

Carver County Board of Commissioners
 Regular Session
 March 13, 2007
 County Board Room
 Carver County Government Center
 Human Services Building
 Chaska, Minnesota

			PAGE
9:00 a.m.	1.	a) CONVENE	
		b) Pledge of Allegiance	
		c) Introduction of New Employees	
	2.	Agenda review and adoption	
	3.	Approve minutes of March 6, 2007, Regular Session	1-3
	4.	Public participation (Comments limited to five minutes)	
	5.	Community announcements	
9:05 a.m.	6.	CONSENT AGENDA	
	6.1	Lake Waconia Park – settlement agreement	4-5
	6.2	Abatements/additions	6-7
	6.3	Amendment to Architectural Alliance contract	8
	6.4	Charitable gambling application for Ridgeview Foundation ...	9-10
	6.5	Authorize County cost share for sealing abandoned well	11-14
	6.6	Community Social Services' warrants	NO ATT
	6.7	Commissioners' warrants	SEE ATT
9:05 a.m.	7.	ADMINISTRATION	
	7.1	Recognition of Gene Miller	15-16
9:15 a.m.	8.	LAND AND WATER SERVICES	
	8.1	Designation of New Germany as RGU for Trophy Lake Estates EAW	17-18
9:35 a.m.	9.	FINANCIAL SERVICES	
	9.1	Resolution authorizing use of credit card for property tax payments	19-22
9:55 a.m.		ADJOURN REGULAR SESSION	

BOARD REPORTS

9:55 a.m.

1. Chair
2. Board Members
3. Administrator

10:30 a.m.

4. Adjourn

David Hemze
County Administrator

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on March 6, 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.

The following amendment was made to the agenda:

6.9 Request to hire Social Worker II above the hiring range.

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

Workman moved, Degler seconded, to approve the minutes of the February 27, 2007, Regular Session Motion carried unanimously.

Community announcements were made by the Board.

Under public participation, James Kuhl, San Francisco Township, expressed his concerns related to the change in titles as a result of the reorganization of the offices of the Auditor, Treasurer and Recorder. He stated Statutes repeatedly mention Auditor and Treasurer and believes that the combination of these offices should be titled County Auditor/County Treasurer.

He stated he also noticed the consent agenda included a contract for planning for transportation issues and hoped that the County is using the information that is derived from the planning they are paying for.

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

Approved the Letter of Understanding with AFSCME to award the Appraiser II staff that were hired prior to August of 2005 an additional salary step, effective September 18, 2006 and related budget amendment transferring \$6,000 from salary contingency to wages.

Professional services contract with Personnel Decisions International to conduct leadership assessments, background, criminal and credit checks for the Financial Services Division Director finalists, as well as other high level management candidates in the future for the period of March 2007-December 2008, not to exceed a cost of \$3,000 per candidate or \$9,000 in total.

Approved the Library's reorganization of a Librarian IV position to a Librarian II position.

Adopted the Findings of Fact and to issue Order #PZ20070001 for the issuance of Conditional Use Permit #PZ20070001, Dean Schuette, Camden Township.

Approved the 2007 rate contract with Dakota County for secure juvenile detention beds and services.

Resolution #15-07, Amendment #1 to Professional Service Agreement between Carver County, Minnesota and SRF Consulting Group, Inc. for Carver County Comprehensive Transportation Plan Update 2005 to 2030.

Approved the hiring of Sherry Amelse as a Social Worker II at Step G of Pay Grade 13.

Community Social Services' actions.

Approved payment of the following Commissioners' warrants:

INSERT

Motion carried unanimously.

The Board considered an appointment to the Minnehaha Creek Watershed District Board of Managers.

The Board acknowledged that additional individuals have recently become aware of the vacancy and have expressed an interest in applying.

Maluchnik moved, Workman seconded, to hold the vacancy open for an additional two weeks. David Hemze, County Administrator, recommended rather than a motion at this time, that the matter be brought back to the Board on March 27th. Maluchnik agreed to withdraw his motion.

Workman moved, Lynch seconded, to adjourn the Regular Session at 9:10 a.m. Motion carried unanimously.

