

Carver County Board of Commissioners  
 Regular Session  
 August 7, 2007  
 County Board Room  
 Carver County Government Center  
 Human Services Building  
 Chaska, Minnesota

|           |      |  | PAGE  |
|-----------|------|--|-------|
| 9:00 a.m. | 1.   | a) <b>CONVENE</b>  |       |
|           |      | b) <i>Pledge of Allegiance</i>   |       |
|           |      | c) <i>Introduction of New Employees</i>  |       |
|           | 2.   | Agenda review and adoption   |       |
|           | 3.   | Approve minutes of July 24, 2007 Regular Session .....   | 1-5   |
|           | 4.   | Public participation (Comments limited to five minutes)  |       |
|           | 5.   | Community announcements  |       |
| 9:05 a.m. | 6.   | <b>CONSENT AGENDA</b>  |       |
|           | 6.1  | City of Mayer Corridor Preservation Study, Joint Powers<br>Agreement between City of Mayer and Carver County ..... | 6-7   |
|           | 6.2  | Vacation of portion of County Highway 10.....  | 8-9   |
|           | 6.3  | Resolution terminating utility permits for a portion of<br>County Road 30 .....                                    | 10-12 |
|           | 6.4  | Abatements/additions.....  | 13-14 |
|           | 6.5  | Abatements/additions.....  | 15-18 |
|           | 6.6  | Addendum to professional services agreement with Bauer   | 19-20 |
|           | 6.7  | Family planning special project grant 2007 .....   | 21    |
|           | 6.8  | Department of Human Services Data Warehouse MOU with<br>Scott County .....   | 22    |
|           | 6.9  | Ed Foley-request for the creation of three lakeshore lots..  | 23-28 |
|           | 6.10 | Donation of two Minnesota Renaissance Festival tickets .....   | 29    |
|           | 6.11 | Contract for 2007 NIMS Training .....  | 30    |
|           | 6.12 | Caseload and workload programming-grant agreement with the<br>State of Minnesota, Department of Corrections .....  | 31    |
|           | 6.13 | Sheriff's Office donations .....   | 32-33 |
|           | 6.14 | 2007 Federal Supplement grant for safe boating .....   | 34-35 |
|           | 6.15 | Calvin Discher-repurchase of property .....  | 36-37 |
|           | 6.16 | University of Minnesota School of Nursing.....   | 38    |
|           | 6.17 | Sheriff's Office out of state training .....   | 39    |

|            |            |   |         |
|------------|------------|---|---------|
|            | 6.18       | Community Social Services' warrants .....                 | NO ATT  |
|            | 6.19       | Commissioners' warrants.....                              | SEE ATT |
| 9:05 a.m.  | <b>7.</b>  | <b>ADMINISTRATIVE SERVICES</b>                            |         |
|            | 7.1        | Certificate of Recognition-Positive Connections           |         |
|            |            | Transportation Donation .....                             | 40      |
| 9:10 a.m.  |            | <b>RECESS AS COUNTY BOARD AND CONVENE AS CARVER</b>       |         |
|            |            | <b>COUNTY DITCH BOARD</b>                                 |         |
|            | <b>8.</b>  | <b>TAXPAYER SERVICES</b>                                  |         |
|            | 8.1        | <i>Public hearing</i> -County Ditch #4 .....              | 41-42   |
| 9:45 a.m.  |            | <b>ADJOURN CARVER COUNTY DITCH BOARD AND</b>              |         |
|            |            | <b>RECONVENE AS COUNTY BOARD</b>                          |         |
| 9:45 a.m.  | <b>9.</b>  | <b>LAND AND WATER SERVICES</b>                            |         |
|            | 9.1        | Water Tower-City of Carver.....                           | 43-48   |
|            | 9.2        | Comments on the TH 41 MN River Crossing Draft             |         |
|            |            | Environmental Impact Statement .....                      | 49-54   |
| 10:30 a.m. | <b>10.</b> | <b>COMMUNITY SOCIAL SERVICES</b>                          |         |
|            | 10.1       | Acceptance of the Family Homeless Prevention and          |         |
|            |            | Assistance grant .....                                    | 55-56   |
| 10:45 a.m. | <b>11.</b> | <b>ADMINISTRATIVE SERVICES</b>                            |         |
|            | 11.1       | Information Services – Department Re-organization .....   | 57-58   |
| 11:00 a.m. | <b>12.</b> | <b>ATTORNEY</b>   |         |
|            | 12.1       | Proposed Carver County Social Host Ordinance              |         |
|            |            | No. 59-2007.....  | 59      |
| 11:15 a.m. | <b>13.</b> | <b>EMPLOYEE RELATIONS</b>                                 |         |
|            | 13.1       | <i>Closed session</i> – labor negotiations strategy ..... | 60      |
| 12:15 p.m. |            | <b>ADJOURN REGULAR SESSION</b>                            |         |
|            |            | <b>BOARD REPORTS</b>                                      |         |
| 12:15 p.m. | 1.         | Chair   |         |
|            | 2.         | Board Members   |         |
|            | 3.         | Administrator   |         |
| 12:45 p.m. | 4.         | Adjourn   |         |

REGULAR SESSION  
July 24, 2007

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on July 24, 2007. Chair Gayle Degler convened the session at 9:05 a.m.

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

Members absent: None.

The following amendments were made to the agenda:

Add:

6.13 Blue Cross Blue Shield of Minnesota, 2007-2008 Active Community Planning Contract Grant.

6.14 CDA Appointment

7.0 Recognition of the City of Chaska

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

Maluchnik moved, Ische seconded, to approve the minutes of the July 10, 2007, Regular Session Motion carried unanimously.

Under public participation, Margene Bauhs, Paul Hanberg, Dennis Roof and David Van Sickle, representing the East Chaska Neighborhood Association, urged the Board to support the W-Route for the proposed Minnesota River bridge crossing and to eliminate the E-Routes from consideration. They pointed out the social economic impacts, the number of homes displaced, the impact to the seminary fen, construction costs and future growth were all reasons to support the westerly route.

Rachael Dunfee, Norwood Young America, stated they were preparing to get their home ready to be put on the market but they were concerned in being able to sell it because of the condition of their neighbor's property. She stated the neighboring property was unkept, had unlicensed vehicles stored on the property and she was asking for help. She stated she was also concerned that meth was found on the neighbor's property and that all charges were dropped. Chair Degler stated staff would like into the issues raised and get back to her.

James Kuhl, San Francisco Township, recognized the Board would be considering the wheelage tax today and wanted to remind the Board that previously money was taken from the highway funds to balance the budget. He noted that County Road 40 had been recently been restripped and that a solid white line was stripped where the right shoulder was blacktopped making it illegal to pass. He also noted the County Board was opening up the selection process for the County Attorney and questioned what message they were sending to those who may have applied for the job.

Kuhl noted the contract previously approved with Hennepin County for a First Assistant County Attorney and stated the references to Statute in the Board action only applies to federal and state personnel.

Community announcements were made by the Board.

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

Payment of emergency claims in the amount of \$2,093 and \$857.78.

Approved application and funds for sealing of two wells at 12235 County Road 32, Waconia Township and authorized disbursement of funds upon presentation of a bill and well sealing log.

Authorized the Chair and Safety Officer to sign the 2007 Emergency Management Assistant Grant for \$30,505.

Accepted Carver County Transit donation of \$653 from the Albert Thiesfeld memorial.

Resolution #67-07, West Metro Chapter Delta Waterfowl.

Resolution #68-07, Juvenile Accountability Block Grant Acceptance.

Authorized Employee Club's acceptance of two Valley Fair tickets donation.

Resolution #69-07, Resolution to Identify the Need for Funding to Complete its 2030 Comprehensive Plan and Authorizing and Application for Local Planning Assistance Grant funds and related budget amendment increasing Land and Water Service grant revenue \$50,000 and increasing professional services \$50,000.

Authorized .8 part-time Sheriff's Office 9-1-1 Dispatcher.

Adopted the Sheriff's Office re-alignment of job duties and responsibilities.

Approved Blue Cross Blue Shield Active Community Planning contract grant, authorized the Chair to execute the contract and any other necessary documents and related Land and Water Services budget amendment increasing grant revenue \$63,052, increasing part-time salaries \$4,800; professional services \$54,452, printing \$1,500, rent \$1,500 and supplies \$800.

Appointed Cindy Monroe to the Community Development Agency to serve an unexpired term.

Community Social Services' actions.

Approved payment of the following Commissioners' warrants:

INSERT

Motion carried unanimously.

The Board considered a Resolution recognizing the City of Chaska for being named one of Money Magazine's 2007 Best Places to Live. Chair Degler read into the record the proposed Resolution recognizing and congratulating the City of Chaska for their accomplishments.

Maluchnik offered the following Resolution, seconded by Degler:

Resolution #70-07  
Recognizing the City of Chaska

On vote taken, all voted aye.

Ische moved, Degler seconded, to open the public hearing to consider the Stormwater Pollution Prevention Plan. Motion carried unanimously.

Paul Moline, Land and Water Services, entered into the record the Affidavit of Publication and 2006 Best Management Practices Summary. He stated a public hearing was required for the annual report they are required to send to the State for the NPDES program.

He pointed out the best management practices they have undertaken and noted many of the activities are education related. He stated the cities of Chaska and Chanhassen were also required to submit reports and take advantage of the County's educational activities to meet their requirements as well.

James Kuhl, San Francisco Township, indicated his comments would relate to curtain drains, stating he did not find the term curtain drains in Minnesota Rules.

Maluchnik suggested that Mr. Kuhl's comments may be out of order as the public hearing was on stormwater pollution and they were not discussing curtain drains.

Kuhl stated there was a best management practices activity related to ISTS systems included in the best practices summary. Chair Degler allowed Kuhl to proceed with his comments.

Kuhl stated curtain drains were unique to Carver County and have been found not to work. He suggested many curtain drains were improperly installed and landowners now have systems that were approved and may now not work. He stated if they were to address problems with water quality they would have to address these curtain drain systems. He questioned if owners should be held responsible if they were told they could put these systems in and questioned who is responsible.

Moline clarified the County's septic program is laid out in the list, with three activities referenced.

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

Ische moved, Lynch seconded, to authorize the signature of the Chair on the Carver County NPDES Phase II Permit Annual Report and approve submittal of the report to the Minnesota Pollution Control Agency. Motion carried unanimously.

Dave Drealan, Land and Water Services, requested approval to create a Land and Water Services education coordinator position to replace the Extension educator. He stated in the past this position was filled by an Extension Educator working through Minnesota Extension. He noted when the water plan was adopted education was the highest priority, with the creation of this position to assist with implementing the water plan. He stated they were proposing to create a position on the WENR Committee for this position.

Drealan reviewed the history of the position clarifying the position has always been an Extension position but it would now be within the County structure.

Lynch moved, Degler seconded, to approve creation of the LWS Education Coordinator position in the Land and Water Services Division, to create a position on the WENR Committee for this position, to authorize hiring of the position and related budget amendment transferring \$15,600 from MN Extension salaries to Land and Water Services salaries. Motion carried unanimously.

Gary Bork, Community Social Services, requested Board authorization to apply for a grant through the Met Council that would allow Carver and Scott County Transits to look at more collaborative efforts up to and including a merger of the two systems. He stated they would look at a possible single transit system and the grant would foster that discussion and include a possible work session to discuss the options in more depth.

Ische moved, Degler seconded, to allow Carver County Transit and Scott County Transit to apply for the grant with Met Council. Motion carried unanimously.

David Frischmon, Finance Director, reviewed proposed Resolution authorizing the imposition of a wheelage tax to provide funding for approved, but not yet fully funded, road projects in the County's Capital Improvement Plan.

Roger Gustafson, Public Works, reviewed the status of County road projects and clarified those road projects that are identified in the CIP but not fully funded. He noted the impact of rising construction and right way costs that compound the funding gap. He pointed out projects that were emerging across the County, adding there may be other projects as well. He stated this was to give the Board an indication of the challenges ahead and the interest in adding a funding source to move these projects to construction.

Frischmon explained the funding gap for the current projects and indicated with the emerging projects funding has not been determined. He stated possible funding sources included State/Federal funds, property tax levy, bond sales, tax abatement and the wheelage tax. He reviewed the basics of the wheelage tax and indicated, by Statute, it was only allowed in the seven County metro areas. Frischmon indicated three other metro counties have adopted a wheelage tax and Scott County was considering adopting. He pointed out both the proponents and opponents arguments to the wheelage tax.

He stated staff supporting the Board adopting the wheelage tax, recognizing the need for funding the projects.

The Board discussed transportation funding and commented on their position on the wheelage tax.

Maluchnik offered the following Resolution, seconded by Ische:

Resolution #71-07  
Authorizing Imposition of Wheelage Tax

On vote taken, Degler, Ische, Maluchnik voted aye. Lynch, Workman voted nay.

Steve Taylor, Administrative Services, requested approval of purchase agreement to purchase property for Chanhassen License Center. He noted the plan calls for a drive through operation and the purchase price would be \$401,403.50 plus some additional closing costs.

