

Carver County Board of Commissioners
 Regular Session
 March 27, 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 13, 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 | Payment of emergency claim..... | 4 |
| | 6.2 | Charitable gambling application for Zoar United Church of Christ..... | 5-6 |
| | 6.3 | UCare for Seniors Group employer agreement..... | 7 |
| | 6.4 | Delta Dental of Minnesota..... | 8 |
| | 6.5 | Professional service agreement for the removal of scrap metal, bicycles and lawn mowers | 9 |
| | 6.6 | Approval of City of NYA Local Water Management Plan.... | 10-18 |
| | 6.7 | Approval of City of Cologne Local Water Management Plan | 19-26 |
| | 6.8 | CSAH 30 corridor purchase | 27 |
| | 6.9 | Draperies by Carol/Adult Day Care window treatments..... | 28 |
| | 6.10 | Professional service agreement for asbestos, lead and hazardous materials abatement | 29-30 |
| | 6.11 | Professional service agreement with Permanent Coating Solutions | 31-32 |
| | 6.12 | PSA with Dean's Tanks for fuel tank removal..... | 33-34 |
| | 6.13 | Amend MPCA Joint Powers Agreement to complete multiple TMDL's | 35-36 |
| | 6.14 | Final plat for Oak Lakes Estates..... | 37-41 |
| | 6.15 | Resolution revising State and Highway system..... | 42-45 |
| | 6.16 | Resolution revoking County Highway 30..... | 46-48 |
| | 6.17 | Grant agreement with Carver Scott Educational Cooperative | 49 |

| | | | |
|------------|------------|---|---------|
| | 6.18 | Balancing of County Attorney contingency account for 2006 | 50-51 |
| | 6.19 | Community Social Services' warrants..... | NO ATT |
| | 6.20 | Commissioners' warrants | SEE ATT |
| 9:05 a.m. | 7. | FINANCIAL SERVICES | |
| | 7.1 | Certificate of achievement..... | 52 |
| 9:10 a.m. | 8. | LAND AND WATER SERVICES | |
| | 8.1 | <i>Public hearing</i> – Ordinance #58-2007, consider amendments to the County code..... | 53-83 |
| 9:40 a.m. | 9. | ADMINISTRATION | |
| | 9.1 | Appointment to the Minnehaha Creek Watershed District..... | 84 |
| 9:45 a.m. | 10. | EMPLOYEE RELATIONS | |
| | 10.1 | Minnesota Counties Insurance Trust 2007 member report for Carver County by MCIT staff..... | 85 |
| | 10.2 | <i>Closed Session</i> -Labor negotiations strategy..... | 86 |
| 10:45 | | ADJOURN REGULAR SESSION | |
| | | BOARD REPORTS | |
| 10:45 a.m. | 1. | Chair | |
| | 2. | Board Members | |
| | 3. | Administrator | |
| 11:15 a.m. | 4. | Adjourn | |

David Hemze
County Administrator

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

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

Workman moved, Lynch seconded, to approve the minutes of the March 6, 2007, Regular Session Motion carried unanimously.

Community announcements were made by the Board.

Under public participation, James Kuhl, San Francisco Township, distributed sections of Statute language which he stated requires that the County Treasurer collect all taxes. He referenced the title changes as a result of the reorganization of the offices of Auditor, Treasurer and Recorder and stated that Statutes is specific on how the business of the County is to be conducted. He suggested the County was ignoring these Statutes and that the org chart also did not mention who was responsible for County ditches. He suggested the fee for service schedule was also outdated as it did not reflect the correct titles of the departments that the service is coming from.

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

Resolution #16-07, Lake Waconia Park-Settlement Agreement.

Approved the following abatement:

75.5170030 William and Jeri Kuecks

Contract amendment with Architectural Alliance not to exceed \$5,000.

Resolution #17-07, Charitable Gambling Application, Ridgeview Foundation.

Approved application and funds for sealing well at 12935 County Road 51, Benton Township and authorized the disbursements of funds upon presentation of a bill and well sealing log.

Community Social Services' actions.

Approved payment of the following Commissioners' warrants:

INSERT

Motion carried unanimously.

The Board recognized Gene Miller for his contributions to the County and his service on the Water, Environment and Natural Resource Committee. Vice Chair Ische read the proclamation recognizing Mr. Miller's leadership in developing the County's first water management plan and in implementing the goals of the plan.

Gene Miller commented on the progress the Committee has made and complimented Paul Moline, with Land and Water Services, for the work he did for the Committee.

Dave Drealan, Land and Water Services, requested the Board adopt a Resolution identifying the City of New Germany as the responsible government authority for the Trophy Lakes Estates environmental assessment worksheet. He reviewed the proposal being developed and indicated the area in question is 160 acres. He noted the City and Townships have recognized development is coming and discussing an orderly annexation agreement. Drealan indicated he has had discussions with City staff on the appropriate way to handle an EAW and that the County would normally be the RGU.

Drealan explained because the development is coming into the City, it would be appropriate for the City to go through the EAW process and make a decision. He noted the property will continue to be in ag preserve until 2009 and the property would have restrictions on what could be done until the property is annexed.

Ische offered the following Resolution, seconded by Lynch:

Resolution #18-07

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

On vote taken, all voted aye.

Tom Kerber, on behalf of Taxpayer Services and Finance, asked the Board to authorize the use of credit cards for property tax payments. He pointed out the Statute requirement that Board approval is required for this to occur.

He noted the County has accepted payments online by use of an electronic bank transfer since 2004 and use has increased significantly. Credit cards have not been offered in the past and Kerber stated citizens would like to have this available. He stated Statute requires the citizens to pay a fee and indicated this would be 2.85% of the tax amount. Kerber indicated the approval they are asking for is subject to a formal contract in place with the vendors and approval by the County Attorney/Risk Management. He indicated they were hoping to have this available early to mid April.

Ische offered the following Resolution, seconded by Workman:

Resolution #19-07
Acceptance of Credit Cards for Property Tax Payments

On vote taken, all voted aye.

Workman moved, Lynch seconded, to adjourn the Regular Session at 9:45 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.)



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264096
3/14/07

AUTHORIZATION

PAYMENT OF EMERGENCY CLAIM

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

VENDOR: Alvin White

ACCOUNT: 6379

AMOUNT: \$50.00

REASON: Crime victim / emergency fund

Department Head Signature: Michael A. Fahey

Chairman of the County Board

County Administrator

County Attorney

Date: 3/13/07

Steven H. Taylor for Det
Dave Hemze

Michael A. Fahey
Michael A. Fahey



REQUEST FOR BOARD ACTION

AGENDA ITEM: Charitable Gambling Application for Zoar United Church of Christ

Originating Division: Property Records Taxpayer Services

Meeting Date: 03/27/2007

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: Charitable gambling application was received from Zoar United Church of Christ. They want to hold a raffle on Saturday, October 13, 2007, at Zoar United Church of Christ, 7030 Highway 212, Chaska, MN 55318.

ACTION REQUESTED: See attached resolution.

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

Date: 3-14-07

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

Date:

Resolution No.

Motion by Commissioner:

Seconded by Commissioner:

CARVER COUNTY, MINNESOTA

WHEREAS, the Zoar United Church of Christ seeks approval of a Lawful Gambling License; and

WHEREAS, the Zoar United Church of Christ will hold a raffle at the Zoar United Church of Christ located at 7030 Highway 212, Chaska, MN 55318;

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

NOW, THEREFORE, BE IT RESOLVED, the Carver County Board of Commissioners does approve the new 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 : UCare for Seniors Group Employer Agreement

Originating Division: Employee Relations

Meeting Date: 3/27/07

Amount of Time Requested: Consent

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM:

UCare is a Minnesota nonprofit corporation that is licensed as a health maintenance organization by the State of MN and participates in the federal Medicare program through a Medicare + Choice product called UCare for Seniors. We are able to offer this group Medicare supplemental plan to retirees and their spouses through UCare at no cost to the County.

ACTION REQUESTED:

Motion to approve UCare for Seniors Group Employer Agreement for 2007 plan year.

FUNDING

County Dollars = \$

Other Sources & Amounts =

= \$

TOTAL = \$

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Related Financial Comments:

The attached agreement has no cost to the County.

Reviewed by Division Director

Date: 3/13/07



REQUEST FOR BOARD ACTION

AGENDA ITEM : Delta Dental of Minnesota

Originating Division: Employee Relations

Meeting Date: 3/27/07

Amount of Time Requested: Consent

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM:

Agreement between Carver County and Delta Dental to administer the dental insurance through 12/31/08.

We currently have 211 single preventive participants, 123 family preventive participants, 164 single buy-up participants, and 103 family buy-up participants.

ACTION REQUESTED:

Motion to approve Delta Dental contract for 2007 & 2008 plan years.

FUNDING

County Dollars = \$150,000

Other Sources & Amounts =

= \$

TOTAL

= \$150,000

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Related Financial Comments:

Budgeted through overall county budget. The amount above reflects the employer costs, not the cost for additional employee buy-up coverage.

Reviewed by Division Director

Date: 3/13/07



REQUEST FOR BOARD ACTION

07-0106
RECEIVED
MAR 9 2007
COUNTY ATTORNEY

AGENDA ITEM : Professional Service Agreement for the Removal of Scrap Metal, Bicycles & Lawn Mowers

Originating Division: Land Water Services

Meeting Date: March 27, 2007

Amount of Time Requested: N/A

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM: Environmental Services staff has prepared a Professional Service Agreement with Roland Dassinger for the removal of scrap metal, lawn mowers and bicycles. Mr. Dassinger agrees to remove scrap metal from the Environmental Center on a weekly basis and from the Recycling Drop-Off sites located in NYA, Cologne and Watertown on an as needed basis. The County will reimburse Mr. Dassinger \$2.00 per bicycle and \$3.00 per lawn mower as compensation for processing as well as \$75.00 per month as a milage reimbursement for servicing the rural drop-off sites. A similar contract was used in 2006.

ACTION REQUESTED: Motion authorizing the Chair to sign the Agreement between Carver County and Roland Dassinger for the collection of scrap metal, bicycles and lawn mowers.

FUNDING

County Dollars = \$3,000.00

Other Sources & Amounts = \$3,000.00

TOTAL = \$3,000.00

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Related Financial Comments: County dollars estimated based on 2006 payment plus monthly milage reimbursement.

Reviewed by Division Director 

Date: March 9, 2007 



REQUEST FOR BOARD ACTION

AGENDA ITEM : Approval of City of NYA Local Water Management Plan

Originating Division: Land Water Services

Meeting Date: 27 mar 2007

Amount of Time Requested: NA

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM: The County Water Management Plan identifies stormwater planning as a very high priority for water management planning particularly in areas that will be developing around cities in the next 20-25 years. All cities are required to adopt a stormwater management plan as part of their Local Water Management Plan (LWMP). (pursuant to MN Statute 103B.235 and MN Rules 8410.0160).

The Carver County Water Mgmt Organization (CCWMO) has jurisdiction in the city of NYA and as the watershed management authority needs to approve the city's plan. In 2004, the City requested assistance to complete the plan. In following costs allocated to cities, staff and WENR committee recommended in 2004 to fund \$6,600 (1/2 of modeling costs) to NYA. These funds have been budgeted from CCWMO watershed funds since 2004 and can be allocated upon approval of a plan.

The City of NYA has completed a draft of its Local Water Mgmt Plan and submitted it for review and approval. Staff has reviewed the plan and is recommending CCWMO approval with conditional understanding on some elements (outlined in attached resolution). Staff is also recommending that the watershed funds be dispersed to the City at this time. A summary of the plan and an adoption resolution is attached.

ACTION REQUESTED: Motion to adopt a resolution approving the City of NYA Local Water Management Plan.

FUNDING

County Dollars = \$6,600

Other Sources & Amounts = \$

TOTAL = \$6,600

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Related Financial Comments: The Board Authorized disbursement of the funds in 2004

Reviewed by Division Director

Date: 9 mar 2007

NORWOOD

nya
YOUNG AMERICA

Storm Water Management Plan

Norwood Young America, Minnesota

November 2006



DESIGNING FOR A BETTER TOMORROW

1.0 EXECUTIVE SUMMARY

A. General Plan Description

This Norwood Young America SWMP is divided into ten sections as follows:

Section I. Executive Summary provides background information and summarizes the plan contents.

Section II. Storm Water Management Plan Purpose outlines the purpose of this plan.

Section III. Water Resource Management Responsibilities and Related Agreements identifies any water-related agreements existing between the City and the nearby cities, state, or county.

Section IV. Land and Water Resource Inventory presents information about the topography, geology, groundwater, soils, land use, public utilities, surface waters, hydrologic system and data, as well as the existing drainage system.

Section V. Surface Water Goals and Policies outlines the city's goals and new policies pertaining to water management.

Section VI. Watershed Assessment and Proposed Actions presents information about the existing subcatchment drainage along with current and potential problems and issues. The section also provides solutions in the form of proposed design and management practices for future developed conditions.

Section VII. Costs and Funding Considerations provides a general opinion of the probable costs associated with the various capital improvements recommended by this plan and discusses the various funding mechanisms to financing these improvements.

Section VIII. Implementation Prioritization provides a potential schedule of watershed improvements for planning purposes.

Section IX. Amendments to the Plan describes potential methods of ensuring that this plan is maintained and identifies a procedure to keep the modeled data current as various developments occur.

Section X. Appendix provides a general location for attachments, relative documentation and initial modeled system data sheets.

B. Background

The City of Norwood Young America (2005 population of 3,340) is located in southwestern Carver County. US Highway 212 runs east to west through the city and CSAH 5/25 runs southeast to northeast through the City. Norwood Young America's nearest incorporated neighbor is Hamburg, which lies approximately 6.2 miles to the southwest. The surrounding

land use outside of the City is presently agriculture. In addition, there are a multitude of wetlands in the surrounding area, which must be protected in accordance with the Minnesota Wetlands Conservation Act. The study boundary has been selected to largely follow the 2020 City limit lines. Otherwise, the general growth boundaries include the following:

1. The boundaries of the surrounding lakes
2. The boundaries of nearby cities

The exact boundaries of the study area are indicated in **Figure 1**.

For this study, the future development area of the City was divided into nine subwatershed regions as shown in **Figure 8** and described as follows:

- Watershed 1 – Northwest of Norwood Young America. Drains north through a series of wetlands, Eagle Lake, and creeks/drainage ditches, before reaching the South Fork of the Crow River.
- Watershed 2 – West of Norwood Young America. Drains north through a series of wetlands, Tiger Lake, and creeks/drainage ditches, before reaching the South Fork of the Crow River. Includes some established City areas of Norwood Young America, including the Brand Lake Villa development (Areas 16-19), as well as undeveloped Area 21.
- Watershed 3 – Encompasses most of central Norwood Young America. Drains southwest through a series of creeks/drainage ditches and into Watershed 8a to the Minnesota River. Consists of approximately half agricultural areas and half established City areas, including the Westwood Development area.
- Watershed 4 – North edge of Norwood Young America. Drains northwest through Braunworth Lake, and into Watershed 1 before reaching Eagle Lake and the South Fork of the Crow River.
- Watershed 5 – East side of Norwood Young America, including part of the new development The Preserve and the Serenity Point development. Drains north through a series of creeks/drainage ditches to Young America Lake and ultimately to County Ditch 4a and Beven's Creek.
- Watershed 6 – East of Norwood Young America. Drains north through a series of creeks/drainage ditches, and through Barlous Lake before eventually reaching the Minnesota River.
- Watershed 7 – East side of Norwood Young America, including part of the new development The Preserve. Drains southwest through a series of creeks/drainage ditches, and Barnes Lake before eventually reaching the Minnesota River.
- Watershed 8 – Encompasses southwestern part of Norwood Young America and beyond. Drains to Brand Lake and downstream drainage channel, ultimately reaching Tiger Lake.
- Watershed 23 – Encompasses Friendship Park and existing residential area. Drains south into Area 3 and eventually to County Ditch 4a and Beven's Creek.

