

Carver County Board of Commissioners
 Regular Session
 May 22, 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 May 8, 2007, Regular Session 1-4
- 4. Public participation (Comments limited to five minutes)
- 5. Community announcements

9:05 a.m.

- 6. **CONSENT AGENDA**
- 6.1 Payment of emergency claim 5
- 6.2 Eliminating Health Disparities
 (Refugee Health/TB component) 6-7
- 6.3 Information Services-contract for secure email transfer
 encryption 8
- 6.4 Charitable gambling application for exempt permit for
 Augusta Ball Club..... 9-10
- 6.5 Abatements/additions 11-13
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- 6.7 Service agreement for the operation of the Environmental
 Center 15
- 6.8 Carver County Comprehensive Transportation Plan
 Update 2005-2030 amendment to professional services
 agreement..... 16-17
- 6.9 Carver County Comprehensive Transportation Plan
 Update 2005-2030 Amendment No. 1 to
 Mn/DOT- Carver County Agreement No. 88704 18-19
- 6.10 Addendum No. 1, service agreement for asbestos, lead and
 hazardous materials abatement 20-21
- 6.11 Recycling Association of Minnesota-school, business and
 organization grant..... 22
- 6.12 Public Health nurses/RN/coordinators salary
 adjustments 23

	6.13	Authorize waiving afternoon CART ride bus fee to Arboretum.....	24
	6.14	Community Social Services' warrants	NO ATT
	6.15	Commissioners' warrants.....	SEE ATT
9:05 a.m.	7.	ADMINISTRATION	
	7.1	Twin Cities & Western Railroad discussion	25
10:00 a.m.	8.	PUBLIC WORKS	
	8.1	Metropolitan Council - 2030 Transit Master Plan	26-28
10:20 a.m.	9.	EMPLOYEE RELATIONS	
	9.1	County Attorney vacancy.....	29-30
	9.2	Contract extensions-County Attorney's Office	31
	9.3	Appointment to fill County Attorney vacancy	32-41
	9.4	<i>Closed Session</i> – Labor negotiations strategy.....	42
11:15 a.m.		ADJOURN REGULAR SESSION	
		BOARD REPORTS	
11:15 a.m.	1.	Chair	
	2.	Board Members	
	3.	Administrator	
11:45 a.m.	4.	Adjourn	

David Hemze
County Administrator

Courtroom Ribbon Cutting Ceremony
Carver County Justice Center
May 31, 2007 – 11:30 a.m.

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on May 8, 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.

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

Ische moved, Maluchnik seconded, to approve the minutes of the May 1, 2007, Regular Session Motion carried unanimously.

Community announcements were made by the Board.

Under public participation, Suzanne Hunt, Chanhassen, stated she was employed by Carver County and President of AFSCME Local 2789. She stated she was present, on behalf of the Union, to voice their frustrations with negotiations. She noted, after nearly seven months of bargaining, they have had to resort to mediation to resolve the issues. She clarified the Union's position on the post employment health care plan and believed this benefit should be the same for both union and nonbargaining employees.

Jo Musell, Chaska resident and Social Services employee, stated while AFSCME members were fairly pleased with the current health benefits, they were concerned that a cost shift in health insurance premiums would put them further behind neighboring counties.

Ron Allen, Victoria resident and part-time Library employee, pointed out the number of part time employees and the lack of access to health care benefits for these employees. He believed offering health care benefits to part time employees was not out of step with what other counties provide. He suggested adding this benefit for part-time employees would attract and retain employees without adding a significant cost.

Marcus Zbinden, Chanhassen resident and AFSCME Executive Board Member, stated he was part of the negotiating team. He stated AFSCME employees have made it clear to the Executive Committee that fair and competitive wages were a priority. He stated Carver County ranks as the lowest paid metro county and if they continue to lose ground, the County would become a training ground for employees.

Brain Lundquist, Chanhassen, stated he was present to encourage the Board to have an open process with the appointment of the next County Attorney. He noted there was still 75% of the term left to be served and the Board should consider opening this up to public applications. He stated he would also encourage them to get input from the public as well as from practicing attorneys.

James Kuhl, San Francisco Township, acknowledged that while Statutes allows the Board to make a County Attorney appointment he concurred it would be appropriate to go through a thorough search to find the most qualified person.

Kuhl also questioned the consent item related to the interpreter contact. He suggested there was a lack of information on this item as there was no indication on the length of the contract and what they are paying for.

Bruce Schwichtenberg, Dahlgren Township, stated he was present to update the Board related to his issues. He pointed out the site visits that had occurred, the inspectors that were brought in and the reports made. Schwichtenberg suggested he has submitted documents that have been pushed aside. He voiced his frustrations in not getting the help he has asked for and played a tape of a voice mail that he received.

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

Approved the following abatements/additions:

25-2021090	Loren Jenson
20-0500930	Douglas Dauwalter
30-6712405	Andre Stevenson
58-0111100	Mariano & Tina Venegas Cruz
25-5050300	Daryl Anderson
85-5340230	Joseph & Belle Paullus
20-4500070	Rolland Scholler
30-6960250	Klingelhutz Development Co. (2006, 2007)
09-0210700	James Wagener (2005, 2006, 2007)
75-3700030	City of Waconia
P30-9980800	Centerpoint Energy
M30.9510240	Eric & Heidi Proehl
M06.9500047	Steve Kassulker
30.9981300	Embarq (Sprint) (2001-2006)
75-2700200	Dean & Donna Martin
30.2580360	Catalina Ochoa & Raul Leduc Santos
58.0500610	Robert & Connie Ganser
25.5300380	Tandem Properties (2002, 2003)
M85-9510019	Herb Heinrich

Approved 2007 Hollywood Township police contract and related Sheriff's Office budget amendment increasing police contract revenue \$7,246 and increasing police services expenditures \$7,246.

Resolution #37-07, Professional Service Agreement between Braunworth Well LLP and Carver County for the Sealing of a Well.

Resolution #38-07, Professional Service Agreement between Leuthner Well Inc. and Carver County for Well Pump Replacement.

Resolution #39-07, Professional Service Agreement between Minnetonka Community Education and Carver County for Lifeguard Services at Lake Minnewashta and Lake Waconia Regional Parks.