Taylor reviewed anticipated construction costs and the option for a second level. He stated the funding source needs to be determined but options include the year end savings account, bonding or a combination of those. He explained they planned on hiring a construction manager that would provide cost estimating as well as look at the Chaska License Center remodel and other facility efforts. Taylor stated the decision will have to be made quickly if the building includes a second story. He noted the service delivery master plan that looked at all services and functions and the difficulty in finding a suitable site in Chanhassen.

Mark Lundgren, Taxpayer Services, reviewed revenue forecasts and expenditures for the License Center.

REGULAR SESSION  
July 24, 2007

Taylor pointed out the previous work session held on the service delivery master plan and the need to further discuss the funding. He reviewed possible construction timeline.

Workman moved, Ische seconded, to approve the purchase agreement to acquire the property at 7808 Kerber Boulevard, Chanhassen, for a total of \$401,403.50 with an additional \$2,250 for closing and insurance costs. Motion carried unanimously.

Doris Krogman, Employee Relations, updated the Board on the hiring process for the County Attorney. She noted the previous decision to go through an open and competitive process and the number of applications received. Krogman stated after the initial interview the decision was made to re-post the position. She explained screening would determine the top candidates, followed up by a two stage interview process. Krogman estimated the position could be filled by mid to late September.

Workman moved, Lynch seconded, to adjourn the Regular Session at 11:52 a.m. Motion carried unanimously.

David Hemze  
County Administrator

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



# REQUEST FOR BOARD ACTION

**AGENDA ITEM :** **City of Mayer Corridor Preservation Study**  
**Joint Powers Agreement between City of Mayer and Carver County**

Originating Division: Public Works Meeting Date: August 7, 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 and Mn/DOT entered into an agreement in 2005 to provide a comprehensive, multi-jurisdictional and multi-modal transportation plan in Carver County. The agreement has been amended to include a portion of the City of Mayer Corridor Preservation Study.

Carver County and SRF Consulting Group, Inc. entered into a professional service agreement in 2005 for transportation planning services for the development of a county-wide transportation plan. The agreement has been amended to include a portion of the City of Mayer Corridor Preservation Study.

The agreement between the City of Mayer and Carver County is responding to the desire of the City of Mayer, Mn/DOT, and Carver County to complete a Corridor Preservation Study to evaluate concepts for a north-south minor arterial corridor between 82<sup>nd</sup> Street and TH 7 easterly of existing TH 25. This work consists of the consulting firm of Bolton & Menk, Inc. completing a portion of the Mayer Corridor Preservation Study with other study elements to be prepared by SRF Consulting Group under a separate agreement.

The cost of the agreement between the City of Mayer and Bolton & Menk, Inc. for the study is \$34,500. Carver County's share of this cost is a lump-sum amount of \$8,100.

**ACTION REQUESTED:** It is recommended that the Carver County Board of Commissioners adopt the attached resolution authorizing the signing of "Joint Powers Agreement between Carver County and the City of Mayer for the Preservation Corridor Study."


**FUNDING**

County Dollars = \$ 8,100  
Other Sources & Amounts =  
= \$  
**TOTAL** = \$ 8,100

**FISCAL IMPACT**

None  
 Included in current budget  
 Budget amendment requested  
 Other:

Related Financial Comments:

Reviewed by Division Director  Date: 7/24/07

S:\Comp Plan\2006\Agmts\Mayer\Mayer.County Agmt - 07-0807 - BAF



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

Date: August 7, 2007

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

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

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

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**JOINT POWERS AGREEMENT  
BETWEEN  
CARVER COUNTY, MINNESOTA  
AND  
CITY OF MAYER, MINNESOTA  
FOR  
CORRIDOR PRESERVATION STUDY**

***BE IT RESOLVED***, that the Carver County Board Chair and the Carver County Administrator are authorized to sign the Joint Powers Agreement between Carver County and the City of Mayer for a corridor preservation study to evaluate concepts for a north-south minor arterial roadway easterly of the existing TH 25 in the City of Mayer.

YES

ABSENT

NO

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STATE OF MINNESOTA  
COUNTY OF CARVER

I, David Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 7<sup>th</sup> 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 7<sup>th</sup> day of August, 2007.

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

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



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Vacation of a portion of County Highway 10

Originating Division: Public Works

Meeting Date: 8/7/07

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:** In our Memorandum of Understanding with Plowshares Development, LLC the County agreed to vacate this section of old CSAH 10 in Section 24 of Waconia Township (across what was once the Goetz farm) once an acceptable alternative for CSAH 10 traffic was open. That road is now open and Plowshares desires to have this road vacated to expedite the platting process.

**ACTION REQUESTED:** We recommend the County Board pass this resolution.

### FUNDING

County Dollars = \$0

Other Sources & Amounts =

= \$

**TOTAL**

= \$0

### FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Related Financial Comments:

Reviewed by Division Director *William J. Weckman* Date: *7/30/07*  
*for RMH*

S:\Projects\10-610-30\RW\BAR080707





# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Resolution Terminating Utility Permits for a Portion of County Road 30

Originating Division: Public Works

Meeting Date: August 7, 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:** Construction for the east leg of County Road 30 and TH 5 realignment are completed. As a part of past agreements between the County and property owners along the southeasterly side of Lake Waconia for land needed to realign County Road 30, the County is to cause utilities to vacate the former road right-of-way of a portion of County Road 30. The attached resolution terminates the permits for utilities in that portion of the old County Road 30 alignment.

**ACTION REQUESTED:** It is recommended that the Board Chair and County Administrator sign the attached resolution.

### FUNDING

County Dollars = \$

Other Sources & Amounts =

= \$

**TOTAL**

= \$

### FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other: See the financial comment below.

**Related Financial Comments:** Excel energy is contesting the County's right to terminate the permit at not cost to the County.

Reviewed by Division Director

*William J. Weckman*  
*for RMS*

Date: 7/30/07

S:

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

Date: August 7, 2007  
Motion by Commissioner: \_\_\_\_\_

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

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**RESOLUTION TERMINATING UTILITY PERMITS FOR UTILITIES  
LOCATED IN A PORTION OF FORMER COUNTY HIGHWAY 30**

**State of Minnesota  
County of Carver**

WHEREAS, by Resolutions 56-05 and 68-05, dated June 21, 2005 and July 12, 2005, the Carver County Board of Commissioners ordered the vacation of a portion of former County Highway 30, as described below, pursuant to the provisions of Minn. Stat. § 163.11, subd. 4; and

WHEREAS, the Board resolution authorized the temporary continuance of the permits of all utility companies on the property described below, pursuant to Minn. Stat. § 160.29, subd. 2. The Board Resolution authorized the utilities to remain in the former County Road 30 right-of-way until the completion of the realignment of Trunk Highway 5; and

WHEREAS, the Board's prior road vacation was part of a public project; and

WHEREAS, Trunk Highway 5 in the vicinity of former County Road 30 has been completed and alternative locations for the utilities located in the vacated portion of former County Road 30 are now available; and

WHEREAS, the Rules and Regulations of the Board of County Commissioners for Utilities on County Highways, Paragraph IX states:

If at any time Carver County, acting through its Board of County Commissioners, shall deem it necessary to make any improvements or changes on all or any part of the right of way of the county highway which affect a utility located on county highway right of way, then and in such event, the owner of the utility shall within 15 days after written notice from the Board of County Commissioners, or its authorized agent, proceed to alter, change, vacate or remove said utility from the county highway right of way so as to conform to said county highway changes and as directed by the Board of County Commissioners. Such work shall be done without any costs whatsoever to Carver County and shall be completed within the date specified in said written notice. The Utility shall assume liability and save Carver County harmless from any and all claims of damage of any nature whatsoever occasioned by reason of not having removed said utility within the time specified in said notice.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to Minn. Stat. § 160.29, subd. 2 the Carver County Board of Commissioners hereby orders that the permits for utilities located in that portion of the former County Road 30 described below are terminated.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that Xcel Energy, Mediacom, Sprint Telephone, Centerpoint Energy/Minnegasco, their successors, agents and assigns and any other public utilities located in that portion of the former County Road 30 described below shall remove their utilities by no later than December 31, 2007. This resolution applies to that portion of former County Highway 30 in Government Lot 1, Section 18, Township 116, Range 24, described as follows:





# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Abatements/Additions

Originating Division: Property Records Taxpayer Services

Meeting Date: 08/07/07

Amount of Time Requested: 0 minutes

Attachments for packet:  Yes  No

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

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** Due to financial hardship from illness, James E Nord (307 5<sup>th</sup> St W, Chaska, MN – PID#30-0501480) is requesting that the county board abate the penalty, interest, & costs applied to his Pay 2005 and Pay 2006 delinquent taxes. More information on file and available in Taxpayer Services Department upon request.

### ACTION REQUESTED:

Laurie Engelen, Taxpayer Services Manager, recommends approval of Application for Settlement & Abatement of Penalty, Interest, & Costs Upon Real Estate (MS 375.192)

### FUNDING

County Dollars = \$

Other Sources & Amounts =

= \$

**TOTAL** = \$

### FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other: Not Budgeted

Related Financial Comments:

Reviewed by Taxpayer Services Manager

Date: 7-30-07







# REQUEST FOR BOARD ACTION

**AGENDA ITEM : Abatements/Additions**

Originating Division: Property Records Taxpayer Services Meeting Date: 08/07/07  
 Amount of Time Requested: 0 minutes Attachments for packet:  Yes  No  
 Item Type:  Consent  Regular Session  Closed Session  Work Session  Ditch/Rail Authority

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** See Attached.**ACTION REQUESTED:****FUNDING**

County Dollars = \$-1,377.21  
 Other Sources & Amounts = -2,536.79  
 =  
**TOTAL** = \$-3,914.00

**FISCAL IMPACT**

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

*Related Financial Comments:* Reviewed by Taxpayer Services Manager*James Eng...*

Date: 7-30-07



**Taxpayer Services Department**  
 Government Center - Administration Building  
 600 East 4th Street  
 Chaska, MN 55318-2102  
 Phone (952) 361-1910  
 Fax (952) 361-1919  
 www.co.carver.mn.us

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

**Abatements presented to the  
 Carver County Board of Commissioners  
 August 7, 2007**

| <b>Payable Year</b> | <b>Parcel Number</b> | <b>Name</b>                      | <b>Original Tax Amount</b> | <b>Adjusted Tax Amount</b> | <b>County Dollars Abated</b> | <b>Total Amount of Adjustment</b> |
|---------------------|----------------------|----------------------------------|----------------------------|----------------------------|------------------------------|-----------------------------------|
| 2006                | M09-9510005          | Lorna E McMillan                 | 220.00                     | 136.00                     | -41.52                       | -84.00                            |
| 2007                | M09-9510005          | Lorna E McMillan                 | 222.00                     | 138.00                     | -38.77                       | -84.00                            |
| 2005                | 25-5460050           | Harry Baert                      | 2,710.00                   | 2,530.00                   | -79.53                       | -180.00                           |
| 2006                | 25-5460050           | Harry Baert                      | 2,684.00                   | 2,516.00                   | -70.77                       | -168.00                           |
| 2007                | 25-5460050           | Harry Baert                      | 3,164.00                   | 3,020.00                   | -59.05                       | -144.00                           |
| 2007                | 58-6510190           | Christopher & Sally Alar         | 3,406.00                   | 3,304.00                   | -38.74                       | -102.00                           |
| 2007                | 25-4010130           | Elling & Monica Olson            | 3,814.00                   | 3,710.00                   | -39.29                       | -104.00                           |
| 2006                | 25-4010130           | Elling & Monica Olson            | 3,578.00                   | 3,464.00                   | -43.07                       | -114.00                           |
| 2005                | 25-4010130           | Elling & Monica Olson            | 3,492.00                   | 3,356.00                   | -54.36                       | -136.00                           |
| 2007                | 75-1060610           | Valentin & Vera Mikityuk         | 2,388.00                   | 2,196.00                   | -68.95                       | -192.00                           |
| 2007                | 30-1360020           | Sinxay Philaphandeth & Ka Yang   | 2,066.00                   | 1,850.00                   | -4.60                        | -216.00                           |
| 2007                | 04-0150910           | Randy & Heather Buckentine       | 2,230.00                   | 2,044.00                   | -82.43                       | -186.00                           |
| 2005                | 10-0141000           | John & Yvonne Profaizer Trustees | 2,580.00                   | 2,438.00                   | -78.63                       | -142.00                           |
| 2006                | 10-0141000           | John & Yvonne Profaizer Trustees | 3,184.00                   | 3,020.00                   | -71.66                       | -164.00                           |
| 2007                | 10-0141000           | John & Yvonne Profaizer Trustees | 3,248.00                   | 3,094.00                   | -65.45                       | -154.00                           |
| 2005                | 65.2100010           | Alicia Pemble                    | 1,744.00                   | 0.00                       | -540.39                      | -1,744.00                         |
|                     |                      |                                  |                            |                            |                              | 0.00                              |
|                     |                      |                                  |                            |                            |                              | 0.00                              |
|                     |                      |                                  |                            |                            |                              | 0.00                              |
|                     |                      |                                  | <b>\$40,730.00</b>         | <b>\$36,816.00</b>         | <b>-\$1,377.21</b>           | <b>-\$3,914.00</b>                |