The area around Norwood Young America is predominantly undeveloped. The City can expand in most directions and is only limited by the current lakes and wetlands; however, care should also be given to maintaining the naturally forested areas as well. The additional

impervious area common to new development will (if left unchecked) cause increases in storm water runoff rates and volumes. Measures must be taken to mitigate future rates and volumes to maintain the integrity of surface water bodies within and around Norwood Young America. An ordered growth with consideration given to storm water management is the primary goal of this storm water management plan.

C. Summary of Goals

Section 5.0 of this plan outlines the city's goals and policies pertaining to water management, as well as enforcement issues and the City's reliance on the County. In general, the City of Norwood Young America adopts the goals set forth by the Carver County Water Management Plan (CCWMP). The specific goals are as follows:

1. **Runoff Water Quality (New Development).** Maintain or enhance the water quality of the Norwood Young America area lakes, wetlands, and watercourses. Enhance pond design criteria and work with the County to achieve its goal of regional ponding. This includes the implementation of infiltration/filtration areas to aid in storm water volume reduction (as required by Carver County).
2. **Runoff Water Quality (Existing Sewer System).** Preserve, maintain and expand (where possible) the storm water storage and detention systems to control excessive runoff volumes and rates, prevent flooding, protect public health and safety, and minimize public capital expenditures. Funding for these issues may be currently unavailable, but potential sources are identified.
3. **Wetlands.** Obey the Minnesota Wetland Conservation Act (WCA) in attempting to avoid impact on wetlands whenever possible, limit the impact on wetlands when impact is unavoidable, and requiring mitigation of wetlands, where affected by growth, in accordance with state law. Through this plan, the City will establish a wetland buffer to help protect existing wetlands and improve the effectiveness of newly constructed wetlands.
4. **Erosion and Sediment Control.** Review and approve erosion and sediment control plans for all construction activity disturbing more than 1 acre of land. The City will rely on the County to officially enforce the NPDES Phase II requirements for erosion and sediment control from construction sites disturbing greater than 1 acre. In addition, the City of Norwood Young America must comply with Carver County's rules regarding erosion and sediment control, which will be enforced by the County. This effort is anticipated to protect the existing capacity of the City's storm water management system by:
 1. Preventing sediment build-up.
 2. Preventing flooding.
 3. Maintaining water quality of the runoff.
 4. Correcting existing erosion and sedimentation problems.
5. **Groundwater.** Protect the quality and quantity of groundwater resources.

6. **Individual Sewage Treatment Systems (ISTS).** As the City expands, properties with ISTS may be incorporated. These properties will be connected to the City sanitary sewer as soon as possible. Until then, the ISTS will be regulated by Carver County, as stated in the County ISTS ordinance, including inspections and pumping notifications.
7. **Feedlots.** As the City expands, properties containing feedlots may be incorporated. If left unchecked, these feedlots could contaminate groundwater and surface water sources in the area. The City will continue to rely on the County for enforcement of its feedlot ordinance and permitting requirements.
8. **Recreation, Habitat and Shoreland Management.** Protect and enhance fish and wildlife habitat and recreation opportunities. Maintain existing shoreland ordinance in agreement with state regulations.
9. **Education and Public Involvement.** Increase public awareness, understanding and involvement in water and natural resource management issues through cooperation with the County program.

D. Summary of Problems and Issues

Some of the storm water related problems and issues identified in and around Norwood Young America include:

1. Future developments must apply appropriate storm water treatment as well as address the potential for infiltration techniques to aid in groundwater recharge and the reduction of runoff volume.
2. Existing Flooding issues in Friendship Park.
3. The importance of maintaining the City's storm water management system.
4. The need to reduce sediment loadings leaving the City and protect the recreational uses of the area lakes and streams, whether it is for maintenance of waterfowl habitat, canoeing, fishing, etc.
5. The need for community education programs regarding water resource management.
6. The importance of planning a Capital Improvement Program and implementation to adequately address identified problems.
7. The need to review alternative methods of funding the various projects and programs identified in this report.
8. The importance of being prepared to address the potential future NPDES storm water permit requirements and maintaining this plan.

E. Summary of Potential Solutions to Identified Problems

1. Provide improved water quality treatment through regional ponding and infiltration techniques as development and/or redevelopment occurs, as well as investigate new treatment alternatives for the existing storm sewer (i.e., oil/grit separators, etc.).
2. Improve storm sewer capacity and potentially excavate pond for additional storage.
3. Improving water quality treatment of storm water runoff through implementation of Best Management Practices (BMPs) for construction activity.
4. Revisions/additions to City policies to address water management issues (e.g., wetland buffer policy).
5. Support and participation in Carver County's environmental education plan.
6. Implementation of funding sources such as a storm water utility and a new development charge to pay for water management projects. Additionally, the City will be available for a partnership with Carver County to fund projects involving large-scale storm water management issues (regional basins, etc.).

F. Summary of Comprehensive Storm Water Management Plan:

1. The existing storm sewer system, including culvert piping, ditches, swales, and/or ponds should not be affected by future development. Due to the topography of the area, future storm sewer systems will function almost completely independently of the existing system. However, improvements to the existing system would provide for improved downstream water quality.
2. Although there are several alternative methods of accommodating continued growth, the desired practice is through the construction of regional retention ponds as a requirement for developing the outlying growth areas.
3. The proposed pond network is one of a multitude of ways in which the ultimate goal of accommodating continued growth can be accomplished. Revisions will undoubtedly occur as unforeseen developer layouts are presented to the City. Although this plan forms a sound basis for future development, it is important to remain flexible in finding ways to manage runoff while still encouraging the continued development of the City. It is also important to continually update this plan and the associated runoff model to ensure that the model remains current as development occurs.
4. An estimate of the costs associated with the design and construction of the proposed regional pond network has been estimated on a price per acre of development basis to allow the computation of a storm water management fee to developers. These costs include the pond outlet structure, but no upstream pipe or land acquisition costs have been considered at this time.
5. A list indicating implementation priorities has been included for planning purposes.
6. Any determined storm water management charges or area charges to new developments

should be reviewed on an annual basis to ensure that changes in land acquisition, construction cost, bonding cost, legal cost, etc. are included in the computed fee.

7. This report is a working document and should be updated as the outlying areas develop to review the differences between the actual and modeled conditions.

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

Date: March 27, 2007

Resolution #

Motion by Commissioner
Seconded by Commissioner

A Resolution to Approve the City of Norwood Young America (NYA) Surface Water Management Plan

WHEREAS, Under Minnesota Statute 103B.211 to 255, Carver County is the water management authority (Carver County Water Management Organization-CCWMO) for the area of the County not under jurisdiction by a watershed district, and;

WHEREAS, Carver County adopted a Water Management Plan in 2001 which meets the requirements defined in MN statute 103B.231 - Surface Water Planning, and MN Statute 103B.255

WHEREAS, MN state statute 103B.235 Local water management plans requires that local government units having land use planning and regulatory responsibility for territory within the watershed shall prepare or cause to be prepared a local water management plan, capital improvement program, and official controls as necessary to bring local water management into conformance with the watershed plan, and;

WHEREAS, The city of NYA is in the CCWMO and therefore must meet the requirements of the County Watershed Plan, and;

WHEREAS, The city has submitted a draft plan to the County for review, and a final plan for approval consideration, and;

WHEREAS, The County understands that the City plan will be updated within two years of adoption of an updated County Watershed Plan and/or as part of an updated City comprehensive plan, and;

THEREFORE, BE IT RESOLVED, THAT The Carver County Board of Commissioners hereby approves the City of NYA Surface Water Management Plan dated rev. Nov 2006 with the conditional understanding that 1) The local water plan will need to cover the same area as identified in the City's comprehensive plan and the City will update the stormwater plan as the comprehensive plan is updated in addition to accounting for current growth areas (being developed/annexed now); 2) County WMO approval of the city plan does not constitute approval of the funding requests listed in the plan as these will be evaluated and approved separately; and 3) The City understands that future discharges from the City may require completed Total Maximum Daily Loads (TMDL's) based on the State Impaired Waters 303D list, and that the city plan may need to be amended as a result of any adopted TMDL's.

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 27th 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 ____ day of _____, 2007.

18

David Hemze, County Administrator



REQUEST FOR BOARD ACTION

AGENDA ITEM : Approval of City of Cologne Local Water Management Plan

Originating Division: Land Water Services

Meeting Date: 27 mar 2007

Amount of Time Requested: NA

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM: The County Water Management Plan identifies stormwater planning as a very high priority for water management planning particularly in areas that will be developing around cities in the next 20-25 years. All cities are required to adopt a stormwater management plan as part of their Local Water Management Plan (LWMP). (pursuant to MN Statute 103B.235 and MN Rules 8410.0160).

The Carver County Water Mgmt Organization (CCWMO) has jurisdiction in the city of Cologne and as the watershed management authority needs to approve the city's plan. In 2004, the City requested assistance to complete the plan. In following costs allocated to cities, staff and WENR committee recommended in 2004 to fund \$5,625 (1/2 of modeling costs) to Cologne. These funds have been budgeted from CCWMO watershed funds since 2004 and can be allocated upon approval of a plan.

The City of Cologne has completed a draft of its Local Water Mgmt Plan and submitted it for review and approval. Staff has reviewed the plan and is recommending CCWMO approval with conditional understanding on some elements (outlined in attached resolution). Staff is also recommending that the watershed funds be dispersed to the City at this time. A summary of the plan and an adoption resolution is attached.

ACTION REQUESTED: Motion to adopt a resolution approving the City of Cologne Local Water Management Plan.

FUNDING

County Dollars = \$5,625

Other Sources & Amounts =

= \$

TOTAL

= \$5,625

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Related Financial Comments: The Board Authorized disbursement of the funds in 2004

Reviewed by Division Director

Date: 12 mar 2007

Storm Water Management Plan

Cologne, Minnesota

November 2006



EOLTON & MENK, INC.
Consulting Engineers & Surveyors

DESIGNING FOR A BETTER TOMORROW

1.0 EXECUTIVE SUMMARY

A. General Plan Description

This Cologne SWMP is divided into ten sections as follows:

1. *Section I. Executive Summary* provides background information and summarizes the plan contents.
2. *Section II. Storm Water Management Plan Purpose* outlines the purpose of this plan.
3. *Section III. Water Resource Management Responsibilities and Related Agreements* identifies any water-related agreements existing between the City and the nearby cities, state, or county.
4. *Section IV. Land and Water Resource Inventory* presents information about the topography, geology, groundwater, soils, land use, public utilities, surface waters, hydrologic system and data, as well as the existing drainage system.
5. *Section V. Surface Water Goals and Policies* outlines the city's goals and new policies pertaining to water management.
6. *Section VI. Watershed Assessment and Proposed Actions* presents information about the existing subcatchment drainage along with current and potential problems and issues. The section also provides solutions in the form of proposed design and management practices for future developed conditions.
7. *Section VII. Costs and Funding Considerations* provides a general opinion of the probable costs associated with the various capital improvements recommended by this plan and discusses the various funding mechanisms to financing these improvements.
8. *Section VIII. Implementation Prioritization & Capital Improvement Plan* provides a potential schedule of watershed improvements for planning purposes.
9. *Section IX. Amendments to the plan* describes potential methods of ensuring that this plan is maintained and identifies a procedure to keep the modeled data current as various developments occur.
10. *Section X. Appendix* provides a general location for attachments, relative documentation and initial modeled system data sheets.

B. Background

The City of Cologne (2000 census population 1,012) is located in central Carver County. U.S. Highway 212 runs east-west on the south side of the city and Minnesota Highway 284 enters from Highway 212 in the south and travels north through the city. Cologne's nearest

incorporated neighbor is Waconia, which lies approximately 5 miles to the north. In addition, there are a multitude of wetlands in the surrounding area, which must be protected in accordance with the Minnesota Wetlands Conservation Act. The exact boundaries of the study area are indicated in **Figure 1**. Otherwise, the general growth boundaries include the following:

1. Alternative Urban Areawide Review area to the south and west.
2. The future Winkler Addition to the northwest.
3. Market Avenue to the east.

For this study, the future development area of the City was divided into four subwatershed regions as follows:

1. North Watershed – Drains to Benton Creek and ultimately north to Carver Creek.
2. East Watershed – Drains southeast to offsite wetland and ultimately to Bevens Creek.
3. South Watershed – AUAR area, drains north to Meuwissen Lake and south to Bevens Creek.
4. West Watershed – Drains East to Benton Lake and Meuwissen Lake.

These areas, identified by N, E, S and W, are shown in **Figure 8**. The additional areas shown include the existing city, the upcoming Winkler's subdivisions in the north, and the subwatershed contributing from the west. The northern subdivisions have been designed previously with localized treatment basins.

The area around Cologne is predominantly undeveloped. The City can expand in most directions and is only limited by the current wetlands; however, care should also be given to maintaining the naturally forested areas as well. The additional impervious area common to new development will (if left unchecked) cause increases in storm water runoff rates and volumes. Measures must be taken to mitigate future rates and volumes to maintain the integrity of surface water bodies within and around Cologne. An ordered growth with consideration given to storm water management is the primary goal of this storm water management plan.

C. Summary of Goals

Section 5.0 of this plan outlines the city's goals and policies pertaining to water management, as well as enforcement issues and the City's reliance on the County. In general, the City of Cologne adopts the goals set forth by the Carver County Water Management Plan (CCWMP). The specific goals are as follows:

1. **Runoff Water Quality (New Development).** Maintain or enhance the water quality of the Cologne area lakes, wetlands, and watercourses. Enhance pond design criteria and work with the County to achieve its goal of regional ponding. This includes the implementation of infiltration/filtration areas to aid in storm water volume reduction (as required by Carver County).

2. **Runoff Water Quality (Existing Sewer System).** Preserve, maintain and expand (where possible) the storm water storage and detention systems to control excessive runoff volumes and rates, prevent flooding, protect public health and safety, and minimize public capital expenditures. Funding for these issues may be currently unavailable, but potential sources are identified.
3. **Wetlands.** Obey the Minnesota Wetland Conservation Act (WCA) in attempting to avoid impact on wetlands whenever possible, limit the impact on wetlands when impact is unavoidable, and requiring mitigation of wetlands, where affected by growth, in accordance with state law. Through this plan, the City will establish a wetland buffer policy to help protect existing wetlands and improve the effectiveness of newly constructed wetlands.
4. **Erosion and Sediment Control.** The City will continue to review development plans for conformance with City requirements (and implicitly County and NPDES requirements) and confirm conformance through the construction inspection process. Ultimately, within the next 3-5 years, it is the City's desire to be the sole enforcer of projects within its boundary, eliminating duplicate review and inspection by various agencies. This effort is anticipated to protect the existing capacity of the city's storm water management system by:
 1. Preventing sediment build-up.
 2. Preventing flooding.
 3. Maintaining water quality of the runoff.
 4. Correcting existing erosion and sedimentation problems.
5. **Groundwater.** Protect the quality and quantity of groundwater resources.
6. **Individual Sewage Treatment Systems (ISTS).** As the City expands, properties with ISTS may be incorporated. These properties will be connected to the City sanitary sewer as soon as possible. Until then, the ISTS will be regulated by Carver County, as stated in the County ISTS ordinance, including inspections and pumping notifications.
7. **Feedlots.** As the City expands, properties containing feedlots may be incorporated. If left unchecked, these feedlots could contaminate groundwater and surface water sources in the area. The City will continue to rely on the County for enforcement of its feedlot ordinance and permitting requirements.
8. **Recreation, Habitat and Shoreland Management.** Protect and enhance fish and wildlife habitat and recreation opportunities. Maintain existing shoreland ordinance in agreement with state regulations.
9. **Education and Public Involvement.** Increase public awareness, understanding and involvement in water and natural resource management issues through cooperation with the County program.

