

Carver County Board of Commissioners  
 Regular Session  
 February 20, 2007  
 County Board Room  
 Carver County Government Center  
 Human Services Building  
 Chaska, Minnesota

PAGE

4:00 p.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 February 23, 2007, Regular Session .....	1-3
	4.	Public participation (Comments limited to five minutes)	
	5.	Community announcements	
4:05 p.m.	6.	<b>CONSENT AGENDA</b>	
	6.1	Renewal of set up license for Marsh Lake Hunting Preserve .....	4
	6.2	University of Minnesota, Center for Early Education and Development letter of agreement.....	5
	6.3	Community Social Services' warrants.....	NO ATT
	6.4	Commissioners' warrants .....	SEE ATT
	7.	<b>ADMINISTRATION</b>	
	7.1	CSAH 30 Corridor purchase .....	6-10
4:25 p.m.		<b>ADJOURN REGULAR SESSION</b>	

**WORK SESSION**

4:25 p.m.	A.	<b>ADMINISTRATION</b>	
	1.	Update on Minnehaha Creek Watershed District activities .....	11
5:00 p.m.	B.	<b>LAND AND WATER SERVICES</b>	
	1.	ISTS Loan ordinance changes; TMDL Implementation, Comprehensive plan update .....	12-19
6:00 p.m.	C.	<b>PUBLIC WORKS</b>	
	1.	Transportation topics.....	20

David Hemze  
 County Administrator

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on February 13, 2007. Chair Gayle Degler convened the session at 9:00 a.m.

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

Members absent: None.

Chair Degler recognized County employee Susan Wherley for going above and beyond her responsibilities in the Veterans Service Office. He noted the exceptional service provided to the Veterans of Carver County when faced with limited resources. Degler pointed that Ms. Wherley had also been recently recognized by both Governor Pawlenty and the Chaska City Mayor and thanked her for her outstanding public service to the Veterans.

Ms. Wherley thanked the Board and Division Director, Steve Taylor, for their support. She also noted the valuable assistance given to her by the Department of Veteran Affairs.

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

Ische moved, Maluchnik seconded, to approve the minutes of the February 6, 2007, Regular Session with the following addition to page five: "Maluchnik moved, Degler seconded, to appoint Gary Boyle to the Personnel Board of Appeals." Motion carried unanimously.

Community announcements were made by the Board.

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

Approved a Memorandum of Understanding with AFSCME to allow recruitment for the position of data base administrator with a salary range equivalent to AFSCME grade 16 and the authority to hire up to the top of that range if a well qualified candidate is available, subject to the approval of the AFSCME General Courthouse collective bargaining unit.

Contracts with Southern Valley Alliance for Battered Women and the Sexual Violence Center.

Approved Chaska High School Environmental Club School, Business and Organization grant.

Contract with Johnson Controls for eddy current testing pending contract approval, approved the rollover of 2006 CIP funds identified for this repair work in the amount of \$25,000 and authorized Facilities Services Manager to proceed with any repairs identified not to exceed \$25,000.

Approved the following abatements:

85-2900130  
04-0120800

Matthew Randall & Jennifer Bloom  
Gary Etheridge

01-0120810	Gerald Hartman
01-0120900	Steven Gestach
04-0121100	Shelly Scharping
04-0121300	Mark Lano
09-0070100	Donald Weibel
25-0253300	Roger Lee
30-0060500	Club West Partners LLC
30-0061100	Club West Partners LLC
30-0061200	Steven Niesche
30-0070100	Holasek Land Mgmt. Inc.
30-0070600	Richard Engelen
30-0070700	Frenz Family LLC
30-0322000	Marcella Jaspers

Authorized the acceptance of grant funds from the Metropolitan Area Agency on Aging, Inc., for the purpose of carrying out the Healthy Living Education Series for Seniors program and related Public Health budget amendment increasing grant revenue \$50,000 and increasing professional services \$50,000.

Approved the Senior Health Promotion consultant contract with the Scott-Carver-Dakota CAP Agency, Inc.

Resolution #10-07 Amendment to Section VI Traffic Signal System to Cost Participation Policies Applicable to Cooperative Highway Projects Between Carver County and Other Agencies.

Community Social Services' actions.

Approved payment of the following Commissioners' warrants:

INSERT

Motion carried unanimously.

John Klavins, Court Services, requested the Board approve the Sentencing to Serve contract with the Minnesota Department of Corrections. He explained STS works with nonviolent juvenile and adult offenders on probation supervision and provides Courts with a sentencing alternative. Klavins indicated the program provides low cost labor to the County and local communities. He pointed out the number of service hours completed and the benefits to Carver County.

Lloyd Stephens, STS crew leader, reviewed a listing of projects the STS crews completed across the County.

Ische moved, Lynch seconded, to approve the State FY 2008-2009 contract with the Minnesota Department of Corrections for Sentencing to Serve. Motion carried unanimously.

Steve Just, Land and Water Services, requested the Board adopt an Order for the issuance of an amended conditional use permit for TCW, Inc. He stated they had tried to put together findings for conditions that addressed the City concerns. Just indicated the applicant was not allowed to build any additional structures, was limited to nine trucks and the sorting of recyclables was an incidental part of the contractor's yard. He noted the finding that an access permit would not be required. Just stated condition eight was based on the City's request that the recyclables must be removed on an on-going basis and limited to the inside of an identified hoop building. Just indicated they tried to provide conditions that the applicants could comply with and addressed the City concerns.

