

Carver County Board of Commissioners
 Regular Session
 March 6, 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 February 27, 2007, Regular Session1-3
4. Public participation (Comments limited to five minutes)
5. Community announcements

9:05 a.m.

6. **CONSENT AGENDA**
- 6.1 Appraiser salary adjustments.....4-5
- 6.2 Professional services agreement-Personnel Decisions
 International6
- 6.3 Re-organization of reference services in the Carver County
 Library system.....7
- 6.4 Dean Schuette-request for an accessory structure.....8-12
- 6.5 Approval of 2007 contract with Dakota County for secure
 juvenile detention beds..... 13
- 6.6 Carver County Comprehensive Transportation Plan Update
 2005-2030 amendment to professional services agreement...14-15
- 6.7 Community Social Services' warrants..... NO ATT
- 6.8 Commissioners' warrants SEE ATT

9:05 a.m.

7. **ADMINISTRATION**
- 7.1 Appointment to the Minnehaha Creek Watershed District..... 16

9:15 a.m.

**ADJOURN COUNTY BOARD AND CONVENE AS
 CARVER COUNTY DITCH BOARD**

8. **COUNTY ATTORNEY**
- 8.1 Motion to dismiss petition for lateral to Carver County
 Ditch #9.....17-19

9:30 a.m.

ADJOURN CARVER COUNTY DITCH BOARD

BOARD REPORTS

9:30 a.m.

1. Chair
2. Board Members
3. Administrator
4. Adjourn

10:00 a.m.

David Hemze
County Administrator

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on February 27, 2007. Chair Gayle Degler convened the session at 9:00 a.m.

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

Members absent: Randy Maluchnik.

Vice Chair Ische explained Commissioner Maluchnik was absent from today's meeting because he was in Washington representing the County's interests and working on behalf of the veterans.

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

Ische moved, Lynch seconded, to approve the minutes of the February 20, 2007, Regular Session Motion carried unanimously.

Community announcements were made by the Board.

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

Authorized payment of \$568.02 emergency claim.

Authorized the Chair and County Administrator's signatures on the delegation agreement and amendment for building codes administration.

Authorized Chair's signature on the development contract/improvement agreement for Oak Lake Estates.

Resolution #11-07, Transferring Zoning Authority in a portion of Laketown Township to the City of Waconia.

Resolution #12-07, Right of Way Acquisition CSAH 10 (SP 10-610-30) Negotiated Settlement 16.

Approved the following abatements:

30-005180	Clarence Wirtz
M30-9520097	Joseph and Lucinkda Sorenson
M30-9520092	Ignacio Amaro
30-6240150	Robert Franklin III and Joann Ver (2005 and 2006)

Resolution #13-07, Carve County Ducks Unlimited Chapter 128, Charitable Gambling Application.

Approved influenza pandemic grant contract and related Emergency Management budget amendment increasing grant revenue \$20,507 and increasing salaries \$20,507.

Community Social Services' actions.

Approved payment of the following Commissioners' warrants:

INSERT

Motion carried unanimously.

The Board considered a Resolution recognizing the Waconia Lions Club for making it possible for all County World War II veterans to take a trip to Washington to see the WWII Memorial.

Commissioner Lynch read the Resolution in recognition of WW II Veterans, the leadership of Lions Chuck Anderson and Ricky Wagener and the Waconia Lions Club.

Chuck Anderson stated they started on this project last September and explained how they came up with the idea to pull the trip together. He noted they were close to their goal in financing the trip and had space for approximately 15 more veterans.

Ricky Wagener pointed out how well the project was coming together and that this is one of the most uplifting projects the Club has done. He acknowledged the contributions that have been received from Ridgeview Hospital, Sun Country Airlines as well as others.

Chair Degler stressed that all County WWII Veterans, if they had not heard of this before, had a ticket to make this trip free of charge. Degler also acknowledged to make this trip happen someone had to take charge and thanked the Waconia Lions for their efforts.