Participation agreement addendum #2 with Minnesota Counties Insurance Trust.

Resolution #40-07, Acceptance of Donation from Oak Grove Dairy, Chaska Bakery and Cabin Fever for the Take a Kid Fishing Event at Lake Minnewashta Regional Park.

Approved tobacco license #10-618, Main Street Steakhouse & Sports Tavern LLC.

Contract with Garden and Associates for interpreter services.

Community Social Services' actions.

Approved payment of the following Commissioners' warrants:

INSERT

Motion carried unanimously.

Roger Gustafson, Public Works, explained Arlene McCarthy, was present to provide information relating to updates to the Met Council's Transit Master Plan. He stated the information will provide the Board with a perspective of where the plan is and the objectives as far as updating to the 2030 plan. He pointed out the County has been invited to provide input on the transit corridors that the County has an interest in as part of the ongoing process to update the Plan.

Arlene McCarthy, Met Council representative, explained back in 1999, the Council completed the 2020 regional transit master plan. She stated the plan included transit corridors they should be looking at and evaluated 29 corridors. An implementation plan was established for the highest ranked corridors. She explained the evolution of the plan and indicated every four years they are required to update the regional transportation plan. McCarthy highlighted Tier 1 and II projects that were established.

She noted good progress was being made on the corridors. This year the Legislature has been interested in having various corridors studied for transitways. She indicated the 2030 master plan will identify a list of corridors that they should consider. She indicated they will evaluate the corridors for their potential and will include the bus system as part of the overall plan, as well as land issues affecting transit.

McCarthy stated they are meeting with all counties and asking to have a list of corridors submitted by June. She stated a corridor analysis would be done and they would come back in the fall to

review the results of that analysis. She stated they wanted to lay out the vision the right transportation system for this region. McCarthy noted funding will affect the implementation timeline.

Gustafson noted Met Council's request for input and stated he would be bringing something back before the Board to consider May 22nd.

Doris Krogman, Employee Relations, explained that the County's Personnel Rules require that all staff receive an annual performance review and that Minnesota Statutes 13D.05, Subd. 3, allows the Board to go into closed session to evaluate the performance of the County Administrator. She stated a summary statement with the conclusions would be provided at a future Board meeting.

Ische moved, Lynch seconded, to go into closed session at 10:02 a.m. to discuss the performance of the County Administrator. Motion carried unanimously.

The Board adjourned the closed and Regular Sessions. 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.)

266021



Office of Finance Director
Carver County Government Center
Administration Building
600 East Fourth Street
Chaska, MN 55318-1202
Phone: 952 361-1509
Fax: 952 361-1308

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: Point Victoria Condominiums

ACCOUNT: 11-429-710-3640-6041

AMOUNT: \$126⁰⁰

REASON: Balance required to secure housing for Social Service clients

Department Head Signature: [Signature]

Chairman of County Board

[Signature]
Gayle Degler

County Administrator

[Signature]
Dave Hemze

County Attorney

[Signature]
Michael A. Fahey

Date: 5/3/07



REQUEST FOR BOARD ACTION

AGENDA ITEM : Eliminating Health Disparities (Refugee Health/TB Component)

Originating Division: Public Health

Meeting Date: May 22, 2007

Amount of Time Requested:

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM: The Minnesota Department of Health has awarded Carver County Public Health a grant in the amount of \$3,091. The purpose of this grant is to assist in the general health assessment and follow-up of refugees whose initial settlement is in Carver County. This grant also provides for assessment, assurance and advocacy for persons with active or latent tuberculosis infection. Effective dates: When signed to June 30, 2007.

ACTION REQUESTED: Motion to allow Public Health to accept and expend grant funds in the amount of \$3,091 from the Minnesota Department of Health and authority to expend these funds in accordance with the grant program.

FUNDING

County Dollars =	\$
Other Sources & Amounts =	
Mn. Dept of Health	= \$3,091
TOTAL	= \$3,091

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments:

Add to Revenue:	Health Disparities Grant	01-460-462-2369-5320	\$3,091
Add to Expenditure:	Contractual Services	01-460-462-2369-6271	2,091
	Interpreters	01-460-462-2399-6353	1,000

Reviewed by Division Director

Date: 05/11/07

BUDGET AMENDMENT REQUEST FORM

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

DEPARTMENT: Public Health

Date of County Board Session: 5/22/07

General

Description of Revenue Account funds are to Increased/(Decreased):	Amount	Description of Expenditure Account funds are to Increased/(Decreased):	Amount
Dept of Health Disparities Grant	\$ 3,091	Contractual Services	\$ 2,091
		Interpreters	\$ 1,000
TOTAL:	\$ 3,091	TOTAL:	\$ 3,091

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

H. County Board Decision: Approval/Disapproval



REQUEST FOR BOARD ACTION

AGENDA ITEM : Information Services – Contract for Secure Email Transfer Encryption

Originating Division: Administrative Services

Meeting Date: 5/22/2007

Amount of Time Requested:

Attachments for packet: Yes NoItem Type: Consent Regular Session Closed Session Work Session Ditch/Rail Authority**BACKGROUND/EXPLANATION OF AGENDA ITEM:** Information Services requests approval of an agreement with Zix Corp.Background – Ability to encrypt email communications through the county network infrastructure that contains client or employee data that requires protection for compliance to existing HIPAA (Health Insurance Portability and Accountability Act) legislation.

Recommended solution in operation in the following Minnesota Counties:

St. Louis, Winona, Olmstead, Ramsey, Anoka, Itasca, Carlton, Sherburne, Nicollet, Chisago.

Cost for three year subscription is \$24,000 and is part of approved 2007 budget.

The project will take approximately one month to complete and the project is sponsored by Information Services.

ACTION REQUESTED: Motion for County Board Chair to sign professional Services Subscription with Zix Corp.**FUNDING**

County Dollars = \$24,000

Other Sources & Amounts =
= \$**TOTAL** = \$24,000*Related Financial Comments:* Part of 2007 budget.**FISCAL IMPACT** None Included in current budget Budget amendment requested Other: Reviewed by Division Director

Date: 5/14/2007



REQUEST FOR BOARD ACTION

AGENDA ITEM: Charitable Gambling Application for Exempt Permit for Augusta Ball Club.