Mike Buckentin, City of Hamburg, stated both the Planning Commission and Land and Water staff put a lot of work into this request and believed the Board should go along with their recommendations.

Lynch moved, Workman seconded, to adopt Findings of Fact and issue Order #PZ20060047 for the issuance of Conditional Use Permit #PZ20060047, TCW, Inc. Degler, Lynch, Maluchnik, Workman voted aye. Ische voted nay. Motion carried.

Workman moved, Maluchnik seconded, to adjourn the Regular Session at 9:25 a.m. Motion carried unanimously.

David Hemze  
County Administrator

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



# REQUEST FOR BOARD ACTION

## AGENDA ITEM: RENEWAL OF SET-UP LICENSE FOR MARSH LAKE HUNTING PRESERVE, INC

Originating Division: Auditor

Meeting Date: 02/20/07

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:** An application has been received from Marsh Lake Hunting Preserve, Inc. for renewal of their Set-Up License. They are located at 5785 Hunters Road, Chaska, MN 55318. There are no delinquent real estate taxes on this property.

### 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 *Taxpayer Services Manager*  
Division Director *Yvonne Engler*

Date: 2-5-07



# REQUEST FOR BOARD ACTION

**AGENDA ITEM:** University of Minnesota, Center for Early Education and Development (CEED) Presentation

Originating Division: Public Health

Meeting Date: 2/20/07

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:** Carver County Early Identification/Children's Mental Health Group is sponsoring a workshop for parents, daycare providers, and those who work with young children on March 13, 2007. The keynote address will be given by Michele Fallon, LICSW, Co-Director of A Baby's Space and CEED Field Faculty on March 13, 2007.

**ACTION REQUESTED:** Motion to approve the Letter of Agreement between University of Minnesota CEED and Carver County Public Health in the provision of a workshop/presentation on 3/13/07. This includes the cost for the presenter and travel.

**FUNDING**

County Dollars = \$570  
Other Sources & Amounts = \$  
**TOTAL** = \$570

**FISCAL IMPACT**

None  
 Included in current budget  
 Budget amendment requested  
 Other:

*Related Financial Comments:* Expense is budgeted in 01-460-460-2399-6260 and will be \$530 plus actual round trip mileage reimbursement; total expected to not exceed \$570.

Reviewed by Division Director

Date: 02/07/07



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : CSAH 30 Corridor Purchase

Originating Division: Administration

Meeting Date: 2/20/07

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:** The Board has discussed the potential purchase of property related to a future CSAH 30 corridor during two closed sessions. An agreement has now been reached with the City of Waconia and Plowshares Developers with the terms described in the "Action Requested" section below. Maps illustrating the property and the corridor are attached.

A map is also attaching showing the following comparable sales.

- Sale# 1 sold for \$6,022,300 and included 58.87 acres which calculates to \$102,300 per acre. Plowshares Development purchased the property from the Siegle Family Partnership. There was approximately 7-8 acres wetlands. The parcel is part of the Waterford residential development. Dirt work was started prior to closing with preliminary plat work completed with the city.
- Sale# 2 sold for \$10,400,000 an included 84.5 acres or \$123,077 per acre. The Radde's sold the property to Legacy Holdings who has developed the property into mixed residential. This parcel included some lakeshore on Lake Waconia which explains the higher per acre price.
- Sale# 3 sold for \$2,202,692 and included 18.65 acres, \$118,107 per acre. This parcel was purchased by Centex and is part of the development associated with sale# 1.

The subject property is made up of four parcels purchased separately but within the same time period at an average of \$64,257 per acre between March of 2004 and October of 2005. These parcels were slated for development in 2006-2007 by the city. The value of the subject property has increased since the purchase date because of the platting/annexation work that has been already completed with the city.

### ACTION REQUESTED:

1. Motion to approve purchase of up to 10.63 acres of property from Plowshares Development (as shown in the attached drawing) for \$110,000 per acre for a total purchase price of \$1,169,300 and to direct the County Administrator to develop final purchase agreements subject to review of the County Attorney and Risk/Emergency Management Offices.
2. Motion to direct County Administrator to develop cost share agreement with the City of Waconia to split the purchase price of the corridor equally between the County. This agreement is also subject to review of the County Attorney and Risk/Emergency Management Offices.