Lynch offered the following Resolution, seconded by Ische:

Resolution #14-07
In Recognition of the
Waconia Lions Club

On vote taken, all voted aye.

Gary Bork, Social Services, requested Board approval of position reclassification of two support enforcement aide positions. Bork explained the change in functions and the ability to obtain reimbursement of expenses and additional revenue based on performance.

Workman moved, Ische seconded, to approve reclassification of two support enforcement aide positions to two child support officer positions and related budget amendment increasing grant revenue \$6,000 and increasing salaries \$2,738. Motion carried.

Workman moved, Lynch seconded, to adjourn the Regular Session at 9:20 a.m. Motion carried unanimously.

David Hemze
County Administrator

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



REQUEST FOR BOARD ACTION

AGENDA ITEM : Appraiser Salary Adjustments

Originating Division: Employee Relations

Meeting Date: March 6, 2007

Amount of Time Requested: 5 Minutes

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM:

Over the past few years the County has altered its hiring practices relative to starting salaries with new Appraisers to reduce turnover, attract and retain skilled employees in this area. Appraisers hired in 2005 and 2006 received higher starting salaries than their predecessors. As a result of these higher starting salaries, some of the newer and less experienced Appraisers are actually making as much or more than their more experienced colleagues. That was not the intent of the change in practice.

The Property Records and Taxpayer Services Division and the Employee Relations Division are requesting approval of a one-time salary increase for the experienced Appraiser II staff to reflect the fact that they have more experience than their more recently hired colleagues.

ACTION REQUESTED:

Motion to approve the Letter of Understanding with AFSCME to award the Appraiser II staff who were hired prior to August of 2005 an additional salary step, effective September 18, 2006.

FUNDING

County Dollars = \$6,000.00

Other Sources & Amounts = \$0.

= \$0

TOTAL

= \$6,000.

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Related Financial Comments: These salary increases will be paid from the salary contingency fund.

Reviewed by Division Director

Doris M. Krogman

Date: 2/26/07

BUDGET AMENDMENT REQUEST FORM

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

DEPARTMENT: Employee Relations

DATE: 3/06/07

Revenue

Description of Account funds are to be transferred from:	Amount	Description of Account funds are to be transferred to:	Amount
Contingency	\$ 6,000	Wages	\$ 6,000
TOTAL:	\$ 6,000	TOTAL:	\$ 6,000

A. Reason for Request: See Board Action.

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

C. Contingency Acct. Beginning Bal (01/01/07): \$ 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 : Professional Services Agreement PDI

Originating Division: Employee Relations

Meeting Date: 3/6/07

Amount of Time Requested: minutes

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM:

Carver County is currently in the hiring process for the position of Financial Services Division Director. Personnel Decisions International (PDI), Minneapolis, Minnesota conducts leadership assessments, background checks, criminal and credit checks. The hiring process for the Division Directors includes these assessments for finalists.

Employee Relations is requesting the approval of a professional service agreement with PDI to provide the assessment and checking services listed above. The cost for an individual leadership assessment and checking process varies somewhat, but will not exceed \$3,000.00 per candidate.

There are no other vacant positions at this level right now; but the contract would allow for future assessments if such vacancies would occur between now and December 2008.

ACTION REQUESTED:

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

FUNDING

County Dollars = \$ \$9,000.00

Other Sources & Amounts =

= \$

TOTAL = \$9,000.00

Related Financial Comments:

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Reviewed by Division Director
Doris M. Krogman, Employee Relations

Date: 2/22/07



REQUEST FOR BOARD ACTION

AGENDA ITEM : Reorganization of Reference Services in the Carver County Library System

Originating Division: Administrative Services

Meeting Date: March 6, 2007

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:

As part of the restructuring of the Library System, it is the intent to eliminate the position of Librarian IV: Reference Coordinator and create the position of Librarian II in an effort to better serve the patrons of the Library System. As trends have indicated, reference service requests are on the decline and the need for highly skilled Librarians to provide individual attention to patron's on a broad range of subject matter are on the rise. This is a change from a "subject specific" model to a "generalist" model concept.