Office of County Assessor  
Angela Johnson  
Carver County Government Center  
Administration Building  
600 East Fourth Street  
Chaska, Minnesota 55318-2102  
Phone: (952) 361-1960  
Fax: (952) 361-1959

Abatements presented to the  
Carver County Board of Commissioners

The following properties are to receive the homestead credit for the 2006 assessment payable 2007, these are recommended for approval by the County Assessor.

|             |                      |             |
|-------------|----------------------|-------------|
| 04-015-0910 | Randy Buckentine     | Residential |
| 30-136-0020 | Sinxay Philaphandeth | Residential |
| 58-651-0190 | Christopher Alar     | Residential |
| 75-106-0610 | Vera Mikityuk        | Residential |

The following properties are to receive the homestead credit for the following years 2004 assessment payable 2005, 2005 assessment payable 2006, and the 2006 assessment payable 2007, these are recommended for approval by the County Assessor.

|             |              |             |
|-------------|--------------|-------------|
| 25-401-0130 | Elling Olson | Residential |
| 25-546-0030 | Harry Baert  | Residential |

The following property is a Mobile Home and the owner is to receive the homestead credit for the following years, 2006 assessment payable 2006, and 2007 assessment payable 2007, this is recommended for approval by the County Assessor.

|             |                |             |
|-------------|----------------|-------------|
| 09-951-0005 | Lorna McMillan | Residential |
|-------------|----------------|-------------|

The following property is to be classified as Tax Exempt for the 2004 assessment payable 2005, this is recommended for approval by the County Assessor.

|             |               |             |
|-------------|---------------|-------------|
| 65-210-0010 | Alicia Pemble | Residential |
|-------------|---------------|-------------|

Page 2

The following property is to be classified with the Credit for the owner with the Blind Classification for the following years, 2004 assessment payable 2005, 2005 assessment payable 2006, and the 2006 assessment payable 2007, please see attached letter from the dept. of Revenue, this is recommended for approval by the County Assessor.

10-014-1000

John Profaizer

Residential



# REQUEST FOR BOARD ACTION

**AGENDA ITEM :**

Originating Division: Public Works/Parks

Meeting Date: August 7, 2007

Amount of Time Requested: None

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

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** Carver County Received a Blue Cross BlueShield Active Community Planning Grant. The Parks Department is working in conjunction with Land and Water Services and Public Health in fulfilling the grant requirements. As a part of the grant, funds are to be received for planning work the County does on its comprehensive plan as well as working with cities within Carver County to promote Active Living Principles.

Brauer and Associates, LTD have been hired to update the parks and trails elements of the comprehensive plan. The work Brauer is currently doing on the comprehensive plan related to trails will dovetail nicely with work outlined in the Blue Cross BlueShield Grant on Active Living Principles. The work will promote healthy lifestyles by meeting with city and county representatives, incorporating trail design elements, planning trail connections to communities and developing plans to make communities more walkable.

On July 24, 2007 the County Board approved the Blue Cross BlueShield grant agreement and amended the County Budget with Land and Water Services. The proposed Addendum No. 1 would be paid from the Professional Service line item 01-123-000-1558-6260 – parks planning effort, Website & brochure design.

**ACTION REQUESTED:** It is recommended that the Board Chair and County Administrator sign Addendum #1 to the professional service agreement with Brauer.

**FUNDING**

|                           |            |
|---------------------------|------------|
| County Dollars =          | \$         |
| Other Sources & Amounts = |            |
| Blue Cross BlueShield     | =\$29,952  |
| <b>TOTAL</b>              | <b>=\$</b> |

**FISCAL IMPACT**

None  
 Included in current budget  
 Budget amendment requested  
 Other:

*Related Financial Comments:* Funds to be paid from 01-123-000-1558-6260

 Reviewed by Division Director

Date:

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

Date: 8/7/07

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

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

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

**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**

**BE IT RESOLVED**, that the Carver County Board of Commissioners hereby authorize the Board Chair and the County Administrator to execute Addendum No. 1 to the Professional Service Agreement between Brauer & Associates LTD. and Carver County.

YES

ABSENT

NO

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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\_\_\_\_\_  
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\_\_\_\_\_

STATE OF MINNESOTA  
COUNTY OF CARVER

I, David Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 7<sup>th</sup> 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 7<sup>th</sup> day of August, 2007.

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



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Family Planning Special Project Grant 2007

Originating Division: Public Health

Meeting Date: 08/07/07

Amount of Time Requested:

Attachments for packet:  Yes  No

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

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** The Minnesota Department of Health (MDH) has approved the 2007-2009 application of Carver County Community Health Board/Carver County Public Health for a Family Planning Special Project (FPSP) for the grant period of July 1, 2007 through June 30, 2009 to expend up to \$252,767. Public Health has received funding for this grant program in the past. This grant funds pre-pregnancy family planning services targeted to the un-insured and under-insured population. There is currently no provider of low cost, pre-family planning services within the County. Services will be provided through agreements with local medical clinics, as had been done previously.

**ACTION REQUESTED:** Motion to approve the Family Planning Special Project Grant (July 1, 2007 - June 30, 2009) and approve related revenue and expenditure authority.

### FUNDING

|                           |                    |
|---------------------------|--------------------|
| County Dollars =          | \$                 |
| Other Sources & Amounts = |                    |
| MN Dept. of Health =      | \$252,767          |
| <b>TOTAL</b>              | <b>= \$252,767</b> |

### FISCAL IMPACT

None  
 Included in current budget  
 Budget amendment requested  
 Other:

### Related Financial Comments:

|                    |                      |                        |           |
|--------------------|----------------------|------------------------|-----------|
| Add to Revenue     | 01-460-461-2374-5309 | Family Planning Grant  | \$252,767 |
| Add to Expenditure | 01-460-461-2374-6271 | Medical Expense        | 137,470   |
|                    | 01-460-461-2374-6241 | Advertising            | 4,800     |
|                    | 01-460-461-2374-6353 | Interpreter            | 8,334     |
|                    | 01-460-461-2374-6431 | Drugs and Medicine     | 96,263    |
|                    | 01-460-461-2374-6432 | Public health Supplies | 5,000     |
|                    | 01-460-461-2374-6453 | Reference Materials    | 900       |

Reviewed by Division Director

Date: 07/27/07



# REQUEST FOR BOARD ACTION

**AGENDA ITEM : Department of Human Services (DHS) Data Warehouse MOU with Scott County**

Originating Division: Public Health

Meeting Date: August 7, 2007

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:** Carver County Public Health is a new contributing partner to the Minnesota County Data Collaborative consisting of five counties (Anoka, Dakota, Ramsey, Hennepin and Scott) for access, collection, use and dissemination of data stored in the Department of Human Services (DHS) Data Warehouse. Scott County is the administrative authority who hires and pays a staff person to coordinate this effort. This agreement is effective January 1, 2007 to December 31, 2007.

**ACTION REQUESTED:** Motion to approve the Memorandum of Understanding with Scott County for access to data stored in the Department of Human Services Data Warehouse.

**FUNDING**

|                           |                  |
|---------------------------|------------------|
| County Dollars =          | \$5,938          |
| Other Sources & Amounts = |                  |
| =                         | \$               |
| <b>TOTAL</b>              | <b>= \$5,938</b> |

**FISCAL IMPACT**

None  
 Included in current budget  
 Budget amendment requested  
 Other:

*Related Financial Comments:* Expense is budgeted in 01-460-460-2399-6260 for 2007.

 Reviewed by Division Director

Date: 07/27/07





# REQUEST FOR BOARD ACTION

**AGENDA ITEM:** Ed Foley – Request for the creation of three (3) Lakeshore Lots

Originating Division: Land & Water Services

Meeting Date: August 7, 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:**

File #PZ20070031. The request is for a Conditional Use Permit that would allow the creation of three (3) (High Amenity) lakeshore lots in Section 11, Watertown Township. The development would consist of a plat with three (3) residential building sites and one (1) 1 per 40 building eligibility available. The development will also be considered an amendment to the Oak Lake Estates Conditional Use Permit (#PZ20060011) which was recently approved. A "Level 3" Water Rules application will need to be submitted with the Preliminary Plat application. A privately maintained township road will be constructed to access the lots. The road will need to be constructed according to township standards (typically 5 ton road). The Planning Commission recommended approval of the request at their July 17, 2007, meeting. The Watertown Town Board also supports the request.

**ACTION REQUESTED:**

A motion to adopt the Findings of Fact and Order #PZ20070031 for the issuance of a Conditional Use Permit.

**FUNDING**

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

**FISCAL IMPACT**

None  
 Included in current budget  
 Budget amendment requested  
 Other:

Related Financial Comments:

Reviewed by Division Director

Date: 30 July 2007

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

**FILE #: PZ20070031**

**RESOLUTION #: 07-018**

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

**FILE #:** PZ20070031

**APPLICANT:** Ed Foley

**OWNER:** FBE LLC

**SITE ADDRESS:** 11125 Co Rd 20

**PERMIT TYPE:** Additional Density (High Amenity Option)

**PURSUANT TO:** County Code, Chapter 152, Section(s) 152.078

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

**PARCEL #:** 10-011-1200

**WHEREAS**, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meeting of July 17, 2007; and,

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

1. Mr. Foley recently purchased an approximate 20 acre parcel located on the northerly side of Oak Lake, in the NW<sup>1</sup>/<sub>4</sub> of Section 11 of Watertown Twp. The property is improved with an uninhabitable house near Oak Lake. The Luce Line Trail is located south of the subject property. The project is a second phase of the recently approved Oak Lake Estates Development which is located on the south side of the Luce Line Trail. It is in the Agricultural Zoning District, Shoreland Overlay District (Oak Lake) and the CCWRMA - Crow River Watershed.
2. The applicant, Ed Foley, is proposing to develop three (3) lakeshore lots and one (1) 1 per 40 building eligibility (an amendment to CUP #PZ20060011). The remnant parcel will have one (1) 1 per 40 building eligibility remaining. The applicant is requesting a Conditional Use Permit (CUP) pursuant to Section 152.078 of the Carver County Zoning Code.
3. Watertown Township has provided for High Amenity lots in its chapter of the Comprehensive Plan. The Foley property, being on Oak Lake, is considered to be eligible land. The Town Board has agreed to the development of a newly constructed public road.
4. Section 152.078A (3) of the Zoning Code prohibits multiple applications for additional density on the same property, as the parcels laid on July 1, 1974. The intent of that provision, for example, is to prohibit the development of wooded lots and high amenity lots on the same property. During the approval process of CUP #PZ20060011 (Oak Lakes Estates), there was a condition included which allowed for a future application to amend that Conditional Use Permit specifically to address the high amenity potential for the 40 acres, directly to the west of the Oak Lake Estates (a.k.a. Burns' property amendment). The Burns property and the Oak Lake Estates development were one (1) 86 acre parcel in 1974. That request was reasonable because it would not result in overlapping developments nor would it result in the same land being developed twice.
5. The applicant is proposing three (3) residential lakeshore lots that would each exceed 2.5 acres. The "residential area" would not have any impact on long term ag land. The one (1) 1 per 40 lot would meet the minimum lot size and the maximum long term ag land requirements. The remaining 10 acre farm field (w/1 B.E.) will need to be considered one parcel for zoning purposes with PID #10-340-0060 and shall not be sold separately.

6. During the preliminary platting process, the applicant will need to document a suitable 1 acre building site for each lot. The applicant has retained a licensed contractor to conduct preliminary soil borings for the on-site sewer locations on the lots. The sketch plan illustrates the existing lake level, which is slightly lower than the ordinary high water (OHW) elevation of 960.1 feet. The 150' setback from the actual OHW has been utilized to determine building site areas on the sketch plan.
7. A road will need to be constructed as part of the platting process and according to a developer's contract. The road must be constructed to Township standards. The Township has previously ruled that a road would need to be privately maintained until the development has at least three (3) homes constructed. The sketch plan illustrates a road configuration over the existing driveway with a 66' right-of-way. County policy discourages permanent dead end roads, but in this particular case it is not practical to require an extension.
8. The development would fall into the category of a Level 3 Water Rules project, which would be reviewed by the County's consulting engineer (Wenck Assoc.). A wetland delineation has already been conducted and approved by the County. The applicant is prepared to address any wetland impacts and/or degradation in accordance with the Wetland Conservation Act (WCA).
9. The entire layout as proposed will properly be addressed during the preliminary plat process.
10. The Watertown Town Board supports the request.

