

Carver County Board of Commissioners  
 Regular Session  
 November 6, 2007  
 County Board Room  
 Carver County Government Center  
 Human Services Building  
 Chaska, Minnesota

PAGE

9:15 a.m.

1.
  - a) **CONVENE**
  - b) *Pledge of Allegiance*
  - c) *Public participation (comments limited to five minutes)*
  - d) *Introduction of New Employees*
2. Agenda review and adoption
3. Approve minutes of October 23, 2007 Regular Session ..... 1-6
4. Community announcements

9:15 a.m.

5. **CONSENT AGENDA**
  - 5.1 Payment of emergency claim ..... 8
  - 5.2 Wheelage tax cost sharing agreement ..... 9-10
  - 5.3 Metropolitan Emergency Services Board Joint Powers Agreement..... 11
  - 5.4 Budget amendment-capital expenditure for 4<sup>th</sup> quarter space needs..... 12-13
  - 5.5 Contract approval Otto Associates-site boundary and topography ..... 14
  - 5.6 Contract approval Intereum-Herman Miller FF&E..... 15
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  - 5.8 Information Services-contract for fiber optic lease to County facilities in Chanhassen ..... 17
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  - 5.10 Intergovernmental Agreement for lake sampling ..... 19
  - 5.11 Authorize contract for legal retainer for water, wetland and drainage issues..... 20
  - 5.12 Tony Nyen's request for a contractor's yard ..... 21-26
  - 5.13 Professional services contract with Jim Liddy ..... 27
  - 5.14 School resource officer agreement with Carver Scott Cooperative and District 110 ..... 28
  - 5.15 Accept donation to Community Social Services..... 29
  - 5.16 Abatements/additions..... 30-33

	5.17	Immunization registry grant contract-Minnesota Department of Human Services ..... 34-35
	5.18	CSAH 10-negotiated settlements ..... 36-37
	5.19	Professional services agreement-cooperative agreement funding applications..... 38-39
	5.20	Amendment No. 1 to agreement with SRF Consulting Group, Inc. for final design services-CSAH 18 Lyman Boulevard)40-42
	5.21	Amendment No. 4 to agreement with SRF Consulting Group, Inc. for final design services (TH 5 realignment)..... 43-44
	5.22	Chief deputy agreement..... 45
	5.23	Attorney IV salary ..... 46
	5.24	Community Social Services' warrants ..... NO ATT
	5.25	Commissioners' warrants..... SEE ATT
9:15 a.m.	<b>6.</b>	<b>PUBLIC WORKS/PARKS</b>
	6.2	<i>Public hearing</i> – Amend Chapter 91, general regulations-designated pet exercise areas ..... 47-50
	6.1	Uneconomic remnant offer ..... 51-52
9:30 a.m.	<b>7,</b>	<b>COUNTY ATTORNEY</b>
	7.1	Proposed Social Host Ordinance No. 59-2007 ..... 53-59
10:00 a.m.	<b>8.</b>	<b>ADMINISTRATION</b>
	8.1	Lyman Boulevard (CSAH 18) Agreement..... 60-65
10:30 a.m.	<b>9.</b>	<b>ADMINISTRATIVE SERVICES</b>
	9.1	Building Committee structure..... 66-67
	9.2	<i>Closed Session</i> -Land acquisition ..... 68
11:30 a.m.		<b>ADJOURN REGULAR SESSION</b>
		<b>BOARD REPORTS</b>
11:30 a.m.	1.	Chair
	2.	Board Members
	3.	Administrator
12:00 p.m.	4.	Adjourn

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on October 23, 2007. Chair Gayle Degler convened the session at 9:15 a.m.

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

Members absent: Tim Lynch.

Workman moved, Ische seconded, to approve the agenda. Motion carried.

Maluchnik moved, Workman seconded, to approve the minutes of the October 9, 2007, Regular Session. Motion carried.

Community announcements were made by the Board.

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

Contract with Creature Works Labs in an amount not to exceed \$10,000.

Approved DPS Computerized Criminal History Information Access Agreement with Sheriff Byron "Bud" Olson as the agency administrator.

Approved DPS Criminal Justice Data Communication Network User Agreement with Sheriff Byron "Bud" Olson as the agency administrator.

Ratified the emergency building repair expenditures in the amount of \$52,994.81 for repairs outlined and accepted the insurance funds in the amount of \$22,585.73, less deductible, for the submitted claims.

Amendment to Pinnacle Engineering Services Contract 07-041, in the amount of \$20,000 and approved amendment to the termination date to February 12, 2009.

Contract with Paulson & Clark Engineering in the amount of \$2,500 for the security and electrical systems for the Public Works Impound Lot expansion professional services, the \$12,250 contract amendment to Lano Electric and authorized the Facilities Manager to approve general conditions up to \$4,500.

Agreement with Hoffman Filter Service for the collection and recycling of oil filters, used motor oil and antifreeze.

Agreement with Green Lights Recycling, Inc., for the collection and recycling of fluorescent lamps and electronics.

Approved application and sealing of a well at 10575 Guernsey Avenue and authorized the

disbursement of funds upon presentation of a bill and well sealing log.

Resolution #97-07, Professional Service Agreement between NYA Garden Center and Carver County for the Installation of a Retaining Wall at Lake Waconia Regional Park.

Authorized Land and Water Services staff to move forward with the 2008 residential survey project.

Approved Memorandum of Agreement with Teamsters, LELS and AFSCME to offer Plan C health insurance for 2008 to the employees represented by those unions.

Approved request for renewal of off-sale, on-sale and Sunday liquor license for Hollywood Ranch House.

Accepted the Public Health Preparedness, Pandemic Influenza, and Cities Readiness Initiative Grant from the Minnesota Department of Health and approved related Public Health budget amendment increasing MN Department of Health grant revenue \$36,533 and increasing Public Health expenditures \$36,533.

Authorized the Sheriff's Office acceptance of K9 Field Training Equipment and Pet Porter donation.

Authorized acceptance of monetary donation to the Encore Adult Day Services program.

Approved agreement between the State of Minnesota and Carver County for data extraction use without public exposure.

Agreement between the DNR and Environmental Services for groundwater level measurements in Carver County.

Resolution #98-07, Professional Service Agreement between Envirotech Remediation Services, Inc., and Carver County for Asbestos, Lead and Hazardous Materials Abatement.

Authorized the acceptance of donations for the 2007 Safety Fair.

Approved extension of Joint Powers Agreement CFMS #A70677 with the MPCA to November 30, 2008, and authorized Chair to sign all necessary documents.

Community Social Services' actions.

Approved payment of the following Commissioners' warrants:

INSERT

Motion carried.

Chair Degler explained Wendelin Grimm's contributions to the history of agriculture were included in a book that was recently published recognizing the 150 people, events and things that Minnesotans say shaped the State. Degler read into the record the Resolution highlighting the history of Grimm Alfalfa and its importance to the history of agricultural and dairy industry. Degler pointed out life long County resident Clarence Kelzer was the great grandson of Wendelin Grimm and presented a recognition certificate to Mr. Kelzer.

Maluchnik moved, Ische seconded, to adopt the following Resolution:

Resolution #99-07  
In Recognition of Wendelin Grimm

On vote taken, all voted aye.

Clarence Kelzer stated he felt fortunate to be the great-grandson of the gentleman who brought alfalfa to Minnesota. He noted the preservation of the Grimm farmhouse and the present ability of getting four cuts of alfalfa. He pointed out whenever dairy farms started the number one feed has been alfalfa. Kelzer shared his hope to see Grimm's alfalfa thrasher, currently stored at Murphy's Landing site, be moved to the Grimm homestead.

Doris Krogman, Employee Relations, explained this was Employee Recognition Week. She stated this was to make sure the people who work for Carver County understand the Board appreciates the work they do in providing services to the public. Krogman noted today they would be asking the Board to recognize this past year's retirees.

The Board presented clocks to the retirees present and thanked them for their years of service.

Carolyn Schmidt, Public Health, requested the Board approve contracts with community partners to assist with emergency preparedness. She stated the contracts will solidify Public Health's relationship with these community partners to be the most responsive during public health emergencies. Schmidt indicated additional contracts will come before the Board in the future related to transportation, housing and shelter.

Ische moved, Maluchnik seconded, to approve contracts with Westwood Community Church and Independent School Districts 108, 100, 111 and 112. Motion carried.

Dave Drealan, Land and Water Services, requested approval to modify ISTS incentive to upgrade direct discharge ISTS systems to the entire watershed management organization. He pointed out the previous Board action to authorize an incentive in limited priority areas. He indicated they received limited response in the priority areas but they have received inquiries related to getting systems upgraded from other areas.

Drealan pointed out the program was voluntary and reviewed a set of criteria. He stated Soil and Water has been meeting with property owners on a voluntary basis and discussing the program. He

clarified the program focuses on direct discharge systems where there is direct connection to receiving waters.

He explained events when inspections are required and when monitoring is required. He clarified curtain drains are not treated differently than any other system. Drealan acknowledged some failing systems are in enforcement actions at this time.

Drealan stated requiring direct discharge systems to be updated would be a program decision under the direction of the County Board. He suggested offering an incentive could be the first step to getting these systems upgraded.

Drealan explained the criteria that would require either full or partial repayment within one or two years of the installation in anticipation of the sale of the home.

Drealan reviewed the records they currently have on systems and the limited information available on pre-1985 systems.

The Board discussed when the direct discharge systems are identified, efforts to communicate the incentive program and the possibility of requiring these systems to be brought into compliance through enforcement at some point. The Board also discussed the criteria outlined and possible revisions.

Maluchnik moved, Ische seconded, to eliminate criteria #4 as outlined and to allow direct discharge ISTS systems in the entire Carver WMO eligible for the cash incentive currently available in the Fecal TMDL watersheds and to adopt the following criteria for the cash incentive:

- 1) The system is a direct discharge system, either from the home or from the septic tank and discharges on the surface, to waters of the state, or into a tile line discharging to the surface or waters of the state;
- 2) The system is not currently subject to an enforcement action; and
- 3) The system has not been identified as a direct discharge through a compliance inspection.

Degler, Ische, Maluchnik vote aye. Workman voted nay. Motion carried.

Mike Lein, Land and Water Services, requested Board approval of Douglas and Sharon and Brian Hillstrom's request for a conditional use permit. He noted the proposed project needed to meet State and County regulations and explained a public hearing had been held by the Planning Commission.

He indicated the present feedlot was a traditional Carver County feedlot with the typical pollution issues. Lein reviewed the plan to reduce or eliminate the open lots. He explained the number of animal units, information that was submitted along with the application and the layout of the site. He stated the nearest neighbor would be 1,500 feet and reviewed the potential for odor using the OFFSET odor model.

Drealan clarified the CUP goes with the land but any new owner would be bound by the same conditions. Lein stated the Planning Commission supported and Township recommended approval.

James Kuhl, San Francisco Township, stated he was not in opposition to the proposal but he was concerned in how Environmental Services was handling this issue and the accompanying documents. He highlighted his concerns and stated his point was not to derail the permit but to make sure the information that is in the CUP reflects the operation and the information on the CUP is changed to reflect the capacity of the feedlot.

Lein clarified the number of animal units that are allowed in the permit and indicated if further expansions were proposed the applicants would need another CUP.

Ische moved, Maluchnik seconded, to adopt the Findings of Fact and to issue Order PZ20070046 for the issuance of Conditional Use Permit #PZ20070046, Douglas Hillstrom and Brian Hillstrom. Motion carried.

David Hemze, County Administrator, explained his 2008 recommended budget was now on the website. He stated he was not asking them to adopt it today and although they have seen this before, he was taking this opportunity review some new items. He highlighted the chart with a recommended budget of \$101 million in 2008 vs. a \$75 million budget in 2007.

David Frischmon, Financial Services Director, highlighted the large increase in the CIP for roads and buildings. An additional 24.8 FTEs will be funded through property tax levy and other revenue sources. He explained the recommended 3.2 million to be directed toward capital equipment and 9.4 million toward roads and bridges. Frischmon highlighted funding sources for roads and bridges, including the use of bond proceeds. He clarified the bond debt service would be paid for by the wheelage tax.

He stated the recommended building projects totaled 13 million and identified funding sources. Frischmon highlighted additional building projects waiting for funding and indicated they were trying to develop a plan to pay for these.

Frischmon pointed out they were getting more aggressive with projections in increasing savings from employee turnover, increased revenue from inmate fees and investment income.

He stated the recommendation resulted in an overall levy increase of 9.9% and the impact on an average homeowner would be a 6% property tax increase on the County portion.

Hemze indicated they would be back in the future with a longer range plan to address the long term needs.

Workman moved, Ische seconded, to adjourn as the County Board at 12:05 p.m and convene as the Carver County Ditch Board. Motion carried.

Mark Lundgren, Taxpayer Services, requested the Ditch Board authorize the clean out of a portion of County Ditch #6 in Dahlgren Township. He indicated the cost would be \$1.75 per foot and the cost should not exceed \$10,000. He stated the cost would be paid for by the ditch system.

Ische moved, Maluchnik seconded to allow Soil and Water Conservation District to proceed with the cleanout of a portion of County Ditch #6. Motion carried.

Workman moved, Degler seconded, to adjourn as the Carver County Ditch Board. Motion carried.

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.)



272691



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600 East Fourth Street  
Chaska, MN 55318-1202  
Phone: 952 361-1509  
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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 a minimum of two).

VENDOR: Curtis + Gail Heldt

ACCOUNT: 11-429-710-3040-0041

AMOUNT: 300.00

REASON: October rent for child protection case family

Department Head Signature: Ray Beck to avoid eviction

Chairman of County Board

Gayle Degler

County Administrator

David Hemze

County Attorney

James W. Keeler, Jr.

Date: \_\_\_\_\_

2712082



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**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 a minimum of two).

VENDOR: Vendor # 19309  
East Creek Carriage Homes

ACCOUNT: 11-429-710-3040-6041

AMOUNT: \$300.00

REASON: Rent for a Child Protection case family to

Department Head Signature: Ray Bahl avoid eviction

Chairman of County Board

Gayle Degler

County Administrator

David Hemze for Hemze

County Attorney

James W. Keeler, Jr.

Date: 10-4-07



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Wheelage Tax Cost Sharing Agreement

Originating Division: Financial Services

Meeting Date: 11/06/07

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:** At the 7/24/07 Board Meeting, the County Board authorized the imposition of a Wheelage Tax effective 1/1/08 to fund road and bridge projects in the County's Capital Improvement Plan. The Minnesota Department of Public Safety (DPS) requires that Counties pay for the State's programming costs to implement the collection of Wheelage tax. The State of Minnesota paid for 1/2 of the initial start-up costs of \$138,163 which leaves \$69,081 to be spread over the counties that implement the wheelage tax. Thus, Carver County's portion of the initial Wheelage Tax start-up costs is \$13,816 (\$69,081 divided by the 5 counties who are implementing the Wheelage Tax).