It is requested that the Librarian IV: Reference Services Coordinator classification be eliminated and the position be reorganized into the classification of Librarian II.

ACTION REQUESTED:

Motion to approve that the employee currently occupying the Librarian IV: Reference Services Coordinator classification be reorganized into the classification of Librarian II and that employee currently occupying the Librarian IV: Reference Services Coordinator classification be placed into the classification of Librarian II (in lieu of lay-off); and that the employee's salary be frozen at the current rate which is above the Librarian II wage range, until such time the collective bargaining agreement wage scale shall surpass the employee's current wage in the new classification.

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
Steve Taylor, Administrative Services
Melissa Brechon, Library Director

Date: 02/26/07



REQUEST FOR BOARD ACTION

AGENDA ITEM: Dean Schuette - request for an accessory structure

Originating Division: Land Water Services

Meeting Date: March 6, 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 #PZ20070001. The Planning Commission recommended approval of the Conditional Use Permit for Dean Schuette. The proposed accessory structure would be approximately 3,440 sq. ft. and would have two rooms- one for vehicle and equipment storage and the other a shop for personal maintenance and repair with a half bath. The total proposed personal storage area on the property would be approximately 4,280 sq. ft. The Camden Town Board recommended approval of the request.

ACTION REQUESTED: A motion to adopt the Findings of Fact and to issue Order #PZ20070001 for the issuance of a Conditional Use Permit

FUNDING

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

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments:

Reviewed by Division Director

Date: February 26, 2007

COUNTY OF CARVER
PLANNING COMMISSION RESOLUTION

FILE #: PZ20070001

RESOLUTION #: 07-04

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

FILE #: PZ20070001

APPLICANT: Dean Schuette

OWNER: Dean Schuette

SITE ADDRESS: XXXX Tacoma Ave, Mayer

PERMIT TYPE: Accessory Structure

PURSUANT TO: County Code, Chapter 152, Section(s) 152.073 A3 & 152.077 A1

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 02-011-0111

WHEREAS, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meeting of February 20, 2007; and,

WHEREAS, the Carver County Planning Commission finds as follows:

1. Dean Schuette owns a 6.04 acre parcel located in the East Half (E½) of the Southeast Quarter (SE¼) of Section 11, Camden Township. There are no buildings or other improvements on the parcel at this time, however the applicant is going to build a house and attached garage in spring. The property is located in the Agricultural Zoning District, the CCWRMA (Crow River), and the Shoreland Overlay District.
2. The applicant is requesting a Conditional Use Permit (CUP) to construct an accessory structure (approx. 3,440 sq. ft.) pursuant to Section 152.073 A3 and 152.077 A1 of the Carver County Zoning Code.
3. Section 152.073 A3 of the Zoning Code allows a total of 3,000 sq. ft. in a combination of garages and accessory structures (without a Conditional Use Permit) on parcels of this size. After submitting his application, Mr. Schuette changed the proposed dimensions of the building slightly and added a 3-foot overhang on one side. The updated request is for the construction of an approximate 40' x 80' accessory structure with a 3-foot overhang (totaling 3,440 sq ft) to be used for personal vehicle and equipment storage and maintenance. The proposed total square footage for accessory structure space on the property, including the 840 sq. ft. attached garage, would be approximately 4,280 sq. ft.
4. The applicant's letter states the proposed accessory structure will be utilized for a shop and storage of trailers, bobcat, tractor, and other equipment. The shop would be used for the maintenance of personal vehicles and equipment, and would comprise almost half the structure and would be heated. The storage area would have a dirt floor and would not be heated.
5. The applicant would like to have a half bathroom in the shop area of the building. Chip Hentges designed the septic for the house, and said that an additional 1,000 gallon holding tank would be necessary for the half bathroom.
6. The applicant would apply for building permits for the accessory structure and the new house at the same time; however the applicant might decide to build the accessory structure prior to the house.
7. The Camden Town Board reviewed the request and recommended approval at their January 11, 2007 Town Board

Meeting.