**THEREFORE, BE IT RESOLVED,** THAT The Carver County Planning Commission hereby recommends the issuance of Conditional Use Permit #PZ20070031 (three lakeshore lots & one 1 per 40 lot) on the subject land described in Exhibit "A" of the permit application. The Planning Commission further recommends that the following conditions be attached to the permit:

1. Three (3) lakeshore lots and one (1) 1 per 40 lot are permitted within the residential area, provided the building site definition and minimum lot standards are satisfied. One (1) 1 per 40 building eligibility will remain on the 10 acre production land area; however, the 10 acres and PID #10-340-0060 shall be considered one for zoning purposes and is not to be sold separately. The entire subject property shall be platted in accordance with M.S. Chapter 505 and the Carver County Code.
2. An access permit must be obtained from Watertown Township for the proposed road. This will be completed as a part of the Preliminary Plat submittal.
3. The lots shall be laid out on the preliminary plat substantially as agreed upon by the Township, the County, and the Developer during the Conditional Use Permit (CUP) process. The CUP shall be redrafted and recorded with the final plat stipulating, at a minimum, the building eligibility status for each parcel; the restrictions in the residential and agricultural areas; the statement regarding agricultural uses; the protection of environmentally sensitive land(s).
4. Each residential lot within the plat must show a designated building site as defined by Section 151.10 (Building Site) of the Zoning Ordinance. Soil borings and percolation tests for the two sewer locations on each building site must be submitted with the application for preliminary plat. The building sites must be located so that all buildings and sewer systems can meet County Code setback requirements.
5. As a part of the platting process the applicant will develop covenants to be filed with the plat. The covenants will address at least the following:
  - A. A covenant must clearly state the building eligibility status for each parcel in the development. The keeping of animals, with the exception of dogs, cats and similar animals kept as household pets, is prohibited on any lot in the residential area.

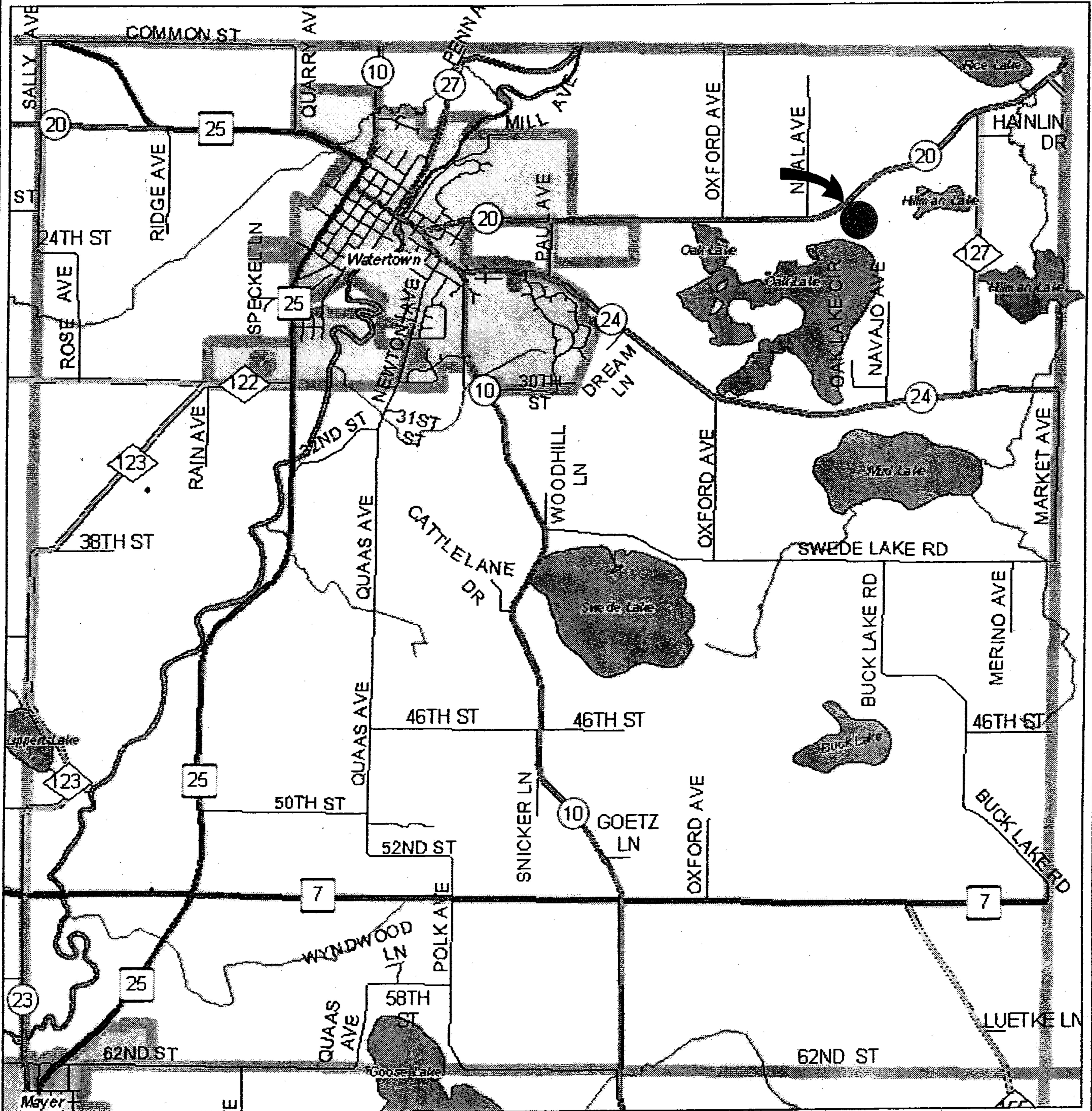
- B. A covenant stating that the area is rural and that commercial agriculture and other rural land use activities will likely be occurring in the area. A notification must be provided regarding “odors, dirt, dust, noises, long hours of operation and other factors associated with agriculture and feedlot activities”. Complaints relating to these activities shall be considered unwarranted so long as such activities are being conducted in accordance with existing standards. A condition clearly stating and restricting the use of the land in the agricultural area to agriculture and to certain conditional uses listed in the “A” district;
  - C. If the home sites include any environmentally sensitive land then restrictions must be placed in the covenants addressing: clear cutting of land, vegetation removal, plus the development and implementation of an erosion control plan to control erosion during and after building construction.
  - D. A covenant must be added requiring that the alternative sewer site must be preserved for a future sewer site. No buildings can be erected on the alternative site and no trees can be planted on the site. Heavy equipment must be kept off the site. If the lot owner must build on the site, he will have to submit percolation tests and soil borings for another site before any building permit will be issued.
  - E. The lot owners shall maintain the road until such time as the Township agrees to accept the road and assume maintenance responsibility.
- 6. The above-required covenants shall become part of the permit.
  - 7. A road plan, drainage plan, erosion control plan, and storm water management plan shall be submitted with the preliminary plat. A completed Carver County “Level 3” Water Rules application, with required attachments, shall be submitted with the Preliminary Plat application.
  - 8. The boundaries of the identified wetlands must be included on the preliminary plat so appropriate drainage easements may be determined. If necessary, a wetland mitigation plan and application shall be submitted with the preliminary plat application.
  - 9. The Permittee must enter into an improvement agreement with the County and the Township covering construction and maintenance of the proposed road and any drainage structures that may be found necessary during the platting process.
  - 10. Streets and drainage ways will be designed so that public utilities can be installed at a later date.

**ADOPTED** by the Carver County Planning Commission this 17<sup>th</sup> day of July, 2007.

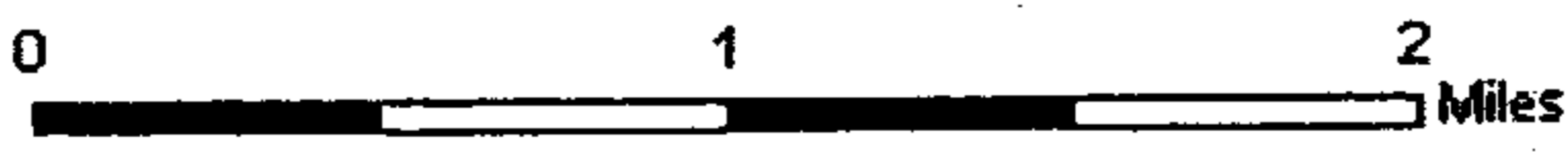
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Gene Miller  
Planning Commission Chair