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

Mike Fahey, County Attorney, requested the Board approve an Order dismissing the petition for a lateral to County Ditch #9

Kurt Deter, Esq., stated he represented the petitioners. He explained the flooding problem has not gone away but the engineer's report came up with a cost to rectify the problem that was higher than the landowners could justify spending. He stated they were looking at other options and indicated the landowners will be meeting and determining a distribution of the costs. Deter noted the possibility of the landowners coming back with a proposal in the future.

Andrew Mellville, petitioner, stated he was disappointed in the outcome and pointed out the problem was not resolved. He stated they started this process to allow them to get back to what they had when they purchased the property. Mellville suggested a drainage restrictor and berm was

contributing to the problem. He stated they will continue to research options and was hoping that something could be done to help the petitioners rectify the situation.

David Schauer, Special Assistant Carver County Attorney, stated the proposed Order sets out the history and distributes the costs. He noted the paragraph referencing the ditch bond that expires tomorrow.

Fahey stated the petitioners were required to post a ditch bond as part of this proceeding.

Ische moved, Lynch seconded, to dismiss the petition for the lateral for failure to cause the preliminary survey to be filed timely and/or failure to post adequate bond and to determine and assess the costs of the proceeding against the petitioners as provided by Statute. Motion carried unanimously.

Melville stated he understood the matter has been dismissed and agreed as they created the expense, the petitioners would be responsible. He inquired if there was anything the County could assist them with.

Mark Lundgren, Taxpayer Services, suggested the petitioner submit the problem in writing, along with a sketch. He stated he could review the issue with Soil and Water to attempt to identify the problem. He indicated, if something was done illegal, he would come back before the Ditch Board to correct.

Melville clarified this was existing draintile, which has been in existence for a number of years that is no longer working. Deter acknowledged while this is a private tile line, they would appreciate if Soil and Water could look at it. Discussion followed on private vs. public ditches and the extent of what could be done.

Deter requested that the petitioners be allowed 30 days to make their payment considering the costs may not be appropriated in thirds. Fahey stated because of bond will expire tomorrow; the bond company will approach the petitioners as to how they are going to make payments. He pointed out the benefits of the bond and suggested a decision did not have to be made at this point.

Maluchnik moved, Ische seconded, to adjourn the Carver County Ditch Board at 9:40 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 : Lake Waconia Park - Settlement Agreement

Originating Division: Public Works

Meeting Date: March 13, 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: Public Works (Parks) and the County Attorney's Office have reached a negotiated settlement with Paradise P. I, LLC, Paradise P. II, LLC, Paradise P. III, LLC and Paradise P. IV, LLC, prior to trial and through court required mediation, that requires Board approval. A copy of the landowner's attorney's letter is attached, as it summarizes the settlement. This land is just easterly of the Met Council lift station that is just east of Waconia along TH 5.

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

FUNDING

County Dollars = \$498,633.36

Other Sources & Amounts = \$

TOTAL = \$498,633.36

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Related Financial Comments: Total settlement is \$1,004,857.86 including interest and amounts previously paid.

Reviewed by Division Director

Date:

3/5/07

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

Date: March 13, 2007

Resolution No: _____

Motion by Commissioner: _____

Seconded by Commissioner: _____

Lake Waconia Park – Settlement Agreement

WHEREAS, the County Board has authorized, by resolution, the Public Works Division to negotiate right of way and regional park land for this project and to initiate condemnation on selected parcels, and

WHEREAS, the Public Works Division and County Attorney's Office have reached negotiated settlements with Paradise P. I, LLC, Paradise P. II, LLC, Paradise P. III, LLC, and Paradise P. IV, LLC (formerly Paradise Partners, LLP) prior to trial, and

WHEREAS, these settlements exceed the previously approved offer amounts and need approval of the County Board,

NOW THEREFORE BE IT RESOLVED, that the County Board approve the negotiated settlements with Paradise P. I, LLC, Paradise P. II, LLC, Paradise P. III, LLC, and Paradise P. IV, LLC and authorize the County Board Chair and the County Administrator to execute said document.