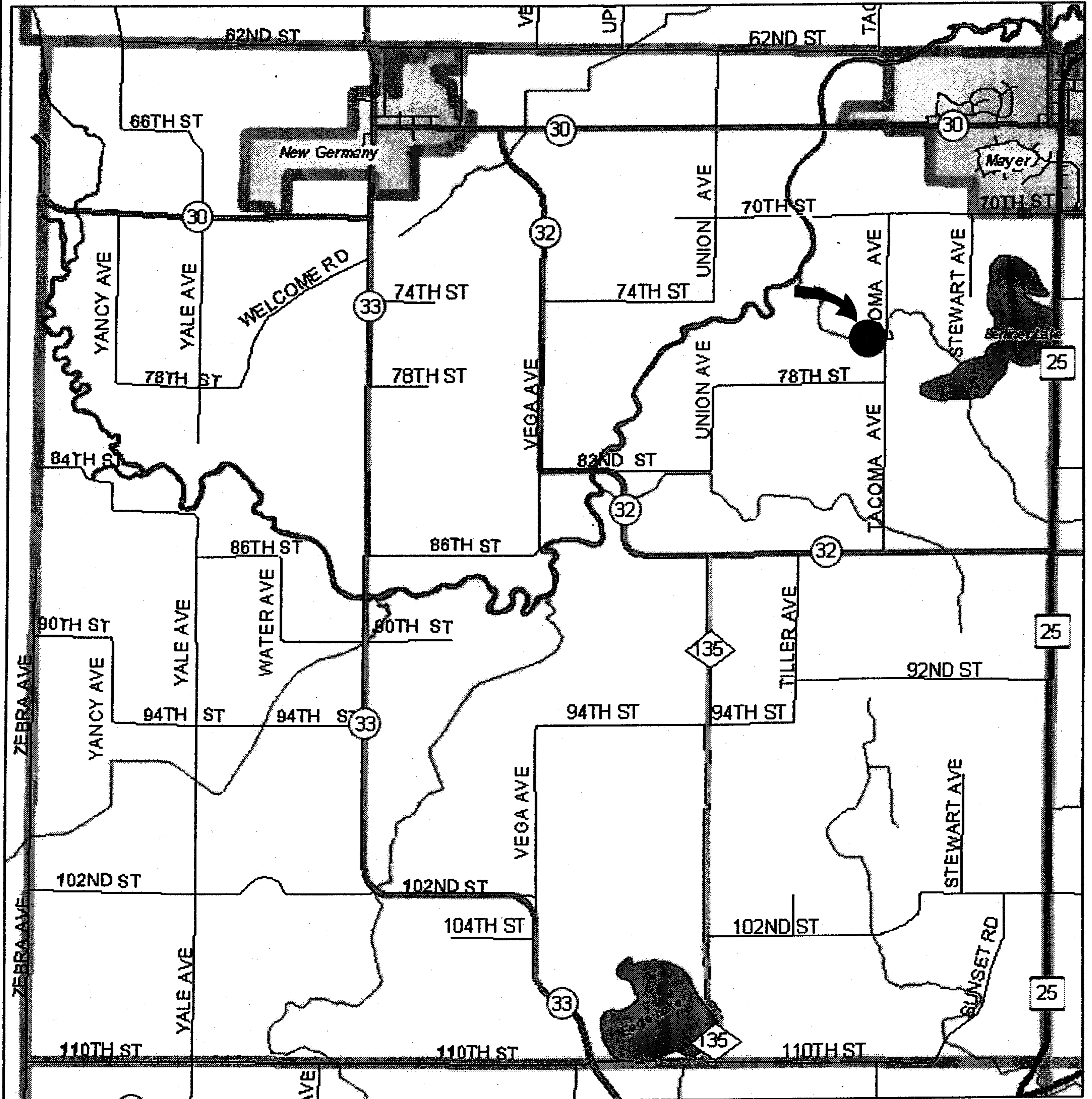
THEREFORE, BE IT RESOLVED, THAT The Carver County Planning Commission hereby recommends the issuance of the subject permit on the land described in Exhibit "A" of the permit application. The Planning Commission further recommends that the following conditions be attached to the permit:

1. The permit is subject to administrative review. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners and/or operators are encouraged to contact Land Management as early on in the timeline of the proposed change as possible.
2. This structure shall be used only by the occupant(s) of the residence for personal storage, hobbies, recreation, entertainment, family uses, private maintenance and repair activities, and as otherwise regulated by this Ordinance. Guest quarters and/or additional dwelling units are strictly prohibited. No products or services shall be offered for sale or pay or similar remuneration except as permitted for a home occupation or as otherwise regulated by this Code.
3. All building permits shall be obtained prior to the construction of the accessory structure, including building permits for the house and attached garage.

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

Gene Miller
Planning Commission Chair

Camden Township



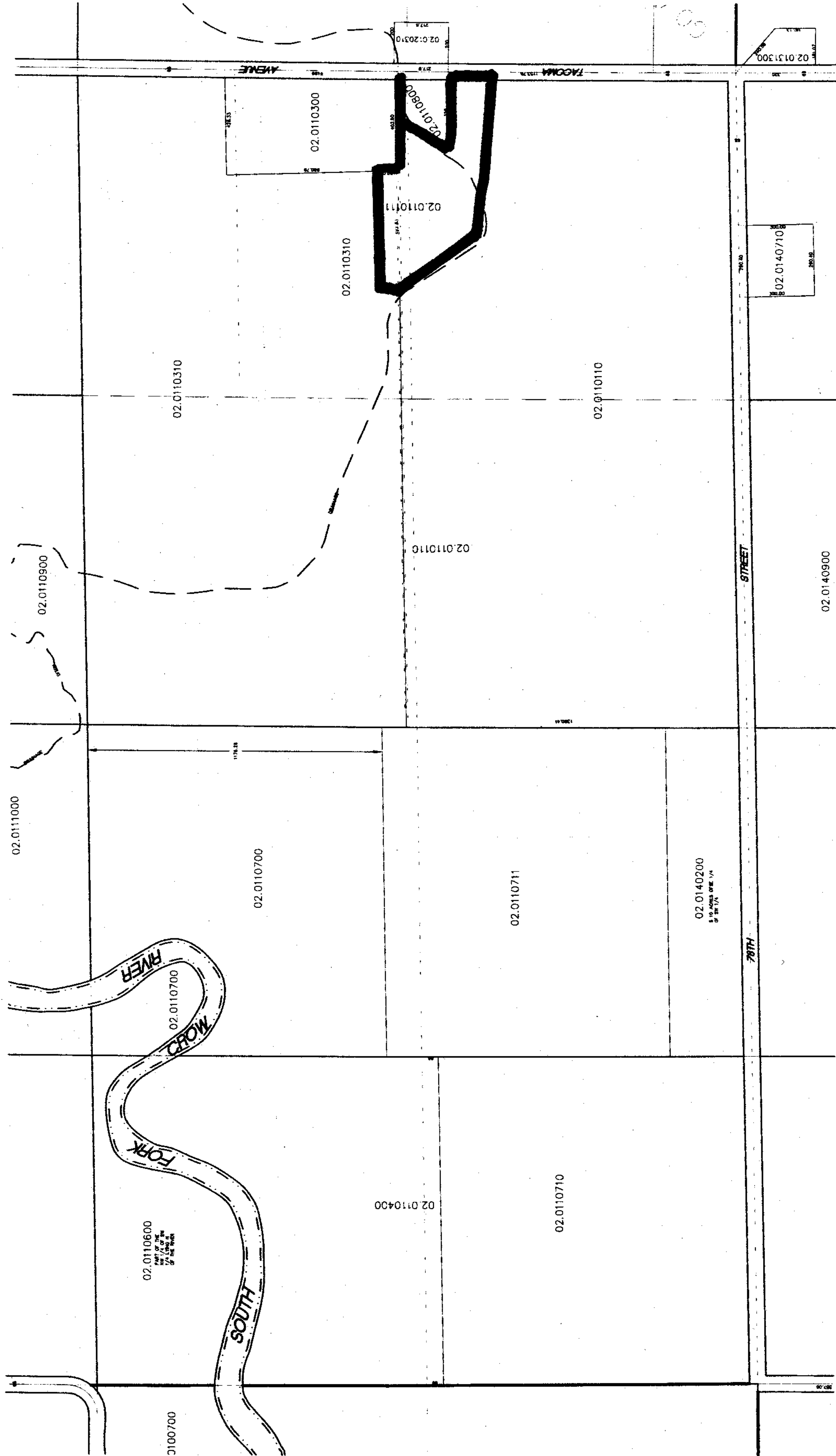
This map was created using Carter County's Geographic Information Systems (GIS). It is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carter County is not responsible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