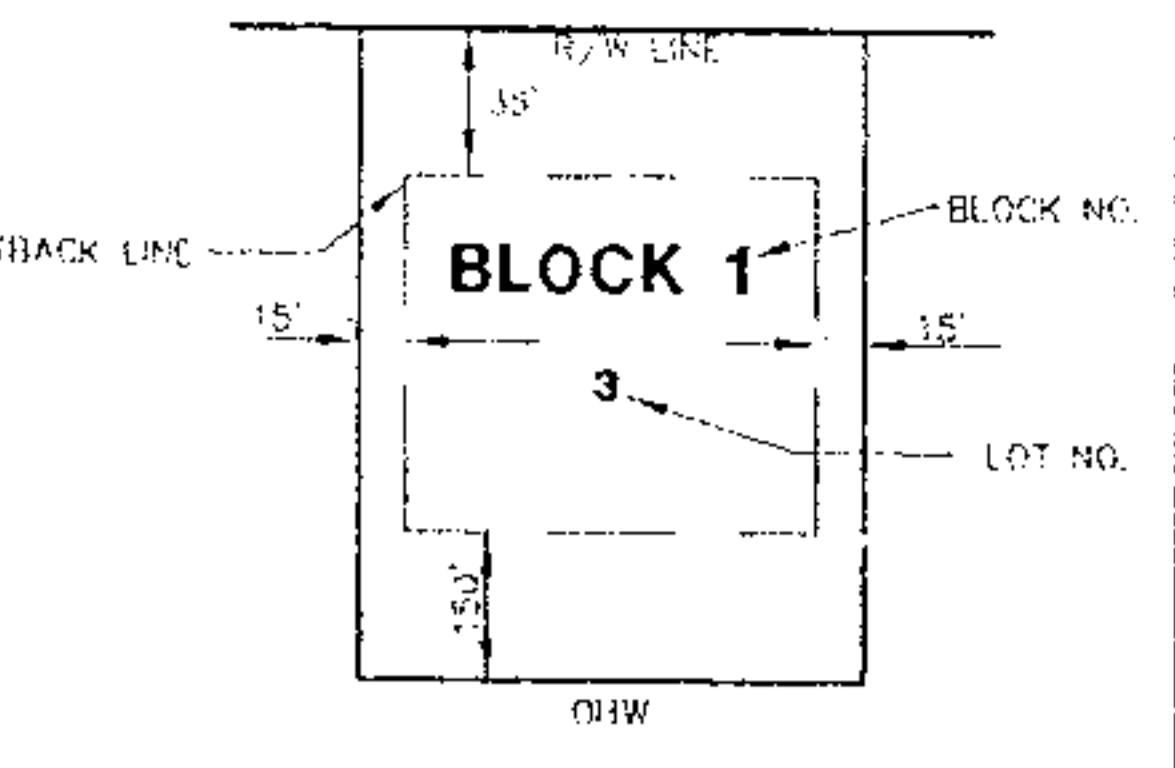
# Watertown Township



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



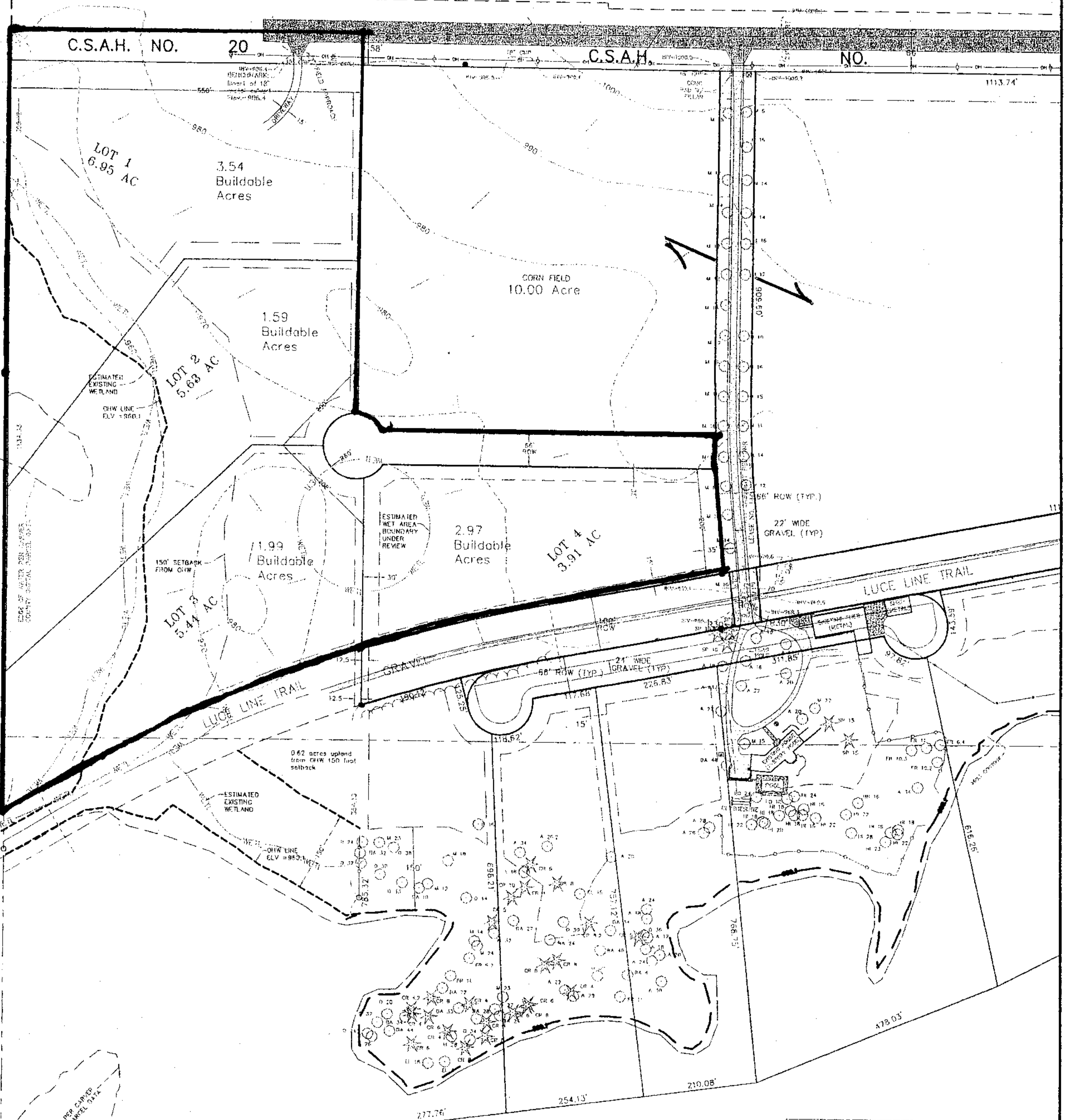
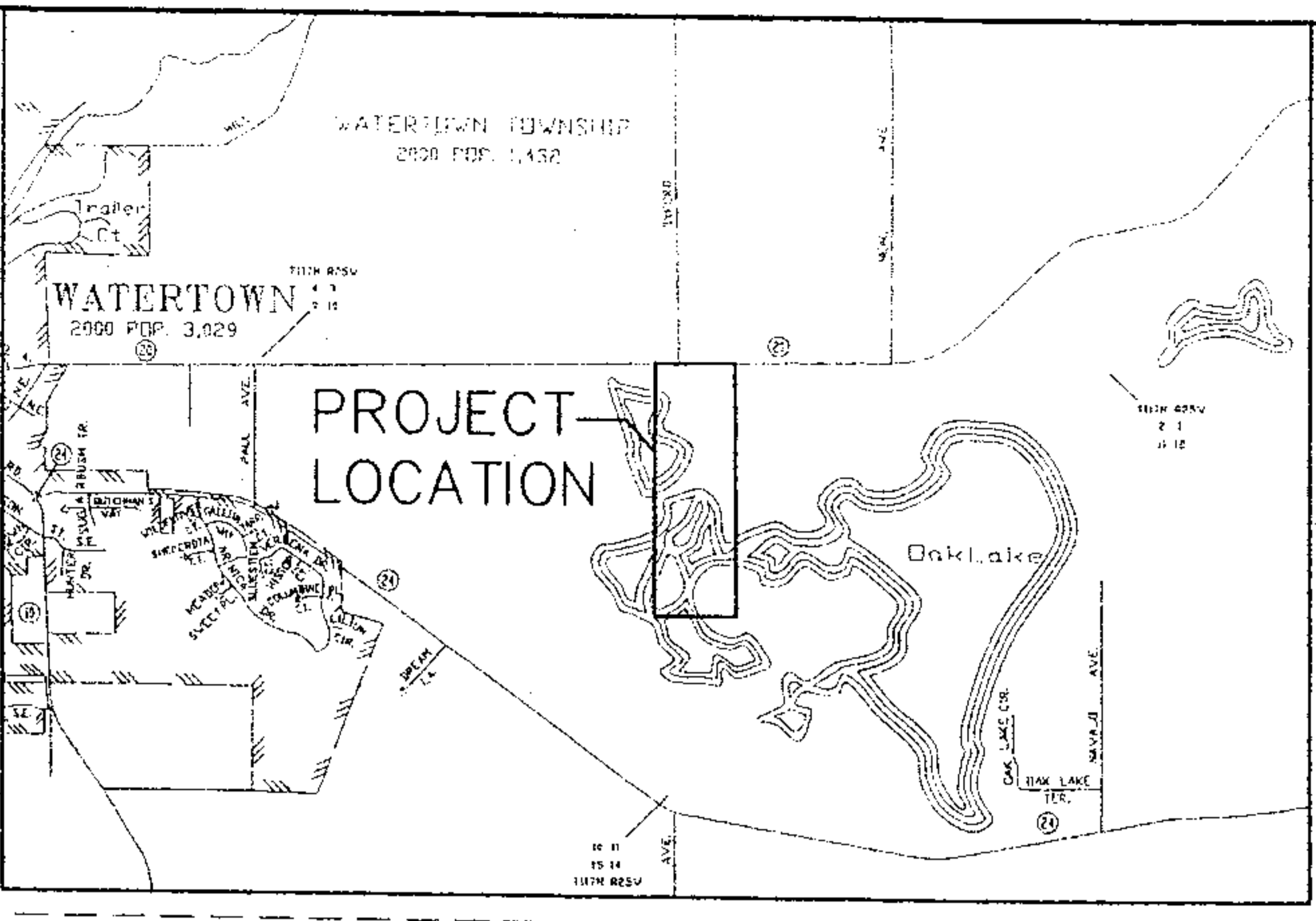
Map Created by Carver County GIS  
Apr 21, 2006



**TYPICAL SETBACK DETAIL**

SINGLE FAMILY DATA  
 FRONT = 35 FT  
 REAR = 30 FT  
 SIDE = 15 FT  
 CHW = 150 FT

MIN. LOT SIZE: 2.5 AC. (BUILDABLE 1 AC.)  
 MIN. LOT WIDTH: 200'



LEGAL DESCRIPTION:  
 WEST HALF OF THE WEST HALF OF THE  
 NORTHWEST QUARTER OF SECTION 11, TOWNSHIP  
 117, RANGE 25, CARVER COUNTY, MINNESOTA,  
 LYING NORTHERLY OF THE ELECTRIC SHORT LINE  
 RAILROAD AS DESCRIBED IN DOCUMENT NUMBER  
 101725

Turns Property Concept  
 (Wetland Excluded)  
 June 21, 2007

**Oak Lake 2nd Addition**  
 Watertown Township, Minnesota





# REQUEST FOR BOARD ACTION

**AGENDA ITEM: Accept donation of 2 Minnesota Renaissance Festival Tickets**

Originating Division: Employee Relations

Meeting Date: August 7, 2007

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:** Minnesota Renaissance Festival has given the Carver County Employee Club two free admission tickets in appreciation for selling employee discount tickets. These tickets are valued at \$13.75 each. Request that the Carver County Board of Commissioners accept the donation. The Carver County Employee Club will hold a drawing at our next Employee Club event to distribute these tickets.

**ACTION REQUESTED:** Request approval to accept the donation of 2 tickets for Minnesota Renaissance Festival.

**FUNDING**

County Dollars = \$0

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

Related Financial Comments: 0

**FISCAL IMPACT** None Included in current budget Budget amendment requested Other: Reviewed by Division Director

Date: 7/26/07



# REQUEST FOR BOARD ACTION

**AGENDA ITEM:** Approve Contract for 2007 NIMS Training (National Incident Mgmt. System)

Originating Division: Employee Relations

Meeting Date: August 7, 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:** Risk/Emergency Management is responsible for providing NIMS Training County-wide. We are requesting to bring in a NIMS Certified Trainer, Greg Hayes, to assist in delivering this training for 2007.

**ACTION REQUESTED:** Approve NIMS Training Contract with Greg Hayes for 2007.

**FUNDING**

County Dollars = \$1,760.00

Other Sources & Amounts =

= \$

**TOTAL** = \$1,760.00

*Related Financial Comments:*

**FISCAL IMPACT**

None

Included in current budget

Budget amendment requested

Other:

Reviewed by Division Director

Date: 7/23/07







# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Donation

Originating Division: Sheriff

Meeting Date: 8-07-2007

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:

Donations to the Carver County Sheriff's Office Mounted Posse for their participation in the Winstock Festival \$647.84 and the Edina 4<sup>th</sup> of July Parade \$1,100.00.

Donation of 4 dozen Beanie Baby stuffed animals to be given to children who encounter law enforcement.

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

### FUNDING

County Dollars = \$

Other Sources & Amounts =

= \$

**TOTAL** = \$

### FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

*Related Financial Comments:* Gifts Restricted 01-201-229-0000-5756, \$1747.84

Reviewed by Division Director

Date:



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

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

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

Please list donated item(s):

- 1) New Beanie Babies - 4 dozen
- 2) \_\_\_\_\_
- 3) \_\_\_\_\_
- 4) \_\_\_\_\_
- 5) \_\_\_\_\_

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

\_\_\_\_\_  
Signature: Lisa Hockstra Date: July 23, 07

Your Name and Address:

Lisa Hockstra  
40 East Broadway  
Plainview, MN 55964

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



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : 2007 Federal Supplement grant for safe boating

Originating Division: Sheriff

Meeting Date: 8-7-07

Amount of Time Requested: 5 minutes

Attachments for packet:  Yes  No

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

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** This supplemental grant will reimburse the county for specific items purchased by the Sheriff's Office for the use in enhancing public safety on the waterways within Carver County. The amount of reimbursement will be up to \$9,976.00. The items to be purchased and identified by the grant are 10 hazard buoys, 12 PFD's (6 SAR and 6 Law Enforcement models) and a sonar/depth finder. No matching funds are required.

**ACTION REQUESTED:** The County Board approves the acceptance of the 2007 Federal Supplement grant for safe boating in the amount of \$9,976.00.

### FUNDING

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

### FISCAL IMPACT

None  
 Included in current budget  
 Budget amendment requested  
 Other:

Related Financial Comments:

Reviewed by Division Director

Date: 7-19-07

# BUDGET AMENDMENT REQUEST FORM

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

**DEPARTMENT: Sheriffs Office**

**Date of County Board Session: 8/7/07**

**Fund: General**

| Description of Revenue Account funds are to Increased/(Decreased): | Amount          | Description of Expenditure Account funds are to Increased/(Decreased): | Amount          |
|--|-----------------|--|-----------------|
| Federal Safe Boating Grant   | \$ 9,976        | Safe boating equipment<br>(See details on RBA)                         | \$ 9,976        |
|  |                 |  |                 |
|  |                 |  |                 |
|  |                 |  |                 |
| <b>TOTAL:</b>  | <b>\$ 9,976</b> | <b>TOTAL:</b>  | <b>\$ 9,976</b> |

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

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

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

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

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

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

**G. Recommend Approval:** Finance

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

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



# REQUEST FOR BOARD ACTION

**AGENDA ITEM :**

Originating Division: Property Records Taxpayer Services Meeting Date: 8/7/07  
 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**

Lot 1, Block 1, Lynmore was owned by Calvin Discher and forfeited on August 14, 2006 due to non payment of taxes. Mr. Discher, per M.S. 282.241, can apply for approval from the County Board of Commissioners to repurchase this property within one year from date of forfeiture. We have received the certified funds in this office for the repurchase.

**ACTION REQUESTED:**

Recommend that the County Board approve the application of Calvin Discher for the repurchase of said property described as: Lot 1, Block 1, Lynmore, Carver County, Minnesota.

**FUNDING**

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

**FISCAL IMPACT**

None  
 Included in current budget  
 Budget amendment requested  
 Other:

Related Financial Comments:

Reviewed by Taxpayer Services Manager

*Ann E. Engula*

Date: 7-18-07

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

Date: July 18, 2007

Resolution No.

Motion by Commissioner:

Seconded by Commissioner:

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**CARVER COUNTY, MINNESOTA**

**COUNTY BOARD APPROVAL OF REPURCHASE OF TAX FORFEITED LANDS**

WHEREAS, the County Board of Commissioners of the County of Carver, State of Minnesota, acknowledges that a parcel of land legally described as Lot 1, Block 1, Lynmore, was previously owned by Calvin Discher and forfeited to the State of Minnesota for non-payment of taxes on August 14, 2006; and

WHEREAS, application for repurchase of non-homestead tax forfeited land has been received by the Carver County Taxpayer Services Department within the one-year time limit as stated in MN Statutes 282.241, that applicant has paid said delinquent taxes and fees in full, and said application is hereby submitted to the County Board of Commissioners for approval,

NOW, THEREFORE, BE IT RESOLVED, the Carver County Board of Commissioners has reviewed the application for repurchase and hereby approves repurchase by applicant.