Originating Division: Property Records Taxpayer Services Meeting Date: May 22, 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: A Charitable gambling application was received from Augusta Ball Club. They want to hold a raffle on Saturday, September 22, 2007, at Augusta Ball Club, located at 5950 Hampshire Road, Chaska, MN 55318.

ACTION REQUESTED: See Attached Resolution.

FUNDING

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

FISCAL IMPACT

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

Related Financial Comments:

Reviewed by Taxpayer Services Manager

Paul Engler

Date:

5-8-07

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

Date:

Resolution No.

Motion by Commissioner:

Seconded by Commissioner:

CARVER COUNTY, MINNESOTA

WHEREAS, the Augusta Ball Club seeks approval of a Lawful Gambling License; and

WHEREAS, the Augusta Ball Club will hold a raffle at the Augusta Ball Club, located at 5950 Hampshire Road, Chaska, MN 55318; and

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

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, and 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 : Abatements/Additions

Originating Division: Property Records Taxpayer Services Meeting Date: 05/21/07
 Amount of Time Requested: 0 minutes Attachments for packet: Yes No
 Item Type: Consent Regular Session Closed Session Work Session Ditch/Rail Authority

BACKGROUND/EXPLANATION OF AGENDA ITEM: See Attached.

ACTION REQUESTED:**FUNDING**

County Dollars = \$-3,734.56
 Other Sources & Amounts = -4,847.44
 =
TOTAL = \$-8,582.00

FISCAL IMPACT

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

Related Financial Comments:

Reviewed by Taxpayer Services Manager

Date: 5-14-07



Office of County Assessor

Angela Johnson

Carver County Government Center

Administration Building

600 East Fourth Street

Chaska, Minnesota 55318-2102

Phone: (952) 361-1960

Fax: (952) 361-1959

**CARVER
COUNTY**

**Abatements presented to the
Carver County Board of Commissioners**

The following property the acreage was incorrectly calculated after MN Dot took 60.07 acres for the new Hwy 212 project. The correct acreage should be 21.00 acres; this is for the 2005 assessment payable 2006, and also the 2006 assessment payable 2007. This is recommended for approval by the County Assessor.

30-007-0200

Delmar Kloos

Agricultural



REQUEST FOR BOARD ACTION

AGENDA ITEM : Summary Administrator's Performance Evaluation

Originating Division: Employee Relations

Meeting Date: 5/22/07

Amount of Time Requested: minutes

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

Carver County Personnel Rules & Regulations require that all staff receive annual Performance Evaluations.

Minnesota Statute 13D.05, Subd. 3. allows the Board to meet in a closed session for purposes of evaluating the performance of an individual who is subject to the Board's authority. The County Administrator reports directly to the Board. On May 8, 2007 the Board held such a closed session.

Based on the written feedback and the closed session performance discussion held on May 8, 2007, the following statement summarizes the Carver County Board's evaluation of Administrator Hemze job performance during the past year.

Mr. Hemze excels in his approachability and professional demeanor. He is an effective leader with strength in sharing information, managing people well and dealing with personnel matters fairly.

The Board and Administrator Hemze agree on his goals for the next year with an emphasis on integrating and implementing strategies to meet current and longer range planning objectives.

ACTION REQUESTED:

Motion to accept the statement above as the summary of Administrator Hemze's performance for the period May, 2006 – April, 2007.

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, Employee Relations

Date: 5/14/07



REQUEST FOR BOARD ACTION

AGENDA ITEM: Service Agreement for the Operation of the Environmental Center Between Carver County and Veolia Technical Solutions

Originating Division: Land and Water

Meeting Date: May 22, 2007

Amount of Time Requested: NA

Attachments for packet: No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM: The Environmental Services Department has utilized Veolia Technical Solutions [formerly Onyx Environmental] to manage the Environmental Center since it opened in June of 2002. The proposed service agreement will retain their service through the end of 2007. Veolia labor assists in the operation of the Environmental Center with County staff oversight. The contractor duties include receiving, unloading, labeling, and preparing for shipment of HHW, special waste, and recyclables. The contract will be rebid with Veolia and other potential vendors for a term beginning in 2008.

ACTION REQUESTED: Motion to approve the Environmental Center Service Agreement with Veolia Technical Solutions.

FUNDING

County Dollars = \$250,000

Other Sources & Amounts = \$

= \$

TOTAL = \$250,000

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Related Financial Comments: The services will be paid with a combination of fees, State grant funds and County solid waste service fee funds. Funds are included in the 2007 budget.

Reviewed by Division Director 

Date: 15 May 07



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: May 22, 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 agreement with SRF is being modified to respond to the desire of the City of Mayer, Mn/DOT, and Carver County to add a Special Study Activity titled " City of Mayer Corridor Preservation Study - Concept Development and Evaluation." This new work consists of completing a portion of the Mayer Corridor Preservation Study with other study elements to be prepared by Bolton & Menk, Inc. under a separate agreement.

The net increased cost of the agreement with SRF resulting from the changes contained in amendment number 2 is \$16,900. Mn/DOT will reimburse the County for \$15,000 of this cost under separate agreement. This addition brings the total agreement amount to \$191,265.

ACTION REQUESTED: It is recommended that the Carver County Board of Commissioners adopt the attached resolution authorizing the signing of "Amendment Number 2 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	=	\$ 1,900
Other Sources & Amounts =		
Mn/DOT	=	\$15,000
TOTAL	=	\$16,900

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments:

Reviewed by Division Director

Date:

5/14/07

S:\Comp Plan\2006\Agmts\SRF\SRF.County Agmt - 07-0522 - Amendment #2 - BAF

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

Date: May 22, 2007
Motion by Commissioner: _____

Resolution No: _____
Seconded by Commissioner: _____

**AMENDMENT #2
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 #2 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 22nd day of May, 2007, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 22nd day of May, 2007.

David Hemze

County Administrator



REQUEST FOR BOARD ACTION

AGENDA ITEM : Carver County Comprehensive Transportation Plan Update 2005-2030
Amendment No. 1 to Mn/DOT - Carver County Agreement No. 88704

Originating Division: Public Works

Meeting Date: May 22, 2007

Amount of Time Requested: None

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM:

Carver County and Mn/DOT entered into an agreement in 2005 to provide a comprehensive, multi-jurisdictional and multi-modal transportation plan in Carver County.