YES

ABSENT

NO

STATE OF MINNESOTA
COUNTY OF CARVER

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

Dated this ___ day of _____, 2007.

David Hemze

County Administrator



REQUEST FOR BOARD ACTION

AGENDA ITEM : Abatements/Additions

Originating Division: Property Records Taxpayer Services

Meeting Date: 03/13/07

Amount of Time Requested: 0 minutes

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

BACKGROUND/EXPLANATION OF AGENDA ITEM: Due to financial hardship resulting from illness, William & Jeri Kuecks (1324 Courtland East, Waconia, MN - PID# 75-5170030) are requesting that the county board abate the penalty, interest, & costs applied to their 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*Laurie Engelen*

Date: 3-1-07



REQUEST FOR BOARD ACTION

AGENDA ITEM : Amendment to Architectural Alliance Contract 007-002

Originating Division: Administrative Services

Meeting Date: 3/13/2007

Amount of Time Requested: 0

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

BACKGROUND/EXPLANATION OF AGENDA ITEM: Facilities wishes to amend the above contract to allow architectural/space design plans for immediate short-term needs. A preliminary scope of services was drafted and given to two firms. Work under the amendment includes creation of additional work spaces for new 2007 FTE's and implementation of the Security Task Force Recommendations. Architectural services are necessary to assure code review for conversion of storage space and open floor plans that affect exiting flow and wall areas.

ACTION REQUESTED: Move to approve a contract amendment with Architectural Alliance not to exceed \$5,000.

FUNDING

County Dollars = \$5,000

Other Sources & Amounts =

= \$

TOTAL = \$5,000**FISCAL IMPACT** None Included in current budget Budget amendment requested Other:*Related Financial Comments:* 07 Facilities Operating Budget Reviewed by Division Director

Date: 03/06/07



REQUEST FOR BOARD ACTION

AGENDA ITEM: Charitable Gambling Application for Ridgeview Foundation

Originating Division: Property Records Taxpayer Services Meeting Date: 003/13/2007
 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 Ridgeview Foundation for an Exempt Permit. A golf event has been planned for Monday, June 25, 2007, at Island View Golf Club, 7795 County Road 30, Waconia, MN 55387. Raffle tickets will be sold. Proceeds will benefit the Ridgeview Foundation for health related program improvements at Ridgeview Medical Center.

ACTION REQUESTED: See attached Resolution

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:

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

Date:

Resolution No.

Motion by Commissioner:

Seconded by Commissioner:

CARVER COUNTY, MINNESOTA

WHEREAS, the Ridgeview Foundation seeks approval of an Application for Exempt Permit; and

WHEREAS, the Ridgeview Foundation will hold the raffle at the Island View Golf Club, 7795 County Road 30, Waconia, MN 55387, which is located in Laketown Township;

WHEREAS, the Minnesota Gambling Control Board requires the County Board of Commissioners to specifically approve or deny a resolution for each applicant each year they apply.

NOW, THEREFORE, BE IT RESOLVED, the Carver County Board of Commissioners does approve the renewal of said license upon compliance with Code of Ordinance, Title XI, Chapter 112, Section 112.02.

Adopted on 2003.

Attest:

YES

ABSENT

NO

STATE OF MINNESOTA
COUNTY OF CARVER

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

Dated this ___ day of _____, 2007.

David Hemze, Carver County Administrator



REQUEST FOR BOARD ACTION

AGENDA ITEM: Authorize County cost share for Sealing Abandoned Well

Originating Division: Land Water Services

Meeting Date: 03/13/07

Amount of Time Requested: NA

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM: In December, 1999 the Board adopted a resolution establishing an abandoned well sealing program including procedure and eligibility requirements (attached). A one time Natural Resources Block Grant from BWSR was used to establish this fund. An application has been received by Leonard Hoen Jr. for sealing an abandoned well at 12935 County Road 51 in Benton Twp. The Joint Agency Members (JAM) reviewed the application and recommended funding for sealing the well on this application.

ACTION REQUESTED: Motion approving application and funds for sealing a well at 12935 county Road 51, Benton Twp (PID 10161500) and authorizing disbursement of funds upon presentation of a bill and well sealing log.