DPS will also incur additional costs of \$35,286 so Carver and Scott County can start collecting Wheelage Tax on 1/1/08 with each of the two Counties paying half of the total or \$17,643.

Since the collection of Wheelage Tax was not anticipated in the 2007 Budget, a budget amendment is requested to pay the Wheelage Tax start-up costs of \$31,459 (\$13,816 + \$17,643) out of the Road and Bridge Fund which will then be reimbursed when the Wheelage Tax is collected in 2008.

**ACTION REQUESTED:** Approve the Wheelage Tax Cost Sharing Agreements and the total payment of \$31,459 from the Board Contingency for DPS start-up costs to implement the Wheelage Tax effective 1/1/08.

### FUNDING

County Dollars = \$31,459

Other Sources & Amounts =

= \$

### TOTAL

= \$31,459

### FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

*Related Financial Comments: 2008 Wheelage Tax projected revenues (net of DPS ongoing expenses of .12 for each \$5 Wheelage Tax collected) are \$315,000.*

Reviewed by Division Director

Date: October 25th, 2007

# BUDGET AMENDMENT REQUEST FORM

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

**DEPARTMENT: Public Works**

**Date of County Board Session: 11/06/07**

**Fund: 03**

Description of Revenue Account funds are to Increased/(Decreased):	Amount	Description of Expenditure Account funds are to Increased/(Decreased):	Amount
W. Tax Revenue	\$ 31,459	W. Tax Start-Up Costs	\$ 31,459
<b>TOTAL:</b>	<b>\$ 31,459</b>	<b>TOTAL:</b>	<b>\$ 31,459</b>

**A. Reason for Request:** See accompanying Board Action.

**B. Financial Impact: (To be filled out by Finance Director)**

**C. Contingency Acct. Beginning Bal.:** \$ 300,000

**D. Contingency Acct. Current Bal.:** \$ -

**E. Current Balance After Adj.:** \$ 300,000

**F. Prepared/Requested By:** David Frischmon

**G. Recommend Approval:** Finance

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

S:\Excel\SHELLS\[Budget Amendment Forms.xls]Revenue Form



# REQUEST FOR BOARD ACTION

## AGENDA ITEM: Metropolitan Emergency Services Board Joint Powers Agreement

Originating Division: Administration

Meeting Date: 11/6/07

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:

A five-year renewal joint powers agreement (JPA) has been reached with the Metropolitan Emergency Services Board (MESB). The counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, Chisago, and Washington and the City of Minneapolis are parties to this JPA which has a purpose to accomplish the following.

- Establishes a regional radio board to implement, maintain, and operate regional and local improvements to the statewide, shared, trunked radio and communication system.
- Implements and administers a regional 911 system through a joint powers board.
- Encourages the development of new resources and the coordination of emergency medical services through the seven-county metropolitan area.
- Serves as the successor the Metropolitan Radio Board.

**ACTION REQUESTED:** Motion to adopt Joint Powers Agreement with the Metropolitan Emergency Services Board.

#### FUNDING

County Dollars = \$29,068

Other Sources & Amounts =

= \$

**TOTAL**

= \$29,068

#### FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

*Related Financial Comments:* The above amount is the 2007 budget for MESB dues. Radio costs are not included, but are budgeted at the division level.

Reviewed by Division Director

Date: 10/25/07



# REQUEST FOR BOARD ACTION

## **CARVER COUNTY** **AGENDA ITEM : Budget Amendment – Capital Expenditure for 4<sup>th</sup> Quarter Space Needs**

Originating Division: Administrative Services

Meeting Date: November 6, 2007

Amount of Time Requested: 0

Attachments for packet:  Yes  No

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

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** Facilities wishes to amend the Capital Budget to optimize space in Information Services Department and immediate space demands for the County Attorney and Land & Water offices. All three areas are operating at capacity with their current design. Funds are also requested to begin minor renovation of the old Court Room # 1 in the West Administration building for storage and assembly of computer equipment as a result of the reconfigured space in Information Services.

New layouts and space design has been initiated to accommodate the need for additional work stations in IS and Land Services as well as a new mail distribution area for the County Attorney's office. The majority of new Furniture, Fixtures and Equipment is planned for the Information Services that would result in additional work stations for Land Services. All services shall be completed under existing contracts and all material shall be purchased through established Government contracts that the County is eligible to utilize.

Sources of the funds are as follows:

Facilities 2007 Capital:	\$5,000
Administrative Services Operating	<u>\$25,580</u>
	\$30,580

Uses of the funds are:

Information Services:	\$16,080
Attorney's Office:	2,700
Land & Water:	5,800
Old Court Room #1:	<u>6,000</u>
Total:	<u>\$ 30,580</u>

**ACTION REQUESTED:** Move to approve a Budget amendment for the expenditure of \$30,580 and the related budget transfers from Administrative Services and Facilities.

**FUNDING**

County Dollars =	\$30,580
Other Sources & Amounts =	= \$

**TOTAL** = \$30,580

**FISCAL IMPACT**

None  
 Included in current budget  
 Budget amendment requested  
 Other:

*Related Financial Comments: \$5,000.00 to be paid from Facilities CIP account 01-110-000-0000-6640-110-37; and the remaining \$25,580.00 will be paid from Administrative Services Operating account: 01-048-000-0000-6260 Professional and technical fees for service.*

Reviewed by Division Director

Date: October 29, 2007

# BUDGET AMENDMENT REQUEST FORM

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

**DEPARTMENT: Administrative Services**

**DATE: 11/06/07**

**General**

Description of Account funds are to be transferred from:	Amount	Description of Account funds are to be transferred to:	Amount
Adminstrative Services Operating	\$ 25,580	Facilities Capital Furniture	\$ 25,580
<b>TOTAL:</b>	<b>\$ 25,580</b>	<b>TOTAL:</b>	<b>\$ 25,580</b>

**A. Reason for Request:**                      See Board Action.

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

**C. Contingency Acct. Beginning Bal.:**                      \$ 300,000

**D. Contingency Acct. Current Bal.:**                      \$ -

**E. Current Balance After Adj.:**                      \$ 300,000

**F. Requested By:**                      Finance Director

**G. Recommend Approval:**                      Finance Director

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



# REQUEST FOR BOARD ACTION

CARVER CITY

## AGENDA ITEM : Contract Approval Otto Associates – Site Boundary and Topography

Originating Division: Administrative Services

Meeting Date: November 6, 2007

Amount of Time Requested: 0

Attachments for packet:  Yes  No

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

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** In order to comply with the City of Chaska's requirements for site and building plan approvals a site survey is required. While Wold Architects shall prepare the submittal documents, a survey is typically an owner's cost item associated with financing.

Proposals were obtained from professional service providers active in the Carver County market. The Recorder's and Surveyor's office assisted in the background information and quote review/recommendation:

Otto Associates:	\$ 8,650.00
RLK Incorporated	\$11,500.00
Bolton&Menk	\$19,500.00

With all professional services associated with construction, the final amount may require additional services to obtain city approvals and or land transactions. Thus we are requesting authority to spend up to \$10,500 under this contract for survey and topographic services under this contract.

**ACTION REQUESTED:** Move to approve the contract with Otto Associates in the amount of \$10,500 for land survey services associated with the Service Delivery Master Plan.

### FUNDING

County Dollars =	\$10,500
Other Sources & Amounts =	= \$
<b>TOTAL</b>	<b>= \$10,500</b>

### FISCAL IMPACT

None  
 Included in current budget  
 Budget amendment requested  
 Other: General Conditions - Budgeted in Previous Board Action for Service Delivery Master Plan

*Related Financial Comments: \$10,500 from the general conditions account approved by the Board on 10/09/07.*

Reviewed by Division Director

Date: 10/29/07





# REQUEST FOR BOARD ACTION

## **CARVER** **AGENDA ITEM : Contract Approval Intereum – Herman Miller FF&E**

Originating Division: Administrative Services

Meeting Date: November 6, 2007

Amount of Time Requested: N/A

Attachments for packet:  Yes  No

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

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** Herman Miller recently won an RFP process that produced 12 vendors to obtain exclusive contracts with the State of Minnesota to be a sole supplier of new furniture for State projects. Herman Miller offers the following benefits:

1) Fifteen (15) year parts and labor warranty 2) Light weight panel construction, easy to move 3) Long-term durability with flexibility with no structural loss or fatigue to either panels or connectors 4) The panels contain a wood frame and can be cut down in size or width, 5) Large cable management capacity of twenty-five pair cable allowing easy access through hinged side covers, 6) Stacking panels is available to increase panel height.

Herman Miller also has a corporate commitment to sustainability and the environment. The product meets all the indoor air quality requirements. Remanufactured product is also available with discounts up to 20% off new. No other furniture is available on a state contract basis for remanufacturing. Thus, the Herman Miller product line is standing the test of time.

The state contracts held by Herman Miller are as follows: Minnesota, Department of Administration HMI Contract Number A41018 Government Contract Number 425448 Minnesota, State of HMI Contract Number I & J1944 Government Contract Number 429580 Minnesota, University of HMI Contract Number AG6265 Government Contract Number RFP U556-62008661

Staff is recommending the County enter into contracts with the approved Herman Miller dealers for acquiring the new Action office line (Intereum). The contracts will be for immediate 4th quarter needs and needs that arise in 2008-2009.

This action does not preclude the use of Steelcase brand but signals a change in direction due to cost, flexibility, availability, warranty and service.

**ACTION REQUESTED:** Move to approve the FF&E contract with Herman Miller/Intereum via the State bid award.

### **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: 10/29/07



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Information Services – Out of State Training

Originating Division: Administrative Services

Meeting Date: 11/06/2007

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:** Out of state conference attendance for Technology Services Supervisor position.

Background – The Technology Services Supervisor position was filled in September of 2007. The first month was spent becoming familiar with direct reports and learning County Divisions.

The next phase is the secure training for new supervisor in our workload management software HelpSTAR.

The software vendor is located in Toronto Canada and all training for HelpSTAR is in Nevada.

The cost of training (\$1,495), travel (\$425), hotel, and expenses (\$1,025) is estimated to be \$2,945

Benefit to County –

The Technology Services Supervisor will use the training learned to apply electronic business rules and serve as HelpSTAR administrator for the software.

Do work load measurements for efficiency ratings and provide quarterly service reports to Division Directors.

Hardware and software asset management.

It is difficult to gain the full benefit of this complex software without the hands on training.

Funding for requested out of state training exists in the approved 2007 budget.

**ACTION REQUESTED:** Motion to approve out of state training as part of consent agenda.

**FUNDING**

County Dollars = \$2,945

Other Sources & Amounts =  
= \$

**TOTAL** = \$2,945

*Related Financial Comments:* Part of 2007 budget.

**FISCAL IMPACT**

None

Included in current budget

Budget amendment requested

Other:

Reviewed by Division Director

Date: 3/09/2007



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Information Services – Contract for Fiber Optic lease to County Facilities in Chanhassen

Originating Division: Administrative Services

Meeting Date: 11/6/2007

Amount of Time Requested: N/A

Attachments for packet:  Yes  No

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

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** Information Services requests approval of a professional services contract with CenturyTel to lease fiber optic lines to the Chanhassen Library and, in 2008, lease fiber to the new Chanhassen License Center.

Background – Ability to provide high speed connectivity to all county facilities is best delivered using optic fiber connectivity. An opportunity exists using services, optic fiber, and equipment through CenturyTel who owns the fiber optic lines. Cost per facility is \$2,000 per month.

Cost breakdown is as follows:

	<u>2007</u>	<u>2008</u>
Chanhassen Library	\$2,000 (1 month)	\$24,000 (12 months)
Chanhassen License Ctr	\$0	\$ 8,000 (4 months)
	\$2,000	\$32,000

Starting in 2009, the cost would be \$48,000/year (2 buildings X \$2,000 X 12 months) for each year until 2012. CenturyTel and the County has negotiated a possible five-year extension going through the year 2017 as outlined in the contract.

For a five plus year subscription the costs total approximately \$226,000. These costs are built into Information Services connectivity budget.

The Chanhassen Library 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 fiber contract with Century Tel.

### FUNDING

County Dollars = \$226,000  
 Other Sources & Amounts = \$  
**TOTAL** = \$226,000

### FISCAL IMPACT

None  
 Included in current budget  
 Budget amendment requested  
 Other:

*Related Financial Comments:* \$226,000 represents a five-year commitment for leasing the two fiber optic lines. Annual costs will range from \$32,000 to \$48,000.

Reviewed by Division Director

Date: 10/19/2007



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Information Services - Contract Approval for Professional Services Phase II

Originating Division: Administrative Services

Meeting Date: 11/06/2007

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:** Information Services requests approval of an agreement with Sharp Sky for technical assessment and management planning.

**Background** – Sharp Sky has worked with Carver County throughout 2007 developing a Project Management Office responsible for managing major County project initiatives that affect or uses the services of the various Information Services Department Units.

Through this work the Project Management Office initially identified 63 project initiatives. With the completion of some and the creation of new projects; the current project roadmap has 43 active or pending identified projects.

**Next Steps** – As identified in the board action of October 2006; the work required would happen in multiple phases. Phase II will be the development of an Information Services – Service Delivery and Technology Planning Document.

The process will include impact of known work, Division interview outcomes, industry standard projections, E-Service to Citizen solution projection, etc.

The Information Services Planning Document will include projections and financial impact for technology, project work forecast, and staffing.

This will be a three year working document with annual update.

Sharp Sky will manage and facilitate the fact gathering and deliver the Information Planning Document to Carver County.

**ACTION REQUESTED:** Motion for county board chair to sign Sharp Sky professional services contract.

### FUNDING

County Dollars = \$52,000

Other Sources & Amounts =  
= \$

**TOTAL** = \$52,000

*Related Financial Comments:* Part of 2007 budget.

### FISCAL IMPACT

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

Reviewed by Division Director

Date: 10/10/2006



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Intergovernmental Agreement for Lake Sampling

Originating Division: Land Water Services

Meeting Date: 11/6/07

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:** For the past twelve years, Carver County Environmental Services has sampled area lakes under an agreement with the Met Council. For a minimal fee per lake, the Met Council analyzes the samples that are taken bi-weekly during the summer months (April – October). The samples help us to establish trends for area lakes and are reported in the annual Water Quality Report. Also, this data gives us the ability to see what management techniques are working and which ones may need to be put in place as well as provide the data needed to complete the various TMDL related activities we are currently conducting. We have BWSR and Lower Minnesota River Watershed Distract dollars budgeted to pay for this years lakes that were sampled (Bavaria, Benton, Brickyard, Courthouse, Eagle, Fireman's, Goose, Hydes, Miller, Swede, Waconia and Winkler) this year.