D. Summary of Issues

Some of the storm water related issues identified in and around Cologne include:

1. Future developments must apply appropriate storm water treatment as well as address the potential for infiltration techniques to aid in groundwater recharge and the reduction of runoff volume.
2. Standing water on T.H. 284, south of the railroad right-of-way.
3. The importance of maintaining the city's storm water management system.
4. The need to reduce sediment loadings leaving the City and protect the recreational uses of the area lakes and streams, whether it is for maintenance of waterfowl habitat, canoeing, fishing, etc.
5. The need for community education programs regarding water resource management.
6. The importance of planning a Capital Improvement Program and implementation to adequately address identified problems.
7. The need to review alternative methods of funding the various projects and programs identified in this report.
8. The importance maintaining this plan.

E. Summary of Potential Solutions to Identified Issues

1. Provide improved water quality treatment through regional ponding and infiltration techniques as development and/or redevelopment occurs, as well as investigate new treatment alternatives for the existing storm sewer (i.e., oil/grit separators, etc.).
2. Storm sewer improvement project as described in Sections 6.0 and 8.0.
3. Follow/development maintenance schedule as described in Section 5.0.
4. Improving water quality treatment of storm water runoff through implementation of Best Management Practices (BMPs) for construction activity.
5. Support and participation in Carver County's environmental education plan.
6. Revisions/additions to city policies to address water management issues (e.g., wetland buffer policy).
7. Implementation of funding sources such as a storm water utility and a new development charge to pay for water management projects. Additionally, the City will be available for a partnership with Carver County to fund projects involving large-scale storm water management issues (regional basins, etc.).

8. Revise this plan with City Comprehensive plan updates, as well as biennially to ensure compliance with changing regulations and development patterns.
- F. Summary of Comprehensive Storm Water Management Plan:
1. The existing storm sewer system, including culvert piping, ditches, swales, and/or ponds should not be affected by future development. Due to the topography of the area, future storm sewer systems will function almost completely independently of the existing system. However, improvements to the existing system could provide for improved downstream water quality.
 2. Although there are several alternative methods of accommodating continued growth, the desired practice is through the construction of regional retention ponds as a requirement for developing the outlying growth areas. This preference, however, does not preclude the use of more localized basins.
 3. The proposed pond network is one of a multitude of ways in which the ultimate goal of accommodating continued growth can be accomplished. Revisions will undoubtedly occur as unforeseen developer layouts are presented to the City. Although this plan forms a sound basis for future development, it is important to remain flexible in finding ways to manage runoff while still encouraging the continued development of the City. It is also important to continually update this plan and the associated runoff model to ensure that the model remains current as development occurs.
 4. An estimate of the costs associated with the design and construction of the proposed regional pond network has been provided on a price per acre of development basis to aid in the calculation of a storm water management fee to developers. These costs include the pond outlet structure and estimates of excavation and land expenditures, but no upstream pipe costs have been considered at this time.
 5. Section 8.0 includes a list indicating implementation priorities, as well as a Capital Improvement table for planning purposes.
 6. Any determined storm water management charges or area charges to new developments should be reviewed on an annual basis to ensure that changes in land acquisition, construction cost, bonding cost, legal cost, etc. are included in the computed fee.
 7. This report is a working document and should be revised as the outlying areas develop to review the differences between the actual and modeled conditions.

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

Date: March 27, 2007
Motion by Commissioner
Seconded by Commissioner

Resolution #

A Resolution to Approve the City of Cologne Surface Water Management Plan

WHEREAS, Under Minnesota Statute 103B.211 to 255, Carver County is the water management authority (Carver County Water Management Organization-CCWMO) for the area of the County not under jurisdiction by a watershed district, and;

WHEREAS, Carver County adopted a Water Management Plan in 2001 which meets the requirements defined in MN statute 103B.231 - Surface Water Planning, and MN Statute 103B.255

WHEREAS, MN state statute 103B.235 Local water management plans requires that local government units having land use planning and regulatory responsibility for territory within the watershed shall prepare or cause to be prepared a local water management plan, capital improvement program, and official controls as necessary to bring local water management into conformance with the watershed plan, and;

WHEREAS, The City of Cologne is in the CCWMO and therefore must meet the requirements of the County Watershed Plan, and;

WHEREAS, The city has submitted a draft plan to the County for review, and a final plan for approval consideration, and;

WHEREAS, The County understands that the City plan will be updated within two years of adoption of an updated County Watershed Plan and/or as part of an updated City comprehensive plan, and;

THEREFORE, BE IT RESOLVED, THAT The Carver County Board of Commissioners hereby approves the City of Cologne Surface Water Management Plan dated rev. Nov 2006 with the conditional understanding that 1) The local water plan will need to cover the same area as identified in the City's comprehensive plan and the City will update the stormwater plan as the comprehensive plan is updated in addition to accounting for current growth areas (being developed/annexed now); 2) County WMO approval of the city plan does not constitute approval of the funding requests listed in the plan as these will be evaluated and approved separately; 3) The City understands that future discharges from the City may require completed Total Maximum Daily Loads (TMDL's) based on the State Impaired Waters 303D list, and that the city plan may need to be amended as a result of any adopted TMDL's; and 4) the City consider implementing policies regarding ditch maintenance for the outlet of Benton Lake as the City annexes that area.

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 27th 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 ____ day of _____, 2007.

David Hemze, County Administrator



REQUEST FOR BOARD ACTION

AGENDA ITEM : CSAH 30 Corridor Purchase

Originating Division: Administration

Meeting Date: 3/27/07

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:

During the February 20, 2007 meeting, the Board approved purchase of up to 10.63 acres of property from Plowshares Development for \$110,000 per acre for a total purchase price not-to-exceed \$1,169,300 and directed the County Administrator to develop the final purchase agreement. The Board also directed the County Administrator to develop a cost share agreement with the City of Waconia to split the purchase price of the corridor equally between the County. These agreements have been prepared with the assistance of the County Attorney's Office and are available in County Administration for review.

ACTION REQUESTED:

1. Motion to approve land purchase agreement with Plowshares Development for the purchase of property to be used for the CSAH 30 corridor.
2. Motion to approve cost share agreement with the City of Waconia to split the purchase price of the corridor equally between the County and City.

FUNDING

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

FISCAL IMPACT

- None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments: The above is a not-to-exceed number and includes the purchase price plus \$10,000 for closing fees and related professional services. The final acreage was reduced to 10.42 acres for a cost of \$1,146,200 due to the dedication of a street across the corridor. The recommended funding source is the Year End Savings Account to be reimbursed at a later date with State Aid Money. A budget amendment has already been completed as a result of the February 20, 2007 Board Action.

Reviewed by Division Director

Date: 3/12/07



REQUEST FOR BOARD ACTION

AGENDA ITEM : Draperies by Carol/Adult Day Care Window Treatments

Originating Division: Administrative Services

Meeting Date: March 27, 2007

Amount of Time Requested: 0

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM:

Facilities recommends contracting with Draperies by Carol to provide Clutch lifted shades on office windows at the Adult Day Care (ADC); Vertical blinds on entry and activity room windows. Additional quotes were obtained from Yetzer's Home Furnishing in Waconia for a cost of \$5,209.98. Draperies by Carol was low quote at \$4,567.79.

ACTION REQUESTED:

Approve Contract in the amount of \$4,567.79 with Draperies by Carol.

Request fund transfer from Facilities 2006 Account 01-110-000-0000-6640; to Facilities 2007 Account 01-110-000-0000-6560 to pay for this contract.

FUNDING

County Dollars = \$4,567.79

Other Sources & Amounts =

= \$

TOTAL = \$4,567.79

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Related Financial Comments:

Request fund transfer from Facilities 2006 CIP Account 01-110-000-0000-6640; to Facilities 2007 Account 01-110-000-0000-6560 to pay for this contract.

Reviewed by Division Director

Date: 3/9/07



REQUEST FOR BOARD ACTION

AGENDA ITEM : Professional Service Agreement for asbestos, lead and hazardous materials abatement

Originating Division: Public Works - Parks

Meeting Date: 3/27/07

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 Parks Department is working on plans for the demolition of the buildings on the Former Carver Scott Education Coop site within Lake Waconia Regional Park. In December, Applied Environmental Sciences, Inc. (AES) conducted asbestos, lead and hazardous materials demolition surveys for the buildings. The demolition surveys indicated that there is asbestos, lead and hazardous materials in the buildings, and fuel oil tanks, which will need to be removed.

Three companies were contacted which provide hazardous materials remediation and abatement work. Two of the three companies submitted quotes for the removal and proper disposal of the asbestos, lead and hazardous materials in the buildings. The quotes submitted where:

Envirotech Remediation Services, Inc \$23,395 (+ \$3240 if there is snow cover)
EnviroBate – Metro \$20,495.00

Based on the lowest quote to provide the service of asbestos, lead and hazardous materials removal, it is recommended the board approve the professional service agreement with EnviroBate – Metro.

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

FUNDING

County Dollars = \$
Other Sources & Amounts = \$
= \$
TOTAL = \$20,495.00

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments:

Funds to finance the cost of Hazardous materials abatement are budgeted in the 2007 Parks CIP Budget, demolition of the Carver Scott Coop buildings. Expenses related to the removal of buildings and site restoration at Lake Waconia Regional Park is grant eligible in a future CIP of the Metropolitan Council.

Reviewed by Division Director

Date: 2/14/07

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

Date: March 6th, 2007
Motion by Commissioner: _____

Resolution No: _____
Seconded by Commissioner: _____

**PROFESSIONAL SERVICE AGREEMENT
BETWEEN
ENVIROBATE METRO AND CARVER COUNTY
FOR ASBESTOS, LEAD AND HAZARDOUS MATERIALS ABATEMENT**

BE IT RESOLVED, that the Carver County Board of Commissioners hereby authorize the Board Chair and the County Administrator to execute the Professional Service Agreement Between EnviroBate Metro and Carver County for asbestos, lead and hazardous materials abatement.

| 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 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



REQUEST FOR BOARD ACTION

AGENDA ITEM : Professional Service Agreement with Permanent Coating Solutions

Originating Division: Public Works - Parks

Meeting Date: ~~2/6/07~~ 3/27/07

Amount of Time Requested: 0

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM:

The campground at Baylor Regional Park has 50 campsites. Annually approximately 6,500 users stay at the campground facility in the park.

The showers at the Baylor Regional Park Visitor Center are used heavily by campers. Due to peeling sealant and paint caused by moisture, Staff has regularly sealed the concrete floors in the shower stalls of this facility.

During a routine annual campground facilities inspection, the Minnesota Department of Health noted the applied floor sealant was peeling and flaking and requested a longer lasting and higher quality floor sealant be installed. The condition of the floor presents potential safety and health concerns.

Permanent Coating Solutions will prepare the shower stall floors and apply a longer lasting floor covering which is better suited for high moisture conditions of shower areas and high volume traffic that the Visitor Center shower stalls experience.

The planned improvement will also improve user satisfaction with the shower facilities by brightening the shower areas and improve sanitary conditions. The new shower floor surface will also require less maintenance saving staff time.

ACTION REQUESTED: It is recommended the County Board authorize the Board Chair to sign this agreement.

FUNDING

| | |
|---------------------------|---------------------|
| County Dollars = | \$2,400.00 |
| Other Sources & Amounts = | |
| | = \$ |
| TOTAL | = \$2,400.00 |

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments:

Reviewed by Division Director

Date:

2/20/07

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

Date: 3/06/07

Resolution No: _____

Motion by Commissioner: _____

Seconded by Commissioner: _____

PROFESSIONAL SERVICE AGREEMENT
BETWEEN
PERMANENT COATING SOLUTIONS AND CARVER COUNTY
FOR THREE COAT U/V STABLE CHEMICAL RESISTANT FLOOR SYSTEM IN THREE
SHOWER STALLS.

BE IT RESOLVED, that the Carver County Board of Commissioners hereby authorize the Board Chair and the County Administrator to execute the Professional Service Agreement between Permanent Coating Solutions and Carver County for the three coat U/V stable chemical resistant floor system in three shower stalls.

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 6 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 6 day of March, 2007.

County Administrator



REQUEST FOR BOARD ACTION

AGENDA ITEM : PSA with Dean's Tanks for Fuel Tank Removal

Originating Division: Public Works - Parks

Meeting Date: 3/27/07

Amount of Time Requested: 0

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM:

Inside the brick house at the former Carver Scott Educational Coop site, there are two 550 gallon fuel tanks. These tanks are considered to be hazardous material containers and need to be emptied and removed before demolition/burning of the structure.

After contacting several service providers, Dean's Tank Inc. is being recommended for the work. They are able to remove the tanks without destroying the integrity of house for fire training purposes.

The price to empty the tanks, dispose of hazardous material, cut up and remove tanks, seal off all the pipes connected to the tanks is \$2,450.

Based on the proposal and the ability to remove the tanks without demolishing part of the house, it is recommended the Board approve the Professional Service Agreement with Dean's Tank Inc.

ACTION REQUESTED: It is recommended that the County Board authorize the County Board Chair and the County Administrator to sign the Professional Service Agreement and the Contractors Proposal.

FUNDING

County Dollars = \$2,450.00

Other Sources & Amounts =

= \$

TOTAL = \$2,450.00

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Related Financial Comments:

Expenses for the demolition of the former Carver Scott Coop buildings and related costs are budgeted in the Parks Department CIP. The Parks Department will seek reimbursement of these expenses in a future CIP of the Metropolitan Council.

Reviewed by Division Director

Date:

2/20/07

S:\Parks\BA and RES\RBA - Dean's Tanks Inc.doc

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

Date: 3/13/07

Resolution No: _____

Motion by Commissioner: _____

Seconded by Commissioner: _____

PROFESSIONAL SERVICE AGREEMENT
BETWEEN
DEAN'S TANK INC AND CARVER COUNTY
FOR THE REMOVAL AND DISPOSAL OF TWO 550 GALLON FUEL TANKS.

BE IT RESOLVED, that the Carver County Board of Commissioners hereby authorize the Board Chair and the County Administrator to execute the Professional Service Agreement Between Dean's Tank Inc and Carver County for the removal and disposal of two 550 gallon fuel tanks.

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 13 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 13 day of March, 2007.

County Administrator



REQUEST FOR BOARD ACTION

AGENDA ITEM : Amend MPCA Joint Powers Agreement to Complete Multiple TMDL's

Originating Division: Land Water Services

Meeting Date: 27 mar 2007

Amount of Time Requested: NA

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM: In Feb of 2006, the Board passed a resolution entering into a joint powers agreement with the MN Pollution Control Agency (MPCA) to continue the Total Maximum Daily Loads (TMDL's) program for impaired waters in the County. The results of this project are: 1) set water quality goals for seven additional lakes; 2) give access to federal funds to more quickly implement the strategies contained in the Water Plan; and 3) meet the requirements of the federal Clean Water Act by setting TMDL's for those listed water bodies in Carver County.

Since Feb 2006, staff and the PCA have identified additional needs to complete the Carver and Bevens Creek Turbidity TMDL. In Dec 2006, the Board approved a MOU with the Metropolitan Council to work cooperatively in developing the required total maximum daily load turbidity studies for Carver Creek and Bevens Creek. This will improve on the efficiency and reduce the cost to the public of preparing TMDL reports and of meeting schedules and requirements for their adoption. The Amendment to original MPCA Joint Powers Agreement recognizes this effort and amends the grant amount to increase by \$28,350 and expiration date to June 30, 2009.

Using these grant funds, staff is proposing to hire an additional intern for the 2007 field season. This is due to the additional work required, but also due to one of the key staff in this monitoring program being injured in an auto accident last fall. This individual will not be able to perform the necessary field work until mid season. Therefore, to meet the timelines of this grant amendment or the Met council MOU, the additional intern is needed.

Staff is seeking authorization from the Board to approve the grant amendment, the resulting budget amendments, and the additional 0.5 FTE for 2007 only.

ACTION REQUESTED: Motion to amend the joint powers agreement with the MN Pollution Control Agency (CFMS NO A85727) to complete multiple TMDL's; and authorizing Chair to sign the amended JPA.