BE IT FURTHER RESOLVED, that the Carver County Board of Commissioners hereby approves the repurchase of the aforementioned tax forfeited parcel of land.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2007

\_\_\_\_\_  
Chairman, Carver County Board of Commissioners

Attest: \_\_\_\_\_  
Administrator

YES

ABSENT

NO

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STATE OF MINNESOTA  
COUNTY OF CARVER

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

Dated this \_\_\_\_ day of \_\_\_\_\_, 2007.

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



# REQUEST FOR BOARD ACTION

**AGENDA ITEM : University of Minnesota School of Nursing**

Originating Division: Public Health

Meeting Date: 08/07/07

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:** Carver County Public Health will be an affiliate site for nursing students of the University of Minnesota School of Nursing that are in their Public Health rotation. Public Health staff will provide written evaluations of the students performance. This is a renewal of a 5-year contract effective September 1, 2007 to August 31, 2012.

**ACTION REQUESTED:** Motion to approve contract with University of Minnesota School of Nursing to accept student nurses.

**FUNDING**

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

**FISCAL IMPACT**

None  
 Included in current budget  
 Budget amendment requested  
 Other:

*Related Financial Comments:* Reviewed by Division Director

Date: 07/27/07





# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Out-of-state training

Originating Division: Sheriff

Meeting Date: August 7, 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:** I request that Detective Bill Hughes be approved to go to training out-of-state. Detective Hughes is the President of the Minnesota Chapter of the High Technology Crime Investigator Association. They are having an international conference in San Diego California August 27-29, 2007. The association will pick up all travel, lodging, and meal expenses for Detective Hughes related to the conference. The only expenses for the county will be three days of his regular salary which is already budgeted for. There is an extensive list of training available related to computer forensics that Detective Hughes can apply to his current assignment.

**ACTION REQUESTED:** Board approve the request for Detective Hughes to attend out of state training in San Diego California August 27-29, 2007.

### FUNDING

County Dollars = \$

Other Sources & Amounts =

= \$

**TOTAL** = \$

### FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

*Related Financial Comments:* There are no travel expenses related to this request. The only expense to the County is three regular work days of salary

Reviewed by Division Director

Date: 7-27-07



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Certificate of Recognition – Positive Connections Transportation Donation

Originating Division: Administrative Services

Meeting Date: August 7, 2007

Amount of Time Requested: 5 minutes

Attachments for packet:  Yes  No

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

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** On June 9, 2007 the Minnesota World War II Veterans Memorial was dedicated in front of the State Capitol. A roll call of the 6,000 state WW II casualties began the events and continued during the day. Governor Tim Pawlenty formally dedicated the site to the over 326,000 Minnesotans who served during the war.

Sixty-one Carver County veterans took advantage of free transportation provided by Positive Connections, Inc. The company donated two buses and drivers to transport Carver County WW II veterans at two locations in the County. Without this donation many of these older veterans would not have been able to attend this dedication ceremony.

The County Board of Commissioners wishes to recognize the following individuals for helping to make this important event such a success:

- Jonathan Mahowald and Elizabeth Williams, Positive Connection bus drivers, for donating their time to transport County WWII Veterans;
- Positive Connections safety director, Ralph Hanson, and Positive Connections manager, Michael Robbins, for coordinating the donated transportation services and
- Positive Connections, Inc, for their valuable donation of two buses equipped with wheelchair accessibility.

**ACTION REQUESTED:** Present Certificate of Recognition – no formal 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: 07/31/07



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Public Hearing – County Ditch #4

Originating Division: Property Records & Taxpayer Services    Meeting Date: August 7, 2007  
 Amount of Time Requested: 35 minutes    Attachments for packet:  Yes  No  
 Item Type:  Consent  Regular Session  Closed Session  Work Session  Ditch/Rail Authority

### BACKGROUND/EXPLANATION OF AGENDA ITEM:

An initial meeting concerning the re-viewing and reallocation of benefits assessed on County Ditch #4 was held on April 10, 2007. Following this meeting it was determined that there was substantial interest in re-viewing the benefits assigned to this ditch.

### ACTION REQUESTED:

Discussion concerning public hearing and if in agreement, adopt resolution to proceed.

#### FUNDING

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

#### FISCAL IMPACT

None  
 Included in current budget  
 Budget amendment requested  
 Other:

#### Related Financial Comments:

All financial aspects of this re-viewing will be billed to County Ditch #4.

Reviewed by Division Director

Date: July 12, 2007

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

Date: August 7, 2007

Resolution No.

Motion by Commissioner:

Seconded by Commissioner:

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**CARVER COUNTY, MINNESOTA**

WHEREAS, substantial interest has been shown in re-viewing and re-determining the benefits assigned to County Ditch #4; and

WHEREAS, if the re-viewing is approved it is understood that this will result in a re-determination of benefits to all parties on County Ditch #4; and

WHEREAS, it is within the authority of the Carver County Ditch Board to approve this re-viewing and re-determination of benefits;

NOW, THEREFORE, BE IT RESOLVED that the Carver County Ditch Board hereby recommends to proceed with the re-viewing and re-determination of benefits on County Ditch #4.

Adopted on August 7, 2007.

YES

ABSENT

NO

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STATE OF MINNESOTA  
COUNTY OF CARVER

I, David J. 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 7th 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 7th day of August, 2007.

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



# REQUEST FOR BOARD ACTION

## AGENDA ITEM: Water Tower –City of Carver

Originating Division: Land & Water Services

Meeting Date: August 7, 2007

Amount of Time Requested: 20 minutes

Attachments for packet:  Yes  No

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

### BACKGROUND/EXPLANATION OF AGENDA ITEM:

File #PZ20070028. The City of Carver is requesting a Conditional Use Permit for a municipal water tower, well and associated improvements on the Mills Properties, Inc. site, which is located in Section 12 of Dahlgren Township. The facility is considered an "Essential Service" under the Zoning Code. The City has stressed that there is a critical need for the facility based on their limited water storage capacity during peak summer usage. The construction timeframe would span approximately 2 years, which is one reason the City is proposing this project prior to annexation. The Planning Commission has recommended approval of the request. The public hearing included a mix of input from area residents, both for and against the request. Dahlgren Township did not provide a specific written recommendation; however they did indicate their support for the residents in the CreekrIDGE neighborhood, located to the north of the proposed facility. Several City officials will be available at the Board meeting to answer questions.

### ACTION REQUESTED:

A motion to adopt the Findings of Fact and to issue Order #PZ20070028 for the issuance of a Conditional Use Permit

#### FUNDING

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

#### FISCAL IMPACT

None  
 Included in current budget  
 Budget amendment requested  
 Other:

Related Financial Comments:

Reviewed by Division Director *me*

Date: 27 July 2007

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

**FILE #: PZ20070028**

**RESOLUTION #: 07-19**

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

**FILE #:** PZ20070028

**APPLICANT:** City of Carver

**OWNER:** Mills Properties, Inc.

**SITE ADDRESS:** 5120 Hwy 212

**PERMIT TYPE:** Essential Service, Water Tower

**PURSUANT TO:** County Code, Chapter 152, Section(s) 152.054

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

**PARCEL #:** 04-086-0070

**WHEREAS**, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meetings of June 19, 2007 and July 17, 2007; and,

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

1. The City of Carver is proposing to construct a water tower, well and associated improvements on the Mills Properties, Inc. site, which is located on the northerly side of Hwy 212 in Section 12 of Dahlgren Township. The property includes an existing farmstead; however it is the potential site for a future Mills Fleet Farm that would be developed under the City's jurisdiction. The property is located in the Agricultural Zoning District and the CCWRMA (West Chaska Creek).
2. Section 152.054 of the Zoning Code allows for municipal structures or uses of land as a conditional use. Sections 152.050, 152.052 and 152.053 address the scope and standards for Essential Services and the requirements for a Conditional Use Permit. In addition, Section 152.037 addresses height regulations and the requirement that structures exceeding 100 feet may be permitted only upon the issuance of a Conditional Use Permit.
3. The applicant has indicated that there is a critical need for a new water tower because they only have a few hours of water storage capacity during the City's peak summer usage. The site selection process was based on several factors, which included topography, soils, relationship to anticipated land uses and the fact that Mills Properties, Inc. is a willing seller. The tower and appurtenances would be designed to meet the setback requirements (tower height + 10'). Water tower construction is approximately a 2 year process, which is one reason the City is proposing this project prior to annexation. The tower location would be on the westerly side of the subject property, about 700 feet to the south of Creekridge Lane. The City has submitted several narratives, maps and other supporting information that provide specific details of the project.
4. The tower height would be approximately 140' to 150', and it would have a 750,000 gallon capacity. The design has not been finalized but two examples have been submitted by the applicant. A building (approx. 30' x 30') would be constructed to house the pump and electrical equipment.
5. The municipal water well would be constructed and monitored in accordance with Mn Dept. of Health and Mn DNR requirements. The applicant has indicated that the well would be in the Franconia-Ironton-Galesville (FIG) aquifer and would produce approximately 500 gallons per minute. The City does not anticipate any interference with neighboring

private wells. Representatives from the City's consulting engineers (Bonestroo) has addressed resident's concerns and answered questions on this issue.

6. Security measures would be implemented by the City to prevent unauthorized access. Screening was considered for the equipment building; however the benefit of such a measure would be negligible and could actually be a detriment to security.
7. Access to the site would be via the existing driveway off of Hwy 212. A temporary 16'± access road would be constructed to the site. An access would not be constructed from Creekside Lane. The City anticipates minimal traffic to the site, once construction is completed. The permanent access and future street(s) would be established under the City's jurisdiction, as development in the area progresses.
8. The City held an informational meeting for neighboring property owners on June 4<sup>th</sup>. The meeting notes were submitted with the application. A letter was been submitted by Creekridge neighborhood residents (by Lee Harrison), and the City Planner, Cynthia Olness provided a response to their questions and concerns. Additionally, comments and letters were received, which included a mix of individuals opposed to, and in support of the water tower.
9. Cynthia Olness submitted site plans (sightlines) and photo illustrations for the neighboring Harrison and Rengstorff properties, which were presented in detail at the Planning Commission meeting. The City has specified that the well testing water would not be discharged to the north toward Creekridge; rather it would be directed in a southeasterly direction across the Mills' property and eventually flow into Spring Creek in the City of Carver. The applicant has provided the following additional project details in an effort to address some of the questions and concerns expressed at the hearing:

- Outside Storage – During construction, the area around the tower and pumphouse will be used for storage. Following construction, the City of Carver will use the interior part of the water tower for storage of equipment and various materials. Any outside storage in the future will be for limited periods of times during maintenance of the facilities.
- Work Hours – Other than when well test pumping and water tower sandblasting/painting is being performed, construction work will be limited from 7:00 am to 7:00 pm as per standard City Contractual Language (*Note to County Staff: we need to allow the painter to paint whenever the weather is good – sun-up to sun-down, 7 days a week. Typically the loud work – sandblasting – is performed throughout the day. Usually they do not blast in the evening – they have to paint everything they blast before it gets cold or humid, and they can't let the blasted area sit overnight.*)
- Insurance, Bonds, Warranty – the contractors will provide certificates of insurance, performance and payment bonds, and a two-year warranty on workmanship in accordance to standard City contract language.
- Site access will be from the south. No contractor access to Creekridge Ln.
- Lighting for the well pumping facility and the water tower will be in conformance to the City of Carver's Lighting Ordinance (copy below), except for FAA obstruction lighting on the top of the water tower.

*Section 1220 - SPECIAL REGULATIONS*

*Lighting Ordinance - Subd. 4 Glare. Direct or reflected glare, such as from floodlights, spotlights, or high temperature processes, and as differentiated from general illumination, shall not be visible beyond the site of origin at any property line. Any lighting used for exterior illumination (including off-street parking areas) shall be directed away from adjacent properties.*

- Concrete Wash out – Rinsing and wash-out of concrete trucks will conform to the NPDES Construction Permit requirements outlined below. Typically, this requirement is met by constructing a small earthen depression surrounded by silt fence or a vegetated berm.

**Part IV.F.3 Pollution Prevention Management Measures**

*“External washing of trucks and other construction vehicles must be limited to a defined area of the site. Runoff must be contained and waste properly disposed of. No engine degreasing is allowed on site.”*

- Well Test Pumping water – Water from test pumping of the well will not be discharged to the north towards the Creekridge Lane residents. The water will be discharged to the south of the well site on Mill's property via a combination of temporary piping and temporary overland flow. The water will follow natural drainage routes to the southeast, through existing piping along TH 212 and County Road 11 (formerly County Road 147), and then discharge into Spring Creek in the City of Carver. The City will need to prepare a Stormwater Pollution Prevention Plan (SWPPP) in accordance to the National Pollutant Discharge Elimination System (NPDES) construction permit related to this well test pump water discharge.
- The City will work with the MN DNR to determine an appropriate monitoring plan for measuring nearby wells completed in the Franconia or Ironton-Galesville aquifers during well test pumping.
- Well Pumping Facility. The well pumping facility will be constructed out of low-maintenance materials (such as brick, architectural concrete masonry units, or metal siding) and will have a pitched roof.