**ACTION REQUESTED:** Request Board to approve and Chair to sign duplicate contracts.

### FUNDING

County Dollars =	\$	
Other Sources & Amounts =		
BWSR NRB Grant	=	\$4950
Lower MN WD	=	\$1650
<b>TOTAL</b>	=	<b>\$6600</b>

### FISCAL IMPACT

None  
 Included in current budget  
 Budget amendment requested  
 Other:

*Related Financial Comments:* Funded as part of the 2007 BWSR NRB Grant

Reviewed by Division Director

Date: 26 Oct 07



# REQUEST FOR BOARD ACTION

**AGENDA ITEM: Authorize Contract for Legal Retainer for Water, Wetland, & Drainage Issues**

Originating Division: Land Water Services/Property  
Records & Taxpayer Services

Meeting Date: August 28, 2007

Amount of Time Requested: NA

Attachments for packet:  Yes  No

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

**BACKGROUND/EXPLANATION OF AGENDA ITEM:**

Rinke-Noonan has provided legal advisory services for the County in the past on a project-by-project basis and has demonstrated a high level of knowledge in the ditch management and water law areas. They currently are on retainer for many Counties around the State, and would provide the Land & Water services and Property/Taxpayer services Divisions with a consistent, readily available source of information on these issues as they arise. This Agreement covers the following as related to Drainage Law (MN Statute 103E), Water management law, Wetland Conservation Act, TMDL's and other water related issues:

- Unlimited phone calls and emails from County Board members or County Staff primarily the County Attorney, the County Auditor, County Land & Water Services (which includes the Carver Soil & Water Conservation District).
- Short opinion letters
- Updates on proposed changes in law and regulation.
- Information concerning grants available to Counties.

Staff from LWS Division and the Property Records/Taxpayer Services Division have consulted on this matter and are requesting that this retainer agreement be approved with Rinke Noonan Attorney's at Law for the period commencing Sep 1, 2007 and terminating on December 31, 2009. The cost of this Agreement shall be based on a monthly rate of \$200.00/month. Services not covered by this agreement shall be determined as needed per Work Order basis not to exceed \$10,000 per calendar year over and above the retainer fee, unless authorized by Board approval of the water levy, general budgets, one-time capital projects, projects authorized under MN Statute 103E, and outside grants received in 2008 & 2009.

**ACTION REQUESTED:** Motion to approve contract with Rinke Noonan Attorney's at Law, and authorize signature of all related documents by the Carver County Board Chair and County Staff.

**FUNDING**

2007 Funding:	Watershed Levy =	\$ 400
	Property Records/ Taxpayer Services =	\$ 400
	<b>TOTAL =</b>	<b>\$ 800</b>

**FISCAL IMPACT**

- None  
 Included in current budget  
 Budget amendment requested  
 Other:

*Related Financial Comments:* Funds have been previously budgeted for 2007. 2008 and 2009 funding is dependent on future Board approval of water levy, budgets, and if required, one-time capital projects, and outside grants received.

Reviewed by Division Directors

Date: August 17, 2007



# REQUEST FOR BOARD ACTION

## AGENDA ITEM: Tony Nyen – Request for a Contractor’s Yard

Originating Division: Land & Water Services

Meeting Date: November 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 #PZ20070045. The Planning Commission recommended approval of the Conditional Use Permit (CUP) for Nyen Excavating, Inc. (Tony Nyen). Mr. Nyen is purchasing a 9.9 acre parcel located in Section 14, Dahlgren Township (Currently owned by Pete Vickerman). The parcel is improved with two (2) connected buildings of approximately 16,824 total sq. ft. The buildings are being utilized as part of Mr. Vickerman’s operation for a Contractor’s Yard/Farm Related Business. The subject property has had commercial activity (CUP’s) taking place on the site since 1974, with one of the better known being “Vernco”. Mr. Nyen is requesting is amend the current CUP in order to remove an existing greenhouse, allow for outside storage of construction equipment/materials, future construction of an approximate 3,178 sq. ft. of commercial storage space (20,000 sq. ft. total on the property), and future construction of berming/screening on the property. This new CUP would be issued for the property and any prior approved CUP would be terminated. On October 3, 2007, Mr. Nyen was granted Variance #PZ20070044 and the conditions of the variance have been included in the CUP. The Dahlgren Town Board supports the request.

### ACTION REQUESTED:

A motion to adopt the Findings of Fact and to issue Order #PZ20070045 for the issuance of the 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: 22 Oct 07

COUNTY OF CARVER  
*PLANNING COMMISSION RESOLUTION*

**FILE #: PZ20070045**

**RESOLUTION #: 07-24**

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

**FILE #:** PZ20070045

**APPLICANT:** Tony Nyen

**OWNER:** PTV, LLC

**SITE ADDRESS:** 12775 Co Rd 43, Chaska

**PERMIT TYPE:** Contractor's Yard

**PURSUANT TO:** Carver County Code: Chapter 152, Section 152.079 C10

**LEGAL DESCRIPTION:** See attached Exhibit "A"

**PARCEL #:** 04-087-0010

**WHEREAS**, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meeting of October 16, 2007; and,

**WHEREAS**, the Carver County Planning Commission finds as follows:

1. PTV LLC, Pete Vickerman, owns a 9.9 acre parcel in Chads Addition (Lot 1, Block 1), which is located in the Southwest Quarter (SW $\frac{1}{4}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) of Section 14, Dahlgren Township. The parcel does not have a building eligibility (B.E.), but is improved with two (2) connected buildings of approximately 16,824 total square foot and a Conditional Use Permitted communications tower. These buildings are currently being utilized as part of Mr. Vickerman's operation for a Contractor's Yard & Farm Related Business w/warehousing (Conditional Use Permit #PZ20070015). The property is also located in the Agricultural Zoning District, Platted Development (Chad's Addition) and the CCWRMA (Carver Creek).
2. Tony & Jenny Nyen (Nyen Excavating, Inc.) have a purchase agreement in place on the site property, and are requesting to amend the existing Conditional Use Permit (Order #PZ20070015). The amendment would include the removal of the existing greenhouse, allow for outside storage of construction equipment/materials, future construction of an approximate 3,178 sq. ft. commercial storage space, and future construction of berming/screening on the property. The total square footage of business related accessory structure space on the property would be approximately 20,000 square feet. The request is pursuant to Section 152.079 C10 of the Carver County Zoning Code, which reads as follows:
3. On October 3, 2007, Mr. Nyen was granted Variance #PZ20070044, which allows for the CUP amendment to proceed, including the removal of existing (commercial) accessory structures and constructing new structures and/or additions onto structures. The total square footage of business related accessory structure space on the property will be limited to approximately 20,000 square feet. Currently, the property has a total of 16,824 sq. ft.; therefore, this would be an increase of approximately 3,178 sq. ft. The construction of the additional square footage constitutes intensifying the legal non-conformity because the business is not home-based. Section(s) 152.009 & 152.079 of the Carver County Zoning Code addresses the standards for Non-Conforming Uses and Structures and Conditional Use Activities Centered around a Home or Home/Farm combination; therefore, the variance authorized the "non homestead" status of the operation. The Board of Adjustment has the authority to rule on non-conformities.



4. The subject property has had commercial activity (Conditional Use Permits) taking place on the site since approximately 1974. Over time, different requests have been granted with one of the better known being "Vernco", a landscaping/compositing facility, owned by Vern and Barb Husemoen. On January 14, 1997, Conditional Use Permit (Order #10503) was issued to American Portable Telecom for the wireless communications facility on this property. On May 1, 2000, Conditional Use Permit (Order #11916) was issued to Mr. Vickerman in order to operate his Contractor's Yard (landscaping & snowplowing) & Farm Related Business activity (warehousing/wholesaling of artificial christmas trees) from the site. On June 4, 2001, Mr. Vickerman amended his CUP (Order #12351) to include a 12' x 156' addition onto the south side of the south building. On April 4, 2007, Mr. Vickerman received a Variance (Order #PZ20070010) which allowed him to expand the legal non-conforming square footage and increase the warehousing capacity on the property. May 1, 2007, Mr. Vickerman amended his CUP (Order #PZ20070015) to include the removal of an existing (54' x 156' = 8,424 sq. ft.) commercial structure and construction of new buildings totaling approximately 28,400 sq. ft. The total square footage of business related accessory structure space on the property was approved for approximately 36,800 sq. ft.
5. Based on the prior CUP (Order #PZ20070015) the site has been authorized principally as a contractor's yard for landscaping / snowplowing operation with limited warehousing activity. Mr. Nyen's request would continue to operate a contractor's yard, but would not have any warehousing activity as part of the business activity. Nyen Excavating is a well established business (est. 1968) which is currently located in Chaska, MN. The construction company does the majority of its work in the spring through early winter months (construction season). Therefore, the majority of the construction equipment and operations take place on the job sites. Equipment is stored on the property when on being utilized on a job site. Currently, the operation consists of twenty-six (26) employees of which twenty (20) report directly to the job sites. The remaining six (6) employees are office staff which report to the facility in Dahlgren Township. The hours of operation will fluctuate according to the work load / season. Typical hours of operation are Monday – Friday, 6:00 a.m. to 9:00 p.m. (mostly summer months) and Saturdays, 7:00 a.m. to 5:00 p.m. (mostly summer months). Currently, Nyen's own three (3) commercial size vehicles that service their equipment which generally will leave in the morning and return in the evening. The primary activities taking place on the facility will be general office and servicing of equipment during the off season (winter months) and upon breakdowns during the construction season.
6. Mr. Nyen's approved Variance #PZ20070044 and Conditional Use Permit operational plan letters (dated: 9/11/07 & 9/20/07) address the reasons for the request. The business operation has grown to the point in which space has become an issue at their current location. This property will allow Nyen Excavating to remain in the general location to service the local community and neighboring communities. Mr. Nyen will be removing the current greenhouse and creating an outside storage area for construction equipment in its place. Mr. Nyen's will be constructing a landscaped berm along the south/southeast corner of the operational area to help provide screening from the adjacent neighboring properties. No storing of equipment will take place in the front of the commercial structures. As of right now, Mr. Nyen will be remodeling the existing north structure in order to utilize the structure as office, shop and storage area. The south hoop structure has roof leaks, which may be removed or reconstructed. Therefore, Mr. Nyen is allowed a total of 20,000 sq. ft. of commercial structure space on the property. Eventually, Mr. Nyen would like to construct a new building to better accommodate his operation. He would also like to relocate his outside storage area to the north side of the structures and further improve the visual appearance of the property by landscaping and creating a natural screening with berming the entire property.
7. Mr. Nyen has indicated that the new screening will provide a pleasing appearance and also screen the operation from neighboring properties by limiting all vehicles, trucks, and business activity to the east and northeast side of the property. Landscaping measures will be taken to help improve the appearance of the property. Any future additions and/or new structures will need meet the required front yard setback of 110' from the centerline of Co Rd 43 on the west side, 68' from the centerline of Chads Lane on the south side, 15' from property lines and 500' from any existing homes on the east side.
8. The main reason for the current variance request is due to the fact that the property is not, nor can not be homesteaded. Previous Carver County Zoning Ordinances were more flexible, which allowed for more opportunities. PTV LLC and Vickerman Company were granted a variance and CUP in order to remove the existing 54' x 156' (8,424 sq. ft.) commercial structure and construct three (3) new buildings totaling 36,000 sq. ft. A total of approximately 44,400

square footage of commercial structure storage space was approved for the property. Currently, the property has a total of 16,824 sq. ft.; therefore, this would have been an increase of approximately 27,576 sq. ft., which is an increase of approximately 2½ times what is currently located on the site. Construction of the additional square foot storage would constitute intensifying the non-conformity. The current applicant, Tony Nyen, would like to have the ability to increase the structure square foot storage on the parcel; however, his plan is scaled back considerably less than the prior approval. Mr. Nyen would like to have the ability to add an approximate 3,178 sq. ft., which would bring the total square footage on the site to 20,000. This request would be 16,800 sq. ft. less than the prior approval, which would make it seem like a better fit with the surrounding area. The construction of the additional square footage is less than the prior approved request; however, it would still constitute intensifying the non-conformity.

9. Mr. Nyen has indicated that his intent is to improve the property through landscaping and eventually replacement of some of the older buildings and to basically make the contractor's yard "invisible" to the public through extensive tree plantings and shrubs. (Landscaping measures will be taken to help improve the appearance of the property.) The existing structures may be remodeled to fit the needs of the business and screening/berming will be implemented along the south/southeast of the property in order to provide additional screening. Any additions to existing structures and new structures shall meet the required front yard setback of 110' from the centerline of Co Rd 43 on the west side, 68' from the centerline of Chads Lane on the south side, 15' from property lines and no closer to the existing homes on the east side.
10. The Carver County Environmental Services Department will need to review and approve the septic system which will be utilized on the property. The intended use of the structure and building code requirements will have an impact on the type of system needed. (There are typically two (2) types of systems: holding tank or standard system w/drainfield.)
11. The Permittee has been in contact with the Carver County Building Official. All new or remodeled structures utilized in conjunction with the Contractor's Yard activity will need to meet State Building Code requirements prior to occupancy.
12. The Carver County Public Works Department has been contacted to review both existing access locations for the property; however, as of the time this staff report was completed, no comments and/or concerns have been received.
13. The Dahlgren Town Board recommended approval of Variance #PZ20070044 and is also recommending approval of the proposed amendment to the existing Conditional Use Permit (Order #PZ20070015).

**THEREFORE, BE IT RESOLVED,** THAT The Carver County Planning Commission hereby recommends the issuance of Conditional Use Permit #PZ20070045 on the land described in Exhibit "A" of the permit application. The Planning Commission further recommends that this permit shall terminate and supercede the prior approved Conditional Use Permit(s) #11916, #12351 & #PZ20070015 on the subject property. 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. The business operation shall conform to the approved Variance #PZ20070044, operational plan letters (dated: 9/11/07 & 9/20/07), and the proposed site plan (dated: 10/8/07). The hours of operation will fluctuate according to the work load / season. Typical hours of operation are Monday – Friday, 6:00 a.m. to 9:00 p.m. (mostly summer months) and Saturdays, 7:00 a.m. to 5:00 p.m. (mostly summer months).
3. The operation shall consist of a maximum of 20,000 sq. ft. of commercial structure space. All outside storage shall be screened along the south/southeast side and northerly side of the building site location as illustrated on the site plan. No warehousing activity shall be allowed.