Increase Year 2007 Budget Item 01-123-127-1548-5820 by \$28,350 (MPCA Funds)

Increase Year 2007 Budget Item 01-123-127-1548-6111 by \$17,600 (Temporary full-time Water Technician position)

Increase Year 2007 Budget Item 01-123-1548-6260 by \$3,250 (Consultant engineer and Lab costs)

Increase Year 2007 Budget Item 01-123-127-1548-6112 by \$7,500 (Water Resources Intern for 2007)

Authorize an additional 0.5 FTE for 2007 only (Water Resources Intern)

FUNDING

County Dollars = \$
Other Sources & Amounts = 28,350
= \$
TOTAL = \$28,350

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments: As part of the agreement, the County will offer staff time and equipment to complete the project. The additional funding for the Temporary Full time Water Technician will ensure that the position is funded for additional time needed. The additional 0.5 FTE for the Water Resources Intern is provided for in these grant funds.

Reviewed by Division Director

Date: 19 mar 2007

BUDGET AMENDMENT REQUEST FORM

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

DEPARTMENT: Land & Water Services

DATE: 3/27/07

Revenue

| Description of Account funds are to be transferred from: | Amount | Description of Account funds are to be transferred to: | Amount |
|--|------------------|--|------------------|
| Grant | \$ 28,350 | Salaries and Wages | \$ 25,100 |
| | | Professional Services | \$ 3,250 |
| | | | |
| | | | |
| | | | |
| TOTAL: | \$ 28,350 | TOTAL: | \$ 28,350 |

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: Final Plat for Oak Lake Estates.

Originating Division: Land Water Services

Meeting Date: March 27, 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 # PZ20060043: Ed Foley is requesting final plat approval for his high amenity lot development located on Oak Lake in Section 11 of Watertown Township. The plat includes 5 lakeshore lots and a new township road, which extends across the Luce Line Trail. The County Surveyor has approved the plat. The Assistant County Attorney has approved the covenants and title information, which was recently updated, for platting purposes. The developer's agreement was approved on March 6, 2007 and the applicant has submitted an appropriate surety for the improvements, which would be completed later this year. The conditions of the preliminary plat and conditional use permit have been satisfied. The CUP will be re-drafted for recording with the final plat as required by the Zoning Code. The location map, final plat map and the draft County Board resolution are also attached.

ACTION REQUESTED: A motion to adopt a resolution approving the Final Plat and authorizing the Chair's signature.

FUNDING

County Dollars = \$-0-

Other Sources & Amounts = -0-

= \$

TOTAL

= \$-0-

Related Financial Comments:

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Reviewed by Division Director

Date: March 19, 2007

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

DATE March 27, 2007

RESOLUTION NO. _____

MOTION BY COMMISSIONER _____

SECONDED BY COMMISSIONER _____

**A RESOLUTION APPROVING THE FINAL PLAT OF
OAK LAKE ESTATES**

DRAFT

WHEREAS, the application for a preliminary plat has been submitted and approved by the County Board by Resolution No. 115-06, adopted December 19, 2006; and

WHEREAS, the final plat of Oak Lake Estates has been prepared and submitted for consideration; and

WHEREAS, the Carver County Planning Commission in Resolution No. 06-25 waived the review of the final plat if no significant changes were made from the preliminary plat it approved; and

WHEREAS, the final plat conforms to the approved preliminary plat; and

WHEREAS, the County Board has reviewed the final plat and accompanying documents and finds as follows:

1. The final plat of Oak Lake Estates meets all the requirements of County Board Resolution No. 115-06.
2. The road and storm water controls have been designed and engineered and the associated development contract has been approved. An appropriate surety has been received for the improvements required for the development.
3. The County Attorney has reviewed the information pertaining to the Abstract of Title and determined that Stanley E. (Ed) & Susan C. Foley have sufficient title to the property.
4. The County Attorney has reviewed the restrictive covenants, which contain all items required by the preliminary plat approval.
5. The final plat conforms to the requirements of Ordinance No. 33, the Carver County Manual of Standards and State Standards.
6. The Watertown Town Board has signed the final plat.

THEREFORE, BE IT RESOLVED, THAT The Carver County Board of Commissioners hereby approves the final plat of Oak Lake Estates.

BE IT FURTHER RESOLVED THAT THE Carver County Board of Commissioners hereby authorizes the Chair to sign the final plat.

YES

ABSENT

NO

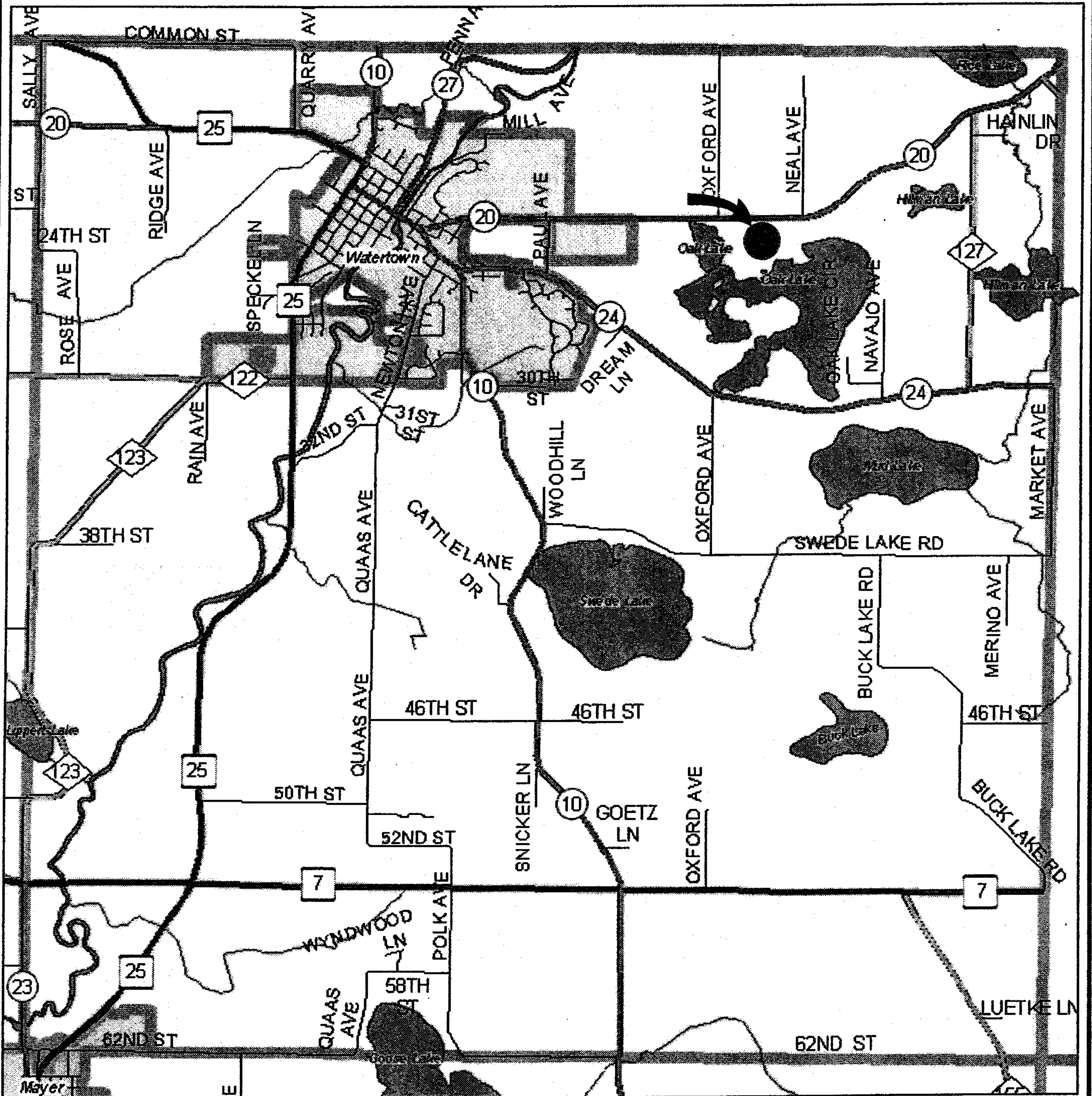
STATE OF MINNESOTA
 COUNTY OF CARVER

I, Dave 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 23rd day of January 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 _____, 20_____.

 County Administrator

Watertown Township



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

Map Created by Carver County GIS
Apr 21, 2005



REQUEST FOR BOARD ACTION

AGENDA ITEM : RESOLUTION REVISING STATE AID HIGHWAY SYSTEM

Originating Division: Public Works

Meeting Date: March 27, 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: Upon discussion and negotiation with the City of Waconia, it was determined that changes to the County State Aid Highway system in the Waconia area would be beneficial for both the City and the County. This resolution removes County State Aid Highway designation from a portion of CSAH 30 in Waconia and places a CSAH 92 County State Aid Highway designation on a proposed future CSAH corridor in Waconia of near equal mileage.

ACTION REQUESTED: We request that the County Board approve the attached resolution.

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: 3/19/07

S:\R&B\GRM\CSAH\30\Revising State Aid Highway System - baf

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

Date: March 27, 2007
Motion by Commissioner: _____

Resolution No: _____
Seconded by Commissioner: _____

RESOLUTION REVISING COUNTY STATE AID HIGHWAY SYSTEM

WHEREAS, the County of Carver has proposed a revision of the County State Aid Highway system within the City of Waconia and Laketown Township, and

WHEREAS, it appears to the County Board of the County of Carver that there are road segments hereinafter described which should be revoked as a County State Aid Highway under provisions of Minnesota Law, and

WHEREAS, it appears to the County Board of the County of Carver that there are road segments herein described which should be established and designated as a County State Aid Highway under provisions of Minnesota Law.

NOW THEREFORE BE IT RESOLVED, by the County Board of the County of Carver that the roads described as follows, to-wit:

PORTION OF COUNTY STATE AID HIGHWAY 30

Commencing at the center of the existing intersection of CSAH 10 and Waconia Parkway North (CSAH 30) in the City of Waconia, thence easterly along the centerline of existing CSAH 30 to Lakeview Terrace, said distance being 1.13 miles; thence continuing southeasterly on the centerline of said road Walnut Street, said distance being 0.34 miles; thence continuing easterly 0.30 miles on the centerline of said road to the centerline of Olive St. (CSAH 57), and there terminating. Said total distance being 1.77 miles.

BE, AND HEREBY IS REVOKED as a County State Aid Highway of said County subject to the approval of the Commissioner of Transportation of the State of Minnesota, and

BE IT FURTHER RESOLVED, by the County Board of the County of Carver that the road described as follows, to-wit:

PORTIONS OF COUNTY STATE AID HIGHWAY 92

Commencing at the northwest corner of the Northwest Quarter of Section 30, Township 116, Range 24; thence North 88 degrees 13 minutes 51 seconds East, along the north line of said Northwest Quarter, 1025.27 feet; thence South 51 degrees 10 minutes 07 seconds East, 487.91 feet to the point of beginning of the centerline to be described; thence North 38 degrees 49 minutes 53 seconds East, 68.62 feet; thence northerly 1392.75 feet along a tangential curve, concave westerly, having a radius of 2000.00 feet and a central angle of 39 degrees 53 minutes 58 seconds; thence North 1 degree 04 minutes 05 seconds West, tangent to said curve, 1070.23 feet; thence northeasterly 1393.56 feet along a tangential curve, concave southeasterly, having a radius of 2000.00 feet and a central angle of 39 degrees 55 minutes 21 seconds; thence North 38 degrees 51 minutes 16 seconds East, tangent to said curve, 2366.03 feet; thence northerly 2751.62 feet along a tangential curve concave westerly, having a radius of 2000.00 feet and a central angle of 78 degrees 49 minutes 41 seconds; thence North 39 degrees 58 minutes 25 seconds West, tangent to said curve, 454.04 feet and said herein described centerline there terminating. Said total distance being 1.80 miles.

BE AND HEREBY IS ESTABLISHED AND DESIGNATED, a County State Aid Highway of said County subject to the approval of the Commissioner of Transportation of the State of Minnesota.

BE IT FURTHER RESOLVED, that the Carver County Highway Engineer is hereby authorized and directed to forward two certified copies of this resolution to the Commissioner of Transportation for his consideration.

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 27th 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 27th day of March, 2007.

David Hemze

County Administrator

S:\R&B\GRM\CSAH\30\Revising State Aid Highway System - resol



REQUEST FOR BOARD ACTION

AGENDA ITEM : RESOLUTION REVOKING COUNTY HIGHWAY 30

Originating Division: Public Works

Meeting Date: March 27, 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: Upon discussion and negotiation with the City of Waconia, it was determined that changes to the County State Aid Highway system in the Waconia area would be beneficial for both the City and the County. This resolution removes County Road designation and jurisdiction from a portion of CSAH 30 in Waconia where the County State Aid Highway designation was removed by previous resolution.

This resolution revokes County Highway 30 which enables the jurisdiction of the road to revert to the City of Waconia.

ACTION REQUESTED: We request that the County Board approve the 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:

3/19/07

S:\R&B\GRM\CSAH\30\Revoking County Road 30 - baf

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

Date: March 27, 2007
Motion by Commissioner: _____

Resolution No: _____
Seconded by Commissioner: _____

RESOLUTION REVOKING COUNTY HIGHWAY 30

WHEREAS, Carver County and the City of Waconia have proposed the transfer of jurisdiction of County Highway 30 to the City of Waconia, and

WHEREAS, it appears to the County Board of the County of Carver that County Highway 30 should be revoked as a County Highway under the provisions of Minnesota Law.

NOW THEREFORE BE IT RESOLVED, by the County Board of the County of Carver that the road described as follows, to-wit:

PORTION OF COUNTY STATE AID HIGHWAY 30

Commencing at the center of the existing intersection of CSAH 10 and Waconia Parkway North (CSAH 30) in the City of Waconia, thence easterly along the centerline of existing CSAH 30 to Lakeview Terrace, said distance being 1.13 miles; thence continuing southeasterly on the centerline of said road Walnut Street, said distance being 0.34 miles; thence continuing easterly 0.30 miles on the centerline of said road to the centerline of Olive St. (CSAH 57), and there terminating. Said total distance being 1.77 miles.

