Metropolitan Council.

Reviewed by Division Director

Date:

S: BA- Res/RBA SRF Design and Engineering Dakota Rail



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

Date: August 14, 2007  
Motion by Commissioner: \_\_\_\_\_

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

---

**PROFESSIONAL SERVICE AGREEMENT  
BETWEEN  
SRF CONSULTING GROUP, INC.  
AND  
CARVER COUNTY  
FOR DESIGN AND ENGINEERING SERVICES  
FOR  
THE DAKOTA RAIL REGIONAL TRAIL**

**BE IT RESOLVED**, that the Carver County Regional Railroad Authority hereby authorize the Board Chair and County Administrator to execute the Professional Service Agreement between SRF Consulting Group, Inc. and Carver County for design and engineering services related to the Dakota Rail Regional Trail.

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 14th day of August, 2007, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 14<sup>th</sup> day of August, 2007

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

S:\Parks\BA -Res\ PSA SRF Dakota Rail Regional Trail Design and Engineering