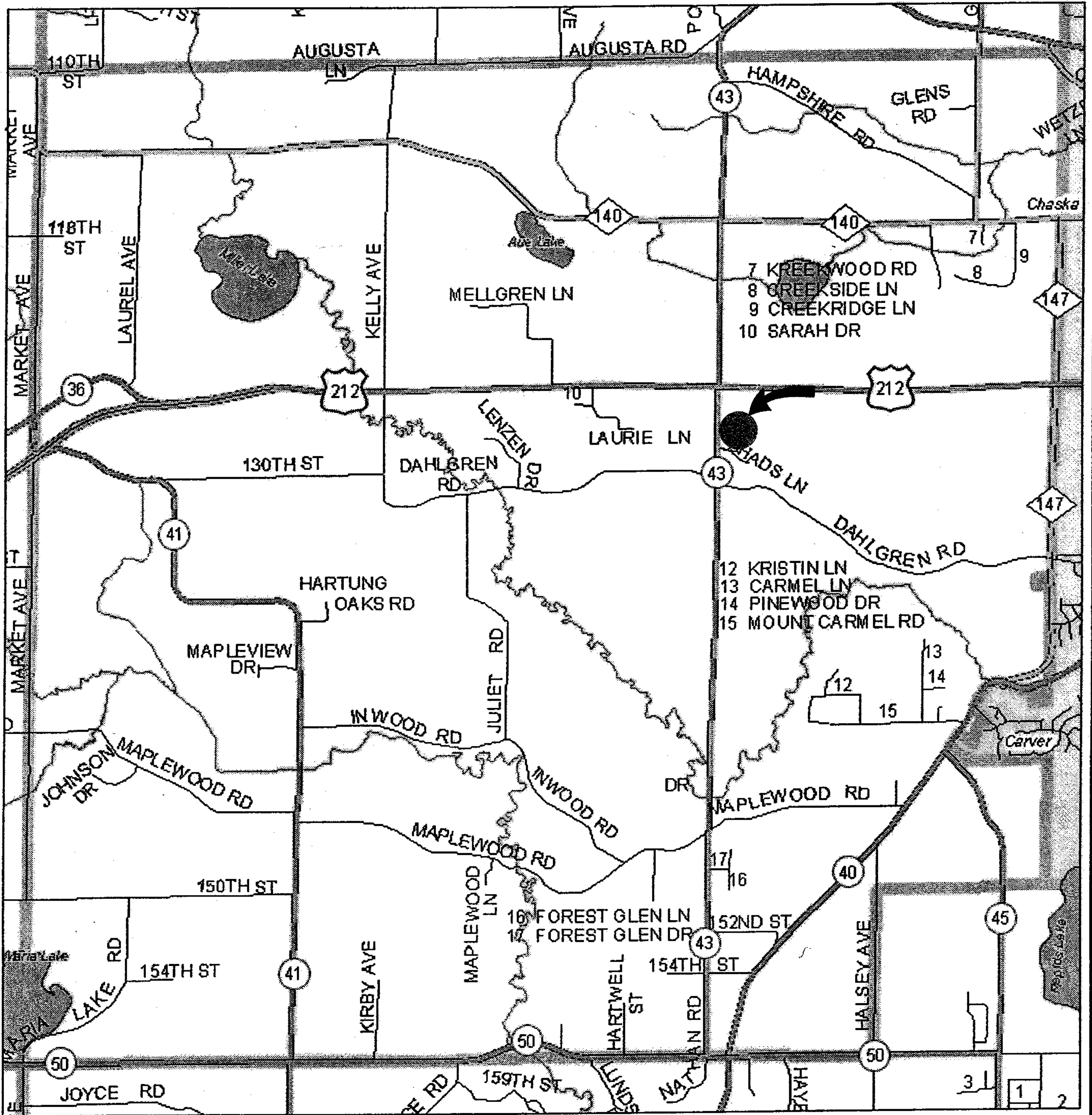
4. The reduced setback has already been established by the existing use; therefore, all setbacks shall be maintained. The operational area (structures) shall be located no closer to the east and south property lines than existing. Any expansion of the business activity will be allowed to the north of the existing building site location; however, the distance allowed to be expanded shall only allow for the placement of an addition onto an existing structure. Any outside storage utilized as part of the business shall be screening from the view of neighboring property homes and Co Rd 43.
5. All demolition, building and septic permits shall be obtained prior to the specified construction, remodeling and/or replacement of a certain structure.
6. The Permittee shall comply with Carver County Public Works Department and Dahlgren Township requirements regarding access to the site, if any.
7. The Permittee shall maintain a Hazardous Waste Generator License or Non-Generator Certificate, as required.
8. The Permittee shall submit a copy of the workers compensation insurance to the Land Management Department.
9. Any future berming activity on the site shall comply with the Carver County Water Management Rules. The Permittee must notify the Carver County Land Management Dept, Dahlgren Town Board and Carver Soil and Water Conservation District (SWCD) prior to starting various phases of the landscaping activities.

**ADOPTED** by the Carver County Planning Commission this 16<sup>th</sup> day of October, 2007.

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Gene Miller  
Planning Commission Chair

# Dahlgren Township



This map was created using Carver 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. Carver County is not responsible for any inaccuracies contained herein.



Map Created by Carver County GIS  
Apr 21, 2005



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Professional Service Contract with Jim Liddy

Originating Division: Sheriff

Meeting Date: November 6, 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 Sheriff's Office would like to utilize the services of Jim Liddy for the completion of required background investigations of prospective Sheriff Office employees. Mr. Liddy would be used in an "on-call as needed" basis during the time period of the contract; November 1, 2007 through December 31, 2008.

**ACTION REQUESTED:** Motion to approve the contract between the Carver County Sheriff's Office and Jim Liddy for the completion of required background investigation services.

### FUNDING

County Dollars = \$25,000

Other Sources & Amounts =

= \$

**TOTAL**

= \$25,000

### FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

*Related Financial Comments:* Funding for this contract will come out of budgeted dollars in line item 01-201-201-0000-6260 Professional and Technical Fees for Service.

Reviewed by Division Director 

Date: 10/25/2007



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : School Resource Officer Agreement with Carver-Scott Cooperative and District 110

Originating Division: Sheriff

Meeting Date: November 6, 2007

Amount of Time Requested: N/A

Attachments for packet:  Yes  No

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

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** The Carver-Scott Cooperative (CSEC) and District 110 Waconia have contracted to provide a deputy to perform School Resource Officer work for about 10 years. The contracts are renewed yearly to continue the partnership between the Sheriff and the schools. This agreement provides one full-time deputy to the CSCE and one full-time deputy to Waconia Schools and allows the Sheriff to recover the cost incurred in providing the service for school year 2007-2008 which runs from July 1, 2007 through June 30, 2008. The services are billed quarterly.

**ACTION REQUESTED:** Motion to approve the Sheriff's Office contract with the Carver-Scott Cooperative and District 110 Waconia Schools for placement of a deputy sheriff as School Resource Officer in these schools.

### FUNDING

County Dollars =	\$	
Other Sources & Amounts =		
Schools	=	\$218,704.40
<b>TOTAL</b>	=	\$218,704.40

### FISCAL IMPACT

None  
 Included in current budget  
 Budget amendment requested  
 Other:

**Related Financial Comments:** The Schools reimburse the county for costs incurred based on a formula agreed on by previous county board action. Salary expenditures have been budgeted for in the respective years.

2007 Sheriff's Budget - 01-201-248-1733-5280 Local Funding \$103,659.24  
 2008 Sheriff's Budget - 01-201-248-1733-5280 Local Funding \$115,045.16

Reviewed by Division Director

Date: 10/18/2007 JDE



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Accept Doanation from Barbara R. from Victoria

Originating Division: Community Social Services

Meeting Date: 11/6/2007

Amount of Time Requested: NA

Attachments for packet:  Yes  No

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

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** Barbara R., a teenager from Victoria received \$50.00 at church camp to give to someone in need. She sent the money to Social Services so we could give it to a family or child in need. The money will be placed in the Division's Special Needs Accounts for Children and Families. This account is used by Child and Family Department staff to purchase things for children or families on their caseload that are normally not covered by our traditional purchase of services. In the past the money was spent on band instrument rentals, camp fees, and winter coats. The Department Manager will be forwarded Barbara's letter and she will be informed how her donation was used.

**ACTION REQUESTED:** To accept a \$50.00 donation from Barbara R., a minor child, to be used for a child or a family in need.

### FUNDING

County Dollars =	\$
Other Sources & Amounts =	50.00
	= \$
<b>TOTAL</b>	<b>= \$50.00</b>

### FISCAL IMPACT

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

Related Financial Comments:

Reviewed by Division Director

Date: 10/26/2007



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Abatements/Additions

Originating Division: Property Records Taxpayer Services

Meeting Date: 11/06/07

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:

Recommend to approve.

#### FUNDING

County Dollars = \$ - 4,092.76

Other Sources & Amounts = - 6,541.24

=

**TOTAL** = \$-10,634.00

Related Financial Comments:

#### FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other: Not Budgeted

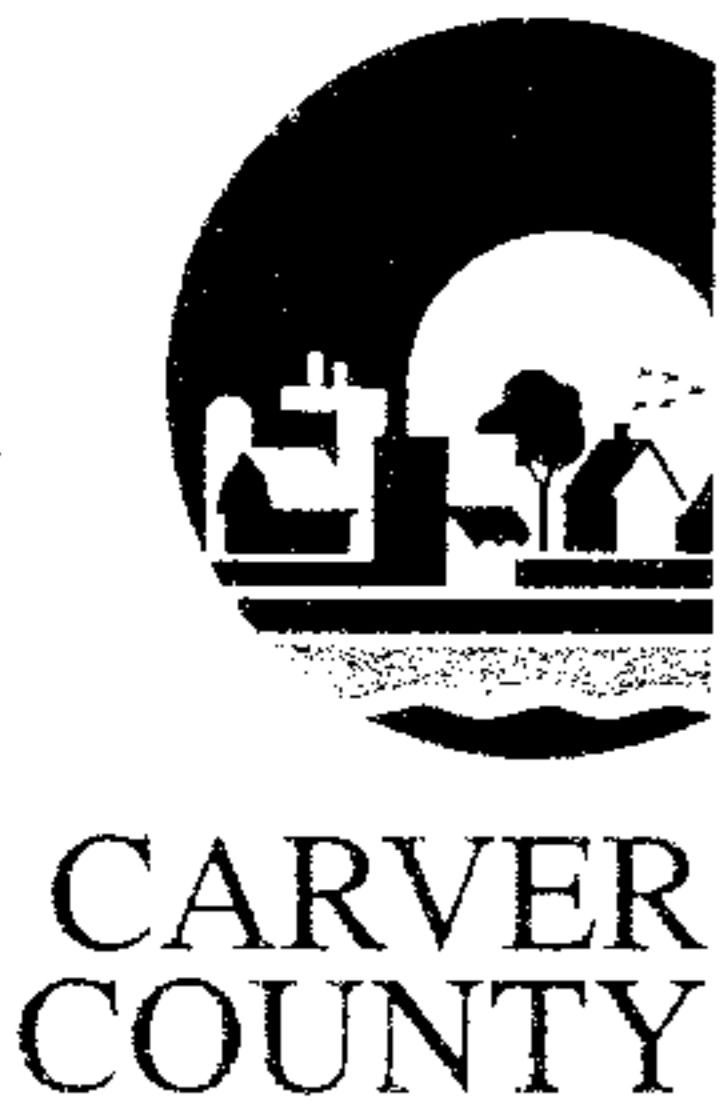
Reviewed by Taxpayer Services Manager

Date:

10-26-07







**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

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

The following properties are to receive the homestead credit for the 2006 assessment payable 2007, they are recommended for approval by the County Assessor.

25-200-0760	Revy Seng	Residential
30-472-0250	Travis Hensch	Residential
58-050-1550	Mark Rosentreter	Residential

The following property is to receive 66 % Homestead as 2 of the owners occupy this property; this is for the 2006 assessment payable 2007 and is recommended for approval by the County Assessor.

30-050-3990	Gerald Bielke	Residential
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The following properties are to receive the homestead credit for the following years 2004 assessment payable 2005, 2005 assessment payable 2006, and the 2006 assessment payable 2007, these are recommended for approval by the County Assessor.

30-019-0100	Barbara Hone	Ag. & Res.
65-365-0030	Caroline Bauer	Residential

Page 2

The following property is warranted a reduction in value, as there were changes on the original plans of the home, and the appraiser was not aware of these changes, this is for the 2006 assessment payable 2007, and this is recommended for approval by the County Assessor.

07-400-0031

Christy Haasken-Schuler

Agricultural



# REQUEST FOR BOARD ACTION

**AGENDA ITEM : Immunization Registry Grant Contract-Minnesota Department of Human Services**

Originating Division: Public Health

Meeting Date: November 6, 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:** The Minnesota Department of Human Services has awarded Carver County Public Health \$3,239 for participation in the operation of population-based immunization registries targeting Medical Assistance and MinnesotaCare eligible children, ages 0-20 years. The contract period is 1/1/2008-12/31/2008.

**ACTION REQUESTED:** Motion to accept and expend the Immunization Registry Grant from the Minnesota Department of Human Services in 2008.

**FUNDING**

County Dollars = \$  
 Other Sources & Amounts =  
 MN Dept of Human Services=\$3,239  
**TOTAL = \$3,239**

**FISCAL IMPACT**

None  
 Included in current budget  
 Budget amendment requested  
 Other:

**Related Financial Comments:**

The related funding will be an addition to the division's 2008 budget.

Add to 2008 Revenue	01-460-462-2382-5508	Immunization Registry Reimb.	\$3,239
Add to 2008 Expenditure	01-460-462-2382-6260	Professional and Tech. Fees	\$3,239

 Reviewed by Division Director 

Date: 10-29-07

# BUDGET AMENDMENT REQUEST FORM

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

**DEPARTMENT: Public Health**

**Date of County Board Session: 11/06/07**

**Fund: 01**

Description of Revenue Account funds are to Increased/(Decreased):	Amount	Description of Expenditure Account funds are to Increased/(Decreased):	Amount
MN Dept of Human Services	\$ 3,239	Professional & Technical Fees	\$ 3,239
<b>TOTAL:</b>	<b>\$ 3,239</b>	<b>TOTAL:</b>	<b>\$ 3,239</b>

**A. Reason for Request:** See accompanying Board Action. Please Note this is a 2008 Budget Amendment

**B. Financial Impact: (To be filled out by Finance Director)**

**C. Contingency Acct. Beginning Bal.:** \$ 300,000

**D. Contingency Acct. Current Bal.:** \$ -

**E. Current Balance After Adj.:** \$ 300,000

**F. Prepared/Requested By:** David Frischmon

**G. Recommend Approval:** Finance

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



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : CSAH 10 - Negotiated Settlements (1)

Originating Division: Public Works

Meeting Date: 11/6/07

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:** The Public Works Division and the County Attorney's Office (Jason Kuboushek of IversonReuvers) have negotiated tentative settlement agreements with the attorney of two of the land owners that are in the CSAH 10 condemnation action. These settlements require Board approval. The original settlement agreement documents are at the land owner's attorney awaiting signature and will be forwarded to Administration when they are received. Settlement now will avoid the costs and risks of further litigation.