Map Created by Carter County GIS
Apr 21, 2005

THIS IS NOT A LEGALLY RECORDED PLAT.
THIS MAP IS A COMPILATION OF RECORDS
AS THEY APPEAR IN THE CARVER COUNTY
RECORDS. IT IS NOT A SURVEY MAP
AND IS ONLY TO BE USED FOR REFERENCE
PURPOSES. THE COUNTY AND ITS AGENTS
ARE NOT RESPONSIBLE FOR ANY
INACCURACIES CONTAINED THEREIN.

S 1/2 SEC. 11, T.116, R.26



Surveying & Mapping Office
Carver County Gov. Center
800 East Fourth Street
Chaska, MN 55318

Sep 27, 2008



REQUEST FOR BOARD ACTION

AGENDA ITEM: Approval of 2007 Contract with Dakota County for Secure Juvenile Detention Beds

Originating Division: First Judicial District / Court Services

Meeting Date: 03-06-07

Amount of Time Requested: 5 min.

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM:

By contracting as a regional partner with Dakota County since 1998, Carver County Court Services continues to have priority access to secure placement beds and services for violent and high risk juveniles detained by the District Court. The current contract before the Board offers Carver County Court Services a cost rate savings subsidy of \$133.00 per day for secure detention placements. Services are paid for on an as needed basis only, with the 2007 contract rate being \$200.00 per day, per bed. This contract provides Carver County with a primary secure detention and treatment facility for high risk juveniles who must be detained past the 8 day legal limit set by law for the Carver County Jail. Some offenders are held for shorter term detention purposes, usually under 30 days, while others may be required to complete longer treatment programming. Juvenile offender placement expenses are dependent on the annual number of high risk juvenile offenders placed by the District Court. Court Services' probation officers recommend use of the most appropriate and cost effective placements whenever possible, and place high priority on carefully assessing offenders and identifying those which pose the greatest risk to public safety.

ACTION REQUESTED: Motion to approve the 2007 rate contract with Dakota County for secure juvenile detention beds and services.

FUNDING

County Dollars = \$55,000 (est. for 2007)

Other Sources & Amounts =

= \$

TOTAL

= \$55,00 est. detention costs

FISCAL IMPACT

None

Included in current budget/juvenile placement

Budget amendment requested

Other:

Related Financial Comments: Payment under the contract is on an as needed basis only.

John A. Klavins, Court Services Director & Chief Probation Officer

Date: 02-21-07

Reviewed by Division Director



REQUEST FOR BOARD ACTION

AGENDA ITEM : Carver County Comprehensive Transportation Plan Update 2005-2030 Amendment to Professional Services Agreement

Originating Division: Public Works

Meeting Date: March 6, 2007

Amount of Time Requested: None

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM:

Carver County and SRF Consulting Group, Inc. entered into a professional service agreement in 2005 for transportation planning services for the development of a county-wide transportation plan.