The purpose of the Carver County Transportation Plan is to provide direction to the County and other affected jurisdictions in assessing anticipated growth and projected travel needs over the next 25 years.

The agreement between Carver County and Mn/DOT is being modified to respond to the desire of the City of Mayer, Mn/DOT, and Carver County to add a Special Study Activity titled "City of Mayer Corridor Preservation Study - Concept Development and Evaluation." This new work consists of completing a portion of the Mayer Corridor Preservation Study with other study elements to be prepared by Bolton & Menk, Inc. under a separate agreement.

The net increased cost of the agreement between Carver County and SRF resulting from the changes contained in amendment number 2 between Carver County and SRF is \$16,900. Approval of this agreement between Carver County and Mn/DOT will provide for reimbursement to the County in the amount of \$15,000. This addition brings the total agreement amount to \$62,901.00.

ACTION REQUESTED: It is recommended that the Carver County Board of Commissioners adopt the attached resolution authorizing the signing of "Amendment Number 1 to Agreement No. 88704 between Carver County and Mn/DOT for the development of a county-wide transportation plan.

FUNDING

County Dollars =	\$ 1,900
Other Sources & Amounts =	
Mn/DOT	= \$15,000
TOTAL	= \$16,900

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments:

Reviewed by Division Director

Date:

5/14/07

S:\Comp Plan\2006\Agmts\MnDOT\MnDOT.County Agmt - 07-0522 - Amendment #1 - BAF

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

Date: _____
Motion by Commissioner: _____

Resolution No: _____
Seconded by Commissioner: _____

**AMENDMENT NO. 1
TO
JOINT POWERS AGREEMENT NO. 88704
BETWEEN
CARVER COUNTY, MINNESOTA
AND
STATE OF MINNESOTA
FOR
CARVER COUNTY TRANSPORTATION PLAN**

BE IT RESOLVED, that the Carver County Board Chair and the Carver County Administrator are authorized to sign Amendment No. 1 to Joint Powers Agreement No. 88704 between Carver County and the State of Minnesota for transportation planning services for the development of a comprehensive, multi-jurisdictional and multi-modal transportation plan in Carver County (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 22nd day of May, 2007, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 22nd day of May, 2007.

David Hemze County Administrator



REQUEST FOR BOARD ACTION

AGENDA ITEM: Addendum No. 1, Service Agreement for Asbestos, Lead and Hazardous Materials Abatement

Originating Division: Public Works - Parks

Meeting Date: 5/22/07

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 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. EnviroBate-Metro conducted the abatement work and hazardous materials removal for the buildings but as they were securing the buildings their staff discovered insulation believed to be vermiculite insulation. The insulation was tested by AES and it was determined to be vermiculite with asbestos. This material will have to be removed and properly disposed of before the buildings can be burned or demolished.

EnviroBate has provided a quote of \$2880.00 to remove the asbestos containing vermiculite insulation from the soffit of the brick home.

Previous Board Action approved \$20,495.00 for the abatement of hazardous materials at the former Coop Farm Site.

ACTION REQUESTED: It is recommended that the County Board authorize the County Board Chair and the County Administrator execute the addendum No. 1.

FUNDING

County Dollars = \$
Other Sources & Amounts =

= \$

TOTAL = \$23,375.00

FISCAL IMPACT

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

Related Financial Comments: Addendum No. 1 increases to the contract amount by \$2,880.00 for a total contract value of \$23,375.00

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:

5/3/07

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

Date: May 22nd, 2007

Resolution No: _____

Motion by Commissioner: _____

Seconded by Commissioner: _____

**ADDENDUM NO. 1
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 Addendum No. 1 to the professional service agreement between EnviroBate Metro and Carver County for asbestos, lead and hazardous materials abatement increasing the original contract by \$2,880.00. The contract amount increases from \$20,495.00 to \$23,375.00

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 22nd day of May, 2007, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 22nd day of May, 2007.

County Administrator



REQUEST FOR BOARD ACTION

AGENDA ITEM : Recycling Association of Minnesota - School, Business and Organization Grant

Originating Division: Land Water Services

Meeting Date: May 22, 2007

Amount of Time Requested:

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM: The Recycling Association of Minnesota (RAM) is asking for \$2,000 in funding to be used to pay for RAM's time in locating and signing up at least 15 businesses in the County to begin a plastic bottle recycling program. RAM and the Adult Training and Habilitation Center in Winsted and Hutchinson would like to develop an innovative approach to collecting and recycling bottles away from home. This program is a voluntary approach and will be completely self-sufficient after only one year. The main focus will be to collect bottles from "Away From Home" situations (gas stations, car wash businesses, etc.) The proposal was reviewed by the Water, Environment and Natural Resources Committee sub-committee and was recommended for approval. Environmental Services recommends funding the entire amount of \$2,000, as requested in the proposal.

ACTION REQUESTED: Motion to approve funding for the 2007 School, Business and Organization grant proposal submitted by the Recycling Association of Minnesota

FUNDING

County Dollars =	\$2,000.00
Other Sources & Amounts =	
	= \$2,000.00
TOTAL	= \$2,000.00

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments:

Reviewed by Division Director 

Date: May 7, 2007



REQUEST FOR BOARD ACTION

AGENDA ITEM : Public Health Nurses/RN/Coordinators Salary Adjustments

Originating Division: Employee Relations

Meeting Date: May 22, 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:

Carver County Public Health is currently in a situation where turnover is beginning to become an issue. As an entity it is the goal to attract and retain skilled employees. To address this issue, the classifications of Public Health Nurse, Registered Nurse and Public Health Coordinator were recently evaluated through Bjorklund Compensation Consulting. As a result of the evaluation, each classification was increased one grade level. Making the appropriate adjustments to the affected individuals it was discovered that some individuals hired in 2004 to 2006 will actually be making more than those who were hired prior to that timeframe. Part of this issue is a result of a change in hiring practices that allowed for the hiring of newer and lesser experienced PHN's, RN's and Coordinators at a rate level higher than where the experienced staff were hired. This was not the intent of the change in hiring Practice.