### FUNDING

County Dollars =	\$589,650
Other Sources & Amounts =	
City of Waconia =	<u>\$589,650</u>
<b>TOTAL</b>	<b>= \$1,179,300</b>

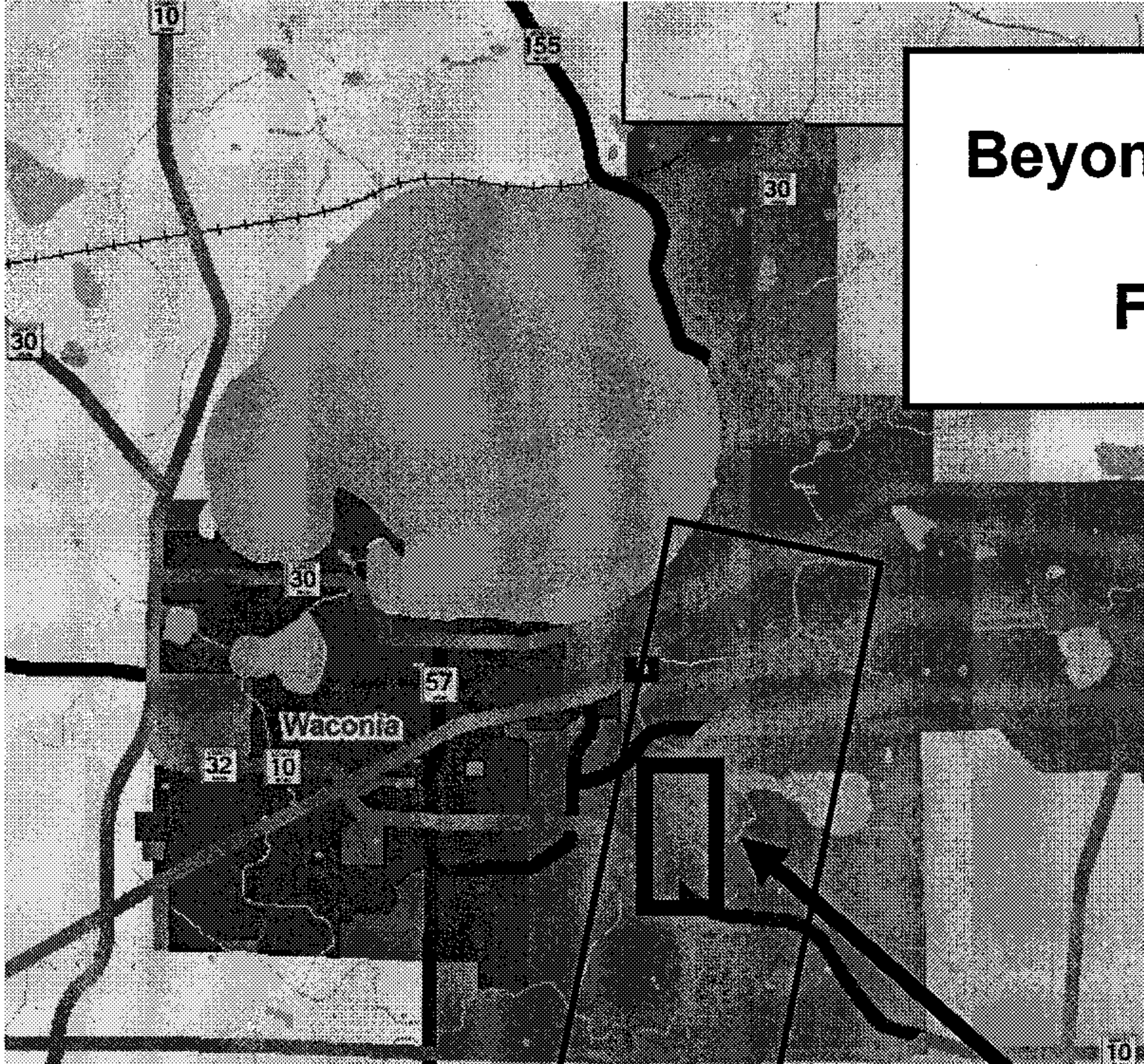
### FISCAL IMPACT

None  
 Included in current budget  
 Budget amendment requested  
 Other:

*Related Financial Comments: The above number includes purchase price plus \$10,000 for closing fees and related professional services. Recommended funding source is the Year End Savings Account to be reimbursed at a later date with State Aid Money.*