BE, AND HEREBY IS REVOKED as a County Highway and shall revert to the jurisdictional responsibility of the City of Waconia effective upon the date of the adoption of this resolution.

| YES | ABSENT | NO |
|-------|--------|-------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

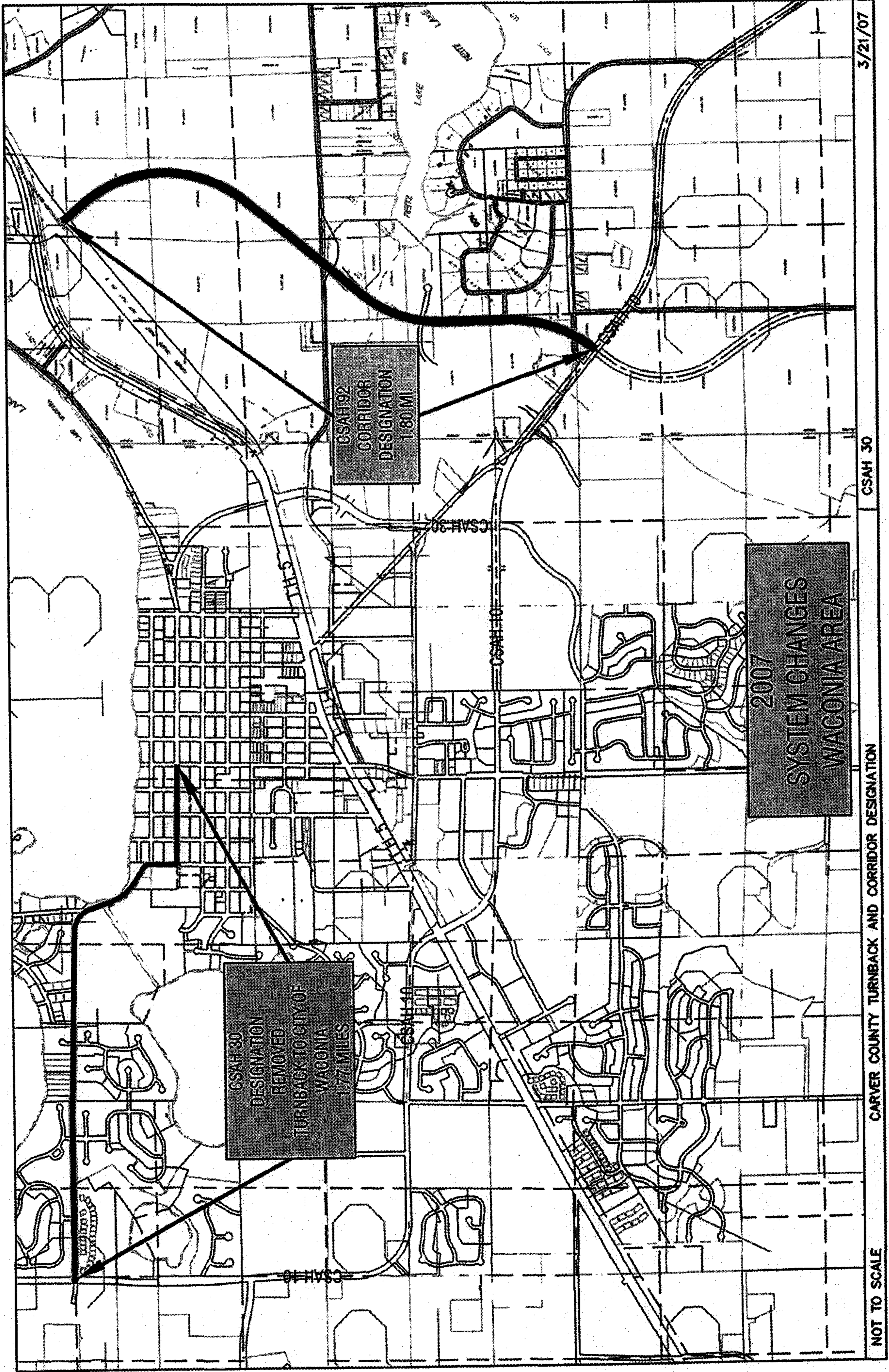
STATE OF MINNESOTA
COUNTY OF CARVER

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 27th 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 27th day of March, 2007.

David Hemze

County Administrator



3/21/07

CSAH 30

CARVER COUNTY TURNBACK AND CORRIDOR DESIGNATION

NOT TO SCALE



REQUEST FOR BOARD ACTION

AGENDA ITEM : Grant Agreement with Carver Scott Educational Cooperative

Originating Division: Community Social Services

Meeting Date: 3/27/2007

Amount of Time Requested: NA

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM: The Minnesota Department of Education has changed the financial processes for the Carver Scott Educational Cooperative (CSEC) and its member school districts. These changes also impact the financial processes between the Carver Scott Educational Cooperative and Community Social Services for collaborative services. The actual provision of school based services are not impacted but how the Carver Scott Educational Cooperative, its member school districts and the Division processes the financial transactions between our respective agencies is impacted. For the 2006/2007 school year, the Division is proposing that the Carver Scott Educational Cooperative be given a grant to provide collaborative services. The grant will be given to CSEC in four quarterly installments. The Division will bill CSEC quarterly under the terms of the purchase of services contract which has been passed by the Board for services provided by the Division. This will allow CSEC to maximize their revenue through the revised financial process.

ACTION REQUESTED: To approve the Grant Agreement between the Coummunity Social Services Department and Carver Scott Educational Cooperative.

FUNDING

County Dollars = \$537,064

Other Sources & Amounts =

= \$

TOTAL = \$537,064

Related Financial Comments:

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Reviewed by Division Director

Date: 3/19/2007



REQUEST FOR BOARD ACTION

AGENDA ITEM : Balancing of County Attorney Contingency Account for 2006.

Originating Division: Attorney

Meeting Date: 3/27/07

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:

The County Attorney Contingency Account is a statutory account used to pay unexpected fees such as expert witness expenses (i.e., fees, travel, etc.). This amount is a given \$7500.00, but is replenished throughout the year depending on the caseload. The annual amount is always an unknown as one cannot predict the amount or types of cases in any given year (some years the \$7500.00 is not depleted). For year 2006 the County Attorney is requesting an additional sum of \$836.00 to make this account balance. A similar request was before the Board on Nov. 28, 2006 which added that we were anticipating having to come back for the end of 2006. The fees that put this account over were incurred in December 2006 for airline travel for a witness (\$1545.41).

ACTION REQUESTED: Motion to approve \$836.00 for transfer to County Attorney contingency account for 2006.

FUNDING

County Dollars = \$836.00
Other Sources & Amounts =
= \$
TOTAL = \$836.00

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments:

Reviewed by Division Director

Date: 3/19/07

BUDGET AMENDMENT REQUEST FORM

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

DEPARTMENT: Attorney

Date of County Board Session: 03/27/07

Revenue

| Description of Revenue Account funds are to Increased/(Decreased): | Amount | Description of Expenditure Account funds are to Increased/(Decreased): | Amount |
|--|-----------------|--|---------------|
| Contingency | \$ (836) | Attorney Contingency | \$ 836 |
| | | | |
| | | | |
| | | | |
| TOTAL: | \$ (836) | TOTAL: | \$ 836 |

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.: \$ 253,800

E. Current Balance After Adj.: \$ 253,800

F. Requested By:

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 : Certificate of Achievement

Originating Division: Financial Services

Meeting Date: 3/27/07

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:

The Certificate of Achievement for Excellence in Financial Reporting has been awarded to Carver County by the Government Finance Officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR). The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by the government and its management.

An Award of Financial Reporting Achievement has been awarded to the Financial Services Division as primarily responsible for preparing the award-winning CAFR. The CAFR has been judged by an impartial panel to meet the high standards of the program including demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the CAFR. The GFOA is a nonprofit professional association serving approximately 16,000 government finance professionals.

Nationwide, over 69 percent of all cities and 46 percent of all counties with populations in excess of 50,000 participate in the program, as well as 43 state governments. In Minnesota, 12 of the 87 counties participated and received the reward, including all seven of the metro counties. This was the 10th consecutive year that the County has achieved this prestigious award.

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

Date: 3/16/07



REQUEST FOR BOARD ACTION

AGENDA ITEM: Public Hearing – Ordinance #58-2007, consider amendments to the County Code.

Originating Division: Land & Water Services

Meeting Date: March 27, 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: Draft Ordinance #58-2007 (attached) has 3 main sections, which address the proposed revisions to the County Code:

- Section 1 amends Chapter 152, the Zoning Code – A number of the recommendations are housekeeping in nature. However, a key change would be authorization for the Planning Commission to issue conditional use permits for accessory structures or residential uses. Other sections addressed are: definitions, 2004 Flood Insurance Rate Map (FIRM) revisions, unlicensed motor vehicles, access requirements, permitted and administrative accessory uses, high amenity areas, home extended businesses, and mining and/or land reclamation.
- Section 2 adopts new Sign Regulations (new Chapter 154) – The amendment repeals the existing sign standards (§152.039). The updated sign regulations were developed based on recent court decisions that indicated that standards must focus on size & location rather than focusing on content.
- Section 3 amends the ISTS & Water Well Loan Program (Ordinance 43A repealed) – The amendments would provide flexibility for applicants and an appeal procedure. The amended version would be codified (new Chapter 56).

On February 20th, the Planning Commission recommended approval of the amendments to the Zoning Code (Chapter 152) and the adoption of separate sign regulations (new Chapter 154). The public hearing spanned 4 months. The townships had no objections to the proposed revisions.

The revisions to the ISTS & Water Well Loan program ordinance were discussed at the County Board's February 20, 2007 Work Session that generated positive feedback.

The Planning Commission resolution and a draft County Board resolution are also attached for the Board's review.

ACTION REQUESTED: Call the public hearing to order. A motion to close the public hearing. A motion to adopt a resolution adopting Ordinance #58-2007.

FUNDING

County Dollars = \$-0-

Other Sources & Amounts = -0-

= \$

TOTAL = \$-0-

Related Financial Comments:

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Reviewed by Division Director *DFE*

Date: *16 March 07*

CARVER COUNTY, MINNESOTA
-DRAFT-
ORDINANCE 58-2007

AMENDING CHAPTER 152, THE ZONING CODE; ADOPTING NEW SIGN REGULATIONS THEREBY ADDING A NEW CHAPTER 154 AND REPEALING EXISTING SIGN REGULATIONS; AND REPEALING ORDINANCE 43A AND ADDING AN AMENDED & CODIFIED VERSION TO THE COUNTY CODE AS A NEW CHAPTER 56.

THE CARVER COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS:

SECTION 1. The specified sections of Chapter 152, the Carver County Zoning Code, shall be amended as follows. Strikethrough signifies deleted language and underline is new language (Note- this format is for review purposes. The final ordinance document will show only the final language without underline/strikeout.):

§ 152.006 Zoning Districts and Maps.

(B) *Maps.* The boundaries of the above districts are hereby established as shown on the map entitled "Carver County Zoning Map" and the flood insurance rate maps and associated information. The maps and all of the notations, references and other information shown thereon and amendments thereto, shall have the same force and effect as fully set down herein and hereby made part of this chapter by reference and incorporated herein as is set forth herein at length. The flood insurance study for the county prepared by the Federal Emergency Management Agency, dated January 8, 1988, and as modified by the January 29, 2004 Letter of Map Revision (LOMR) or most recent updated version and the water surface profiles and flood boundary and floodway maps and flood insurance rate maps therein are attached to and made part of the official zoning map and this chapter.

§ 152.010 DEFINITIONS.

EQUESTRIAN FACILITY. Building and or structures being utilized for or by riding academies, stables, personal riding arenas and or similar uses.

EQUESTRIAN FACILITY-PERSONAL. A structure utilized by a private individual or family for the purpose of riding, training or exercising equine.

EQUESTRIAN FACILITY-PUBLIC/COMMERCIAL. A combination of land and structures used for boarding or keeping for pay three or more horses and/or for the purpose of giving instructions in riding and horsemanship for pay, training of horses other than the owner's and the breeding of racing and show stock.

HORSE STABLES AND RIDING ACADEMIES. See *EQUESTRIAN FACILITIES.* ~~A combination of land and structures used for boarding or keeping for pay three or more horses and/or for the purpose of giving instructions in riding and horsemanship for pay, training of horses other than the owner's and the breeding of racing and show stock.~~

~~**PERSONAL RIDING ARENA.** A structure utilized by a private individual or family for the sole purpose of riding or exercising equine.~~

§ 152.032 UNLICENSED/INOPERABLE MOTOR VEHICLES.

No more than **a total of two unlicensed and/or inoperable** motor vehicles shall be kept or stored outside a building in any district unless specifically permitted by this chapter. **For the purposes of this section, motor vehicles include, but are not limited to: cars, trucks, boats, motorcycles and recreational camping vehicles. The following shall be considered to be equivalent to one unlicensed or inoperable vehicle for the purposes of this chapter:**

- **a vehicle without current registration; or**
- **a vehicle that is not functional or operable; or**
- **an out-of-service item of motorized farm equipment on a parcel less than twenty acres; or**
- **vehicle parts accumulations of five cubic yards.**

§ 152.036 ACCESS REQUIREMENTS.

(B) *Number of accesses limited.* With the exception of ~~uses permitted pursuant to § 152.080~~ and field access drives, any use of principal use land requiring access to a public road shall be limited to a single access connection. All parcels ~~Uses permitted pursuant to § 152.080~~ shall be limited to a single access unless, through the conditional use process, ~~the use is located on a collector or local road; an additional access is approved during the development approval process;~~ **supported by a traffic study, report, or similar documentation,** and ~~the additional access~~ **it** is approved by the road authority.

§ 152.054 PUBLIC/QUASI-PUBLIC FACILITIES.

(D) (8) The permit shall be subject to ~~annual renewal~~ **compliance review.** ~~Renewal~~ **Compliance review** shall **typically** occur during the same month as county license renewal;

§ 152.056 WIRELESS COMMUNICATIONS FACILITIES AND TOWERS OR ANTENNAS.

(D) *Standards for the issuance and continuation of a conditional use permit.*

(12) The permit will be subject to ~~annual~~ administrative review.

§ 152.073 PERMITTED ACCESSORY USES AND STRUCTURES.

Within the ~~commercial~~ agriculture district the following uses shall be permitted uses and/or accessory uses [Note—Certification of zoning compliance is required for any structure subject to the State Building Code and any structure or land use specifically requiring an administrative permit, certificate of zoning compliance, conditional use permit or any other type of certification

by the Department. The Department may provide certification of zoning compliance for those structures and/or land uses that do not typically require certification when requested by a landowner for his or her own property.]:

(A) (2) Parcels greater than two acres and less than or equal to five acres – a total of ~~2,500~~ 3,000 square feet of area is permitted in a combination of garage and accessory structures.

(3) Parcels greater than five acres – a total of ~~3,000~~ 4,000 square feet of area is permitted in a combination of a garage and accessory structures.

(C) (2) No more than one employee other than members of the family living on the premises may be employed on the premises. ~~Employees shall not~~ or may report to the premises in order to travel to work off the site;

~~(3) Signage consists of no more than one single or double faced sign with a maximum area of two square feet per side;~~

(M) Agricultural structures existing as of ~~November 24, 1987~~ January 1, 1997, may be utilized for the compensated seasonal storage of boats, recreational vehicles, and classic or antique cars on a temporary basis. The storage activity shall be clearly incidental to the principal use of the property. In cases where, because of a subdivision of land occurring prior to the adoption of this provision, an agricultural structure is located on a parcel of land that does not have an existing principal use, a conditional use permit may be applied for to provide for the storage activities provided for herein. The storage of hulks, parts, wrecks or salvage shall not be permitted. Boats or vehicles stored pursuant to this provision shall be complete and functional or need only minor repair. Agricultural structures utilized pursuant to this provision shall remain agricultural in nature. The structure shall not be improved or modified, except for normal maintenance, so as to change its agricultural nature; the structure shall not be increased in size.

§ 152.074 ACCESSORY USES AND STRUCTURES REQUIRING AN ADMINISTRATIVE SPECIAL USE PERMIT.

The following are permitted accessory uses within the ~~commercial~~ agriculture district, but require that certification of zoning compliance be issued by the Department prior to initiation:

§ 152.076 CONDITIONAL USES—AGRICULTURE; ANIMAL AGRICULTURE (ALLOWED IN AG PRESERVE).

(A) ~~Commercial~~ Agriculture uses and structures on parcels of greater than 5 acres and less than 20 acres; new feedlots on less than 40 acres – used principally for raising poultry, livestock, fruit, vegetables, or other agricultural products provided it is not used principally for residential purposes, or for the establishment of new feedlots of 50 or more animal units on parcels under 40 acres. Criteria to be used in determining the principal use of the property pursuant to this section:

§ 152.078 CONDITIONAL USES—ADDITIONAL DENSITY OPTIONS.

(C) *High amenity areas.* [Note: the existing language of 152.078(C) shall be replaced in its entirety with the following new language]

(1) The maximum density in any area shall not exceed one (1) single family dwelling unit per ten (10) acres; 4 per 40 acres. This provision may be exercised only once for each parcel, from which the lots are to be subdivided, that was of record (30 acres or more) as of July 1, 1974. Only land within the amenity area shall be used to calculate additional density. In no case shall agricultural preserve land be included in a density calculation that exceeds 1 per 40 (1 per ¼¼). Any residential lots that have been subdivided after July 1, 1974, and/or existing homes on the parcel shall be considered 1 per 40 acre (or Lot of Record) eligibilities and shall be included in the density calculations. Remnant pieces not included in the additional density calculations shall have building eligibilities based on the applicable regulations of the "A" District.