10. Dalhgren Township did not provide a written recommendation, but they have indicated their support for the residents in the Creekridge neighborhood.

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

1. The permit is subject to administrative review. The development of the facility shall be substantially in accordance with the site plans and operational details that have been submitted by the City of Carver. Upon annexation, or the execution of an appropriate orderly annexation agreement transferring planning & zoning authority to the City, this permit shall be considered null & void.
2. The development of the facility shall be in accordance with the Carver County Water Rules. Concrete wash-out rinsing and wash-out of concrete trucks must conform to the NPDES Construction Permit requirements. Water from test pumping of the well shall not be discharged in a northerly direction toward Creekridge Lane or the Creekridge residents' properties.
3. The appropriate building permits shall be obtained before construction begins.
4. No access to the water tower and/or well site shall be permitted from Creekridge Lane.
5. The City shall work with neighboring property owners in accordance with the State's well interference program, if the need arises.
6. Security measures shall be implemented to prevent unauthorized access to the facility. Once the construction of the facility is completed, outside storage shall be prohibited, except for limited periods of time for maintenance of the facility.
7. Except for obstruction lighting required by the FAA, lighting for the well pumping facility and the water tower shall not generate direct or reflective glare visible beyond the site of origin at any property line.

**ADOPTED** by the Carver County Planning Commission this 17<sup>th</sup> day of July, 2007.

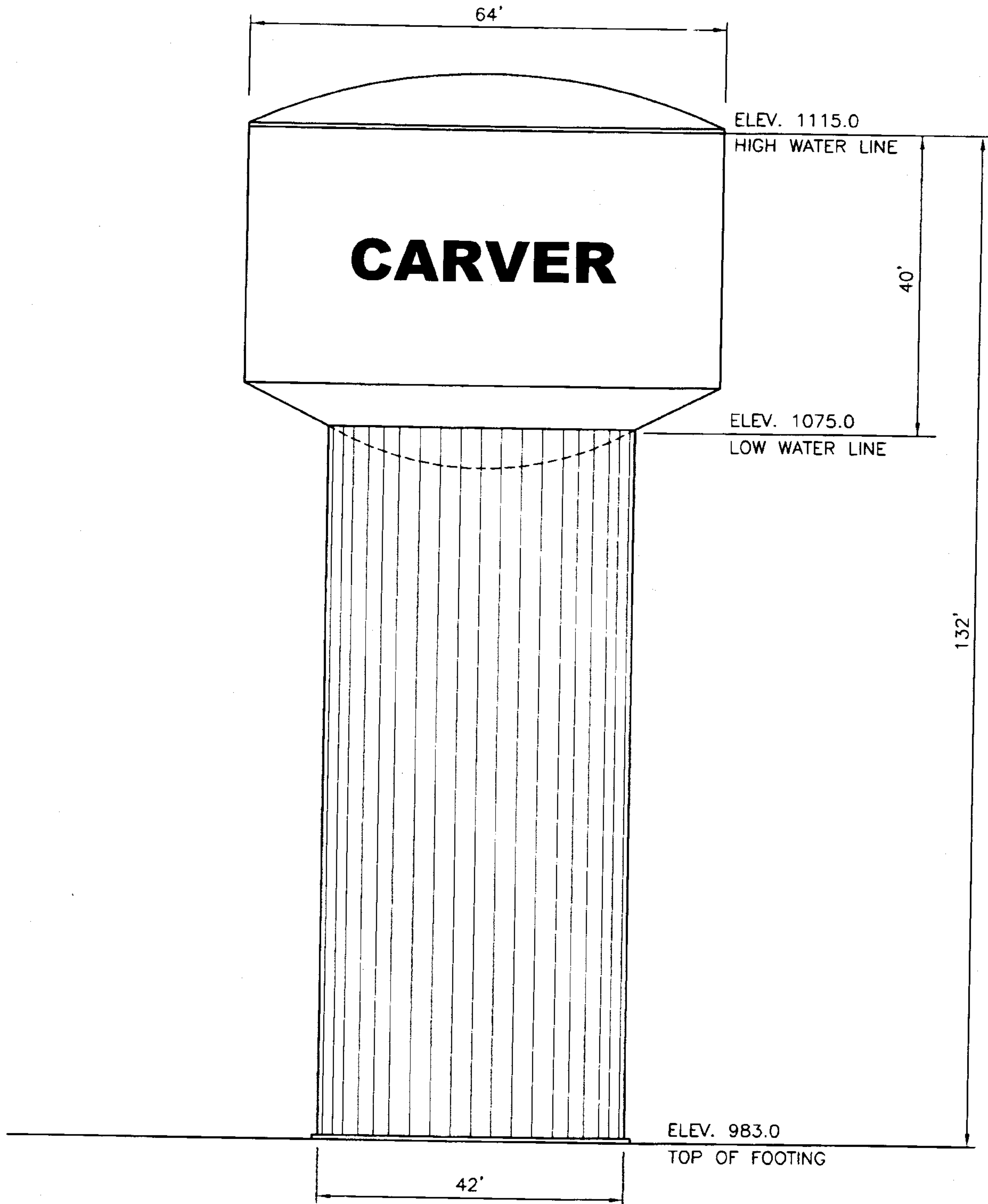
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Gene Miller  
Planning Commission Chair





EXAMPLE ONLY



FLUTED COLUMN WATER TOWER

CARVER, MINNESOTA

750,000 GALLON WATER STORAGE FACILITY

47505161R05.DWG

AUGUST 2005

FIGURE 3A

000475-05161





# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Comments on the TH41 MN River Crossing DEIS

Originating Division: Land Water Services/Public Works

Meeting Date: 7 August 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:

The MN Dept of Transportation (MNDOT) has issued a Draft Environmental Impact Statement (DEIS) for corridor preservation of a proposed new trunk highway crossing of the MN River (TH41). Comments on this DEIS are due by August 10, 2007. Staff from Land and Water Services and Public works have prepared a memo (attached) with comments on the DEIS and is requesting Board authorization to submit the comments on behalf of Carver County. At this time, comments on the DEIS are limited to the adequacy of the document and do not contain any input on a preferred corridor or the benefits/negative impacts of any of alignments. Although several of the comments contained in the attached memo need to be addressed, there are not sufficient deficiencies in the DEIS to warrant an "inadequate" finding.

**ACTION REQUESTED:** Motion to authorize submittal of comments on the Draft Environmental Impact Statement (DEIS) for a TH41 Minnesota River crossing.

### 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: 07/30/07



Carver County Planning and Water Management  
Land & Water Services Division  
Government Center – Administration Building

600 East 4<sup>th</sup> Street

Chaska, Minnesota 55318  
Phone: (952)361-1820  
Fax: (952)361-1828  
[www.co.carver.mn.us/pz](http://www.co.carver.mn.us/pz)

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## Memo

**To:** County Commissioners, David Hemze  
**From:** Paul Moline, Planning and Water Management  
**Date:** 8/1/2007  
**Re:** Comments on the TH41 MN River Crossing DEIS  
**CC.** Dave Drealan, LWS Director  
Roger Gustafson, PW Director

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The MN Dept of Transportation (MNDOT) has issued a Draft Environmental Impact Statement (DEIS) for corridor preservation of a proposed new trunk highway crossing of the MN River (TH41). Comments on this DEIS are due by August 10, 2007.

Staff from County Land & Water Services Division and County Public Works Division have reviewed the document according to the purpose of the DEIS – “to receive public and agency input on the evaluation of environmental effects and the methods for avoiding and minimizing adverse impacts”. At this time, comments on the DEIS are limited to the adequacy of the document and do not contain any input on a preferred alternative or the comparative benefits/negative impacts of any of the corridor alignments. The following comments are offered:

### Chapter 1 – Executive Summary

#### Section 1.10 – Potential Area of Controversy and Unresolved Issues

- The last statement of the first paragraph “However, there are currently no unresolved issues” seems inconsistent with the preceding comments about areas of controversy.

#### Table 1-3 – Agency permits, approvals

- The Table mentions local watershed districts and WMO’s. The table should list out the three jurisdictions covering this area and their appropriate permitting role as the current table descriptions are vague and incomplete.

#### Section 1.13 – Surface Water Quality/Stormwater

- The statement should include stormwater requirements from local jurisdictions in addition to state and federal. The current wording of “incorporated as required” and “to the extent possible” indicate that mitigation of stormwater is an alternative and not a requirement. The entire document should clearly reference that stormwater mitigation is a required activity for all alternatives.

## Chapter 2 – Purpose and need for action

### Table 2-1 – Population 2000 and 2040

- It should be noted that the population forecasts listed in the table appear very low for Carver County. It is unclear when these forecasts were made, but section 2.2.1.3 indicates an update in April 2006. The 2030 Met Council forecast for Carver County at that time was 197,101 while current 2030 forecast is 199,000. Table 2-1 indicates a 2040 forecast of 184,910. Either these numbers are very low or the forecasts represented in the DEIS are more likely for a 2025 traffic scenario. Because all the traffic conditions are modeled off of these numbers, the difference should be noted (i.e. forecasts are low or represent an earlier time frame) in this table and any other tables, and maps in the DEIS.

### Section 2.2.1.2.1 – Existing

- Note that the Union Pacific spur which runs to Chaska is likely in abandonment proceedings.

### Section 2.2.4.2.2 – Transit

- The statements in the DEIS regarding Transit are incomplete and contradicting. This section states that transit “future increases” are not part of local and regional plans, then goes on to mention that SW Transit is in the process of updating its long term plan and mentions added facilities and service. The statement that the new river crossing would decrease overall congestion and therefore facilitate bus or vanpool service contradicts existing transit patterns in the area and seems incomplete. What is this section intended to state?

## Chapter 4 – Transportation Impacts

### Section 4.1 – Future Traffic Operations

- Table 4.1 – Do the TH 101 and New TH 41 volume variations in the six alternatives represent regional trips or local trips?
- What capacity expansions (additional lanes) are indicated by each of the alternatives for the Highway 101, TH 41, and CSAH 9/45 crossings?
- Figures 4-1 through 4-7 – 2040 volume forecasts on the maps for Highway 101 north of Highway 212 and for Highway 212 east of Highway 101 would be helpful in understanding impacts on these two highway segments of the Highway 101 crossing forecasts for each alternative.
- Forecast volumes on major roads within the study area –
  - Added narrative explaining the shifting of traffic within the travelshed west of New 212 resulting in the variation of traffic forecasts on CSAH 10 and Highway 212 for each of the alternatives would be helpful.

- Added narrative explaining the level of service impacts on the segments of New TH 212 identified by forecast traffic volumes east of TH 41 for each of the alternatives (including the TH 41, CSAH 17, and Highway 101 interchanges) would be helpful.

#### Section 4.2 – Vehicle Miles Traveled / Vehicle Hours Traveled

- No comments / questions

#### Section 4.3 – Safety

- 4.3.2 – The number of crashes in downtown Chaska is predicted to be reduced by more than 30% under the build alternatives. What is the predicted change in the number and rate of crashes on Highway 101 under the various alternatives?

#### Section 4.4 – Benefit/Cost Analysis

- When will mitigation cost estimates be introduced into the project consideration process?

#### Section 4.5 – Local and Regional Transportation System Analysis Changes

- 4.5.2 – Regional Travelshed Analysis –
  - Under the bullet points on page 4-21, are the long distance trips on existing TH 41 north and south of the Minnesota River classified as regional or local trips?
  - Under the bullet points on page 4-21, is the identified traffic from western Carver County classified as regional or local?

#### Section 4.6 – Vehicular Energy use

- No comments / questions

#### Section 4.7 – Other Modes

- 4.7.2 – Freight (Highway Truck Traffic) – Are the differences in the 2040 truck forecasts for the Highway 101 and TH 41 crossings under the six alternatives statistically significant?

### Chapter 5 – Social, Relocation and Economic Impacts

#### Section 5.1 – Social Impacts

##### Section 5.1.2.3 – Travel Patterns and Access

- Build Alternatives – Additional narrative explaining the consistency of the statement “Build alternatives would impact the continuity of the local road network resulting in minor impacts on

ease of access to community facilities for residents” with the Alternate E-1 statement “there would be numerous local roadway alterations needed” would be helpful.

## Chapter 6 – Physical Environmental Impacts

### Section 6.2.4 Conclusions

- The conclusion of the noise analysis from pages 6-10 to 6-34 is that traffic will increase everywhere and that higher traffic noise will result seems to contradict the statement in section 6.5.2 (pg 6-73) “highway facilities in the area would also be less congested”. Both these sections should be restated and be made more consistent.

### Section 6.3.2 Affected Environment

- The section mentions Chaska Township. The township was annexed by the City of Chaska in Jan 2006 and should be removed from the document.