Reviewed by Division Director

Date: 2/14/07



**Beyond 2030 Roadway System  
and  
Future Growth Areas**

**InterLaken Plat – Plowshares  
Preservation  
of  
Highway Corridor**

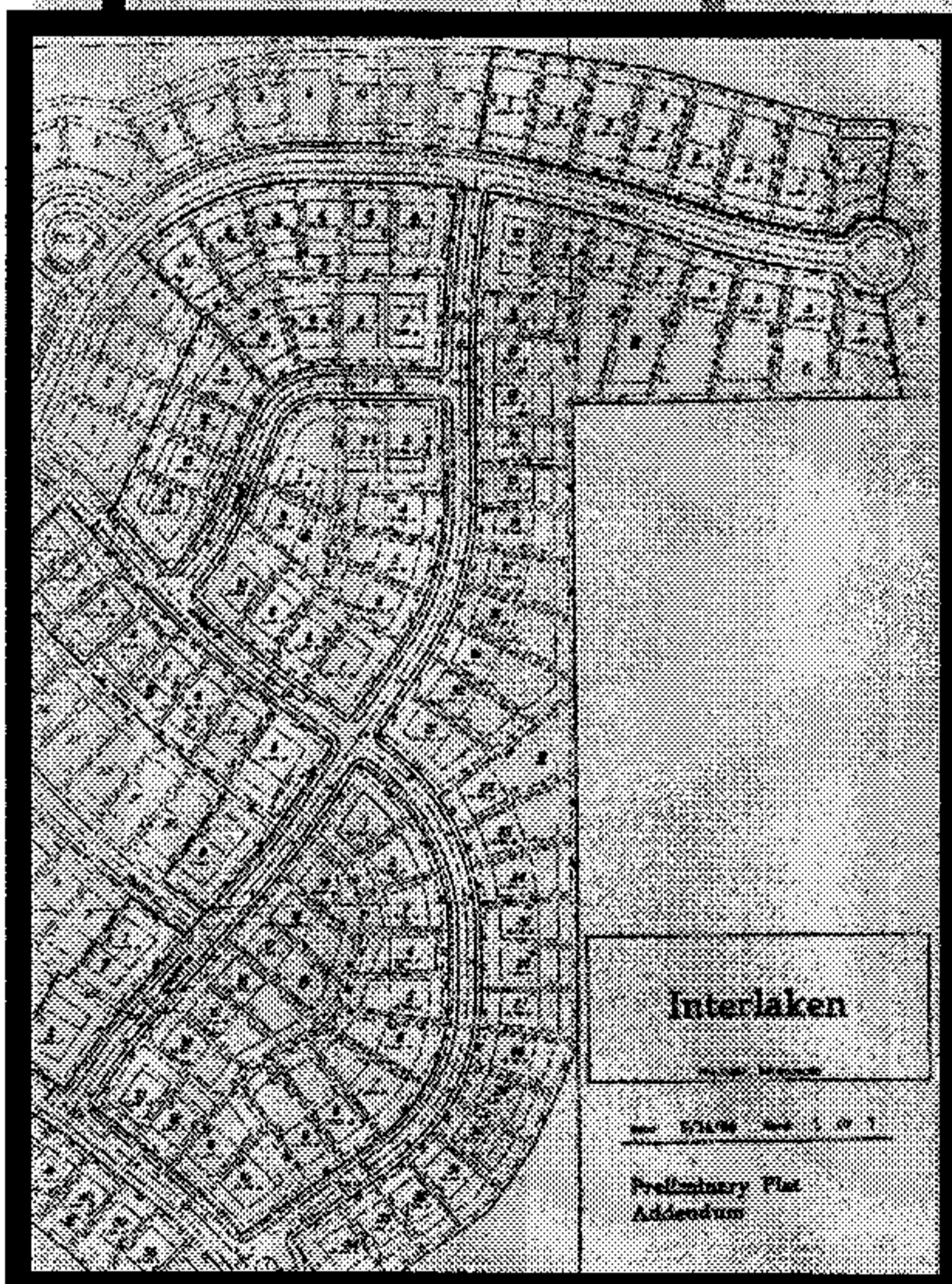
Note Date: 12/12/06

**North – South  
Minor Arterial  
Highway  
Corridor**

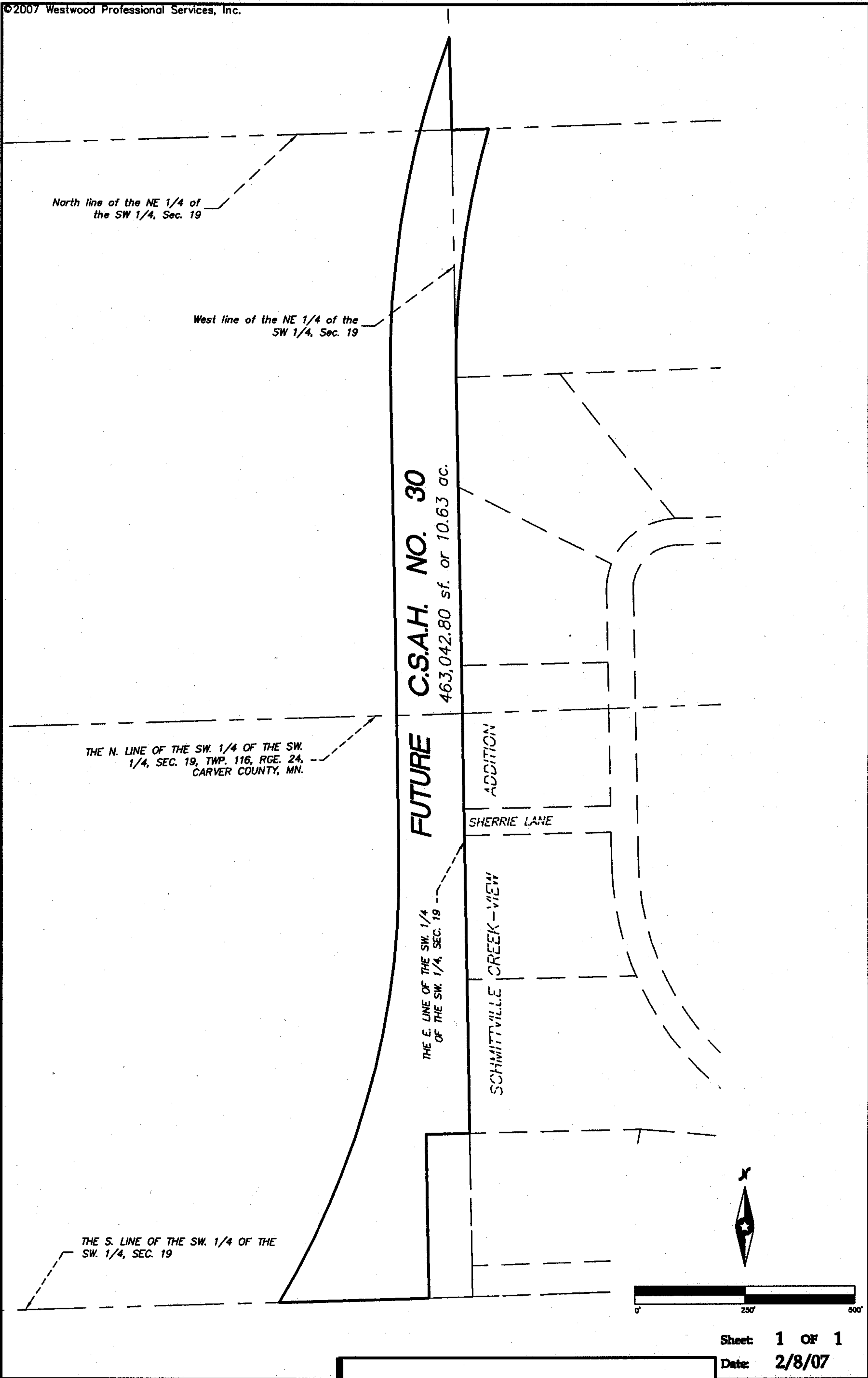


**InterLaken Plat – Plowshares - Amendment Request  
Highway Corridor Preservation changed to Residential Housing Lots**

Note Date: 12/12/06







Westwood Professional Services, Inc.  
7899 Anagram Drive  
Eden Prairie, MN 55344

PHONE 952-837-5150  
FAX 952-837-5822  
TOLL FREE 1-888-837-5150

www.westwoodps.com

**Interlaken  
4th Addition**

City, Minnesota

**Exhibit A**  
**Future C.S.A.H 30**



30

Sale#2  
\$123,077/ac

5

30

57

5

Subject  
\$59,904

10

32

10

Sale#1  
\$102,500/ac

284

Sale#3  
\$118,107/ac

0 2025ft

# BUDGET AMENDMENT REQUEST FORM

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

**DEPARTMENT: Public Works**

**DATE: 2/20/07**

**Public Works**

Description of Account funds are to be transferred from:	Amount	Description of Account funds are to be transferred to:	Amount
Fund Balance	\$ 589,650	Land	\$ 589,650
<b>TOTAL:</b>	<b>\$ 589,650</b>	<b>TOTAL:</b>	<b>\$ 589,650</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. Requested By:**

**G. Recommend Approval:** Finance Director

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



# REQUEST FOR BOARD ACTION

**AGENDA ITEM: Update on Minnehaha Creek Watershed District Activities**

Originating Division: Administration

Meeting Date: 2/20/07

Amount of Time Requested: 30 minutes

Attachments for packet:  Yes  NoItem Type:  Consent  Regular Session  Closed Session  Work Session  Ditch/Rail Authority**BACKGROUND/EXPLANATION OF AGENDA ITEM:** Eric Evenson, MCWD Administrator, will be present to update the Board on the Minnehaha Creek Watershed District activities.

The Board will be making an appointment to the Watershed District Board of Managers in March.

**ACTION REQUESTED:****FUNDING**

County Dollars = \$