(2) Eligible Land:

- a) **Land considered wooded, wooded pasture and similar areas not in agricultural production with soils suitable for on-site sewer (land that is not in production because of a state or federal program is considered production land); or**
- b) **Areas immediately adjacent to lakes as designated in the Comprehensive Plan or as further specified in a township's chapter. ¼ ¼ sections adjacent to a lake shall be considered amenity areas with potential for additional residential development; or**
- c) **Bluff areas (buildable areas on top of bluffs) closely associated with the Minnesota River, Bevens/Silver Creek, Chaska Creek, Carver Creek. Townships that have land that may be eligible under this provision should further define bluff areas in their chapter of this plan.**

(3) General criteria:

- a.) **The Comprehensive Plan policy allowing for no more than 4 homes per 40 (4 homes per ¼¼) shall not be violated;**
- b.) **All building lots created must meet the general criteria and the criteria specific to the lot eligibility type (wooded and/or lakeshore). Inability to meet one or more of those criteria shall negate the eligibility for additional lots under this provision;**
- c.) **Each lot shall contain at least 2½ acres of land that meets the criteria for eligible land. Wetlands and/or non-wooded steep slope (12% and over) land may be added to the lot. These lands shall not be counted as part of the 2½ acres needed to qualify as a high amenity lot.**
- d.) **Building sites shall be clustered in the amenity area as much as possible;**
- e.) **There may be no more than 2 acres of long term agricultural crop production land included in any residential lot. The road right-of-way setback as required by this chapter shall not be included in the calculation nor shall any required setbacks be included in the calculation.**
- f.) **The maximum amount of long term agricultural land shall be preserved for continued agricultural use. The long term agricultural land shall be retained in a large parcel(s) suitable for agricultural purposes. The long term agricultural land shall not be split up and attached to each residential sized parcel unless the amount of agricultural land is so small that it is not reasonably farmable. One of the residential sites and the agricultural land may combined to form a 20+ acre farm;**

- g.) The high amenity building sites are to be considered residential lots, not agricultural parcels. The minimum lot size shall be 2½ acres and able to accommodate a minimum 1 acre building site having at least two on-site sewer systems (primary & alternate), a house, garage, and detached storage structure, while maintaining all required setbacks. The maximum lot size shall be 5 acres except for unusable lands being attached to individual lots, as determined to be necessary during the permitting process.
- h.) All lots that contain a building eligibility shall include a building site as defined by this chapter. No remnant parcels of less than 20 acres shall be created as a stand alone parcel.
- i.) High Amenity areas shall be located to provide the most effective buffering from through roads, agricultural areas, and feedlots within the context of the other requirements and general criteria;
- j.) A road to serve the lots may be constructed over crop production land. Crop production is row crops and hay land that has been specifically planted and managed for the production of hay. Crop production land includes land temporarily out of production in accordance with a government program. Pasture land is not crop production land.

4. Minimum conditions of high amenity lots:

- a.) The keeping of animals, with the exception of dogs, cats and similar animals kept as household pets, is prohibited on any residential lot;
- b.) All conditional use permit activities shall be prohibited on any residential lot. Agricultural parcels and/or lots shall be subject to the "A" District regulations.
- c.) A statement that the area is rural and that commercial agriculture and other rural land use activities will likely be occurring in the area. A notice should be provided regarding the odors, dirt dust, insects, 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 the activities are being conducted in accordance with existing standards.
- d.) The protection of environmentally sensitive land shall be addressed in the conditions. Protections can include but are not limited to: restrictions on clear cutting or vegetation removal; erosion control plan to control erosion during and after building construction; designation of specific building sites or areas with buildings prohibited; requiring certain management practices.

§ 152.079 **CONDITIONAL USES—ACTIVITIES CENTERED AROUND A HOME OR A HOME/FARM COMBINATION.**

(C) Activities.

(9) Home extended business accessory use.

(a) It is the intent of this section to provide for use of newly constructed accessory structures, or adaptive re-use of residential accessory and farm structures on parcels two acres or greater existing on or before January 31, 1994 by permitting the use of the structures for limited business purposes upon the issuance of a conditional use permit pursuant to this section. Permits shall be issued and remain in effect pursuant to this section only upon findings that the proposed use will clearly be accessory and subordinate to the principal use of the land. Examples of

businesses permitted under this section include: woodworking, repair, machining, professional services, and small scale contractor's activities.

(b) The following shall be the minimum **conditions/operational** standards for the issuance and continuation of such a permit; additional conditions may be added as necessary:

1. **Requirements for business location:** ~~The~~ business shall not be located on a residential lot in a platted area; ~~or it shall not be located on a lot of less than five acres or less where there are three or more five-acre or less lots of less than five acres that are adjacent to each other;~~ and **it shall be located at least 500 feet from neighboring residences not on the same parcel of property existing at the time of application for the permit.**

2. The business must be conducted in one or more of the following: an attached or detached garage, residential accessory structure, or agricultural structure. ~~All of the buildings or structures must have been in existence and not enlarged since January 31, 1994.~~

3. **Businesses prohibited for the purposes of this section shall be On-site recreation and entertainment businesses, mini-storage or seasonal vehicle storage when storage is the principal activity of the business, and businesses that require more than one truck with capacity greater than one ton.** ~~are prohibited.~~

~~(c) The following are the minimum conditions/operational standards that shall be placed on the permit; additional conditions may be added as necessary:~~

~~4.4.~~ There shall be no more than ~~one~~ **four** employees in addition to the owner/operator of the business and family of the owner/operator residing in the home, **providing the parcel is five acres or greater. Parcels two acres or greater but less than five acres shall be restricted to two employees in addition to family members residing in the home.**

5. The business shall utilize no more than four business vehicles, providing the parcel is five acres or greater. Parcels two acres or greater but less than five acres shall be restricted to two business vehicles.

~~2.6.~~ There shall be no retail sales. **The sale of incidental stock-in-trade shall not be considered retail sales.**

7. No more than three clients shall be allowed on the premises at any one time.

§ 152.080 CONDITIONAL USES—LARGE SCALE ACTIVITIES WITH UNIQUE LAND OR LOCATION NEEDS.

(C) Activities.

(4) Mining and/or land reclamation involving 10,000 cubic yards or more (allowed in AG preserve):

(b) Each permit shall contain the following minimum standards unless modified by the County Board, and all activities shall conform to these and any additional standards:

2. Minimum requirements for the mining operation.

iv. Mining shall not take place within ~~40~~ 50 feet of a property line. All slopes at property lines shall maintain a and/or no closer than to accomplish at 2.5:1 slope or flatter. The setback from the assumed road right of way shall be a minimum of 50 feet. The setback from all homes shall be a minimum of 500 feet, excluding the mine owner and/or permittee residences. The setback from a bluff shall be a minimum of 100 feet.

v. The permit shall specify what operations are to occur in the permitted area and what general types of equipment may be used in the operation. The Board may order the exclusive use of white noise beepers on trucks and equipment utilized on the site.

vi. Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.

vii. The maximum permitted operational area for mining shall be 35 acres. Only one active conditional use permit for mining is allowed for a parcel.

viii. Stockpiles in excess of 1,000 cubic yards shall not be located within the Floodplain Overlay District.

ix. Any mining within 300 feet of a Class 3 through 8 wetland must include a plan to improve public value(s), in conjunction with any Wetland Conservation Act requirements.

x. A mandatory traffic study shall be prepared by a licensed engineer.

xi. The operation must comply with applicable watershed management rules.

4. [Note: the existing language of 152.080(C)(4)(b)4 shall be replaced in its entirety with the following new language] Reclamation Plan. A reclamation plan must include the grading plans, on-site topsoil replacement, seeding, mulching, erosion control and sedimentation control specifications for each phase and an End Use Plan for final site restoration. The Operator and owner must follow the reclamation plan approved by the County Board. The following minimum standards and conditions apply:

i. The peaks and depressions of the area shall be reduced to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding, and which will minimize erosion due to rainfall. No graded slope shall exceed a 5:1 ratio (twenty (20) percent). The final grade slope shall commence at the setback. Berms will be removed to the original elevation of the land, unless the Board has approved a different elevation as part of the End Use Plan. Restored slopes must be 8:1 or flatter within 500' of the top of a bluff.

ii. Excavated, graded or back-filled areas, shall meet the following requirements;

A. All materials used for back-filling in any area of the reclamation shall be free of all contaminants, and shall be non-noxious, non-flammable and non-combustible.

B. The graded or back-filled area shall not collect or permit stagnant water to remain therein, unless there is an approved ponding area or wetland restoration or creation.

C. Such graded or back-filled area shall be surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding, and to a depth of at least four (4) inches, and seeded or sodded.

D. Such topsoil as required by the preceding subsection shall be planted with trees, shrubs, legumes or grasses.

iii. Seeding and mulching shall be consistent with Minnesota Department of Transportation specifications for rights-of-way. Exceptions to seeding and mulching include areas returned to agricultural production.

iv. Soil restoration, seeding and mulching must occur within each phase as soon as final grades, or interim grades identified in the phasing plans, have been reached. Exceptions to seeding and mulching include the processing, storage and staging areas within each phase.

v. Soil erosion and sedimentation control measures shall be consistent with MPCA's publication entitled "Protecting Water Quality in Urban Areas."

vi. Unless otherwise amended or approved by the County, all final grades and site restoration efforts shall be consistent with the reclamation plan.

vii. When the end-use is some form of open space, the type of vegetative re-growth must provide appropriate habitat for wildlife consistent with the form of end-use.

viii. The end-use plan shall consider the safe use of the property. The end-use plan shall be consistent with the Comprehensive Plan and Zoning Ordinance.

ix. Within nine (9) months after completion of mineral extraction or after termination of the permit, all equipment, vehicles, machinery, materials, stock piles of extracted mineral materials, and debris shall be removed from the subject property.

x. For each phase, within nine (9) months after completion of mineral extraction for that phase, reclamation must be completed. If the permit is terminated earlier, reclamation must be completed within nine (9) months after termination.

xi. Soil and Water Conservation District and Watershed Review and Recommendations. As a part of the original application for a conditional use permit, the applicant shall submit grading plans, phased reclamation plans and water control plans to the Carver County Soil and Water Conservation District and to the governing bodies of the

watersheds for review and recommendations. Said recommendations on the phased reclamation, grading, soil and water retention plans may be included as conditions of the conditional use permit. The permit may require a reforestation. Reforestation requirements shall be based on the recommendation of the Natural Resource Conservation Service and/or the DNR Forester.

5. Performance securities and insurance.

ii. A performance surety shall be provided. The permit shall specify the amount and type of surety required. The surety shall be used to reimburse the county for any monies, labor, or material expended to bring the operation into compliance with the conditions of the permit. The surety may be used after ~~non-renewal of the permit or~~ failure to execute the restoration plan. The surety may also be used if there is a failure to execute a phase of a restoration plan specifically scheduled in the permit.

§ 152.097 CONDITIONAL USE PERMITS.

(A) *Newly proposed use.* Land uses supporting the agricultural economy and serving the needs of the surrounding community provided one of the following minimum criteria are met:

(2) Agricultural support. An activity providing goods or services related to the conduct of ~~commercial~~ agriculture.

PLANNING COMMISSION

§ 152.234 AUTHORITY AND DUTIES OF COMMISSION.

(B) (3) *Conditional use permits.* Review all applications for conditional use permits, plans for subdivision, requests for amendment to official controls and submit findings and recommendations to the Board. **Notwithstanding the other provisions of this Ordinance, the Planning Commission shall have the authority to order the issuance of conditional use permits for Residential Related uses and structures pursuant to §152.077.**

§ 152.248 RECOMMENDATIONS FOR CONDITIONS.

(A) The Planning Commission shall ~~recommend the~~ **consider** conditions relating to the granting of the conditional use permits as it deems necessary to carry out the intent and purpose of this chapter or may recommend that the request be denied. Recommendation and any ~~recommended~~ conditions shall be supported by written findings.

SECTION 2. Section §152.039 SIGNS, LIGHTS, AND ADVERTISING DEVICES; STANDARDS, of the Carver County Zoning Code, shall be repealed in its entirety and CHAPTER 154 – SIGN REGULATIONS is hereby adopted, as follows:

CHAPTER 154- SIGN REGULATIONS

SECTION I – PURPOSE AND DEFINITIONS

154.01. Findings, purpose and effect.

a. Findings. The County Board hereby finds as follows:

1. Exterior signs have a substantial impact on the character and quality of the environment.
2. Signs provide an important medium through which individuals may convey a variety of messages.
3. Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare.
4. The County's zoning regulations have, since as early as 1970, included the regulation of signs in an effort to provide adequate means of expression and to promote economic viability, while protecting the County and its citizens from a proliferation of signs of a type, size, location and character that would adversely impact upon the aesthetics of the County and threaten the health, safety and welfare of the County. The regulation of the physical characteristics of signs has had a positive impact on traffic safety and the appearance of the County.

b. Purpose and intent. It is not the purpose or intent of this section of the Code to regulate the message displayed on any sign; nor is it the purpose or intent of this section of the Code to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building. The purpose and intent of this section is to:

1. Regulate the number, location, size, type, illumination and other physical characteristics of signs within the County in order to promote the public health, safety and welfare.
2. Maintain, enhance and improve the aesthetic environment by preventing visual clutter that is harmful to the appearance of the County.
3. Improve the visual appearance of the County while providing for effective means of communication, consistent with constitutional guarantees and the County's goals of public safety and aesthetics.
4. Provide for fair and consistent enforcement of the sign regulations set forth herein under the zoning authority of the County.

c. Effect. A sign may be erected, mounted, displayed or maintained in the County if it is in conformance with the provisions of these regulations. The effect of this section of the Code, as more specifically set forth herein, is to:

1. Allow certain small, unobtrusive signs incidental to the principal use of a site when in compliance with the requirements of this section of the Code.
2. Prohibit signs whose location, size, type, illumination or other physical characteristics negatively affect the environment and where the communication can be accomplished by means having a lesser impact on the environment and the public health, safety and welfare.
3. Provide for the enforcement of the provisions of this sign ordinance.

154.02 Application and Jurisdiction

The provisions of this chapter shall apply to all land within the county which is not within the boundaries of an incorporated city or within any orderly annexation area where the city and township and county have a separate agreement concerning sign regulations within the orderly annexation area.

154.03 Severability

If any section, subsection, sentence, clause, or phrase of this section of the Code is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this section of the Code. The County Board hereby declares that it would have adopted this section of the Code in each section, subsection, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

154.05 Definitions.

The following words and terms, when used in this section of the Code, shall have the following meanings, unless the context clearly indicates otherwise:

Abandoned sign - any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of one (1) year or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one (1) year or more. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. Signs which are present because of being legally established nonconforming signs or signs which have required a conditional use permit or a variance shall also be subject to the definition of abandoned sign.

Awning - a roof-like cover, often of fabric, plastic, metal or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure primarily over a window, walk, or the like. Any part of an awning which also projects over a door shall be counted as an awning.

Awning sign - a building sign or graphic printed on or in some fashion attached directly to the awning material.

Balloon sign - a sign consisting of a bag made of lightweight material supported by helium, hot, or pressurized air which is greater than twenty-four (24) inches in diameter.

Building - any structure used or intended for supporting or sheltering any use or occupancy.

Building sign - any sign attached or supported by any structure used or intended for supporting or sheltering any use or occupancy.

Cabinet sign - any wall sign that is not of channel or individually mounted letter construction.

Canopy - a roof-like cover, often of fabric, plastic, metal, or glass on a support, which provides shelter over a doorway.

Canopy sign - any sign that is part of or attached to a canopy, made of fabric, plastic, or structural protective cover over a door or entrance. A canopy sign is not a marquee and is different from service area canopy signs.

Changeable copy sign, electronic – a sign or portion thereof that displays electronic, nonpictorial text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays. Electronic changeable copy signs do not include time and temperature signs. Electronic changeable copy signs include projected images or messages with these characteristics onto buildings or other objects.

Commercial Speech – speech advertising a business, profession, commodity, service or entertainment.

Elevation - the view of the side, front, or rear of a given structure(s).