The Public Health Services Division and the Employee Relations Division are requesting the approval of a one time salary adjustment to increase all of the Public Health Nurses, Registered Nurses and Public Health Coordinator's one step in their new classification level. This will allow for more experienced staff to be at a pay level equal to or higher than those hired with less experience and will address an attract an retain issue that has begun in Public Health.

ACTION REQUESTED:

To approve the pay adjustment for all Public Health Nurses, Registered Nurses and Public Health Coordinator's and subject to approval of the letter of understanding by the AFSCME.

FUNDING

County Dollars =	\$26,752
Other Sources & Amounts =	\$0.
	= \$0
TOTAL	= \$26,752

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments: The increase in salaries will be paid for by the vacancies that exist as a result of the turnover experienced and will come from the existing salary budget.

Reviewed by Division Director
Doris M. Krogman; Del Hurt

Date: 5/14/07



REQUEST FOR BOARD ACTION

AGENDA ITEM : Authorize waiving afternoon CART ride bus fee to Arboretum

Originating Division: Administration

Meeting Date: 5/22/07

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: Carver County Day at the Arboretum is scheduled for June 7th. There will be free admission for Carver County residents. To highlight one of the County services provided, Carver County would like to waive the CART bus fee for seniors that would like to take the trip to the Arboretum the afternoon of June 7th.

The CART bus will pick up seniors at designated locations and times in the cities of Watertown, Mayer, Hamburg, Norwood Young America, Cologne, Waconia, Chanhassen and Chaska.

Seniors needing a ride will call the CART office to reserve a seat. Maximum number of seats available on the CART bus is 15 and the maximum number of bus trips to the Arboretum will be six. Normally there is a \$3.00 charge for a CART ride.

ACTION REQUESTED: Authorization to waive the CART ride bus fee for seniors who wish to attend the afternoon Carver County Day at the Arboretum event.

FUNDING

County Dollars = \$

Other Sources & Amounts = \$

TOTAL = \$

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Related Financial Comments: The maximum cost would be \$270, assuming 15 passengers x \$3.00 fee x six buses.

Reviewed by Division Director

Date:



REQUEST FOR BOARD ACTION

AGENDA ITEM : Twin Cities & Western Railroad Discussion

Originating Division: Administration

Meeting Date: 5/22/07

Amount of Time Requested: 60 Minutes

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

BACKGROUND/EXPLANATION OF AGENDA ITEM: Representatives from the Twin Cities & Western Railroad will provide background information on the services their company provides. This information is especially relevant as we update our comprehensive plan and consider various transportation alternatives such as commuter rail.

ACTION REQUESTED: None. Discussion only.**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: 4/16/07



REQUEST FOR BOARD ACTION

AGENDA ITEM : Metropolitan Council – 2030 Transit Master Plan

Originating Division: Public Works

Meeting Date: May 22, 2007

Amount of Time Requested: 10 Minutes

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM:

Arlene McCarthy from the Metropolitan Council presented information about the updating of the Metropolitan Council's Transit Master Plan to the County Board on May 8. This update is being lead by the Metropolitan Council in partnership with regional stakeholders serving on the study team. Arlene's presentation included the invitation for Carver County to provide the Metropolitan Council with a list of corridors to be analyzed in the plan update.

Carver County is in the process of updating its Comprehensive Plan. Transit planning in Carver County is an element of this update. A special study with Southwest Transit Commission examining bus transit service now and into the future is nearing completion. Discussion with the TC&W Railroad about commuter rail service is also ongoing. Other bus, busway, and rail service corridors are also part of the County's information gathering and consideration process.

Staff is recommending Carver County submit to the Metropolitan Council the following list of corridors for analysis in the updating of the Transit Master Plan.

- TH 5 busway from Waconia east to transit or park/ride facilities
- TH 7 busway link to park/ride and other transit facilities
- U.S. Highway 212 busway and/or light rail transit link from Minneapolis CBD to park/ride and other transit facilities
- New Minnesota River Crossing (Future TH 41) busway link to park/ride and other transit facilities
- TC&W Railroad commuter rail service from Minneapolis CBD through Carver County and beyond
- Dakota Rail Line Transportation Corridor through Carver County and beyond
- Luce Line Trail Mobility Corridor
- Union Pacific Transportation Corridor
- HCRRA Chanhassen/Chaska Transportation Corridor
- HCRRA Victoria Transportation Corridor
- SW Light Rail Corridor from Minneapolis CBD to Eden Prairie and beyond

Response to this list by the Metropolitan Council as corridors are screened for inclusion in the 2030 Transit Master Plan will assist Carver County in the ongoing process of depicting transit services in the county's 2030 Comprehensive Plan update and beyond.

ACTION REQUESTED:

The Carver County Board adopt the attached resolution titled "Transit Master Plan Update by the Metropolitan Council – Carver County Recommended Corridors for Analysis" and direct staff to submit the resolution to Metropolitan Council staff.

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:

5/14/07

BOARD OF COUNTY COMMISSIONERS CARVER COUNTY, MINNESOTA

Date: May 22, 2007

Resolution No: _____

Motion by Commissioner: _____

Seconded by Commissioner: _____

Transit Master Plan Update by the Metropolitan Council Carver County Recommended Corridors for Analysis

WHEREAS, staff of the Metropolitan Council presented information about the updating of the Metropolitan Council's Transit Master Plan to the County Board on May 8, 2007, and

WHEREAS, this plan update is being led by the Metropolitan Council with a study team comprised of regional stakeholders including Carver County staff, and

WHEREAS, Carver County is updating its Comprehensive Plan and the transit element contained therein, and

WHEREAS, the Carver County community of local governments in concert with local perspectives and in collaboration with various agencies has the unique opportunity to coordinate transit planning with land-use planning prior to the influx of development, and

WHEREAS, Carver County and Southwest Transit Commission are completing a special study that examines bus transit service now and into the future as part of the County's Comprehensive Plan update, and

WHEREAS, Carver County and the TC&W Railroad Company are having ongoing communication about commuter rail service, and