FUNDING

County Dollars =	\$0
Other Sources & Amounts =	\$242.50 BWSR grant
Owner =	\$242.50
TOTAL	= \$485

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments: Funds are from a one-time Natural Resources Block Grant from the State Board of Water and Soil Resources which set aside dollars specifically for sealing abandoned wells.

Reviewed by Division Director

Date: 15 Feb 2007

CARVER COUNTY WELL SEALING PROGRAM

Eligibility: wells that are sealed prior to approval of an application by the County Board shall not be eligible for funding. It is not the intent of the Board to subsidize the sealing of wells that will be sealed as part of the normal course of life and business. Only the following abandoned wells are eligible for participation in this program and are listed order:

1. Wells that are a public safety hazard – large diameter open pit for example
2. Wells within 100' of an active feedlot
3. Wells within the 100 yr floodplain
4. Wells in wellhead protection areas
5. Wells in industrial, areas or in the right-of way of roads, railroads, pipelines
6. Wells at unattended sites
7. Multiple aquifer wells

Application: applications will be taken on forms developed by the County. Completed applications shall be submitted to the P&Z Department. Applications not meeting at least one of the eligibility criteria listed above shall not be accepted.

Administration: the program shall be administered by the P&Z Department; applications may be taken by the SWCD, P&Z or Environmental Services. All applications will be submitted to the Joint Agency group for consideration. The Joint Agency group will make a recommendation to the County Board; the County Board shall have final approval authority.

Cost Share: the County will pay 50% of the sealing cost up to a maximum of \$250 per well; however in cases where the cost is substantially higher and there is an imminent threat of contamination, the Board may increase County participation in percentage and/or amount of funding.

Payment: payment shall be made by Commissioner's claim upon submittal to P&Z by the applicant of a sealing log and invoice.

Duration: The program shall operate so long as funds are available. The Board may, from time to time, appropriate additional funds and/or program operation.

The site is an abandoned farmstead. One shed
and a well in pit still present. Observed on site photo
No well log.

For
review

**Carver County Planning & Zoning
Application For Well Sealing Cost Share**

600 East Fourth Street
Chaska, MN 55318
952-361-1820

Applicant Information

Name & Telephone #'s: LEONARD HOEN JR 952-466-2088

Street Address: 12855 Co Rd 51

City/Township: NORWOOD BENTON Zip: 55368

PID (You can obtain from tax statement or Planning & Zoning): 10161500

Well Location

Street Address: 12935 Co Rd 51

City/Township: NORWOOD BENTON

PID (You can obtain from tax statement or Planning & Zoning): 10160800

Well Information

(If Known - your well contractor may be able to help)

Depth ? Diameter 2" Casing depth ?

Aquifers penetrated (if known) UNKNOWN

Construction information (ex. ungrouted, open hole, etc.) WET PIP

Well condition (ruptured casing, rusting, etc.) TIGHT AND RUSTY

Approximate year constructed UNKNOWN

Well Sealing Estimates

Number unused wells to be sealed: 1

1. \$ 485.00 Company name: Brownworth Well Co

2. \$ _____ Company name: _____

Office use only:	Return application to: Paul Moline Carver County Planning & Zoning 600 East Fourth Street Chaska, MN 55318
Priority: _____	
JAM Recommendation: _____	
Board Action: <u>Approve</u> <u>Deny</u> Date: _____	

Well Questionnaire

The questionnaire below will enable us to prioritize the wells for sealing. Please answer as many questions as possible to the best of your knowledge. A contractor may provide valuable assistance.