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

### FUNDING

County Dollars = \$48850

Other Sources & Amounts =

= \$

**TOTAL**

= \$48850

### FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

**Related Financial Comments:** Interest per statute, which has not been calculated at this date, will be added to settlement amounts.

Reviewed by Division Director

Date:

10/23/07

S:\Projects\10-610-30\RW\Timmers-PoppitzRBA

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

Date: November 6, 2007  
Motion by Commissioner: \_\_\_\_\_

Resolution No: \_\_\_\_\_  
Seconded by Commissioner: \_\_\_\_\_

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**CSAH 10 – Negotiated Settlements (1)**

WHEREAS, the County Board has authorized, by resolution, the Public Works Division to negotiate right of way for the CSAH 10 reconstruction project (SP10-610-30) and to initiate condemnation on selected parcels, and

WHEREAS, The Public Works Division and County Attorneys Office have reached negotiated settlements with two land owners, via their attorney, prior to a Land Commissioner hearing, and

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

NOW THEREFORE BE IT RESOLVED, that the County Board approve the negotiated settlement agreements with Donald and Mary Timmers and with Harlon and Edna Poppitz and authorize the Board Chair and County Administrator to execute said document on behalf of the County.

YES

ABSENT

NO

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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 November, 2007, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
David Hemze

\_\_\_\_\_  
County Administrator



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : PROFESSIONAL SERVICES AGREEMENT - COOPERATIVE AGREEMENT FUNDING APPLICATIONS

Originating Division: Public Works

Meeting Date: November 6, 2007

Amount of Time Requested: n/a

Attachments for packet:  Yes  No

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

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** The engineering firm of Bolton & Menk, Inc. has been chosen to complete cooperative agreement funding applications for 2009. The present workload and staffing of Public Works does not allow for completion of this work by County staff. This agreement is with Bolton & Menk, Inc. for completion of these engineering services.

**ACTION REQUESTED:** We would request and recommend that the Board authorize the Board Chair and the County Administrator to sign this agreement.

### FUNDING

County Dollars =	\$16,122.00
Other Sources & Amounts =	= \$
<b>TOTAL</b>	<b>= \$16,122.00</b>

### FISCAL IMPACT

None  
 Included in current budget  
 Budget amendment requested  
 Other:

Related Financial Comments:

Reviewed by Division Director

Date:

10/17/07

S:\R&B\GRM\CSAH\32\PSA with Bolton & Menk - baf



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

Date: November 6, 2007

Resolution No: \_\_\_\_\_

Motion by Commissioner: \_\_\_\_\_

Seconded by Commissioner: \_\_\_\_\_

**PROFESSIONAL SERVICES AGREEMENT  
BETWEEN  
CARVER COUNTY  
AND  
BOLTON & MENK, INC.  
FOR  
COMPLETION OF COOPERATIVE AGREEMENT FUNDING  
APPLICATIONS - 2009**

BE IT RESOLVED, that the Carver County Board Chair and the Carver County Administrator are authorized to sign the professional services agreement, made a part hereof, between the County of Carver and Bolton & Menk, Inc. for completion of Cooperative Agreement Funding Applications - 2009.

YES

ABSENT

NO

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STATE OF MINNESOTA  
COUNTY OF CARVER

I, David Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 6<sup>th</sup> day of November, 2007, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 6<sup>th</sup> day of November, 2007.

\_\_\_\_\_  
David Hemze

\_\_\_\_\_  
County Administrator



# REQUEST FOR BOARD ACTION

**AGENDA ITEM : AMENDMENT NO. 1 TO AGREEMENT WITH SRF CONSULTING GROUP, INC. FOR FINAL DESIGN SERVICES - CSAH 18 (LYMAN BLVD)**

Originating Division: Public Works

Meeting Date: November 6, 2007

Amount of Time Requested: N/A

Attachments for packet:  Yes  No

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

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** SRF Consulting is under contract to provide design engineering services for the reconstruction of CSAH 18 (Lyman Blvd.). The agreement defines the tasks and services that will be completed and allows for completion of this work. Preliminary engineering work that has been completed on the project indicates a need for additional intersection evaluations, development of an additional traffic signal plan and additional traffic signal conduit considerations. This needed work is beyond the defined tasks and services of the approved contract and is considered additional work. The contract provides for completion of the additional work with amendment to the contract. The amendment provides for \$25,000.00 of additional work. Approval of this amendment will change the present contract amount from \$1,105,000.00 to \$1,130,000.00.

**ACTION REQUESTED:** We would request that the County Board approve the attached resolution authorizing signing of the Amendment No. 1.

**FUNDING**

County Dollars =	\$
SAR =	\$11,000.00
Chaska, Chan & School=	\$14,000.00
<b>TOTAL</b>	<b>=\$25,000.00</b>

**FISCAL IMPACT**

None  
 Included in current budget  
 Budget amendment requested  
 Other:

*Related Financial Comments:* Chaska, Chanhassen, and School District participation pending negotiation and execution of agreement by the parties. Cost splits are estimates base on current negotiations.

Reviewed by Division Director

Date: 10/29/07

S:\Projects\SAP 10-618-09\PSA with SRF for Final Design Services - Amndt 1 - baf

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

Date: November 6, 2007  
Motion by Commissioner: \_\_\_\_\_

Resolution No: \_\_\_\_\_  
Seconded by Commissioner: \_\_\_\_\_

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**AMENDMENT NO. 1 TO  
PROFESSIONAL SERVICES AGREEMENT  
BETWEEN  
CARVER COUNTY  
AND  
SRF CONSULTING GROUP, INC.  
FOR FINAL DESIGN SERVICES  
CSAH 18 (LYMAN BLVD)**

BE IT RESOLVED, that the Carver County Board of Commissioners hereby authorize the Board Chair and the County Administrator to execute the Amendment No. 1 to the agreement between Carver County and SRF Consulting Group, Inc. for final design services on CSAH 18 (Lyman Blvd) from TH 41 to CSAH 17 (Powers Blvd.).

YES

ABSENT

NO

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STATE OF MINNESOTA  
COUNTY OF CARVER

I, David Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 6<sup>th</sup> day of November, 2007, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 6<sup>th</sup> day of November, 2007.

\_\_\_\_\_  
David Hemze

\_\_\_\_\_  
County Administrator

# BUDGET AMENDMENT REQUEST FORM

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

**DEPARTMENT: Public Works**

**Date of County Board Session: 11/06/07**

**Fund: 03**

Description of Revenue Account funds are to Increased/(Decreased):	Amount	Description of Expenditure Account funds are to Increased/(Decreased):	Amount
State Aid Regular	\$ 11,000	Professional & Technical Fees	\$ 25,000
Schools contribution	\$ 14,000		
<b>TOTAL:</b>	<b>\$ 25,000</b>	<b>TOTAL:</b>	<b>\$ 25,000</b>

**A. Reason for Request:** See accompanying Board Action. Please Note this is a 2008 Budget Amendment

**B. Financial Impact: (To be filled out by Finance Director)**

**C. Contingency Acct. Beginning Bal.:** \$ 300,000

**D. Contingency Acct. Current Bal.:** \$ -

**E. Current Balance After Adj.:** \$ 300,000

**F. Prepared/Requested By:** David Frischmon

**G. Recommend Approval:** Finance

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

S:\Excel\SHELLS\[Budget Amendment Forms.xls]Revenue Form



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : AMENDMENT NO. 4 TO AGMT. WITH SRF CONSULTING GROUP, INC. FOR FINAL DESIGN SERVICES (TH 5 REALIGNMENT)

Originating Division: Public Works

Meeting Date: November 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:** SRF Consulting Group Inc. was selected to provide final design and engineering services for the TH 5 realignment project east of Waconia. The agreement defines the tasks and services that would be completed and allowed for completion of the work. The County also had an agreement with Mn/DOT for reimbursement of costs incurred by SRF for completion of this work. During final design it was determined that additional services were needed to complete the Carver County Waters permit application and the Watershed District permit application and design and complete the project plans to meet the water resources agencies permit requirements. Design work on the project also included design of the realignment and extension of the County Road 30 intersection to TH 5. MnDOT reimbursed Carver County for \$347,197.05 of the \$382,711.05 of work SRF completed for the TH 5/CSAH 30 project. The amendment provides for \$51,588.44 of additional work and brings the previously approved and amended agreement to a final contract amount of \$400,636.44. MnDOT has reimbursed Carver County for \$15,737.32 of this additional work. The remaining \$35,851.12 is for work completed on the CSAH 30 portion of the realignment design and water permits.

**ACTION REQUESTED:** We would request that the County Board approve the attached resolution authorizing signing of the Amendment No. 4 to the agreement.

### FUNDING

County State Aid =	\$ 53,439.39
Other Sources & Amounts =	
Mn/DOT	=\$ 347,197.05
<b>TOTAL</b>	<b>=\$400,636.44</b>

### FISCAL IMPACT

None  
 Included in current budget  
 Budget amendment requested  
 Other:

Related Financial Comments:

Reviewed by Division Director

Date: 10/29/07

S:\MnDOT\TH\TH 5 Realign\PSA with SRF - TH 5 Realignment Amndt 4 - baf

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

Date: November 6, 2007  
Motion by Commissioner: \_\_\_\_\_

Resolution No: \_\_\_\_\_  
Seconded by Commissioner: \_\_\_\_\_

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**AMENDMENT NO. 4  
PROFESSIONAL SERVICES AGREEMENT  
BETWEEN  
CARVER COUNTY  
AND SRF CONSULTING GROUP, INC.  
FOR  
FINAL DESIGN SERVICES  
(TH 5 REALIGNMENT)**

BE IT RESOLVED, that the Carver County Board of Commissioners hereby authorize the Board Chair and the County Administrator to execute Amendment No. 4 to the agreement between Carver County and SRF Consulting Group, Inc. for traffic signal design services on the TH 5 alignment project.

YES

ABSENT

NO

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STATE OF MINNESOTA  
COUNTY OF CARVER

I, David Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 6<sup>th</sup> day of November, 2007, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 6<sup>th</sup> day of November, 2007.

\_\_\_\_\_  
David Hemze

\_\_\_\_\_  
County Administrator



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Chief Deputy County Attorney Agreement

Originating Division: Attorney

Meeting Date: November 6, 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 County Attorney, James W. Keeler, Jr., would like to appoint Allison L. O'Toole as the new Chief Deputy County Attorney.

The terms of the agreement include:

Start date of November, 13, 2007 with employment through the term(s) served by James Keeler as County Attorney,

Work 80 hours per pay period,

Starting salary at Grade 20, Step 6, or \$85,280 per year,

Vacation balance upon reporting, 40 hours,

Benefits and salary increases in accordance with other non-bargaining employees, and

Either party may terminate the agreement with 30 days notice.

Ms. O'Toole has a Juris Doctorate from William Mitchell College of Law.

Immediately prior to this appointment, Ms. O'Toole served as an Assistant County Attorney in Hennepin County.

### ACTION REQUESTED:

Motion to approve the agreement between the County Attorney and Allison L. O'Toole as Chief Deputy Carver County Attorney.

#### FUNDING

County Dollars = \$ 12,000.00

Other Sources & Amounts = 0

= \$0

**TOTAL = \$12,000.00**

#### FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

#### Related Financial Comments:

The County Attorney Office 2007 Budget as approved and the 2008 Budget as recommended include funding for this position.

**X Reviewed by Division Director**  
James W. Keeler, Jr., County Attorney  
Doris M. Krogman, Employee Relations

**Date: October 31, 2007**



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Attorney IV Salary

Originating Division: Employee Relations

Meeting Date: 11/6/2007

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 Attorney's Office has had two top positions vacant since July of 2007. The recruitment process has been completed for the Attorney IV-Civil Division Head, and the top candidate has a very strong background with over 9 years of public sector experience. Employee Relations has begun the job offer process with this individual and is seeking greater latitude in making her an attractive offer.

Specifically, the areas of hiring range salary and vacation are in question. This request is to open both the starting salary and vacation accruals to make an attractive employment offer to this highly qualified individual.

Other metropolitan counties provide some flexibility in crafting benefit packages to recognize the experience candidates bring to a job from other public sector organizations. This action would allow Carver County to offer a starting salary and benefits in a manner similar to our compare group counties for similar positions, and hopefully, secure the services of this highly qualified individual.

### ACTION REQUESTED:

Motion to approve offering the top Attorney IV candidate a starting salary up to step 10 of the current range, and provide her with an additional week of vacation upon passing probation to fill this critical position as soon as possible.

### FUNDING

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

### FISCAL IMPACT

None  
 Included in current budget  
 Budget amendment requested  
 Other:

*Related Financial Comments:* The current Attorney's budget has sufficient funding to cover this request.

X  Reviewed by Division Director

Date: 10/29/07





# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Amend Chapter 91, General Regulations- Designated Pet Exercise Areas

Originating Division: Public Works/Parks

Meeting Date: November 6, 2007

Amount of Time Requested: Ten 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, in partnership with the City of Chanhasen, and the City of Shorewood, agreed to create an off leash dog area at Lake Minnewashta Regional Park. The agreements outline the commitments by each agency to fund the construction of and provide ongoing operations and maintenance for a off leash dog area.

The off leash dog area at the park is nearing completion.

The current county ordinance prohibits pets from being off leash. The proposed ordinance amendment would allow dogs to be off leash in designated pet exercise areas.

A notice of public hearing and intent to adopt an ordinance amending the County Code was published in the local newspapers.

### ACTION REQUESTED:

It is requested the Board amend Chapter 91, of General Regulation allowing dogs to be off leash in designated pet exercise areas and here by designates the off leash dog area at Lake Minnewashta Regional Park as a pet exercise area.

### FUNDING

County Dollars = \$NA

Other Sources & Amounts =  
=\$

**TOTAL** =\$

### FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

*Related Financial Comments:* The anticipated cost to operate the off-leash dog area is within approved and proposed budgets. Costs for the construction of the off-leash dog area have been accounted for in a previous budget amendment.

Reviewed by Division Director

Date:

# Affidavit of Publication

State of Minnesota, County of Carver.