Elevation area - the area of all walls that face any lot line.

Erect - activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, painting, drawing or any other way of bringing into being or establishing.

Flag - any fabric or similar lightweight material attached at one end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.

Flashing sign - a directly or indirectly illuminated sign which exhibits changing light or color effect by any means, so as to provide intermittent illumination which includes the illusion of intermittent flashing light by means of animation. Also any mode of lighting which resembles zooming, twinkling, or sparkling.

Freestanding sign - any sign which has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure.

Frontage - the line of contact of a property with the public right-of-way.

Grade - grade shall be construed to be the final ground elevation after construction. Earth mounding criteria for landscaping and screening is not part of the final grade for sign height computation.

Ground sign - any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a total height not exceeding eight (8) feet.

Height of sign - the height of the sign shall be computed as the vertical distance measured from the base of the sign at grade to the top of the highest attached component of the sign.

Hotel, motel, motor hotel - any building or combination of buildings contained six or more rooms used for sleeping purposes by guest on a transient basis.

Illuminated sign - any sign which contains an element designed to emanate artificial light internally or externally.

Interior sign - a sign which is located within the interior of any building, or within an enclosed lobby or court of any building, and a sign for and located within the inner or outer body, court or entrance of any theater.

Issuing Authority - Carver County.

Legally established nonconforming sign - any sign and its support structure lawfully erected prior to the effective date of this section of the Code which fails to conform to the requirements of the Code. A sign which was erected in accordance with a variance granted prior to the adoption of this ordinance and which does not comply with the Code shall be deemed to be a legal nonconforming sign. A sign which was unlawfully erected shall be deemed to be an illegal sign.

Marquee - any permanent roof-like structure projecting beyond a theater building or extending along and projecting beyond the wall of that building, generally designed and constructed to provide protection from the weather.

Marquee sign - any building sign painted, mounted, constructed or attached in any manner, on a marquee.

Monument sign - any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a height exceeding eight (8) feet.

Multiple tenant site - any site which has more than one (1) tenant, and each tenant has a separate ground level exterior public entrance.

Non-commercial speech - dissemination of messages not classified as Commercial Speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics.

Off-premise sign - a commercial speech sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same premises where such business sign is located. For purposes of this sign ordinance, easements and other appurtenances shall be considered to be outside such platted parcel of land and any sign located

or proposed to be located in an easement or other appurtenance shall be considered an off-premise sign.

On-premise messages – identify or advertise an establishment, person, activity, goods, products or services located on the premises where the sign is installed.

Parapet (wall) - that portion of building wall that rises above the roof level.

Pole sign - see Pylon Sign.

Portable sign - any sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support is converted to another sign or attached temporarily or permanently to the ground since this characteristic is based on the design of such a sign.

Porte cochere - a roofed structure or roof-like cover, extending from the entrance of a building and which provides shelter over a doorway.

Principal building - the building in which the principal primary use of the lot is conducted. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

Projecting sign - any sign which is affixed to a building or wall in such a manner that its leading edge extends more than two (2) feet beyond the surface or such building or wall face.

Property owner - legal owner of property as officially recorded by Carver County.

Public notices - official notices posted by public officers, employees or their agents in the performance of their duties, or as directed by such officers, employees or agents.

Public street right-of-way - the planned right-of-way for a public street.

Pylon sign - any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open.

Roof - the exterior surface and its supporting structure on the top of a building or structure. The structural make-up of which conforms to the roof structures, roof construction and roof covering sections of the Uniform Building Code.

Roof line - the upper-most edge of the roof or in the case of an extended facade or parapet, the upper-most height of said facade.

Roof sign - any sign erected and constructed wholly on and above the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

Roof sign, integral - any building sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, so that no part of the sign extends vertically above the highest portion of the roof and so that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.

Rotating sign - a sign or portion of a sign which turns about on an axis.

Setback, front - the minimum horizontal distance permitted between the public right-of-way and a structure on the premises. In instances in which a property fronts on more than one (1) street, front setbacks are required on all street frontages.

Setback, rear - the minimum horizontal distance permitted between the property line opposite the principal street frontage and a structure on the premises.

Setback, side - the minimum horizontal distance permitted between the side lot line and a structure on the premises.

Shimmering signs - a sign which reflects an oscillating sometimes distorted visual image.

Sign - any letter, word or symbol, poster, picture, statuary, reading matter or representation in the nature of advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed, including all associated brackets, braces, supports, wires and structures, which is displayed for informational or communicative purposes.

Sign face - the surface of the sign upon, against, or through which the message of the sign is exhibited.

Sign structure - any structure including the supports, uprights, bracing and framework which supports or is capable of supporting any sign.

Site - a plot or parcel of land, or combination of contiguous lots or parcels of land, which are intended, designated, and/or approved to function as an integrated unit.

Stringer - a line of string, rope, cording, or an equivalent to which is attached a number of pennants.

Suspended sign - any building sign that is suspended from the underside of a horizontal plane surface and is connected to this surface.

Total site signage - the maximum permitted combined area of all freestanding and wall identification signs allowed on a specific property.

Visible - capable of being seen by a person of normal visual acuity (whether legible or not) without visual aid.

Wall - any structure which defines the exterior boundaries or courts of a building or structure and which has a slope of sixty (60) degrees or greater with the horizontal plane.

Wall sign - any building sign attached parallel to, but within two (2) feet of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface.

Window sign - any building sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

SECTION II – ADMINISTRATION AND ENFORCEMENT

154.07. **Permit required.**

No sign shall be erected, altered, reconstructed, maintained or moved in the County without first securing a permit from the County or as part of a Conditional Use Permit issued pursuant to Chapter 152 of the Carver County Code. The content of the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit. Application for a permit shall be in writing addressed to the issuing authority and shall contain the following information:

- a. names and addresses of the owners of the display structure and property;
- b. the location, including the address at which any signs are to be erected and the street on which they are to front;
- c. the cost of the sign;
- d. type of sign (i.e. wall sign, monument sign, etc.);
- e. certification by applicant indicating the application complies with all requirements of this section of the Code; and
- f. if the proposed sign is along state trunk highway or interstate highway, the application shall be accompanied by proof that the applicant has obtained a permit from the state for the sign.

The issuing authority shall approve or deny the sign permit in an expedited manner no more than 30 days from the receipt of the complete application, including applicable fee or as otherwise required by law. All sign permits not approved or denied within 30 days shall be deemed approved. If the permit is denied, the issuing authority shall prepare a written notice of denial within 10 days of its decision, describing the applicant's appeal rights. Requests for signage included within a CUP application shall be issued or denied within a time frame that complies with M.S. Sec. 15.99.

154.09 **Exemptions.**

The following signs shall not require a permit. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this ordinance or any other law or ordinance regulating the same.

- a. The changing of the display surface on a painted or printed sign only. This exemption, however, shall apply only to poster replacement and/or on-site changes involving sign painting elsewhere than directly on a building.
- b. Signs six (6) square feet or less in size.
- c. Street signs, official traffic control signs or devices, railroad signs or signals, or emergency vehicle signals authorized by the responsible road authority or public entity.

154.11. **Fees.**

Sign permit fees are set forth in the Carver County Fee Schedule.

154.13. **Repairs.**

Any sign located in the County which may now be or hereafter become out of order, rotten or unsafe, and every sign which shall hereafter be erected, altered, resurfaced, reconstructed or moved contrary to the provisions of this section of the Code, shall be removed or otherwise properly secured in accordance with the terms of this section by the owners thereof or by the owners of the grounds on which said sign shall stand, upon receipt of proper notice so to do, given by the issuing authority. No rotten or other unsafe sign shall be repaired or rebuilt except in accordance with the provisions of this section and upon a permit issued by the issuing authority.

154.15. Removal.

In the event of the failure of the owner or person, company or corporation having control of any sign, or the owner of the ground on which the sign is located, to remove or repair said sign within 60 days after the use is terminated, a notice shall be given to the person or entity identified in the sign application and the sign may be removed by the County at the expense of the owner or manager of the sign, or the owner of the ground upon which the sign stands.

154.17. Violations.

- (A) *Violations.* Any person, firm or corporation who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor. Each day that a violation continues shall constitute a separate offense.
- (B) *Stop work orders.* Whenever any work is being done contrary to the provisions of this chapter, the County may order the work stopped by written notice personally served upon the property owner or applicant named in the permit. All activities shall cease and desist until subsequent authorization to proceed is received from the County or a court of competent jurisdiction.
- (C) *Injunctive relief and other remedies.* In the event of a violation or a threat of a violation of this chapter, the county may institute appropriate actions or proceedings, including injunctive relief, to prevent, restrain, correct or abate such violations or threat of violations. The county may recover costs incurred for corrective action in a civil action in any court of competent jurisdiction, and such costs may be certified by court order to the County Auditor as a special tax against the real property. These and other remedies, as determined appropriate by the county, may be imposed upon the applicant, permittee, installer, property owner, or other responsible person in addition to or separate from other enforcement actions.

SECTION III – GENERAL PROVISIONS

154.18 Size

No sign shall exceed 32 square feet of surface area.

No parcel shall have signage exceeding an aggregate of 36 square feet of surface area.

154.19. Regulations.

Subd. 1. General. Except as hereinafter provided, no signs shall be erected or maintained at any angle to a building or structure which sign extends or projects over the street or highway. No sign which is erected or maintained flat against any building or structure shall extend or project more than fifteen inches over the sidewalk, street or highway.

154.23. Electrical signs.

Electrical signs may be permitted, but devices giving off intermittent, flashing or rotating beam of light shall be prohibited. Flood lighting shall be focused upon the sign. No lighting for signs shall directly reflect light beams onto any public street or residential structure. Signs may not be illuminated beyond any lot line.

Electrical signs must be installed in accordance with the current electrical code and a separate permit from the building official must be obtained prior to placement.

154.25. Unauthorized signs.

The following signs are unauthorized signs:

- a. Any sign, signal, marking or device which purports to be or is an imitation of or resembles any official traffic control device or railroad sign or signal, or emergency vehicle signal, or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.
- b. All off-premise signs.
- c. Signs painted, attached or in any other manner affixed to trees, rocks, or similar natural surfaces, or attached to public utility poles, bridges, towers, or similar public structures.
- d. Portable signs.
- e. Changeable copy signs.
- f. Private signs, other than public utility warning signs, are prohibited within public rights-of-way and easements, or on any other public property unless the sign is specifically authorized by the responsible public authority.
- g. No sign in excess of 3 square feet per surface shall be placed within 500 feet of the intersection of public roads or public roads and railroads, provided that advertising may be affixed to or located adjacent to a building within 500 feet of the intersection in such a manner as not to cause any greater obstruction of vision than that caused by the building itself.
- h. Any sign containing obscene pictures or wording.

154.27. Setbacks.

Subd. 1. Yards. Signs shall be at least 3 feet from front and side yard property lines or actual or assumed rights-of-way, whichever is greater.

154.29. Area.

The area within the frame shall be used to calculate the square footage except that the width of a frame exceeding 12 inches shall constitute sign face, and if such letters or graphics be mounted directly on a wall or fascia or in such way as to be without a frame the dimensions for calculating the square footage shall be the area extending six inches beyond the periphery formed around such letters or graphics in a plane figure bounded by straight lines connecting the outermost points thereof. Each surface utilized to display a message or to attract attention shall be measured as a separate sign and shall be calculated in the overall square footage. Symbols, flags, pictures, wording, figures or other forms of graphics painted on or attached to windows, walls, awnings, free-standing structures, suspended by balloons, or kites or on persons, animals, or vehicles are considered a sign and are included in calculating the overall square footage.

154.31. Canopies, marquees and fixed awnings.

Canopies, marquees and fixed awnings are an integral part of the structure to which they are attached. They are allowed if they meet following requirements and the applicable square footage requirements.

- a. an awning, canopy or marquee may not project into the public right-of-way nearer than 30 inches to the street curb or curb line;
 - b. awnings, canopies or marquees may have no part of the structure other than supports nearer the ground surface than seven feet;
 - c. the architectural style of the awning, canopy or marquee may be consistent with the building being served;
 - d. awnings, canopy or marquees projecting into the required yards may not be enclosed except with a transparent material permitting through vision;
- and
- e. awnings, canopies or marquees built over the public right-of-way must be included in a liability insurance policy holding the County free of all responsibility.

154.35. Height.

The top of a sign, including its superstructure, if any, shall be no higher than the roof of the building to which such sign may be attached or 35 feet above ground level, whichever height is less; except that the height of any changeable sign which is attached to or an integral part of a functional structure, such as a water tower, smoke stack, radio or TV transmitting tower, beacon or similar structure shall be no higher than such structure. Signs, including any superstructure standing or erected free of any building or other structure, shall not exceed an overall height of 35 feet from ground level and shall be located on land in an area which is landscaped or if such land is part of an approved parking area, it shall be surfaced or paved as required in the zoning code.

154.36 Retroactive affect.

This sign ordinance shall apply to all sign applications applied for and/or pending prior to its enactment.

154.365 Non-commercial speech.

Notwithstanding any other provisions of this sign ordinance, all signs of any size containing Non-Commercial Speech may be posted from August 1 in any general election year until ten (10) days following the general election and thirteen (13) weeks prior to any special election until ten (10) days following the special election.

SECTION V – NON-CONFORMING USES

154.41. **Non-conforming signs: compliance.**

It is recognized that signs exist within the County which were lawful before this chapter was enacted, which would be prohibited, regulated or restricted under the terms of this chapter or future amendments. It is the intent of this chapter that nonconforming signs shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other signs or uses otherwise prohibited by this chapter. It is further the intent of this chapter to permit legal nonconforming signs existing on the effective date of this chapter, or amendments thereto, to continue as legal nonconforming signs provided such signs are safe, are maintained so as not to be unsightly, and have not been abandoned or removed subject to the following provisions:

- a. No sign shall be enlarged or altered in a way which increases its nonconformity.
- b. Should such sign or sign structure be destroyed by any means to an extent greater than fifty (50) percent of its replacement cost and no building permit has been applied for within 180 days of when the property was damaged, it shall not be reconstructed except in conformity with the provisions of this ordinance.
- c. Should such sign or sign structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the requirements of this chapter.
- d. No existing sign devoted to a use not permitted by the zoning code in the zoning district in which it is located shall be enlarged, extended or moved except in changing the sign to a sign permitted in the zoning district in which is it located.
- e. When a structure loses its nonconforming status all signs devoted to the structure shall be removed and all signs painted directly on the structure shall be repainted in a neutral color or a color which will harmonize with the structure.

SECTION VI – Noncommercial Speech

154.43 **Substitution Clause**

The owner of any sign which is otherwise allowed by this chapter may substitute non-commercial copy in lieu of any other commercial or non-commercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary.

SECTION VII – APPEALS

154.5 **Appeals**

- A. *Filing.* A person wishing to appeal any order, requirement, decision or determination made by the County pursuant to this chapter shall, within 30 days of the action that is being appealed, file an appeal with the Department of Land and Water Services. The appeal shall include the order, requirement, decision or determination which is being appealed, the requested remedy, and shall state the reason for the appeal. Land and Water Services shall prepare a report and refer the appeal to the Board of Adjustment for a decision. The appeal shall be heard by the Board of Adjustment at a public hearing within 60 days from the date of filing the appeal. The Board of Adjustment shall give due notice thereof to the appellant, the public and the officer from whom the appeal is taken.

- B. *Stay of Action.* An appeal stays all proceedings and furtherance of the action appealed from unless the Board of Adjustment certifies that by reason of the facts stated in the appeal the stay would cause imminent peril to life or property.

- C. *Decision.* The Board of Adjustment may reverse or affirm wholly or partly or may modify the order, requirement, decision or determination 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 permit. The Board's decision shall be by the adoption of an order. The order shall include findings of fact supporting the Board's decision.