- 1. Is an above or below ground fuel storage tank within the vicinity of the well? Y N
If so, approximate distance. _____ feet. _____ direction.
- 2. Is a barnyard feedlot within the vicinity of the well? Y N
If so, approximate distance. _____ feet. _____ direction.
- 3. Is there any manure storage within the vicinity of the well? Y N
If so, approximate distance. _____ feet. _____ direction.
- 4. Is a fertilizer storage area within the vicinity of the well? Y N
If so, approximate distance. _____ feet. _____ direction.
- 5. Is a chemical storage area within the vicinity of the well? Y N
If so, approximate distance. _____ feet. _____ direction.
- 6. Is there an irrigation system within the vicinity of the well? Y N
If so, approximate distance. _____ feet. _____ direction.
- 7. Are there household or farm refuse disposal sites w/in the vicinity of the well? Y N
If so, approximate distance. _____ feet. _____ direction.
- 8. Is there a sewage treatment system (ex. septic) w/in the vicinity of the well? Y N
If so, approximate distance. _____ feet. _____ direction.
- 9. Is a cesspool, dry well, or leaching pit within the vicinity of the well? Y N
If so, approximate distance. _____ feet. _____ direction.
- 10. Is a lake, pond, river, stream, or ditch within the vicinity of the well? Y N
If so, approximate distance. 5000 feet. _____ direction.
- 11. Is the well within a low lying flood prone area? Y N
- 12. Is there a threat of contamination from surface water runoff? Y N
Explain:
- 13. Is the well in a pit? Depth & Dimensions Y N
- 14. Is there danger of someone or an animal falling into the well? Y N
- 15. Reason well is no longer used: CEAS UP
- 16. Any comments: _____

As owner of the above listed property, I/we apply for cost-share funds to have the unused well(s) sealed.

Property Owner Signature(s): [Signature]

Please Note: This is the application to enter the evaluation process. This is not the contract that guarantees reimbursement. Your well will be evaluated and you will be notified if your well is chosen for the cost-share program.



REQUEST FOR BOARD ACTION

AGENDA ITEM : Recognition of Gene Miller

Originating Division: Administration

Meeting Date: 3/13/07

Amount of Time Requested: 10 minutes

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

Gene Miller has served on the Water, Environment and Natural Resource Advisory Committee beginning with the planning phase in 1997 through 2006. In 2001, Carver County adopted its first Water Management Plan and Mr. Miller served as Chair during all of his years of service.

The County Board would like to publicly recognize and thank Mr. Miller for his service to Carver County.

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: 3/5/07



**CARVER
COUNTY**

CARVER COUNTY IN RECOGNITION OF GENE MILLER

WHEREAS, the Carver County Board of Commissioners recognizes that a representative form of government is dependent upon the participation of citizens on commissions and committees; and

WHEREAS, Gene Miller, has served on the Water, Environment & Natural Resource Advisory Committee since its inception in 1997 including the planning phase from 1997-2000, and the official advisory committee phase from 2001-2006.

WHEREAS, Gene Miller, acted as Chair of this Committee during all his years of service providing valuable leadership in developing and adopting Carver County's 1st Water Management Plan and in implementing the goals of this plan, thus preserving Carver County valuable water resources for future generations

NOW, THEREFORE, the Carver County Board of Commissioners does hereby express gratitude and appreciation to Gene Miller for his dedicated service to Carver County.

Presented this 13th day of March, 2007.

BOARD OF COMMISSIONERS

Gayle O. Degler, Chair
James Ische, Vice Chair
Tim Lynch
Randy Maluchnik
Tom Workman

Carver County Board Chair



REQUEST FOR BOARD ACTION

AGENDA ITEM : Designation of New Germany as RGU for Trophy Lake Estates EAW

Originating Division: Land Water Services

Meeting Date: 13 March 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: A developer has a rather unique, for this area, proposal for 160 acres of land immediately northwest of New Germany on the west side of CSAH 33. The proposal is to create several artificial lakes and construct homes around the lakes. The lakes will be 2000 to 2600 feet long and several hundred feet wide. The development is intended to appeal to people who are interested in motorized water sports. The development of the homes would not occur until the land is in the City, services are available, and the land comes out of Ag Preserve early in 2009. The developer has been working with the City and Hollywood & Camden Townships to move forward with annexation and development of the land. An orderly annexation agreement is expected in a few months. Subsequent to this agreement the City is expected to request transfer of land use authority to the City prior to annexation. This procedure has been successfully utilized by several cities in the County over the past several years in order to manage land use prior to annexation.