### Section 6.5.2 Summary of Environmental Consequences

- When discussing views from the riverway, the section states that users of the riverway “may” experience impacts. This statement should be clear that users will experience adverse visual impacts as there is no way to completely shield a river crossing from the riverway.
- See comments from 6.2.4 above. It is unclear what the subjective statement “the highway facilities in the area would be less congested, offering a better and more efficient driving experience” is supposed to mean in the context of environmental consequences or the DEIS as a whole.

## Chapter 9 Water Resources

### Section 9.1.1 Regulatory overview

- The following information is available for impaired waters listings and TMDL’s and should be referenced in the document. That statement that “it is not known when (the TMDL’s) will be established” seems incomplete.

| Reach                                   | Pollutant or stressor <sup>3</sup>   | Target start/completion |
|---|--------------------------------------|-------------------------|
| Minnesota River; Carver Creek to RM 22  | Mercury <sup>1</sup><br>Water Column | 1999/2011               |
| Minnesota River; Carver Creek to RM 22  | Mercury <sup>1</sup> FCA             | 1999/2011               |
| Minnesota River; Carver Creek to RM 22  | PCB FCA                              | 1999/2011               |
| Minnesota River; Carver Creek to RM 22  | Turbidity                            | 2008/2011               |
| Carver Creek; Headwaters to Minnesota R | Fecal coliform                       | 2003/2007               |
| Carver Creek; Headwaters to Minnesota R | Turbidity                            | 2003/2007               |
| East Creek to Minnesota R               | Fish IBI                             | 2007/2010               |
|   | Fecal                                |                         |
| East Creek to Minnesota R               | coliform                             | 2006/2009               |
|   | Fecal                                |                         |
| (West) Chaska Creek                     | coliform                             | 2013/2020               |

- The Lower MN River Watershed District should be mentioned in this section
- The statement that the water quality treatment ponds were developed to meet current standards does not appear accurate. EIS states that ponds were developed to meet current standards, more detailed review would be necessary to ensure County standards are met. In addition to wet ponds, filtration should be included in the project,
- Ponding will require additional ROW and often linear projects request relief from ponding due to ROW costs. However, Ponding and filtration should remain a land use requirement throughout the project.
- References to watersheds and creeks need correction and clarifying. There are three watersheds and creeks draining into the project area from the Carver County side of the river: Carver Creek, West Chaska Creek and East Chaska Creek. Text and maps throughout this section should be changed to reflect this. Examples
  - The map on Figure 9-1 references Carver Creek and Hazeltine-Bavaria only and does not match text descriptions.
  - Text on pg 9-16, 9-17, 9-19, 9-20, 9-23

#### Section 9.1.3.2 Build Alternatives

- Additional review should occur to investigate if ponds can be above the 100-year flood elevation. The EIS currently states ponds are above the 50-year elevation, but not the 100-year. Text in this section states that special considerations in design might be needed. What are examples of this design? Is the DEIS saying that they are needed? The CCWMO does not support ponding without 100 yr protection
- Project should include mitigation of floodplain, through cooperation with local agencies on acquiring property beyond the corridor, creating floodplain, and replacement using natural restoration methods including habitat improvements.

#### Section 9.1.4 Mitigation

- See comments from Section 1.13 – Surface Water Quality/Stormwater

#### General

- Erosion control during construction will be the major short term impact to the corridor and surrounding receiving waters.
- Table 15-1 should read Carver COUNTY WMO

Although several of the comments are of concern and should be addressed in any revisions and a Tier II EIS there does not appear that there are sufficient deficiencies in the Tier I DEIS to warrant an “inadequate” finding.





# REQUEST FOR BOARD ACTION

## AGENDA ITEM: Acceptance of the Family Homeless Prevention and Assistance Grant

Originating Division: Community Social Services

Meeting Date: 8/7/2007

Amount of Time Requested: 5 min.

Attachments for packet:  Yes  No

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

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** The Minnesota Housing and Finance Agency has awarded Carver / Scott Counties the Family Homeless Prevention and Assistance Program Grant proposal for the 2008-2009 biennium in the amount of \$275,000. This grant will assist Carver County Veterans, youth in transition (18-22), victims of domestic abuse, and persons with mental illness by focusing on homeless prevention as well as decreasing the duration of their homeless situation. The Community Action Program in Shakopee and Safe Haven for Youth are the two subgrantees that will be providing short term funding for the project as well as the case management functions. Carver County Social Services is pleased to be the fiscal manager of this grant by assisting families and individuals who need homeless prevention.

**ACTION REQUESTED:** Motion to approve acceptance of the \$275,000 in grant funds for the Family Homeless Prevention and Assistance Program Grant and approve the Budget Amendment adding the revenue and associated expenditures to the Division's Budget.

### FUNDING

|                           |                    |
|---------------------------|--------------------|
| County Dollars =          | \$                 |
| Other Sources & Amounts = |                    |
| Grant                     | = \$275,000        |
| <b>TOTAL</b>              | <b>= \$275,000</b> |

### FISCAL IMPACT

None  
 Included in current budget  
 Budget amendment requested  
 Other:

**Related Financial Comments:** Carver County will be the fiscal agent. This will set up a mechanism whereby the County will receive and in- turn redistribute funds to agencies who are providing shelter and services in accordance with the grant directives. While the County does not keep any of these dollars, the grant will provide services to persons in need; these persons, without these resources, would undoubtedly require other services that would have County dollars attached.

Reviewed by Division Director

Date: 7/31/2007

# BUDGET AMENDMENT REQUEST FORM

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

**DEPARTMENT:** Behavioral Health

**Date of County Board Session:** 8/7/07

**Fund:** CSS

| Description of Revenue Account funds are to Increased/(Decreased): | Amount            | Description of Expenditure Account funds are to Increased/(Decreased): | Amount            |
|--|-------------------|--|-------------------|
| Family Homeless Prevention Grant                                   | \$ 275,000        | Payments to Subgrantees:<br>(July 1, 2007 thru June 30, 2009)          |                   |
|  |                   | Community Action Program   | \$ 181,496        |
|  |                   | Safe Haven   | \$ 93,504         |
|  |                   |  |                   |
|  |                   |  |                   |
| <b>TOTAL:</b>  | <b>\$ 275,000</b> | <b>TOTAL:</b>  | <b>\$ 275,000</b> |

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

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

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

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

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

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

**G. Recommend Approval:** Finance

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

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



# REQUEST FOR BOARD ACTION

## AGENDA ITEM: Information Services – Department Reorganization

Originating Division: Administrative Services

Meeting Date: 8/07/2007

Amount of Time Requested: 10

Attachments for packet:  Yes  No

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

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** Information Services requests approval of recommended Information Services Reorganization as presented by Sharp Sky Consulting.

Details – Sharp Sky Consulting was contracted to meet with Information Services Staff and various County Division Directors and/or Divisional employees. The purpose of that contract was to understand County Division service needs, determine gaps in ability of Information Services to meet current and growing service demands, and recommend Information Services Department Design. Part of the recommendations made by Sharp Sky are in the early phase of implementation.

The next phase involves the reorganization of Information Services Department Design and to apply market adjustments as recommended by Employee Relations. The impact of market adjustment is as follows:

Existing Positions:

- I.S. Manager – grade 18 – market grade 19
- Sr. System Engineer (2) – grade 13 – market grade 18 (1 vacant)
  - Current salary is above grade approved via Board Action
- Business Analyst – grade 13 – market grade 17 (vacant)
- Database Administrator – grade 12– market grade 18
  - Current salary is above grade approved via Board Action

Eliminated and New Positions:

- I.S. Asst. Manager – replaced with Technology Supervisor – grade 16 – market 19
- GIS Database Administrator – replaced with GIS Supervisor – grade 15 – market 18
- GIS Specialist (from 2 to 1) – replaced with GIS Analyst – grade 13 – market 14
- Records Management Coordinator – replaced with Records Supervisor – grade 13 – market 13

2007 Cost - \$43,000 (funded from vacant 2007 positions)

2008 Cost - \$175,000

The result of the Sharp Sky recommendation is a staff increase of .7 (from 18.30 to 19FTE). The .7 FTE is funded from various on-call clerical support that will be eliminated. The 2007 market adjustment is realized from vacancies not filled and no additional County funds will be required in 2007.

**ACTION REQUESTED:** Motion to approve Information Services Department reorganization with market adjustment as recommended with the authority to make job offer up to the top of market adjustment.

### FUNDING

County Dollars = \$ 49,393.92

Other Sources & Amounts =  
= \$

**TOTAL** = \$ 49,393.92

### FISCAL IMPACT

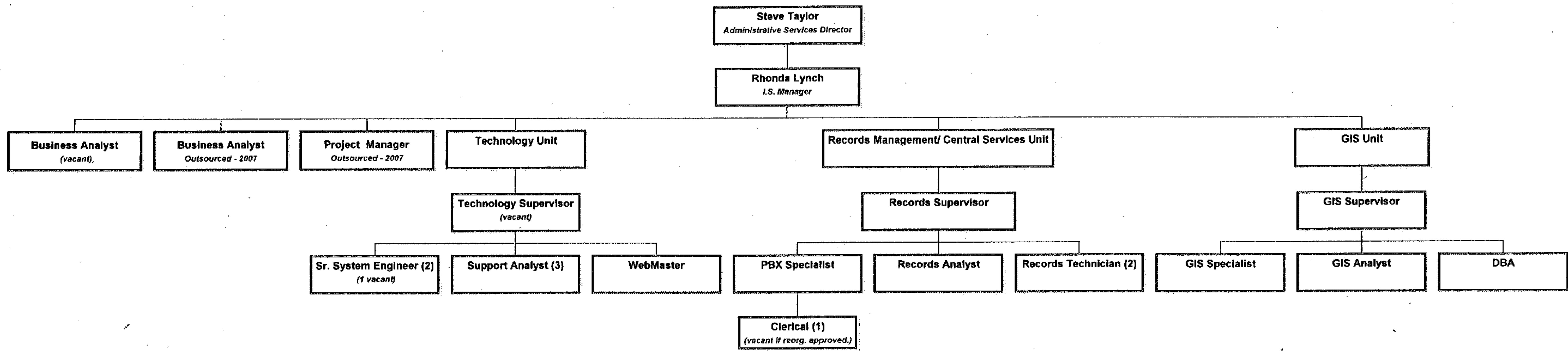
- None
- Included in current budget
- Budget amendment requested
- Other:

*Related Financial Comments:* Financial impact of market adjustment of \$175,000 is included as part of the proposed 2008 budget.

Reviewed by Division Director

Date: 07/14/2007

2007 and 2008





# REQUEST FOR BOARD ACTION

**AGENDA ITEM : Proposed Carver County Social Host Ordinance No. 59-2007**

Originating Division: Attorney

Meeting Date: August 7, 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:**

The Social Host Ordinance is currently scheduled for a public hearing on August 28, 2007 at 9:00 a.m.

At the work session on July 17, 2007 it was requested that the County Attorney's Office look at the possibility of adding controlled substances to the Social Host Ordinance. After further research, it is the recommendation of the County Attorney's Office that controlled substances should not be added to the Social Host Ordinance at this time because of the social issues and potential preemption issues.

**ACTION REQUESTED:**

Direction from the Board about whether the Social Host Ordinance should proceed to public hearing on August 28, 2007 as currently written or whether the public hearing should be continued for an indefinite period of time.

**FUNDING**

|                           |       |
|---------------------------|-------|
| County Dollars =          | \$0   |
| Other Sources & Amounts = | = \$  |
| <b>TOTAL</b>              | = \$0 |

**FISCAL IMPACT**

None  
 Included in current budget  
 Budget amendment requested  
 Other: No immediate fiscal impact. Ordinance may result in more citations being issued and prosecuted. No additional staff is necessary or anticipated. Fine revenue may increase.

Related Financial Comments:

Reviewed by Division Director

Date: August 2, 2007



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Closed Session, Labor Negotiations Strategy

Originating Division: Employee Relations

Meeting Date: 8/7/07

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:

Employee Relations is in the process of negotiating with AFSCME and the LELS for collective bargaining agreements 2007 and forward.

There is a tentative agreement with the three AFSCME units, Social Services, Public Works and General Courthouse. The County is still in negotiations with LELS and the AFSCME Assistant County Attorneys. The two Teamster units settled earlier this year

This session is to describe the terms of tentative agreement with the three AFSCME units and its impact on future bargaining with the three units still in negotiations.

The County Negotiating teams are seeking further guidance on the strategy and direction desired by the Board at this time.

MN Statute 13D.03 allows for closed session meetings for such labor negotiations strategy planning.

### ACTION REQUESTED:

Motion to go into closed session to discuss Labor Negotiation strategy, as permitted by Minn. Stat. 13D.03. Following the closed session, motion to return to regular session.

### FUNDING

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

### FISCAL IMPACT

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

Related Financial Comments:

Reviewed by Division Director  
Doris M. Krogman

Date: 7/31/07