WHEREAS, other bus, busway, and rail service corridors are also part of the information gathering and consideration process in the update of the County's Comprehensive Plans, and

WHEREAS, staff has reviewed the Unified Transit Master Plan and the 2020 Regional Transportation policy Plan, and

WHEREAS, staff is recommending the County Board submit a list of corridors for analysis in the updating of the Metropolitan Council's Transit Master Plan,

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners in and for the Carver County, Minnesota, hereby support the following recommended corridors for analysis in the updating of the updating of the Metropolitan Council's Transit Master Plan:

- TH 5 busway from Waconia east to transit or park/ride facilities
- TH 7 busway link to park/ride and other transit facilities
- U.S. Highway 212 busway and/or light rail transit link from Minneapolis CBD to park/ride and other transit facilities
- New Minnesota River Crossing (Future TH 41) busway link to park/ride and other transit facilities
- TC&W Railroad commuter rail service from Minneapolis CBD through Carver County and beyond
- Dakota Rail Line Transportation Corridor through Carver County and beyond
- Luce Line Trail Mobility Corridor
- Union Pacific Transportation Corridor
- HCRRA Chanhassen/Chaska Transportation Corridor
- HCRRA Victoria Transportation Corridor
- SW Light Rail Corridor from Minneapolis CBD to Eden Prairie and beyond

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 22nd day of May, 2007, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 22nd day of May, 2007.

David Hemze

County Administrator



REQUEST FOR BOARD ACTION

AGENDA ITEM : County Attorney Vacancy

Originating Division: Employee Relations

Meeting Date: 5/22/07

Amount of Time Requested: 5 minutes

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

The County Attorney, Michael A. Fahey, has tendered his resignation, effective May 31, 2007.

The County Board must declare the vacancy in this situation.

The attached Resolution is intended to make that declaration.

ACTION REQUESTED:

Motion to approve the Resolution declaring a vacancy in the Office of the County Attorney, effective at 4:00 PM on May 31, 2007.

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, Employee Relations

Date: 5/14/07

BOARD OF COUNTY COMMISSIONERS CARVER COUNTY, MINNESOTA

DATE _____ RESOLUTION NO. _____
MOTION BY COMMISSIONER _____ I _____ SECONDED BY COMMISSIONER _____

WHEREAS, Michael A. Fahey is the duly elected Carver County Attorney; and

WHEREAS, Mr. Fahey has tendered his resignation from the Office of County Attorney for Carver County, effective at 4:00 PM on May 31, 2007, and

WHEREAS, The County Board has an obligation to declare a vacancy in such circumstances,

THEREFORE, BE IT RESOLVED, effective at 4:00 PM on May 31, 2007, the Office of County Attorney in Carver County is vacant.

BE IT FURTHER RESOLVED, the Chief Deputy Attorney, Kari Myrold, will serve as the interim County Attorney until the Board appoints a replacement for Mr. Fahey.

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 22nd day of May, 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 May, 2007.

County Administrator Date



REQUEST FOR BOARD ACTION

AGENDA ITEM : Contract Extensions - County Attorney's Office

Originating Division: Employee Relations

Meeting Date: 5/22/07

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 current contracts for personal services between the county and the Chief Deputy County Attorney, and the county and the County Attorney's Administrative Aide, include language indicating that they are in effect only during the term of the current County Attorney, Michael A. Fahey.

In order to maintain effective and efficient operation in the County Attorney's Office following Mr. Fahey's resignation, effective May 31, 2007, and until the Board appoints an individual to fill the vacancy created by Mr. Fahey's resignation, this action requests an extension of those contracts.

ACTION REQUESTED:

Motion to approve the amendments to the personal services contracts of Kari L. S. Myrold and Jessica Lano Phillips to extend until such time the Board appoints an individual to fill the vacancy created by Mr. Fahey's resignation.

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, Employee Relations

Date: 5/14/07



REQUEST FOR BOARD ACTION

AGENDA ITEM : Appointment to Fill County Attorney Vacancy

Originating Division: Employee Relations

Meeting Date: 5/22/07

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:

The County Attorney, Michael A. Fahey, has tendered his resignation, effective May 31, 2007.

The County Board has the obligation of appointing someone to fill the vacancy created by Mr. Fahey's resignation for the remainder of his term, of from May 31, 2007 at 4:00 PM until December 31, 2010.

The Board may either appoint someone immediately or open a process to gather resumes or applications from interested parties to make that appointment.

Appointing someone immediately is faster and minimally disruptive to the office.

Conducting a process takes longer and provides an opportunity for greater input on the decision.

The attachments estimate a timeline and some of the process details for an open process, should the Board decide to go that direction.

ACTION REQUESTED:

Motion to determine how the Board will fill the County Attorney vacancy, either option 1 or option 2 below.

Option 1. Motion to appoint a specific individual (name) to the remainder of the County Attorney's term, through December 31, 2010.

Option 2. Motion to conduct an open competitive process to invite individuals who are interested to apply for the County Attorney position, and following the process, appoint one of those individuals to fill the remainder of the County Attorney's term, through December 31, 2010

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, Employee Relations

Date: 5/14/07

Carver County Attorney Estimated Recruitment Schedule

May 2007

The process below estimates the time necessary to recruit an appointed County Attorney using an open process similar to those used to recruit Division Directors

Actions	Date
Prepare & have BCC evaluate Job Description & Prepare Job Posting & Ads Job open 3 weeks, May 25 – June 15 Prepare resume screening tool, interview questions Select interview panel(s)	May 25
Place advertisements in local and Minnesota newspapers Consider ads with: <ul style="list-style-type: none">• Association of Minnesota Counties (AMC) Internet• Minnesota Lawyer• Minnesota County Attorney's Association (MCAA)• Carver County Internet	May 25 for May 31 & June 3
Employee Relations screens applications:	June 18 & 19
Interview top candidates: Stakeholders – representative from Sheriff's Office, County Administrator, 1 or 2 Commissioners Division Director(s)	June 25 - 29
Finalist interviews & /or any other presentation or meeting Commissioners (open meeting if all 5 involved)	July 9 – 13
Employment assessment for top candidate(s) background check, including credit and criminal history, Minnesota Board of Professional Responsibilities inquiry, PDI Leadership Inventory	July 16 - 20
Conditional job offer	July 30 – Aug 3
Anticipated start date	Aug. 27 – Sept. 17

Carver County Attorney Recruitment & Screening Process

May 2007

Draft Job Ad

Carver County is seeking resumes (or applications) from individuals who are interested in a full-time position to fill the remaining term (through December 31, 2010) of the County Attorney following his resignation.