Other Sources &amp; Amounts = \$

= \$

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

Date: 2/12/07



# REQUEST FOR BOARD ACTION

**AGENDA ITEM : Discussion items - ISTS loan ordinance change; TMDL Implementation; Comprehensive Plan Update**

Originating Division: Land Water Services

Meeting Date: 20 Feb 2007

Amount of Time Requested: 60 minutes

Attachments for packet:  Yes  No

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

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** The Division has three items for the Work sSession:

**CHANGES TO THE ISTS LOAN ORDINANCE-** the Board received a memo on this issue in January. The staff has moved ahead with development of proposed ordinance language changes in the Ordinance and its accompanying Administration Plan. Mike Lein's memo outlining the issues and draft language is attached. The staff will review the changes with the Board to identify any issues that have arisen. A public hearing will be necessary to adopt changes; staff will schedule the hearing in March.

**TMDL IMPLEMENTATION PROGRAM –** The Public, including Carver County Citizens, have continually expressed concern with water quality issues. The level of concern is illustrated by the support for the continuing efforts at the Federal level and by the Minnesota Governor's and Legislature's commitment to the Clean Water Legacy. Public surveys of Carver County residents also show a high level support. The TMDL Program is a major element in the effort to address water quality issues. The County actively pursued and successfully received substantial funding over the past few years to develop TMDLs (or water quality improvement plans.) Recently, the County has been allocated \$300,000 to support the Implementation Plan for the Bevens, Carver, & Silver Creek Watersheds. This workplan has been reviewed by the SWCD Board, WENR Committee, and a variety of citizen groups in the priority watersheds. The Board approved the submisison of the draft Implementation Plan to the MnPCA on March 1, 2005.