SECTION 3. Ordinance 43A and any amendments thereto - INDIVIDUAL SEWAGE TREATMENT SYSTEM AND WATER WELL LOAN PROGRAM – is hereby repealed and the following new chapter is hereby added to the County Code of Ordinances:

(Note- changes from the existing 43A language are shown in underline/strikeout format for review purposes. The final ordinance document will show only the final language without underline/strikeout.)

CHAPTER 56
INDIVIDUAL SEWAGE TREATMENT SYSTEM
AND WATER WELL LOAN PROGRAM

56.001 - Purpose

This ordinance is adopted to provide for the creation of a public loan program that assists private property owners in the financing of site evaluation, installation, repair, or replacement of individual sewage treatment systems and in the financing of the sealing and replacement of wells on private property. Such a loan program promotes the public health and welfare by preventing, reducing, and eliminating water pollution from individual sewage treatment systems or wells that meet the priority criteria established in the Administrative Plan.

56.002 - Authority

Carver County may establish an individual sewer treatment system and well loan program pursuant to the authority granted under Minnesota Statute Chapter 103I, Minnesota Statute Chapter 115, and Minnesota Rules 7080 and as amended that may pertain to sewage and wastewater treatment and enforcement standards for individual sewage treatment systems and wells.

56.003 - Definitions

“Borrower” means individual or multiple landowners applying for a low-interest loan.

“Improvement” means ~~the~~ a site evaluation, design, installation, repair, or replacement of an individual sewage treatment system or well or sealing ~~or replacement~~ of an abandoned well.

“Individual Sewage Treatment System or ISTS” means a sewage treatment system or parts thereof, using soil treatment and disposal to treat 5,000 gallons or less of waste water per day (Minn. Stat. §116.18, Subd. 3c) or uses an alternative discharging system treating 10,000 gallons per day using treatment methods and disposal other than subsurface soil treatment and disposal (Minn. Stat. 103I).

“Local Lender” means a state or federally chartered bank, a savings and loan association, a state or federal credit union, a non profit economic development organization approved by the Commissioner, a Farm Credit Systems institution or the Applicant when designating itself as the Local Lender.

“Project” means a site evaluation, design, installation, repair or replacement of an Individual Sewage Treatment System or well or sealing of an abandoned well.

“Property Owner” means the owner or owners as recorded on the tax roll of the county where the real property on which the ISTS or well that is installed, repaired or replaced is located.

“Well” means a well as defined in §103I.005, Subd. 21.

56.004- Administration

- (A) The Carver County Board of Commissioners ~~shall~~ may designate by resolution a County department or agency to serve as local lender for purposes of the grant program.
- (B) The Carver County Board of Commissioners ~~shall~~ may designate by resolution a loan administrator to administer the loan program to determine the eligibility of property owners, and to distribute loan funds to eligible borrowers.
- (C) All repairs and improvements made to ISTS or wells under this ordinance shall be performed by a licensed professional and shall comply with the agency rules adopted pursuant to Minn. Stat. §115.55, subdivision 3 and Minnesota Rules 7080 and other applicable requirements.
- (D) Loan funds shall be disbursed to eligible property owners according to priority criteria adopted by the County Board (~~in the order in which applications are approved~~). In considering loan requests, the loan administrator shall consider criteria including, but not limited to, the age and depth of the ISTS or well, the proximity of the ISTS or well to contaminant sources, the pollution potential, and the risks to public health and safety.
- (E) Access to the fund is voluntary and shall result in a lien on the benefiting property according to the terms set forth in the a Administrative pPlan. The Administrative Plan may be amended by the Carver County Board.
- (F) The property owner has the right to prepay the assessment.
- (G) Projects shall only be funded to the extent of funds available in the loan fund.

56.005- Application and Certification Procedures

- (A) The County Board shall establish an initial loan application period and direct the loan administrator to publish notice of the initial application period in the official County newspaper.
- (B) Property owners shall contact the Carver County ~~Housing and Redevelopment Authority (HRA)~~ Community Development Agency (CDA) or ~~other department or agency designated by the County Board of Commissioners~~ Carver County Environmental Services to receive an application form. The property owner shall complete the application, and submit it to the Carver County ~~HRA~~ CDA or other designated department or agency within the initial application period. Applications received after the initial application period will not be considered for funding until all eligible applications received during the initial application period are funded.
- (C) ~~HRA~~ CDA or other designated department or agency shall review applications, contact applicants for additional information if needed and forward applications to the loan program administrator for determination of eligibility. The loan administrator shall rank applications according to priority criteria adopted by the County Board of Commissioners and notify applicants of their status.

- (D) Property owners shall have a site evaluation, system design and construction bid completed by a licensed ISTS professional and provide this information to the loan administrator along with any related information requested by the loan administrator. The loan administrator shall review the information provided and notify the property owner of eligibility for grant funds and project approval or disapproval. The loan administrator may request additional information or construction bids for the project.
- (E) Work on projects shall begin promptly after the property owner receives approval by the loan program administrator. All repairs and improvements made to ISTS or wells under this ordinance shall be performed by a licensed professional and shall comply with the agency rules adopted pursuant to Minn. Stat. §115.55, Subd. 3, Minnesota Rules 7080, ~~Carver County Ordinance 52 [ISTS Ordinance]~~ Chapter 52 of the Carver County Code of Ordinances, and other applicable requirements.
- (F) Carver County shall inspect the site ~~and certify that the ISTS project complies with all applicable requirements~~ to observe installation and conditions at the time of inspections. Inspections related to the installation of any wells will be conducted by the Minnesota Department of Health. Copies of the certification shall be promptly forwarded to the loan program administrator.
- (G) Upon receiving documentation of certification of completion, the loan administrator shall distribute the funds to the property owner or licensed contractor as per established County payment procedures.

56.007 - Eligibility

(A) Eligible activities

- (1) Repair or replacement of an existing Individual Sewage Treatment System (ISTS) that does not conform with provisions of Minnesota Rules Chapter 7080 and/or ~~Carver County Ordinance 52 [ISTS Ordinance]~~ Chapter 52 of the Carver County Code of Ordinances.
- (2) Relocation of ISTS out of environmentally sensitive areas.
- (3) Replacement of ISTS that are failing or non-comforming with an expanded ISTS, provided that loan funds are not used to finance the expanded portion of the ISTS.
- (4) Replacement of ISTS up to fifteen (15) days prior to loan application submittal and in full compliance with this ordinance.
- (5) Well Projects:

- a) Sealing abandoned wells or wells that do not conform to Minn. Stat. §103I.005, Subd. 21, 103I.301, Subd. 1.
- b) Replacement or relocation of wells that do not conform to Minn. Stat. §103I.005, Subd. 21, 103I. 301, Subd. 1.

(B) Ineligible activities

- (1) ISTS in excess of flow rates listed in Article III Subd. 2 of this Ordinance.
- (2) New connections or repairing old connections to collection systems or municipal waste treatment systems.
- (3) Installation of ISTS for new construction.
- (4) Expansion or upgrading of a conforming ISTS due to construction of additional living quarters, new construction, or new or expanded use.
- (5) 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.~~
- (6) Well projects:
 - a) Installation of new wells for new construction.
 - b) Installation of new wells for increased yield or flow rate.

56.008 - Loan Financing Terms

- (A) Interest Rate - Loans shall be made based on an interest rate to be established by the County Board of Commissioners.
- (B) Term – the term of the loan shall be not more than 5 years from the date of the disbursement of funds.
- (C) Fees
 - (1) 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.
 - (2) Pre-application Fee - The Carver County HRA may charge a pre-application certification fee in an amount established by the County Board of Commissioners.
- ~~(D)~~ 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.
- (E) Repayment – Repayment shall be made as a special assessment collected with the property tax payable for the property.

56.009 - Appeals

- (A) 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.
- (B) Hearing. An appeal from any order, requirement, decision, or determination from the Loan Administrator 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.

- (C) 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.
- (D) 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.
- (E) 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.

56.010 - Separability

If any part of this Ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.

56.011 - Effective Date and Dissolution

This ordinance shall be in full force and effect from and after November 1, 2006 ~~the date of its passage and publication~~ according to law. Carver County may dissolve the individual sewer treatment system and well loan program by passing an ordinance complying with the provisions of Minn. Stat. §115.57.

SECTION 4. This Ordinance shall be in effect upon its passage and publication.

ADOPTED BY THE CARVER COUNTY BOARD OF COMMISSIONERS, RESOLUTION #

_____, AT ITS MEETING OF MARCH 27, 2007.

Gayle Degler, Chair

Dave Hemze, County Administrator

COUNTY OF CARVER

PLANNING COMMISSION RESOLUTION

FILE #:PZ20060056

RESOLUTION #: 07-05

WHEREAS, the following request by the Land Management Department and County Attorney's Office to consider several changes to the Zoning Code and Sign Regulations has been submitted and accepted:

FILE #: OA-PZ20060056

TYPE: County Code Amendments, Zoning Code, Sign Regulations

PURSUANT TO: Title XV: Land Usage, Chapter 152

LEGAL DESCRIPTION: All

PARCEL #: N/A

WHEREAS, Carver County Land Management and the Carver County Attorney's Office have initiated various amendments to the Zoning Code and Sign Regulations; and,

WHEREAS, said request was duly considered at a public hearing held by the Carver County Planning Commission at its regular meetings of November 21, 2006, December 19, 2006, January 16, 2007 and February 20, 2007; and,

WHEREAS, the proposed amendments are consistent with the policies of the existing 2020 Comprehensive Plan and would likely be the last significant set of Zoning Code changes until the adoption of the 2030 Comprehensive Plan, which is anticipated by the end of 2008; and,

WHEREAS, a number of provisions are being addressed in response to recent land use decisions, feedback received from Township and County officials and relevant court decisions; and,

WHEREAS, the comments and recommendations received from the Township Boards within the County were an integral part of the process; and,

WHEREAS, the draft language has been available for review for several months and no opposition has been received from the public, cities and/or townships within the County; and,

WHEREAS, the proposed amendments are outlined as follows:

- 152.006 Zoning districts and maps (FEMA approved a LOMR, dated January 29, 2004)
- 152.010 Definitions (equestrian definitions were updated for clarity)
- 152.032 Unlicensed motor vehicles (include inoperable vehicles and accumulation of parts)
- 152.036 Access requirements (the single access limitation may not be appropriate in some situations)
- 152.039 Signs, lights, and advertising devices; standards (delete this section and replace it with new Chapter based on recent court decisions pertaining to sign ordinances)
- 152.054 & 152.056 References to annual renewal, renewal and annual review (updated to read- administrative review or compliance review)
- 152.073 The term "commercial" should be deleted with regards to the agriculture district (also in 152.074, 152.076 & 152.097). Permitted accessory uses and structures (the November 24, 1987 cutoff date for seasonal storage structures, Subsection (M) updated to January 1, 1997). Increase accessory structure sizes to be more proportional to parcel sizes (3,000 sq ft for >2 to 5 acres, and 4,000 sq ft for > 5 acres). Home Occupations- provide flexibility with employee reporting to site.

- 152.078 Conditional uses—additional density options (High Amenity lots are too complex and Section (C) has been completely revised to be more similar to the Wooded Lot provision).
- 152.079 Conditional uses—activities centered around a home or a home/farm combination (Home Extended Business Accessory Use updated to allow new buildings as well as adaptive re-use—e.g. Thomas Collision received a variance for a new building. It would also allow a business with maximum of four small trucks/four employees on lots five acres and greater, and maximum of two small trucks/two employees for lots between two and five acres.)
- 152.080 Conditional uses—large scale activities with unique land or location needs (sand/gravel mining & land reclamation standards has been updated- setbacks, sizes, restoration)
- 152.234 Authority and duties of Commission (Planning Commission authorization to order the issuance of CUP's pursuant to Section 152.077-Residential Related, such as accessory structures). 152.248 recommendations for conditions revised slightly.

THEREFORE, BE IT RESOLVED, THAT The Carver County Planning Commission hereby recommends the adoption of the proposed amendments to Chapter 152 and the new sign regulations, which would likely be a new Chapter 154:

ADOPTED by the Carver County Planning Commission this 20th day of February 2007.

Gene Miller
Chairman

COUNTY OF CARVER

BOARD OF COMMISSIONERS

DRAFT

DATE March 27, 2007

RESOLUTION NO. _____

MOTION BY COMMISSIONER _____ SECONDED BY COMMISSIONER _____

A RESOLUTION ADOPTING ORDINANCE 58-2007, AMENDING CHAPTER 152, THE ZONING CODE; ADOPTING NEW SIGN REGULATIONS THEREBY ADDING A NEW CHAPTER 154 AND REPEALING EXISTING SIGN REGULATIONS; AND REPEALING ORDINANCE 43A AND ADDING AN AMENDED & CODIFIED VERSION TO THE COUNTY CODE AS A NEW CHAPTER 56.

WHEREAS, the Planning Commission adopted Resolution #07-05 recommending amendments to Chapter 152, the Zoning Code, and the adoption of new sign regulations, which would be a new Chapter 154 of the County Code; and,

WHEREAS, the current Ordinance 43A is not included in the Code, had no provision for appeals and had an application deadline that may exclude qualified applicants; and the amendments would provide for application flexibility and an appeal procedure; and the new chapter 56 shall be retroactive to November 1, 2006; and,

WHEREAS, the Planning Commission's recommendation, and other input & feedback were duly considered at a public hearing held by the Carver County Board at its regular meeting of March 27, 2007 and the County Board finds as follows:

1. The amendments are in conformance with the Comprehensive Plan.
2. The amendments are not in conflict with any other official controls.
3. The amendments will not be detrimental to the health, safety or general welfare.

THEREFORE, BE IT RESOLVED, THAT The Carver County Board of Commissioners hereby adopts Ordinance 58-2007, Amending the County Code.

| YES | ABSENT | NO |
|-------|--------|-------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

STATE OF MINNESOTA
COUNTY OF CARVER

I, Dave 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 27th 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 _____ day of _____, 2007.

County Administrator



REQUEST FOR BOARD ACTION

AGENDA ITEM : Appointment to the Minnehaha Creek Watershed District

Originating Division: Administration

Meeting Date: 3/27/07

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:

The County has one appointment to the Minnehaha Creek Watershed District Board of Managers. Notice of this vacancy was published in both the Chaska Herald and Chanhassen Villager. The Board must appoint an individual who is a voting resident of the watershed district and is not a public officer of the County, State or Federal government.

Applications have been received from the following individuals:

Stephen R. Kroiss
5605 Zumbra Drive
Victoria, MN 55386

Michael Klingelhutz
7940 Airport Road
Waconia, MN 55387

ACTION REQUESTED:

Board appointment to the Minnehaha Creek Watershed District to serve a three year term.

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: 2/26/07



REQUEST FOR BOARD ACTION

AGENDA ITEM: Minnesota Counties Insurance Trust (MCIT) 2007 Member Report for Carver County by MCIT Staff.

Originating Division: Employee Relations

Meeting Date: March 27, 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: Staff from MCIT, along with the Risk/Emergency Management staff, would like to provide a member update to the County Board in reference to the risk management program with MCIT and in Carver County. The discussion will look at the overall performance of MCIT, past performance and future goals of Carver County in the risk management area as it relates to MCIT.

ACTION REQUESTED: Provide any additional input and/or direction to MCIT and the Risk/Emergency Management staff in the areas discussed.

FUNDING

County Dollars = \$

Other Sources & Amounts = \$

TOTAL = \$0

Related Financial Comments:

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Reviewed by Division Director

Date: 3/7/07



REQUEST FOR BOARD ACTION

AGENDA ITEM : Closed Session, Labor Negotiations Strategy

Originating Division: Employee Relations

Meeting Date: 3/27/07

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:**

Employee Relations is in the process of negotiating with AFSCME and the LELS.

Based on the meetings the County Negotiating teams have had with these groups and the initial direction and strategy the Board set for these negotiations, we need to provide some updated information and request further strategic direction.

The purpose of the closed session is to discuss the current proposals from the bargaining units, clarify the requests on the table, and seek the Board's guidance relative to arriving at new collective bargaining agreements. 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 = \$

= \$

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

Date: 3/19/07