County staff has been working with the City and the Townships on the issues surrounding this proposal. Since the development will ultimately be in the City, it has been agreed that the City should play a major role in any review processes occurring before the City has land use control. The developer would like to move ahead with the environmental review process and has had an engineering firm develop a draft Environmental Assessment Worksheet (EAW). In discussions with City staff, it has been agreed that it would make the most sense for the City to be the RGU for the EAW review and decision-making process. The County Attorney's office has also been involved in the discussions. We contacted the Environmental Quality Board (EQB) for any guidance they could provide. The EQB staff stated that the initiation of the environmental review process prior to annexation is quite common in growing areas and common for the city to handle the environmental review process. EQB staff said the statute and rules are not specific on how this should be handled and said it is up to the local governments involved so long as the appropriate unit makes the final decision.

LWS has worked with the County Attorney's Office to develop a resolution that will identify the City of New Germany as the RGU for the Trophy Lake Estates EAW. The New Germany City Council took action affirming their role as RGU at their March 6, 2007 meeting.

A draft resolution is attached for the Board's consideration.

ACTION REQUESTED: Adopt the resolution that identifies the City of New Germany as the RGU for the Trophy Lake Estates IV EAW

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: 5 March 2007

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

Date: 13 March 2007

Resolution #

Motion by Commissioner
Seconded by Commissioner

**A Resolution Designating the City of New Germany as the Responsible Government Unit (RGU) for the
Review and Environmental Impact Statement (EIS) Need Decision on the Environmental Assessment
Worksheet (EAW) for Trophy Lake Estates IV**

WHEREAS, Grant Hustad, of Trophy Lake Estates IV, (Developer) is proposing a lake related residential development on 160 acres currently adjacent to the City of New Germany, but not yet in the City limits. Some land preparation may occur prior to annexation, but actual development of homes will not occur until after annexation and expiration of the Ag preserve covenant; and

WHEREAS, the City and the Townships are in the process of developing an orderly annexation agreement and it is expected that the transfer of land use authority to the City will be requested pursuant to the orderly annexation agreement; and

WHEREAS, the Developer has produced a draft EAW and wishes to move forward with environmental review process; and

WHEREAS, since the development process will occur under the City of New Germany rules and the development will ultimately be located in the City, the City is the most logical entity to be designated as the Responsible Governmental Unit (RGU) for the trophy Lake Estates IV environmental review process, and

WHEREAS, the City of New Germany has passed a resolution agreeing to act as RGU; and

WHEREAS, the county will have the right to comment on the EAW;

THEREFORE, BE IT RESOLVED, That the Carver County Board of Commissioners concurs with the designation of the City of New Germany as the RGU for the environmental review of the Trophy Lake Estates IV project.

YES

NO

ABSENT

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 13th day of March, 2006, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this ____ day of _____, 2006.

David Hemze, County Administrator



REQUEST FOR BOARD ACTION

AGENDA ITEM : Resolution authorizing use of Credit Card for Property Tax Payments

Originating Division: Financial Services

Meeting Date: 3/6/2007

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: State Statute 276.02 provides that the County Board by Resolution may authorize the Treasurer and/ or other designees to accept payments of real property taxes by credit card provided that a fee is charged for its use. The County plans to provide the Credit Card payment option through its web site to all residents. The cost of the service for 2007 will be equal to 2.85% of the property tax payment amount. The service fee will go directly to Paymentech who will be processing these payments on behalf of the County. The County will continue to offer the ability to pay property taxes on line by use of an electronic bank transfer (e-check) at a cost of \$1.50 to the Taxpayer for each payment. This option has been available for the last three years and has resulted in 2,026 transactions totaling \$3 million dollars.

Additional detail and background are contained in the attached memo.

ACTION REQUESTED: Approval of attached resolution authorizing the Taxpayer Services department and the Finance Department to accept the payment of property taxes by credit card provided that a fee is charged for its use commensurate with the cost assessed by the card issuer. Final approval is subject to final contractual review by the County Attorney's Office and the Emergency/Risk Management department".

FUNDING

County Dollars = \$

Other Sources & Amounts = \$

= \$

TOTAL = \$

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other: Included in 2007 budget.

Related Financial Comments: See attached documents.