While the Staff has been to the Board for the approval of this and and variety of other TMDL related action items, there has not been an opportunity to discuss the Implementation workplan. The purpose of the discussion will be to: 1) update the Board on the progress of the TMDL Program; 2) discuss the Fecal TMDL Implementation Plan; and 3) explore funding issues and options. A TMDL fact sheet is attached for your information. Staff will present additional information for discussion at the meeting.

**COMPREHENSIVE PLAN –** brief update for the Board on Comprehensive plan activities.

**ACTION REQUESTED:**

**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 *W/kan*

Date: 9 Feb 2007

DATE: January 23, 2007  
TO: Dave Drealan, Land and Water Division Director  
FROM: Michael Lein, Environmental Services Manager  
RE: Individual Sewage Treatment System Loan Program Ordinance.

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Environmental Services coordinates with Community Development to operate a low interest loan program that assists residents and businesses in funding the replacement of failing Individual Sewage Treatment Systems [ISTS's]. The program provides a 1.5% interest loan for up to \$15,000. Payments on the loan are collected via property taxes. Many of the procedures/qualifications for the program are included in Ordinance 43A. Staff have identified several parts of the ordinance that could be amended to allow more flexibility in the program.

One part of the ordinance states that no reimbursement can be made for work completed before the loan application is approved. This provision was placed in the ordinance to prevent loan applicants from assuming they would receive approval and completing work that could not be funded. For example, a property owner could inquire about the program, learn funds are available, start the project but delay applying for the loan. The delay might result in other applications being received and all available funds being used for projects that did get prior approval.

However well meaning, this provision has reduced the flexibility I have in approving loans and payment. For example, the loan program has been heavily advertised. But no advertising is 100% effective. If a person starts work on an ISTS replacement and then learns about the program, they are excluded from the program. There are also cases where construction seasons, contractor availability, and enforcement actions result in work beginning before an application is received or approved. Two situations have arisen this year that can not be funded according to the current ordinance.

These situations are complicated by the fact that the Ordinance does not have an appeal process. Therefore a loan applicant can not apply for a variance to the ordinance or appeal a Department decision.

I would recommend that the County Board consider amending this ordinance to allow funding projects that are started before applications are received or approved if these projects meet specific criteria and are subject to other priorities. For example, authority could be added to the ordinance to allow for approval of after the fact funding for projects if funding is available.

I would offer the following criteria as recommendations for consideration:

- Application must be received within 15 days of completion of the new ISTS.
- Application must meet all other criteria in the Ordinance and Administrative Plan.
- Retroactive to any ISTS system installed after November 1, 2006 to allow funding for projects mentions above.
- Allow payment directly to homeowner upon verification that contractor has been paid in full directly by homeowner.

An appeal process should also be added to the ordinance. One option for this would be an appeal to the Board of Adjustment. The fee for this could be established at less than the current \$500 fee for a

typical variance since a public hearing would not have to be advertised and no adjacent landowners notified.

Please note that Land & Water staff continue to discuss the options above with County Attorney staff. Specific language for ordinance amendments would need to be drafted and could modify the above referenced concepts. The purpose of this memo is to solicit County Board comment prior to setting a public hearing date. This issue could be discussed a Work Session prior to the Public Hearing. I would anticipate a public hearing taking place in late February due to the need to draft ordinance language.

Subsequent to the memo above, the staff has moved forward with development of ordinance language to address the issues identified Mike Lein's memo. The ordinance was developed before codification, reorganization and the change in the CDA's name so some housekeeping changes are also needed. Included below are the substantive changes to the ordinance – making eligibility more flexible and adding an appeal process. This language is for discussion purposes and is not final ordinance language for a public hearing. LWS staff will work with the County Attorney's Office to get the final language into a format that can be included in the County Code. The administrative Program is also included for your reference. Minor changes to the Program are being proposed in response to organizational changes.

## **Proposed Substantive Changes**

### **Article VI - Eligibility**

- 1) Eligible activities
  - (a) Repair or replacement of an existing Individual Sewage Treatment System (ISTS) that does not conform with provisions Minnesota Rules Chapter 7080 and ~~Carver County Ordinance 52 [ISTS Ordinance]~~ Chapter 52 of the Carver County Code of Ordinances.
  - (b) Relocation of ISTS out of environmentally sensitive areas.
  - (c) Replacement of ISTS that are failing or non-conforming with an expanded ISTS, provided that loan funds are not used to finance the expanded portion of the ISTS.
  - (d) Replacement of ISTS up to fifteen (15) days prior to loan application submittal and in full compliance with this ordinance.
  - (e) Well Projects:
    - (1) Sealing abandoned wells or wells that do not conform to Minn. Stat. §103I.005, Subd. 21, 103I.301, Subd. 1.
    - (2) Replacement or relocation of wells that do not conform to Minn. Stat. §103I.005, Subd. 21, 103I. 301, Subd. 1.
- 2) Ineligible activities
  - (a) ISTS in excess of flow rates listed in Article III Subd. 2 of this Ordinance.
  - (b) New connections or repairing old connections to collection systems or municipal waste treatment systems.
  - (c) Installation of ISTS for new construction.
  - (d) Expansion or upgrading of a conforming ISTS due to construction of additional living quarters, new construction, or new or expanded use.