Keith P. Anderson, being duly sworn, on oath says that he is an authorized agent and employee of the publisher of the newspaper known as THE CARVER COUNTY NEWS, Watertown, Minnesota, and has full knowledge of the facts which are stated below:

A.) The newspaper has complied with all the requirements constituting qualifications as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

B.) The printed Ord # 01-2007

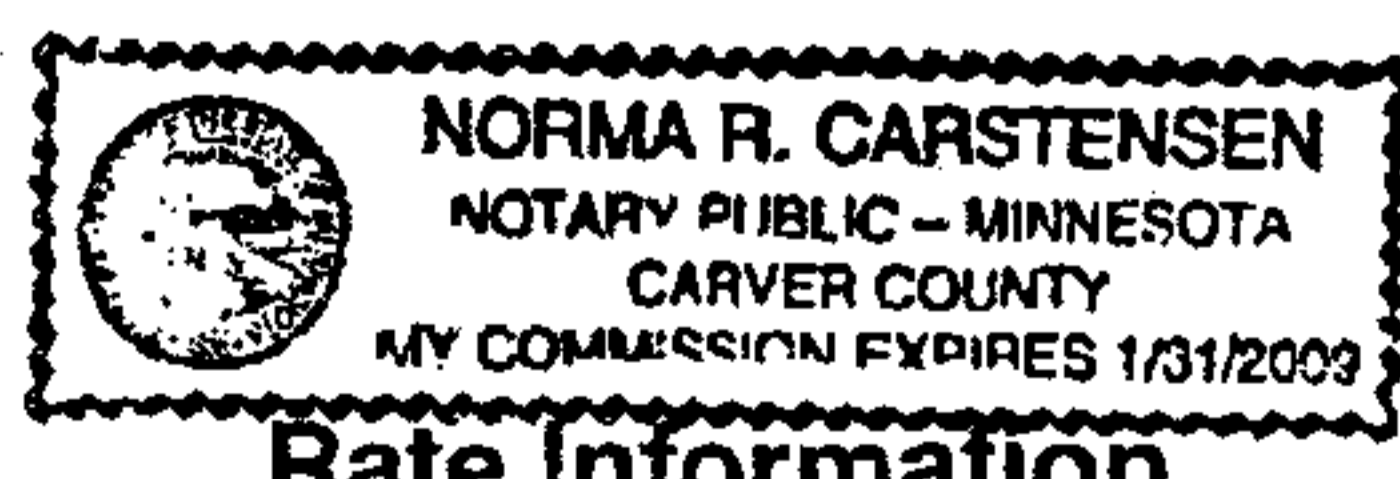
which is attached was cut from the columns of said newspaper, and was printed and published once each week for 1 successive weeks:

It was first published Thursday,  
the 25 day of Oct, 20 07,  
and was thereafter printed and published every  
Thursday, to and including Thursday,  
the 25 day of Oct, 20 07;

Authorized Agent

Subscribed and sworn to me on this  
25 day of Oct, 20 07.

By:   
Notary Public



### Rate Information

- (1) Lowest classified rate paid by commercial users for comparable space: \$15.50 per inch.
- (2) Maximum rate allowed by law for above matter: \$15.50.
- (3) Rate actually charged for above matter: \$7.80 per inch.  
Each additional successive week: \$5.40.

**NOTICE OF PUBLIC HEARING AND INTENT TO ADOPT AN ORDINANCE AMENDING THE COUNTY CODE**  
**COUNTY OF CARVER**  
**CHASKA, MINNESOTA**  
**ORDINANCE #61-2007**  
 TO: AMEND CHAPTER 91, GENERAL REGULATIONS; AMENDING SECTION 91.06, (B-1)  
 NOTICE IS HEREBY GIVEN that on Tuesday, the 6th day of November 2007, as soon as possible after 9:15 a.m. upstairs in the Social Services wing, in the Commissioner's Meeting Room of the Carver County Government Center, Chaska, Minnesota, the Carver County Board of Commissioners will hold a public hearing to consider adoption of an ordinance amending the Carver County Code.  
 Proposed changes: Authorization for the Parks

Department to allow dogs to be off-leash in designated pet exercise area(s) within the County Park System.  
 Copies of the proposed language are available from the County Parks Office or by accessing the County Parks Web Page at [www.co.carver.mn.us/department/pw/parks/index.asp](http://www.co.carver.mn.us/department/pw/parks/index.asp) or information can be requested by phone at 952 466-5250.  
 All persons interested are invited to attend the hearing and be heard on this matter.  
 Written comments may be mailed to:  
 Carver County Parks  
 11360 Hwy 212 West  
 Suite #2, Cologne, MN 55322  
 (952) 466-5250  
 Carver County Parks  
 By: Martin J. Walsh  
 Parks Director  
 Published in the *Carver County News, Waconia Patriot, Norwood Young America Times*, Oct. 25, 2007)

# BOARD OF COUNTY COMMISSIONERS CARVER COUNTY, MINNESOTA

Date: \_\_\_\_\_ Resolution No: \_\_\_\_\_  
 Motion by Commissioner: \_\_\_\_\_ Seconded by Commissioner: \_\_\_\_\_

## A RESOLUTION ADOPTING ORDINANCE 61-2007, AMENDING CHAPTER 91, GENERAL REGULATIONS, AMENDING SECTION 91.06

**WHEREAS**, the County Board desires to allow dogs to be off leash in designated pet exercise areas within the County Park System; and,

**WHEREAS**, the current Ordinance 91.06 does not allow for dogs to be off leash in the County Park System, and the amendment would provide for use and enjoyment of county park property: and,

**WHEREAS**, The County is establishing a designated pet exercise area consistent with the approved park master plans; and other input & feedback were duly considered at a public hearing held by the Carver County Board at its regular meeting of November 6, 2007 and the County Board finds as follows:

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

**THEREFORE, BE IT RESOLVED**, THAT The Carver County Board of Commissioners hereby adopts Ordinance 61-2007, amending the County Code.

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

STATE OF MINNESOTA  
COUNTY OF CARVER

I, Dave Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 6th day of November, 2007, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2007. \_\_\_\_\_  
County Administrator

**CARVER COUNTY, MINNESOTA  
ORDINANCE 61-2007**

AMEND CHAPTER 91, GENERAL REGULATIONS; AMENDING SECTION 91.06, (B - 1)

**THE CARVER COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS:**

**SECTION 1.** The specified sections of Chapter 91, the General Regulations, shall be amended as follows. Strikethrough signifies deleted language and underline is new language. The existing language of 91.06 (B -1) shall be amended as provided below:

**§ 91.06 OPERATION REQUIREMENTS.**

(A) *Commercial use; solicitation; advertising and photography.* It shall be unlawful for any person to:

(1) Solicit, sell or otherwise peddle any goods, wares, merchandise, services, liquids or edibles in a park, except by authorized concession or written permission granted by the Board;

(2) Operate a still, motion picture, video or other camera for commercial purposes in a park without prior authorization from the Board; and

(3) Expose, distribute or place any sign, advertisement, notice, poster or display in a park without authorization from the Parks Division.

(B) *Pets in parks.* It shall be unlawful for any person to:

(1) Bring any dog, cat or other pet into a park, unless caged or kept on a leash not more than six feet in length and under the handler's control, unless in a pet exercise area designated by the Board;

(2) Allow any dog, cat or other pet to enter a beach area, nature center area, refuge area, picnic area, park building or other "no pet" designated areas within a park;

(3) Permit a pet under his or her control to disturb, harass or interfere with any park visitor, a park visitor's property or a park employee;

(4) Tether any animal to a tree, plant, building or park equipment; and/or

(5) Have custody or control of any dog or domestic pet in a designated area of a park without possessing an appropriate device for cleaning up pet feces and disposing of it in a sanitary manner.

**SECTION 2.** This Ordinance shall be in effect upon its passage and publication.

ADOPTED BY THE CARVER COUNTY BOARD OF COMMISSIONERS, **RESOLUTION #**, AT ITS MEETING OF NOVEMBER 6, 2007.

\_\_\_\_\_  
Gayle Degler, Chair

\_\_\_\_\_  
Dave Hemze, County Administrator



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Uneconomic Remnant Offer

Originating Division: Public Works

Meeting Date: 11/6/07

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:** The reconstruction of CSAH 10 has resulted in an "uneconomic remnant" parcel for a land owner along CSAH 10, due to a .297 acre parcel of land being on the other side of the road from their other farm land. The long narrow shape and size of this parcel mean that it cannot be farmed with modern farm machinery. State Aid regulations and Federal Highway guidelines require that we offer to purchase uneconomic remnants. The County really doesn't really want to own a .297 acre parcel of farm land between Chaska and Waconia, due to selling and holding costs being more than the County would likely get out of the land. We have reached a negotiated settlement with the land owner, whereby we will pay 70% of the value of the land, plus some interest, and they will keep the land.

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

### FUNDING

County Dollars =	\$5,500
Other Sources & Amounts =	
	= \$
<b>TOTAL</b>	<b>= \$5,500</b>

### FISCAL IMPACT

None  
 Included in current budget  
 Budget amendment requested  
 Other:

Related Financial Comments:

Reviewed by Division Director 

Date: 10/23/07

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

Date: November 6, 2007  
Motion by Commissioner: \_\_\_\_\_

Resolution No: \_\_\_\_\_  
Seconded by Commissioner: \_\_\_\_\_

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**Uneconomic Remnant Offer**

WHEREAS, the County Board has authorized, by resolution, the Public Works Division to negotiate right of way for the CSAH 10 reconstruction project (SP 10-610-30), and

WHEREAS, the relocation of CSAH 10 has created a small parcel of land that is an uneconomic remnant, and

WHEREAS, the County is required to offer to purchase uneconomic remnants; and

WHEREAS, the Public Works Division has reached a negotiated settlement with Timothy and Ann Raser for the payment for said uneconomic remnant,

NOW THEREFORE BE IT RESOLVED, that the County Board approve the offer to pay damages in lieu of purchasing an uneconomic remnant from said land owners

YES

ABSENT

NO

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STATE OF MINNESOTA  
COUNTY OF CARVER

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

Dated this \_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
David Hemze

\_\_\_\_\_  
County Administrator



# REQUEST FOR BOARD ACTION

## AGENDA ITEM: Proposed Carver County Social Host Ordinance No. 59-2007

Originating Division: Attorney

Meeting Date: November 6, 2007

Amount of Time Requested: 15-30 minutes

Attachments for packet:  Yes  No

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

### BACKGROUND/EXPLANATION OF AGENDA ITEM:

After the October 16, 2007 work session on the Social Host Ordinance, the Board explored a number of issues including restorative conferencing, civil and criminal penalties, the "knowing or having reason to know standard," sunseting the ordinance, restricting the ordinance to non-relatives/non-family members, and the Jesse Blunt case. During the work session, it was decided that the ordinance would move forward as a misdemeanor but the County Attorney's Office would look at what to recommend for first time offenses when there is no injury or significant property damage. The Board decided that the language "or reasonably should know" should be removed so that the ordinance only reflected a "knowingly" standard.

The County Attorney's Office is recommending minor changes to the definition section. Now there is a definition for "host or allow" instead of just "host." Also there is a definition for "residence, premises, or public or private property" instead of a definition for only "residence or premises."

Also the County Attorney's Office is recommending that criminal and civil liability for all cities, counties, and state agencies be removed from the ordinance. The definition of a "person" was changed by adding "[a] person does not include any municipality, county, or state agency." In addition, subdivision ten was added entitled "Limitation of Liability" and states: "[t]his ordinance does not impose civil liability on any municipality, county, or state agency." See attached ordinance.

Attached is a copy of the proposed ordinance as it would appear in the Carver County Code of Ordinances, Resolution 142-07 from the City of Carver indicating Carver's support for the Social Host Ordinance, and Resolution 07-90 from the City of Chaska indicating Chaska's support for the Carver County Social Host Ordinance.

### ACTION REQUESTED:

Adoption of the proposed Carver County Social Host Ordinance, Ordinance No. 59-2007.

#### FUNDING

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

#### FISCAL IMPACT

None  
 Included in current budget  
 Budget amendment requested  
 Other: No immediate fiscal impact. Ordinance may result in more citations being issued and prosecuted. No additional staff is necessary or anticipated. Fine revenue may increase.

Related Financial Comments:

Report Date: October 31, 2007

Reviewed by Division Director

*James W. Kuehn* Date: 10/31/07

ORDINANCE NO. 59-2007

COUNTY OF CARVER, STATE OF MINNESOTA

AN ORDINANCE AMENDING TITLE XIII: GENERAL OFFENSES OF THE CARVER COUNTY CODE OF ORDINANCES IMPOSING CRIMINAL RESPONSIBILITY ON PERSONS WHO HOST UNDERAGE DRINKING PARTIES.

NOW, THEREFORE, THE COUNTY BOARD OF COMMISSIONERS OF CARVER COUNTY, MINNESOTA, ORDAINS THAT:

The Code of Ordinances, Title XIII: General Offenses, Chapter 131, is amended as follows:

**CHAPTER 131: SOCIAL HOST ORDINANCE**

Section	
131.01	Purpose and Findings
131.02	Authority
131.03	Definitions
131.04	Prohibited Acts
131.05	Exceptions
131.06	Enforcement
131.07	Severability
131.08	Penalty
131.09	Effective Date
131.10	Limitation of Liability

**§131.01 Purpose and Findings.** The Board of Commissioners of Carver County intends to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and intends to hold persons criminally responsible who host events or gatherings where persons under 21 years of age possess or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol. The Board of Commissioners of Carver County finds that:

- (a) Events and gatherings held on private or public property where alcohol is possessed or consumed by persons under the age of twenty-one are harmful to those persons and constitute a potential threat to public health requiring prevention or abatement.



- (b) Prohibiting underage consumption acts to protect underage persons, as well as the general public, from injuries related to alcohol consumption, such as alcohol overdose or alcohol-related traffic collisions.
- (c) Alcohol is an addictive drug which, if used irresponsibly, could have drastic effects on those who use it as well as those who are affected by the actions of an irresponsible user.
- (d) Often, events or gatherings involving underage possession and consumption occur outside the presence of parents. However, there are times when the parent(s) is/are present and, condone the activity, and in some circumstances provide the alcohol.
- (e) Even though giving or furnishing alcohol to an underage person is a crime, it is difficult to prove, and an ordinance is necessary to help further combat underage consumption.
- (f) A deterrent effect will be created by holding a person criminally responsible for hosting an event or gathering where underage possession or consumption occurs.

**§131.02 Authority.** This ordinance is enacted pursuant to Minn. Stat. §145A.05 subdivision 1.

**§131.03 Definitions.** For purposes of this ordinance, the following terms have the following meanings:

- (a) Alcohol. "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin, or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.
- (b) Alcoholic beverage. "Alcoholic beverage" means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.
- (c) Event or gathering. "Event or gathering" means any group of three or more persons who have assembled or gathered together for a social occasion or other activity.
- (d) Host or allow. "Host" or "allow" means to aid, conduct, entertain, organize, supervise, control, or permit a gathering or event.
- (e) Parent. "Parent" means any person having legal custody of a juvenile:
  - (1) As natural, adoptive parent, or step-parent;
  - (2) As a legal guardian; or
  - (3) As a person to whom legal custody has been given by order of the court.
- (f) Person. "Person" means any individual, partnership, co-partnership, corporation, or any association of one or more individuals. A person does not include any municipality, county, or state agency.