Reviewed by Division Director

Date: 3/6/07

March , 2007

Subject: On Line Property Tax Payments

Starting in 2004, the County accepted current year property tax payments via its web site using an E-check process with the resident incurring a \$1.50 charge for each payment. The process has worked very well, resident issues have been virtually zero and the county has saved labor costs on processing these payments.

The process worked as follows from a resident standpoint:

1. Resident would click on a "property tax payment icon" on the county web site.
2. Resident would identify the property or properties and the tax amounts would be presented to the resident.
3. Resident would enter their bank account information on a secure web site and agree to pay \$1.50 service charge. (\$1.50 was paid to Electracash to process the payment).
4. Resident would review and approve the transaction on line. The following steps would occur:
 - a. Email confirmation would be sent to resident.
 - b. Payment would be automatically posted to the property tax records at the county.
 - c. Funds would be transferred from the resident's bank account to the county via Electracash who provided the banking services.
5. Payments received into the county's bank account are reconciled with the postings to the property tax records.

The number of transactions and approximate dollar amounts by year follow:

	<u>Transactions</u>	<u>Taxes Dollars Received</u>
2004	375	\$ 600,000
2005	630	\$1,200,000
2006	<u>1,021</u>	<u>\$2,300,000</u>
Total	2,026	\$4,100,000

The process has worked extremely well; payments were immediately posted to the property tax records, residents were assured that their payment was received at the county and that their property taxes were timely paid. In addition, they could wait until the last minute to make the payment.

Effective this year, Paymentech will be used in place of Electracash to process the online payments. In addition to offering the E-check payment option for a \$1.50 service charge, the county will provide the resident the opportunity to pay their property taxes using a credit card. The resident will incur a service charge of 2.85% of the property tax payment amount and this service charge will go directly to Paymentech. The county will receive the property tax amount only and will not incur any additional charges for the credit card payment.

Paymentech is a joint venture of JPMorgan Chase & Co. (with approximately 52 percent ownership) and First Data Corp., (with approximately 48 percent ownership). Chase Paymentech Solutions will process approximately 15.5 billion transactions annually with more than \$560 billion in annual bankcard and debit volume in both the United States and Canada. The headquarters of Chase Paymentech Solutions, LLC are in Dallas. See the attached sheet for more information on Paymentech.

The change from Electracash to Paymentech will be invisible to the county residents and the change will require no additional costs or work at the county. The benefits to the county are improved cash flow and the ability of residents to pay using a credit card.

It is anticipated that the County will be moving to a different on line payment process starting in 2008. The Minnesota Association of County Auditors Treasurers and Finance Officers (MACATFO) are working cooperatively with US Bank and the Counties new property tax software vendor (Manatron) to provide a more cost effective solution. The primary benefit is a lower process cost for credit card transactions and the possibility of seamlessly extending the credit card process to other areas of the county.

Prepared by Tom Kerber



BOARD OF COUNTY COMMISSIONERS CARVER COUNTY, MINNESOTA

Acceptance of Credit Cards for Property Tax Payments

Date: March 6, 2007

Resolution No: _____

Motion by Commissioner: _____ Seconded by Commissioner: _____

WHEREAS, pursuant to Minnesota Statute 276.02, the Carver County Board of Commissioners may authorize the treasurer and/or other designees to accept payments of real property taxes by credit card provided that a fee is charged for its use. Provided further the fee charged must be commensurate with the costs assessed by the card issuer, and if a credit card transaction under this section is subsequently voided or otherwise reversed, the lien of real property taxes under section 272.31 is revived and attaches in the manner and time provided in that section as though the credit card transaction had never occurred, and the voided or reversed credit card transaction shall not impair the right of a lienholder under section 272.31 to enforce the lien in its favor.

WHEREAS, the Tax Payer Services Division and Finance Division wish to accept credit cards for the payment of real estate property taxes,

NOW, THEREFORE, BE IT RESOLVED, by the Carver County Board of Commissioners that they hereby authorize the Tax payer Services Division and the Financial Services Division to accept payments of real property taxes by credit card provided that a fee is charged for its use.

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

**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 6th day of March, 2007, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 6th day of March, 2007.

County Administrator