- (e) Costs that were incurred ~~before the effective date or after the termination date of the loan agreement with the Applicant or before approval of the activity by the Applicant.~~
- (f) Well projects:
  - (1) Installation of new wells for new construction.
  - (2) Installation of new wells for increased yield or flow rate.

## Article VII - Loan Financing Terms

Interest Rate - Loans shall be made based on an interest rate to be established by the County Board of Commissioners.

Term – the term of the loan shall be not more than 5 years from the date of the disbursement of funds.

### Fees

- (a) Origination Fee: An origination fee established by the County Board of Commissioners and set forth in the fee-for-service schedule, shall be charged for administration costs related to the implementation and management of the loan program.
  - (b) Pre-application Fee - The Carver County HRA may charge a pre-application certification fee in an amount established by the County Board of Commissioners.
- 4) Loan Amount: The maximum loan amount shall be set by the County Board of Commissioners not to exceed limits established by the Minnesota Department of Agriculture loan program pursuant to authority granted under Minnesota Statute Chapter 246, §6.

Repayment – Repayment shall be made as a special assessment collected with the property tax payable for the property.

## Article VIII - Appeals

- 1) Right to Appeal. An applicant may appeal a decision by the Loan Administrator to deny or modify a ISTS loan application. Such appeal must be made within 30 days of the notice of denial or modification.
- 2) Hearing. An appeal from any order, requirement, decision, or determination from the Department shall be heard by the Board of Adjustment within 30 days from the date of filing the appeal. The Board of Adjustment shall give due notice thereof to the appellant and officer, from whom the appeal is taken, and decide the same within 30 days of the hearing date.
- 3) Stay of Action. An appeal stays all proceeding and furtherance of the action appealed from unless the Board of Adjustment certifies that by reason of the facts stated in the certificate the stay would cause imminent peril to life or property.
- 4) Action to Board of Adjustment. The Board of Adjustment may reverse or affirm wholly or partly or may modify the order, requirement, decision, or determination appealed from and to that end shall have all of the powers of the officer from whom the appeal was taken and may direct issuance of the loan. The reasons for the Board of Adjustment's decision shall be stated in writing.
- 5) Fee. Any applicant requesting a hearing with the Board of Adjustment shall pay a non-refundable fee to assist in covering the costs of the Board of Adjustment Hearing. The fee shall be initially established as \$150 until such time as the fee is included and adopted into the County Fee Schedule.



**ADMINISTRATIVE PLAN  
CARVER COUNTY ISTS REVOLVING LOAN PROGRAM**

**Enrollment Period**

Applications will be accepted on a first-time, first-served basis. ISTS (Individual Sewage Treatment Systems) owners interested in the program will obtain an application from the Carver County ~~Housing and Redevelopment Authority (HRA)~~ Community Development Agency (CDA) or Carver County Environmental Services and return it to the ~~HRA~~ CDA.

**Application Review Process:**

~~HRA~~ CDA staff will conduct a preliminary review of applications to ensure repayment ability. They will then forward qualifying candidates to the Environmental Services Department.

**Loan Details**

Interest Rate:	1.5%
Application Fee:	As set forth by the Carver County Board of Commissioners.
Origination Fee:	As set forth by the Carver County Board of Commissioners in the fee-for-service schedule.
Repayment:	Special Assessment on Property taxes ( <i>loans may be prepaid in all or in part</i> )
Term of Loan:	5 years ( <i>actual term may be shorter dependant upon project completion date. Assessed through property taxes for 4 years</i> )
Income Limit:	None
Asset Limit:	None
Maximum Loan Amount:	\$15,000

**Loan Qualifying Requirements**

- Property taxes and mortgage must be current
- The septic system is failing, located in a sensitive area, or otherwise meeting at least one of the Priority Criteria.

**Priority Criteria**

- ISTS is a direct risk to public health and safety due to factors such as discharge in or near a sensitive location such as a subdivision, swimming beach, day care, etc.
- ISTS is discharging directly to surface water via tile line, pipe, or direct runoff.
- ISTS is "Failing" according to Chapter 7080 and located with-in a shoreland zone area.

- ISTS is "Failing" according to Chapter 7080 and located in a ground water high sensitivity area as defined in the Carver County Ground Water Management Plan.

#### Priority Criteria continued...

- ISTS is "Failing" according Chapter 7080 rules but is not located in a Shoreland Zoned Area or ground water high sensitivity area.
- ISTS is greater than 15 years old with no or limited maintenance.
- ISTS is not failing but has the potential to discharge into surface water or is located within a ground water high sensitivity area.
- The Loan Team will also consider geographic location. An effort will be made to install at least two systems in Commissioner Districts 2 and 3 and one system in Commissioner Districts 1, 4, and 5.

#### Application Procedure

1. Obtain loan application from ~~HRA-CDA~~ or Carver County Environmental Services.  
H
2. Complete and return application to the ~~HRA-CDA~~ along with the application fee (payable to CC-HRA CDA)
- 2a. Also return the origination fee (payable to Carver County ~~Treasurer~~) along with the application.
3. ~~HRA-CDA~~ notifies applicants of status/approval (**WORK MAY NOT BEGIN UNTIL NOTIFIED**).