The purpose of the Carver County Transportation Plan is to provide direction to the County and other affected jurisdictions in assessing anticipate growth and projected travel needs over the next 25 years. The process of assessing growth across the county has been challenging for all the communities and the county. This has resulted in some delay of modeling the growth and developing possible solutions and some adjustments in the work to be accomplished.

The agreement with SRF is being modified to respond to variations in projected county growth by developing traffic volume forecasts for a broader range of potential vehicle travel. The agreement is also being modified to delete wwebsite activities from the original scope of the agreement since the County's comprehensive plan website will be utilized for sharing information about the County's comprehensive transportation plan.

The net increased cost of the agreement with SRF resulting from the changes contained in amendment number 1 is \$14,660. This addition brings the total agreement amount to \$174,325.

ACTION REQUESTED: It is recommended that the Carver County Board of Commissioners adopt the attached resolution authorizing the signing of "Amendment Number 1 to the Professional Service Agreement" between Carver County and SRF Consulting Group, Inc. for transportation planning services for the development of a county-wide transportation plan.

FUNDING

County Dollars = \$14,660

Other Sources & Amounts =

= \$

TOTAL = \$14,660

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Related Financial Comments:

Reviewed by Division Director

Date:

2/20/07

S:\Comp Plan\2006\Agmts\SRF\SRF.County Agmt - 07-0227 Amendment #1 - BAF

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

Date: March 6, 2007

Resolution No: _____

Motion by Commissioner: _____

Seconded by Commissioner: _____

**AMENDMENT #1
TO
PROFESSIONAL SERVICE AGREEMENT
BETWEEN
CARVER COUNTY, MINNESOTA
AND
SRF CONSULTING GROUP, INC.
FOR
CARVER COUNTY COMPREHENSIVE TRANSPORTATION PLAN UPDATE
2005 TO 2030**

BE IT RESOLVED, that the Carver County Board Chair and the Carver County Administrator are authorized to sign the Amendment #1 to the professional service agreement between Carver County and the SRF Consulting Group, Inc. for transportation planning services for the development of a county-wide Carver County Comprehensive Transportation Plan Update 2005 to 2030.

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.

David Hemze

County Administrator



REQUEST FOR BOARD ACTION

AGENDA ITEM : Appointment to the Minnehaha Creek Watershed District

Originating Division: Administration

Meeting Date:3/6/07

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. The current incumbent's term expires March 8th but he has not re-applied. 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:

Gary Delaney
801 Smithtown Terrance
Excelsior, MN 55331

Stephen R. Kroiss
5605 Zumbra Drive
Victoria, MN 55386

ACTION REQUESTED:

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

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: 2/26/07

REQUEST FOR BOARD ACTION



AGENDA ITEM: Motion to dismiss petition for lateral to Carver County Ditch #9

Originating Division: Attorney

Meeting Date: 3/6/07

Amount of Time Requested: 15 minutes

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM: On December 13, 2005, the Carver County Board of Commissioners, acting as the drainage authority for Carver County Ditch #9, appointed Steve Klein of Barr Engineering as engineer in this ditch proceeding and directed that said engineer make a preliminary survey of the area likely to be affected by the proposed tile lateral, examine all matters set forth in the petition and file a report, as to the necessity for, and the feasibility of, constructing the proposed tile lateral with the County Auditor of Carver County, on or before the 1st day of April, 2006.

That subsequent to the Order issued by the Carver County Board of Commissioners on December 13, 2005, three extensions were authorized for the submission of the preliminary survey, one on March 21, 2006, another on May 16, 2006, and another on September 12, 2006, the latter extending the due date until December 1, 2006.

That on September 15, 2006, the petitioners' attorney and the engineer were notified that the costs incurred to date had reached the amount of the bond posted by the petitioners (\$10,000) and they were to provide an estimate as to additional costs to be incurred for legal and engineering expenses so an additional bond could be ordered by the ditch authority. That as of February 20, 2007, no estimates were provided and no additional bond has been filed. Further, the engineer has not filed the preliminary survey.