The County Attorney is responsible for all statutory duties including:

Criminal Prosecution

Juvenile Delinquency Prosecution

Child Protection Litigation

Civil Commitments

Child Support Matters

Zoning Issues

Providing Legal Advice to the County Board of Commissioners and all County Divisions

Other legal matters as they arise.

To be considered, an individual must:

Hold a current license to practice law in Minnesota,

Reside in, or be willing to re-locate to Carver County,

Pass a criminal and credit background check,

Have a favorable report from the Minnesota Board of Professional Responsibilities

Receive a favorable recommendation from a reputable Leadership Assessment Evaluator (upon pre-selection),

Not practice law privately upon appointment.

Salary range, \$ tbd based on BCC evaluation, will vary within the range based on qualifications

Benefits include Health, dental & Life Insurance, Public Employees Retirement Association (PERA).

Please direct Resumes to Doris Krogman, Employee Relations Division Director, 600 East 4th Street, Chaska, MN 55318-2102

Additional Selection process steps to be developed & completed:

Screening tool

Interview(s) structure and questions based on duties above

Job offer including salary DOQ

Appointment at a County Board meeting



**CARVER
COUNTY**

**POSITION CLASSIFICATION DESCRIPTION
CARVER COUNTY**

SECTION I: GENERAL INFORMATION

Position Title: County Attorney	Department: Attorney's Office
Immediate Supervisor's Position Title:	FLSA Status: Elected Official

Job Summary: The County Attorney has duties prescribed by state statutes, court rules, professional responsibilities, rules and court decisions. The County Attorney serves as counsel for the county. The County Attorney provides legal advice to the Carver County Commissioners and County Officials. The County Attorney represents Carver County in civil lawsuits. The County Attorney prosecutes felony cases, and juvenile delinquency cases. The County Attorney also prosecutes many types of misdemeanor violations. The County Attorney handles commitments for Chemical dependency and mental illness and matters involving juvenile welfare such as nonsupport, paternity adjudication, child protection proceedings, and termination of parental rights. The County Attorney has a staff of assistant county attorneys and legal assistants to aid in performing these duties.

SECTION II. ESSENTIAL DUTIES AND RESPONSIBILITIES

Duty/Responsibility No:	1	Statement of duty/responsibility: Civil advice
Percent of Time:		

Tasks involved in fulfilling above duty/responsibility:

- Provide legal advice in areas involving waste management, defending challenges to property tax, represent the Community Social Services Division on welfare appeal cases, enforce state law and county ordinances concerning environmental and health matters, and forfeiting property in the used in connection with criminal activity.
- Assist in purchasing property, negotiating leases and contracts, and in defending other lawsuits brought in state and federal court.
- Files involuntary commitment actions to provide necessary treatment for individuals who are mentally ill, chemically dependant, or mentally retarded.
- When a family is receiving public assistance, the County Attorney brings actions to obtain or enforce child support obligations, or to establish the paternity of the child, in order to obtain reimbursement for assistance and other costs to the taxpayers.
- Begins legal proceedings to protect the health and safety of vulnerable adults within the county when they are in need of assistance.

Duty/Responsibility No:	2	Statement of duty/responsibility: Adult prosecution
Percent of Time:		
Tasks involved in fulfilling above duty/responsibility: <ul style="list-style-type: none"> • Primarily prosecutes felony crimes which occur in the County. • Responsible for the prosecution of misdemeanors and gross misdemeanors. • Prosecution may involve reviewing the investigation provided by law enforcement officers, filing criminal complaints, presenting the case before a grand jury, representing the state in court hearings and trials, and making sentencing recommendations. • The prosecutorial duties of the county attorney are enumerated in eight-eight (88) separate Minnesota statutes. 		

Duty/Responsibility No:	3	Statement of duty/responsibility: Juvenile Prosecution
Percent of Time:		
Tasks involved in fulfilling above duty/responsibility: <ul style="list-style-type: none"> • Prosecutor involved in all cases involving juvenile offenders, these range from curfew violations to the most serious felony criminal behavior . • Oversee the diversion programs which allow minor offenders to receive consequences without going to court. 		

Duty/Responsibility No:	4	Statement of duty/responsibility: Victim Witness Assistance
Percent of Time:		
Tasks involved in fulfilling above duty/responsibility: <ul style="list-style-type: none"> • Provide assistance and support to the victims and witnesses who play a vital role in the criminal and juvenile justice systems. • Advise crime victims of their legal rights. • Request restitution for losses suffered. 		

Duty/Responsibility No:	5	Statement of duty/responsibility: Family Services
Percent of Time:		
Tasks involved in fulfilling above duty/responsibility: <ul style="list-style-type: none"> • Initiates CHIPS (Child in Need of Protection Services). • Petitions to protect abuse or neglected children in the County. • Starts legal proceedings to protect the health and safety of vulnerable adults within the county when they are in need of assistance. 		

- File involuntary commitment actions to provide the necessary treatment for individuals who are mentally ill, chemically dependent, or mentally retarded.
- When federal and cash assistance is paid to families with children the County Attorney brings actions to obtain or enforce child support obligations, or to establish the paternity of the child, in order to obtain reimbursement for assistance and other costs to the taxpayers.
- Responsible for the prosecution of welfare fraud.
- Assists with the collection of medical liens.

Duty/Responsibility No:	6	Statement of duty/responsibility: Pursuant Improvement and Prevention, representation of the Office of County Attorney on various professional and community associations.
Percent of Time:		

Tasks involved in fulfilling above duty/responsibility:

- Participates in efforts to prevent or reduce crime in the local communities and statewide.
- Seeks new laws to strengthen law enforcement, criminal justice, child protection, victims rights, and other areas.
- Serves on the board of directors of the Minnesota County Attorneys Association and member of the Urban County Attorneys Association.
- Member of the Alcohol, Tobacco and Other Drugs Committee through the Carver County Health Partnership. Member of the Eighth District Bar Association ethics board to investigate ethics complaints filed against attorneys.
- Presents information to Explorer Program with the Boy Scouts of America on careers in the criminal justice system.