#### Installation of System

1. Homeowner has design for new system completed by licensed contractor, obtains two bids from licensed contractors, selects contractor and submits design for permit approval. System is inspected.
2. Permit application is reviewed and approved by Environmental Services (additional information may be needed).
3. Homeowner schedules construction subject to County inspection procedures.
4. System construction is certified by established County inspection process.
5. Contractor/Homeowner submits invoice to Environmental Services for payment.
6. ~~HRA-CDA~~ coordinates filing assessment on property for repayment.

# Improving Surface Water Quality in Carver County

*A discussion on TMDLs with the Carver County Board of Commissioners  
February 20, 2007*

## I. TMDLs in Carver County – Impaired Waters

- Surface waters not meeting standards set by the State are placed on the 303(d) Impaired Waters List. As a result, a TMDL (Total Maximum Daily Load) Report and Implementation Plan are required to be written for the water resource.
- A TMDL identifies
  - *the nature of the problem,*
  - *defines contributing pollutant sources,*
  - *presents reductions to be achieved, and*
  - *suggests strategies to achieve the target levels of pollution reduction.*
- Carver County surface waters currently listed on the 303(d) list include streams and lakes with elevated levels of fecal coliform (bacteria), nutrients (phosphorous), turbidity (sediment) and mercury.
- Developing TMDL Reports require intensive monitoring, modeling, and review by County, State, and Federal units. Implementation Plans are required to be written within one year after a TMDL is approved by the Environmental Protection Agency (EPA.)
- TMDL's are being developed for Carver County's impaired waters as a proactive approach and augments the work started with the Water Management Plan adopted in 2001. The work corresponds to the high value placed upon water resources by the public through surveys and the County's Quality of Life Report.

## II. TMDL Status in Carver County

- Carver and Bevens (including Silver) Creek Fecal Coliform TMDL - *Waiting approval by EPA- February 2007. Implementation Plan in review by MPCA February 2007.*
- Carver and Bevens (including Silver) Turbidity TMDL - *draft to be complete early 2009.*
- Burandt, Eagle, Goose, Hydes, Maria, Miller and Reitz Lakes for excessive nutrients TMDLs. *Drafts completed in 2006. Waiting for MPCA review.*
- Benton, Campbell, Gaystock, Hazeltine, Oak, Swede, and Winkler Lakes for excessive nutrients. *Draft TMDLs to be completed in 2007-2008.*

## III. Strategies of Implementation for fecal TMDLs

- **Focus areas:** Three subwatersheds have been chosen for focused initial implementation: Goose Lake, Reitz Lake, and Silver Creek tributary watersheds.
- **Sources:** The reports have identified the major sources of contaminants as septic systems, manure application, and land use adjacent to lakeshores and other water courses.
- **Goals:** Examples of goals include:
  - *Septic systems: identify and update noncompliant systems including up to 100 direct discharge systems.*
  - *Stream buffers: install 26 miles of buffer strips along sensitive streams and waterways.*
  - *Tile intakes: install 80 alternative tile intakes.*

- *Manure resources: improve manure management by writing 15 manure management plans.*
- **Approach:** The preferred approach is to seek volunteer adaptation and management by offering technical assistance, costs share, education, and other proactive measures.
- **Public Input:** Throughout the process, input and support has been sought from citizens through open houses, surveys, and public comment periods. In addition, the Water, Environment, and Natural Resource Advisory Committee and the Carver SWCD Board of Supervisors have been intimately involved.
- **Collaboration:** Cooperative work accomplished through Land & Water Services, Environmental Services, Carver SWCD, Extension, and others.

## **II. Financing**

- **Funds to develop TMDLs:** Since the onset of TMDL development in 2003, the County has been granted nearly \$500K in Federal 319 funds to develop and write 20 TMDLs.
  - *Funds have been used to hire staff and technical consultants, conduct monitoring, analyze and model data, and to write TMDL Reports.*
- **Funds to implement TMDLs:** Following the completion of the Carver and Bevens (including Silver) Creek Fecal Coliform TMDLs and Implementation Plans, the County has preliminarily (July 2007) received \$300K in Federal 319 Funds through the Clean Water Legacy.
  - *This money will be used to implement best management practices that improve water quality. Funds will be used to hire staff, provide incentives, establish practices, and conduct additional monitoring.*
- **Funds received as match:** In addition, efforts have been and will be matched by over \$1 Million in other program funds such as:
  - Alternative Tile Intake Program (\$16K),
  - Federal USDA funds for Manure Management Plans (\$15K),
  - ISTS Low Interest Loans (\$1 million), and
  - Federal for CRP Buffers Program (\$10K).



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Transportation Topics

Originating Division: Public Works

Meeting Date: February 20, 2007

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:

- ❖ State Highway 101 Corridor Study (South County Line to New TH 212)
  - + Preferred Alternative
- ❖ County Comprehensive Transportation Plan
  - + Highway Network
  - + Year of Need
  - + Functional Classification
  - + Access Management

### ACTION REQUESTED:

No action is requested.

#### 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

RMG

Date: February 13, 2007