- (g) Residence, premises, or public or private property. "Residence," "premises," or "public or private property" means any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, park, or any other place of assembly, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented, or used with or without permission or compensation.
- (h) Underage Person. "Underage person" is any individual under twenty-one (21) years of age.

**§131.04 Prohibited Acts.**

- (a) It is unlawful for any person(s) to:
  - (1) host or allow an event or gathering;
  - (2) at any residence, premises, or on any other private or public property;
  - (3) where alcohol or alcoholic beverages are present;
  - (4) when the person knows that an underage person will or does
    - (i) consume any alcohol or alcoholic beverage; or
    - (ii) possess any alcohol or alcoholic beverage with the intent to consume it; and
  - (5) the person fails to take reasonable steps to prevent possession or consumption by the underage person(s).
- (b) A person is criminally responsible for violating §131.04 (a) above if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit the prohibited act.
- (c) A person who hosts an event or gathering does not have to be present at the event or gathering to be criminally responsible.

**§131.05 Exceptions.**

- (a) This ordinance does not apply to conduct solely between an underage person and his or her parents while present in the parent's household.
- (b) This ordinance does not apply to legally protected religious observances.
- (c) This ordinance does not apply to retail intoxicating liquor or 3.2 percent malt liquor licensees, municipal liquor stores, or bottle club permit holders who are regulated by Minn. Stat. §340A.503 Subd.1(a)(1).
- (d) This ordinance does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

**§131.06 Enforcement.** This ordinance can be enforced by any police officer or sheriff's deputy in the county.

§131.07 **Severability.** If any section, subsection, sentence, clause, phrase, word, or other portion of this ordinance is, for any reason, held to be unconstitutional or invalid, in whole, or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law, which remaining portions shall continue in full force and effect.

§131.08 **Penalty.** Violation of §131.04 is a misdemeanor.

§131.09 **Effective Date.** This ordinance shall take effect thirty (30) days following its final passage and adoption.

§131.10 **Limitation of Liability.** This ordinance does not impose civil liability on any municipality, county, or state agency.

READ, CONSIDERED, PASSED AND APPROVED by a majority vote at a regular meeting of the County Board of Commissioners of Carver County, Minnesota, on the \_\_\_\_\_ day of November, 2007.

COUNTY OF CARVER

BY:

\_\_\_\_\_  
Chair of the Board, Gayle Degler

BY:

\_\_\_\_\_  
Clerk of the Board/County Administrator, Dave Hemze

APPROVED AS TO FORM: Carver County Attorney's Office

BY:

\_\_\_\_\_  
Carver County Attorney, James W. Keeler, Jr.

**CITY OF CARVER  
RESOLUTION 142-07**

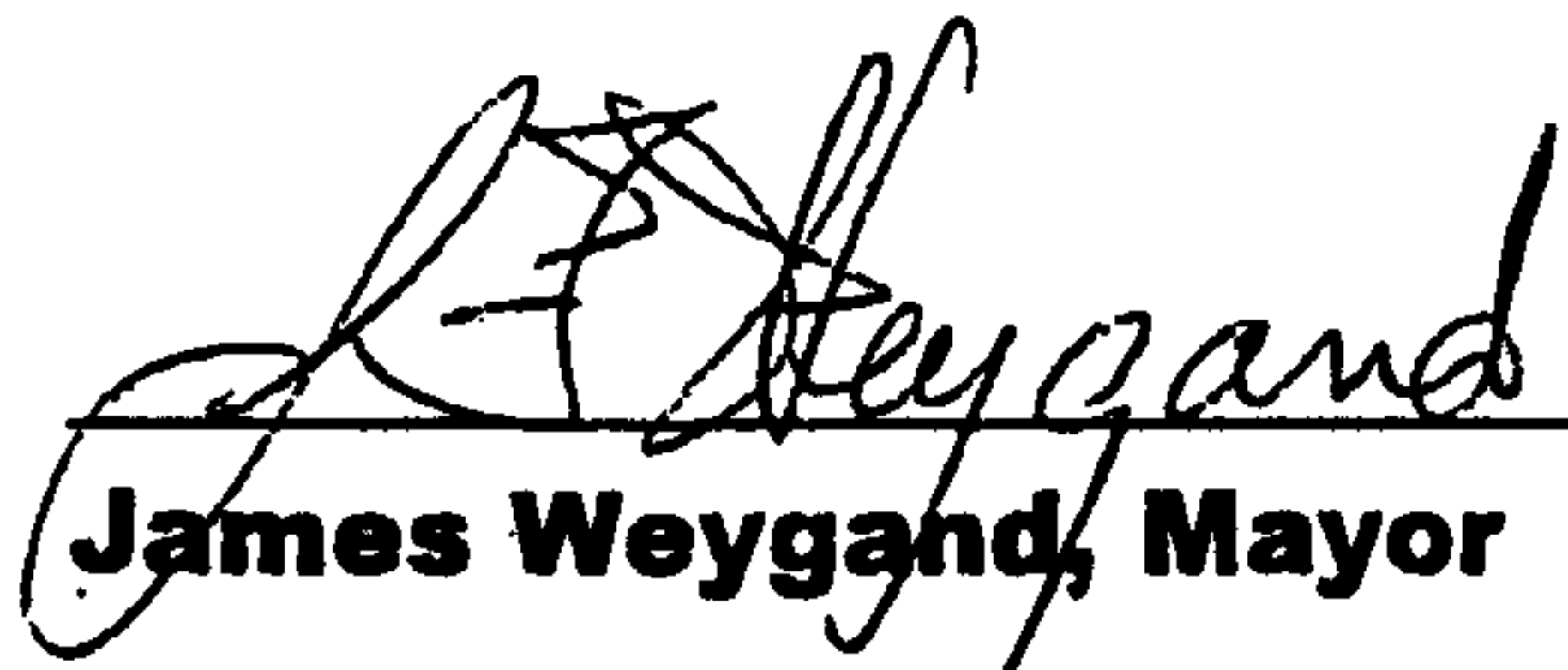
**CARVER COUNTY SOCIAL HOST ORDINANCE**

**WHEREAS, the City of Carver has reviewed the draft Carver County titled Social Host Ordinance No. 59-2007 prohibiting and establishing penalties for any person hosting an event or gathering where alcohol is present and being possessed or consumed by persons under twenty-one years of age.**

**WHEREAS, the city council of City of Carver believes this said ordinance would serve in the best interest of the residents of the City of Carver and Carver County.**

**NOW, THEREFORE, BE IT RESOLVED the City of Carver encourages the Carver County Board of Commissioners to approve Ordinance 59-2007.**

**Adopted by the Council of the City of Carver this 1<sup>st</sup> day of October, 2007.**

  
\_\_\_\_\_  
**James Weygand, Mayor**

**ATTEST:**

  
\_\_\_\_\_  
**Patricia Plekkenpol, City Clerk**

**CITY OF CHASKA  
CARVER COUNTY, MINNESOTA**

**RESOLUTION**

DATE OCTOBER 15, 2007 RESOLUTION NO. 07-90

MOTION BY COUNCILMEMBER LINDALL SECOND BY COUNCILMEMBER BUSINARO

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**A RESOLUTION IN SUPPORT OF THE CARVER COUNTY SOCIAL HOST  
ORDINANCE**

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WHEREAS, The City of Chaska has reviewed the draft Carver County Ordinance entitled Social Host Ordinance No. 59-2007 prohibiting and establishing penalties for any person hosting an event or gathering where alcohol is present and being possessed or consumed by persons under twenty-one years of age; and

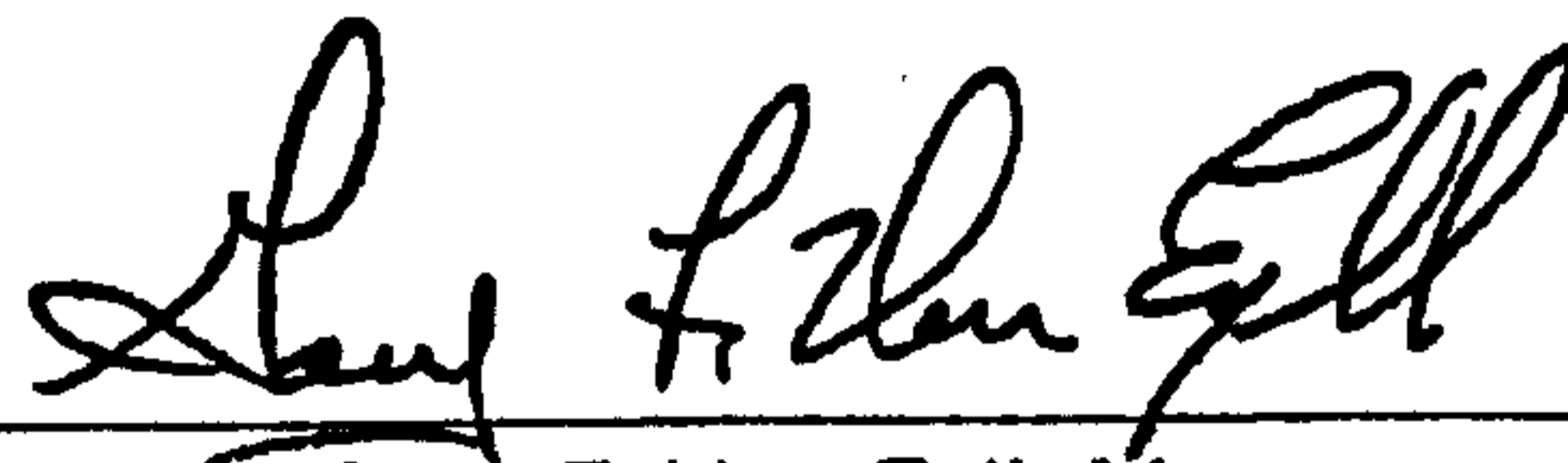
WHEREAS, The City Council of the City of Chaska adopted Social Host Ordinance No. 809 on 09-10-07 and;

WHEREAS, Said Ordinance No. 809 was published and became enforceable on 09-20-07 and;

WHEREAS, The City Council of the City of Chaska believes the County Ordinance would serve in the best interest of the residents of the City of Chaska and Carver County,

NOW, THEREFORE, BE IT RESOLVED, The City of Chaska encourages the Carver County Board of Commissioners to approve Social Host Ordinance No. 59-2007.

Passed and adopted by the City Council of the City of Chaska, Minnesota, this 15th day of October 2007.

  
\_\_\_\_\_  
Gary F. Van Eyll, Mayor

Attest:

  
\_\_\_\_\_  
Chaska Deputy Clerk



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Lyman Boulevard (CSAH 18) Agreement

Originating Division: Administration

Meeting Date: 11/6/07

Amount of Time Requested: 30 Minutes

Attachments for packet:  Yes  No

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

### BACKGROUND/EXPLANATION OF AGENDA ITEM:

#### Original Master Agreement History

The Lyman Boulevard upgrade is a critical project due to completion of new TH 212 and the scheduled opening of the new Chanhassen High School in the fall of 2009. Exhibit A illustrates the remaining sections of the Lyman project. Lyman is the last of several significant road and bridge projects included in an Original Master Agreement between the City of Chanhassen, the City of Chaska, and Carver County.

That Original Master Agreement, reached over 13 years ago in 1994, was largely based on revenue streams provided by Tax Increment Financing (TIF) Districts. Since 1994, the State legislature lowered rates on commercial properties which had significant negative impacts on these Districts' revenues. In addition, costs of similar road construction agreements with other jurisdictions generally have a lower percentage of city financial contribution as compared to the 1994 Original Master Agreement.

#### New Master Agreement

The result is a proposed New Master Agreement with the City of Chanhassen, the City of Chaska, and School District 112 to complete a portion of Lyman identified as the "school project." The school project construction will complete the areas on Exhibit A identified as the school segment of Lyman (Section 1) and the portion of Section 2a from Section 1 just past Galpin Boulevard. Exhibit B provides the proposed cost allocation schedule including a \$1 million contribution by the school district and the creation of a tax abatement district.

Under the New Master Agreement, Carver County's updated construction and engineering cost estimate for the school project is approximately \$2.8 million out of a \$6.8 million total project cost. The cities and the school district have agreed to dedicate the necessary publicly owned right-of-way under the agreement. Private right-of-way acquisition costs add an estimated \$750,000 to \$1 million and would be shared based on the following proportional rates:

Chanhassen:	45%
Carver County:	45%
Chaska:	10%

The recommended funding source for Carver County's portion of the initial project is to use approximately \$950,000 from a tax abatement district, \$460,000 from County State Aid, and to bond for the remaining cost.

The New Master Agreement also includes cost splits for the remaining Lyman corridor as outlined in Exhibit B. The remaining portions would require a separate joint powers agreement and cost sharing for right of way would need to be negotiated in good faith by all parties.