Duty/Responsibility No:	7	Statement of duty/responsibility: Administration and management of the Office of County Attorney
Percent of Time:		

Tasks involved in fulfilling above duty/responsibility:

- Works with the Chief Deputy and Law Office Administrator in seeing that personnel and related budget functions are properly supervised and administered.
- Coordinates monthly management team meetings with Chief Deputy, Attorney IV's and Law Office Administrator.
- Develops and presents budget issues.
- Responds to media and constituents.
- Assists the Chief Deputy in the evaluation of the Law Office Administrator and Attorney IV's; also evaluates the Chief Deputy in the performance of his/her duties.

SECTION III: WORK REQUIREMENTS AND CHARACTERISTICS

<p>EDUCATION/KNOWLEDGE REQUIREMENT: Minimum education required to perform adequately in position could reasonably be attained only by completing the following:</p>			
<p>REQUIRED EDUCATION/TRAINING (choose one)</p>		<p>DEGREE INFORMATION: Type of degree: (B.S., M.A., etc.)</p>	
<p>less than high school diploma</p>		<p>Juris Doctorate from an accredited law school</p>	
<p>High school diploma or GED.</p>		<p>Major field of study or degree emphasis: Law</p>	
<p>1 year college</p>	<p>2 years college</p>		
<p>3 years college</p>	<p>4 years college</p>		
<p>1st year graduate level</p>		<p>Essential knowledge and specialized subject knowledge required to perform the essential functions of the job:</p>	
<p>2nd year graduate level</p>		<p>Thorough knowledge of legal theory, practices, principles, trends, and methods pertaining to cases of civil, juvenile, and criminal nature.</p>	
<p>x</p>	<p>Doctorate level</p>	<p>Thorough knowledge of federal and state privacy laws and regulations. Thorough knowledge of Board procedural rules and statutes. Thorough knowledge in the application of legal concepts pertaining to rules of conduct and evidence. Fundamentals, practices, and principals of management and supervision.</p>	
<p>Required Work Experience in Addition to Formal Education/Training: Resides in Carver County</p>			
<p>Required Supervisory Experience:</p>			
<p>LICENSE/ CERTIFICATION</p>		<p>Identify licenses/certification required: Licensed to practice law in the State of Minnesota Valid Minnesota Drivers license Must take oath as defined in the Constitution of the state of Minnesota, article V, section 6.</p>	
<p>ESSENTIAL SKILLS REQUIRED TO PERFORM THE WORK</p>		<p>Requires use/operation of: Computer Telephone Copier Fax machine Video equipment Computer software Miscellaneous department tools, materials, and equipment</p> <p>Skilled in: Duties of Attorney according to Statute 481.06 The ability to observe and carry out the terms of the attorney's oath;</p>	

	<p>Maintain the respect due to courts of justice and judicial officers; Counsel or maintain such causes only as appear to the attorney legal and just; but the attorney shall not refuse to defend any person accused of public offense; Employ, for the maintenance of causes confided to the attorney, such means only as consistent with the truth, and never seek to mislead the judges by any artifice or false statement of fact or law; Keep inviolate the confidences of the attorney's client, abstain from offensive personalities, and advance no fact prejudicial to the honor or reputation of a party or witness, unless the justice of the cause requires it; Encourage the commencement or continuation of no action or proceeding from motives of passion or interest; no shall the attorney for any personal consideration, reject the cause of the defenseless or oppressed.</p>
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RESPONSIBILITY FOR DIRECT SUPERVISION OF THE FOLLOWING POSITIONS		
	Titles of Positions Directly Supervised	# of Employees
1	Chief Deputy-if applicable	1
2	Administrative Aide/Supervisor-If applicable	1
3		
4		
TOTAL		2

INDIRECT SUPERVISION:	
Number of employees indirectly supervised:	Total: 28

HAZARDOUS WORKING CONDITIONS	<p>Unusual or hazardous working conditions related to performance of duties: May be exposed to angry, hostile or disagreeable individuals, some travel involved with position.</p>
	<p>Precautionary measures taken to avoid those unusual or hazardous working conditions: Court/jail security procedures, county risk management and safety procedures, sound judgment with dealing with people.</p>
	<p>Frequency of occurrence of unusual or hazardous working conditions: Occasional</p>

SPECIAL VISION REQUIREMENTS (Check any that apply):

	Yes	No
1. Close vision (clear at 20 inches or less):	x	
2. Distance vision (clear at 20 feet or more):	x	
3. Color Vision:	x	
4. Depth perception:	x	

PHYSICAL JOB REQUIREMENTS: Indicate according to essential duties/responsibilities

<u>Employee is required to:</u>	Never	1-33% Occasionally	34-66% Frequently	66-100% Continuously
Stand		X		
Walk		X		
Sit			X	
Use hands dexterously (use fingers to handle, feel)			x	
Reach with hands and arms			x	
Climb or balance	X			
Stoop/kneel/crouch or crawl	x			
Talk or hear				x
Taste or smell	x			
Physical (Lift & carry): up to 10 pounds			x	
up to 25 pounds			x	
up to 50 pounds	x			
up to 75 pounds	x			
up to 100 pounds	X			
more than 100 pounds	□			

SECTION IV: CLASSIFICATION HISTORY AND APPROVAL

This Position Description reflects an accurate and complete description of the duties and responsibilities assigned to the position.

Division Director's Signature

Date

Employee Relations' Signature

Date

Classification History:

Date classification was last reviewed and actions taken, if any:

Date Board Adopted: _____





REQUEST FOR BOARD ACTION

AGENDA ITEM : Closed Session, Labor Negotiations Strategy

Originating Division: Employee Relations

Meeting Date: 5/22/07

Amount of Time Requested: 20 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 negotiations and mediation meetings that have occurred, the County Negotiating teams are seeking further guidance on the strategy and direction desired by the Board.

Employee Relations will provide some updates from both groups and seek specific strategic direction in the effort to arrive 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: 5/14/07