ACTION REQUESTED: That the Carver County Board of Commissioners, acting as the ditch authority for Carver County Ditch #9, dismiss the petition for the lateral for failure to cause the preliminary survey to be filed timely and/or failure to post adequate bond; to determine and assess the costs of the proceeding against the petitioners as provided by statute and such other relief as the ditch authority deems appropriate.

FUNDING

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

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments:

Report Date: February 20, 2007

MOTION TO DISMISS AND ASSESS COSTS

State of Minnesota)
County of Carver)

In the Matter of the Petition of Travis and Sara Gulbranson, Robert Dalchow, Andrew and Bonnie Melville for the Establishment and Construction of a Lateral to Carver County Ditch #9 in the County of Carver, State of Minnesota.

RECITALS

On December 13, 2005, the Carver County Board of Commissioners, acting as the drainage authority for Carver County Ditch #9, appointed Steve Klein of Barr Engineering as engineer in this ditch proceeding and directed that said engineer make a preliminary survey of the area likely to be affected by the proposed tile lateral, examine all matters set forth in the petition and file a report, as to the necessity for, and the feasibility of, constructing the proposed tile lateral with the County Auditor of Carver County, on or before the 1st day of April, 2006.

That subsequent to the Order issued by the Carver County Board of Commissioners on December 13, 2005, three extensions were authorized for the submission of the preliminary survey, one on March 21, 2006, another on May 16, 2006, and another on September 12, 2006, the latter extending the due date until December 1, 2006.

That on September 15, 2006, the petitioner's attorney and the engineer were notified that the costs incurred to date had reached the amount of the bond posted by petitioners and they were to provide an estimate as to additional costs to be incurred for legal and engineering expenses so an additional bond could be ordered by the ditch authority.

That no estimates were provided and no additional bond was filed.

That the engineer has not filed the preliminary survey.

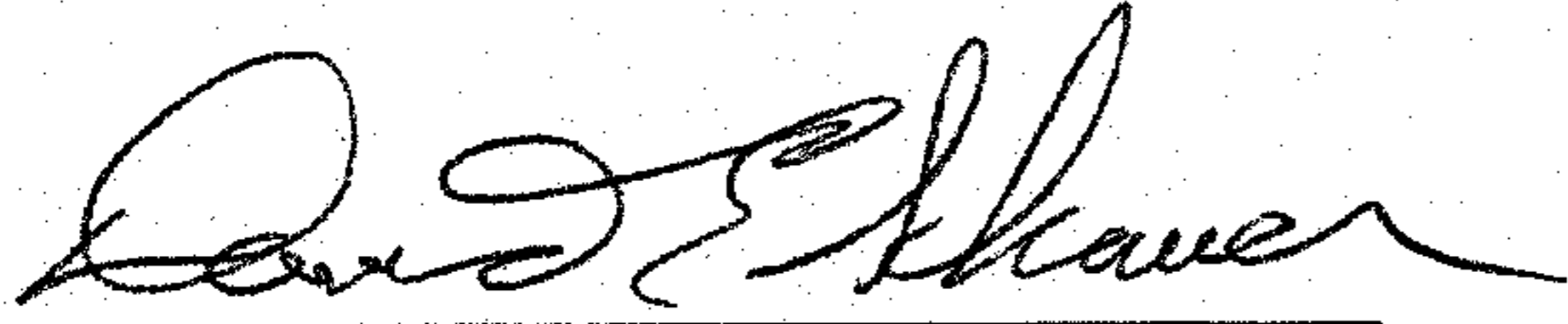
MOTION

The undersigned, as Special Assistant Carver County Attorney and Attorney for the Ditch Authority, hereby moves the Ditch Authority at a hearing it sets as follows:

1. To dismiss the petition for failure to cause the preliminary survey to be filed timely and/or failure to post adequate bond.

2. To determine and assess the costs of the proceeding against the petitioners as provided by statute.
3. Such other relief as the ditch authority deems appropriate.

Dated this 13 day of February, 2007.



David E. Schauer
Special Assistant Carver County Attorney