#### Original Master versus New Master Agreement Comparison

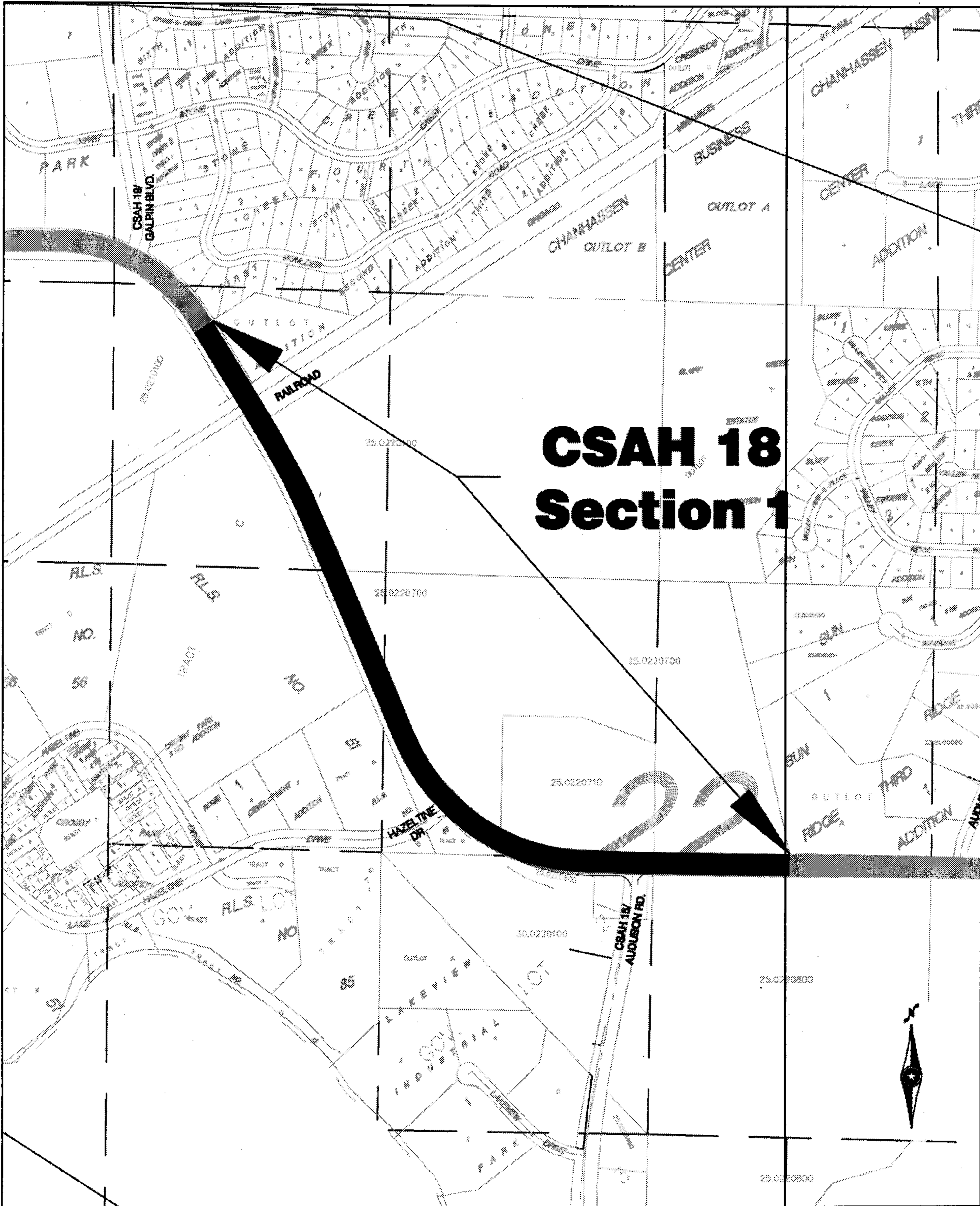
The New Master Agreement's school project represents an estimated \$850,000 cost shift to Carver County as compared to the Original Master Agreement. In addition, the Original Master Agreement was amended in 2005 to construct the Powers to 101 segment of Lyman over new Highway 212 resulting in an estimated \$621,000 cost shift to Carver County. So the total cost shift to Carver County for these two segments is estimated to be approximately \$1.47 million. These cost shifts do not include estimates for the remaining sections of Lyman to the west of Galpin and to the east of Audubon.

Report Date: October 25, 2007

**Lyman Boulevard Board Action  
November 6, 2007  
Page 2**

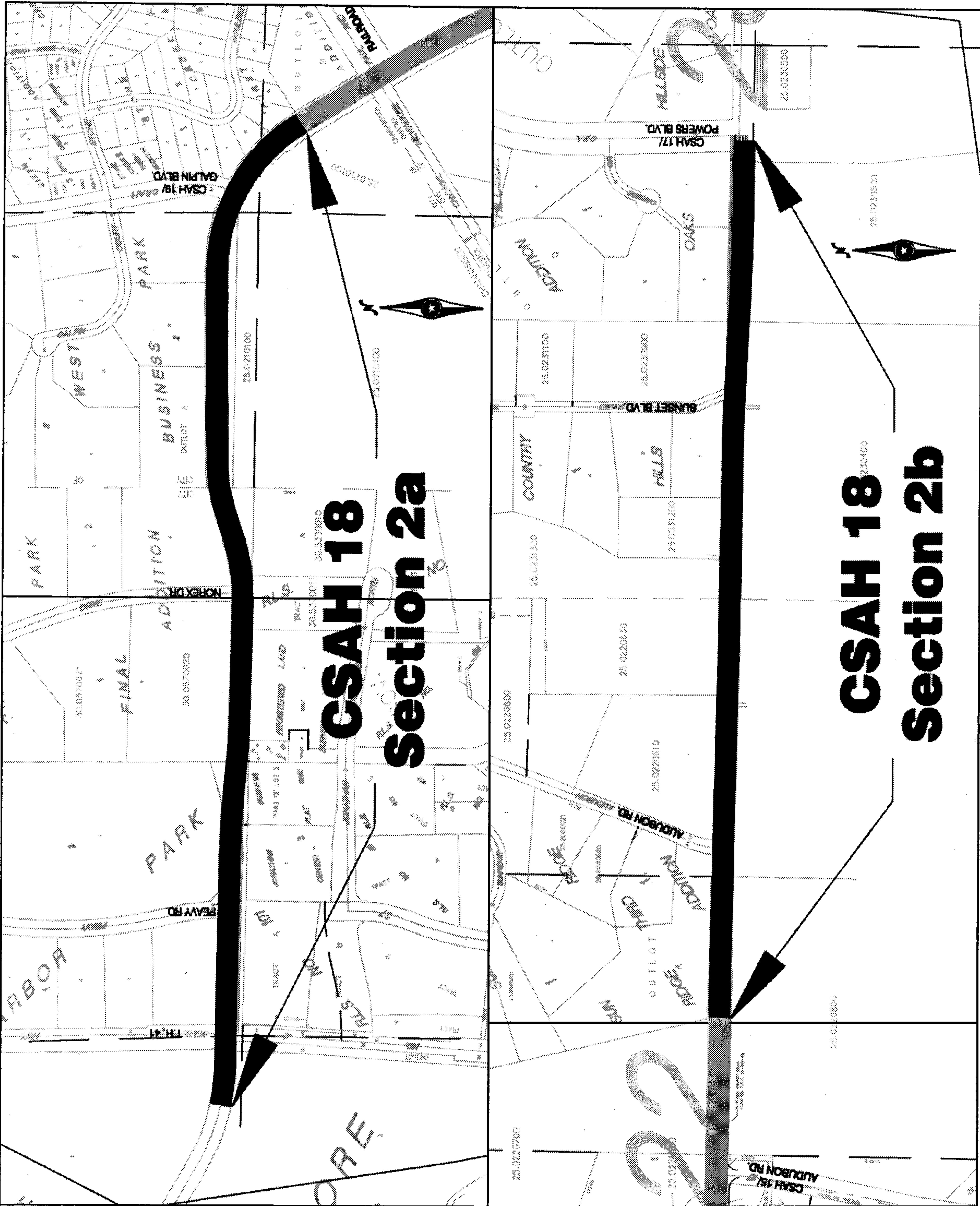
<b>ACTION REQUESTED:</b>	
<p>#1. Motion to approve the New Master Agreement between the City of Chanhassen, City of Chaska, School District 112, and Carver County as proposed.</p> <p>#2. Motion to approve the related joint powers agreement between Carver County, the City of Chanhassen, and the City of Chaska for the Construction of Lyman Boulevard (CSAH 18) improvements.</p>	
<p><b>FUNDING</b></p> <p>County Dollars = \$</p> <p>Other Sources &amp; Amounts = \$</p> <p><b>TOTAL</b> = \$</p>	<p><b>FISCAL IMPACT</b></p> <p><input type="checkbox"/> None</p> <p><input type="checkbox"/> Included in current budget</p> <p><input type="checkbox"/> Budget amendment requested</p> <p><input checked="" type="checkbox"/> Other: Included in 2008 Administrator's Budget Recommendation</p>
<p><i>Related Financial Comments:</i> See attached Exhibit B. Updated County construction and engineering costs for the school project are estimated at \$2.8 million plus right-of-way costs estimated at approximately \$450,000.</p>	
<p><input checked="" type="checkbox"/> Reviewed by Division Director <span style="float: right;">Date: 10/23/07</span></p>	

**EXHIBIT A**  
**County State Aid Highway Section 1, 2A and 2B**



 <b>CARVER COUNTY PUBLIC WORKS</b>	<b>CSAH 18: HWY 41 to CSAH 17</b> <b>JPA Exhibit A</b>	<b>DRAWN BY:</b> SAS
		<b>DATE:</b> 06/25/07
		<b>PAGE:</b> 1 OF 2





**CSAH 18  
Section 2a**

**CSAH 18  
Section 2b**



CSAH 18: HWY 41 to CSAH 17  
JPA Exhibit A

DRAWN BY:	SAS
DATE:	06/25/07
PAGE:	2 OF 2

**EXHIBIT B**  
Cost Allocation Schedule

**Exhibit B: Lyman Boulevard Estimated Cost Allocation Schedule**

As of 6/18/07

**I. Section #1 (School Segment -- midway between CSAH 19 and the TC&W RR to midway between CSAH 15/Audobon Rd South and Audobon Rd North)**

#	Jurisdiction	General Contribution	Abatement	Total	Cost Share Percentage	Master Agreement Lyman Corridor %'s
Section #1 Total Estimate =				\$4,820,000		
1	School District	\$98,747	\$901,253	\$1,000,000	Na	na
Section #1 Remaining Cost =				\$3,820,000		
2	Chanhassen	\$1,014,917	\$598,337	\$1,613,254	42.23%	57.37%
3	Carver County	\$1,014,917	\$950,829	\$1,965,746	51.46%	32.63%
4	Chaska	\$241,000	\$0	\$241,000	6.31%	10.00%
City/County Contributions =		\$2,270,834	\$1,549,166	\$3,820,000	100.00%	100.00%
Section #1 Totals =		\$2,369,581	\$2,450,419	\$4,820,000		

**II. Section #2A (Portion of corridor west of Section 1)**

#	Jurisdiction	General Contribution	Abatement	Total	Cost Share Percentage	Master Agreement Lyman Corridor %'s
1	School District					
2	Chanhassen	\$1,594,000		\$1,594,000	40.29%	57.37%
3	Carver County	\$1,594,000		\$1,594,000	40.29%	32.63%
4	Chaska	\$768,000		\$768,000	19.41%	10.00%
Section #2A Totals =		\$3,956,000	\$0	\$3,956,000	100.00%	100.00%

**III. Section #2B (Portion of corridor east of Section 1)**

#	Jurisdiction	General		Total	Cost Share	Master Agreement
		Contribution	Abatement		Percentage	Lyman Corridor %'s
1	School District					
2	Chanhassen	\$1,862,000		\$1,862,000	50.00%	57.37%
3	Carver County	\$1,862,000		\$1,862,000	50.00%	32.63%
4	Chaska	\$0		\$0	0.00%	10.00%
Section #2B Totals =		\$3,724,000	\$0	\$3,724,000	100.00%	100.00%

**IV. Entire Corridor Summary**

#	Jurisdiction	General		Total	Cost Share	Master Agreement
		Contribution	Abatement		Percentage	Lyman Corridor %'s
1	School District	\$98,747	\$901,253	\$1,000,000	8.00%	
2	Chanhassen	\$4,470,917	\$598,337	\$5,069,254	40.55%	57.37%
3	Carver County	\$4,470,917	\$950,829	\$5,421,746	43.37%	32.63%
4	Chaska	\$1,009,000	\$0	\$1,009,000	8.07%	10.00%
Entire Corridor Totals =		\$10,049,581	\$2,450,419	\$12,500,000	100.00%	100.00%

Notes:

- a. Costs include roadway construction and engineering including signals and railroad crossing.
- b. School district dedicates needed right of way in front of their property.
- c. All numbers are budget estimates.
- d. %'s will be applied to final costs with the exception of the school district which is a fixed dollar contribution.
- e. Funding sources are the responsibility of each individual jurisdiction.
- f. The \$621,000 cost shift from Chanhassen to Carver County as a result of completion of the Powers to 101 segment is not included in the above #'s.



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Approval of Building Committee Structure

Originating Division: Administrative Services

Meeting Date: November 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:** As the County enters schematic design phase for the various building projects, staff recommends the formation of four Building Committees and a Project Oversight Committee.

The Building Committee's role will be to provide the architect with specific, user-based information to ensure the future space is functional and will meet the needs of staff. Each Building Committee will include staff who have specific knowledge of the space as well as a representative from the construction manager and the architect (see attachment).

The Project Oversight Committee will receive updated schedule, budget and expenditure reports from the Construction Manager and discuss progress and any potential owner related construction issues.

Staff is also looking for representatives from the Board to serve on the committees.

**ACTION REQUESTED:** Motion to approve the Building Committee structure as presented.

### 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: 11/06/07

# Carver County Board

**Project Oversight Committee**

- (2) Board Members
- Steve Taylor
- Dave Frischmon
- Kevin Maas
- Kraus-Anderson Construction Co.
- Wold Architects and Engineers
- Bentz/Thompson/Rietow Arch.

{Meets 2<sup>nd</sup> Tuesday of Every Month}

**Courts, EOC & Lower Level**

- Info. Serv. – Rhonda Lynch
- County Attorney – Jim Keeler/Allison O'Toole
- Facilities – Bob Darrell
- Sheriff Office – Lt. Dave Williams
- Risk/Emerg. Mgmt – Sonja Walter
- Court Services – John Klavins
- Court Admin – Vicky Carlson
- (2) Commissioners
- (1) Judge

**LEC Remodel**

<b>Dispatch</b>	<b>Crime Lab</b>
Sheriff Office – Nancie Pass	Sheriff Office – Lt. Jim Olson
Facilities – John VanDorpe	Facilities – John VanDorpe
Info. Serv. – Rhonda Lynch	

**Chaska License Center**

- PRTS – Mark Lundgren
- Tax Payer Services Mgr – Laurie Engelen
- State DMV – Joan Kopcinski
- Facilities – Kevin Maas
- (1) Commissioner

**Chan License Center**

- PRTS – Mark Lundgren
- Tax Payer Services – Laurie Engelen
- Assessor – Angie Johnson
- Facilities – Kevin Maas
- (1) Commissioner

**Notes:**

- 1) Representatives from Kraus Anderson and Architecture firms will also be members of each Building Committee.
- 2) Names on chart represent primary members; it is expected other staff will be brought in as the design evolves.
- 3) Anticipated that Building Committees to meet twice a month.



# REQUEST FOR BOARD ACTION

**AGENDA ITEM : Closed Session - Land Acquisition Discussion**

Originating Division: Administrative Services

Meeting Date: November 6, 2007

Amount of Time Requested: 15 minutes

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

The Administrative Services Division requests permission to negotiate for property located ½ North of Sec 15 Benton Twp., 1 mile west of Cologne in Carver County, identified as P.I.D.# 010150100. The acquisition involves 96.92 acres and staff is proposing to utilize funds dedicated from the Year-end savings account and made available for this purchase as outlined in the County Administrators recommended 2008 budget. Staff plans to present comparable sales information at the November 6<sup>th</sup> Board meeting.

**ACTION REQUESTED:** Closed Session according to Minn. Stat. Sec. 13D.05 subd. 3 (c) (3) to develop or consider offers or counteroffers for the purchase of real estate.

**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: 11/30/07