

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

PAGE

9:15 a.m.	1.	<ul style="list-style-type: none"> <i>a) CONVENE</i> <i>b) Pledge of Allegiance</i> <i>c) Public participation (comments limited to five minutes)</i> <i>d) Introduction of New Employees</i> 	
	2.	Agenda review and adoption	
	3.	Approve minutes of November 6, 2007 Regular Session	1-6
	4.	Community announcements	
9:15 a.m.	5.	CONSENT AGENDA	
	5.1	Grant agreement for recreation and open space	7-9
	5.2	Adult rehabilitative mental health services recertification application	10
	5.3	Request to attend out of state conference	11
	5.4	Community Social Services' warrants	NO ATT
	5.5	Commissioners' warrants.....	SEE ATT
9:15 a.m.	6.	ADMINISTRATION	
	6.1	Resolution in recognition of veterans and County employees that are veterans	12-13
10:00 a.m.		ADJOURN REGULAR SESSION	
		BOARD REPORTS	
10:00 a.m.	1.	Chair	
	2.	Board Members	
	3.	Administrator	
10:15 a.m.	4.	Adjourn	

David Hemze
 County Administrator

Work Session Agenda

10:15 a.m.

A. ADMINISTRATION

1. 2008 Legislative Priorities.....14-24

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on November 6, 2007. Chair Gayle Degler convened the session at 9:15 a.m.

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

Members absent: None.

Under public participation, Joe Monnens explained with all the construction going on County Road 10 his son had an accident. He stated he contacted Ames Construction who told him that Zumbro Construction was doing that portion of the project. He stated Zumbro in turn told him he should contact Carver County. After speaking with a County highway engineer, he indicated he was referred back to Ames. He suggested no one was taking responsibility and he was asking the Board to look into this.

The Board directed the County Administrator to look into who was responsible.

Jim Kuhl, San Francisco Township, stated he did not have an issue with the social host ordinance being considered by the Board today but he questioned the statutory authority to enact the ordinance. He stated it appeared to him that they were addressing a public safety issue with a health ordinance. Kuhl reviewed sections of Statute and questioned if this was a public health issue or public safety issue. He reiterated he had no problems with the ordinance itself but he wanted to make sure the County is on solid ground when this is enacted.

He stated his next issue related to the capital improvement plan. Kuhl stated he recently learned the CIP had been updated two times since originally adopted without any action or public hearing by the County Board.

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

Ische moved, Maluchnik seconded, to approve the minutes of the October 23, 2007, Regular Session. Degler, Ische, Maluchnik, Workman voted aye. Lynch abstained as he was not present at the meeting. Motion carried.

Community announcements were made by the Board.

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

Payment of two emergency claims each in the amount of \$300.

Wheelage tax cost sharing agreements and related Public Works budget amendment increasing wheelage tax revenue \$31,459 and increasing wheelage tax start up costs \$31,459 to implement the wheelage tax effective 1/1/08.

Adopted Joint Powers Agreement with the Metropolitan Emergency Services Board.

Administrative Services budget amendment transferring \$25,580 from Administrative Services operating to Facilities capital furniture.

Contract with Otto Associates in the amount of \$10,500 for land survey services associated with the Service Delivery Master Plan.

FF&E contract with Herman Miller/Interim via the State bid award.

Approved out of state training request for Information Services technology services supervisor.

Professional services fiber contract with Century Tel.

Contract with Sharp Sky in the amount of \$52,000.

Intergovernmental agreement for lake sampling.

Contract with Rinke Noonan Law Firm and authorized signature of all related documents by the Chair and staff.

Adopted Findings of Fact and to issue Order #PZ20070045 for the issuance of Conditional Use Permit #PZ20070045, Tony Nyen, Dahlgren Township.

Contract between the Sheriff's Office and Jim Liddy for the completion of required background investigation services.

Sheriff's office contract with the Carver-Scott Cooperative and District 110 Waconia Schools for placement of a deputy sheriff as a school resource officer.

Authorized Community Social Services' acceptance of \$50 donation from minor child to be used for a child or a family in need.

Approved the following abatements:

25-2000760	Revy Seng
30-4720250	Travis Hensch
58-0501550	Mark Rosentreter
30-0503990	Gerald Bielke
30-1090100	Barbara Hone (2005, 2005, 2007)
65-3650030	Caroline Bauer (2005, 2006, 2007)
07-4000031	Christy Haasekn-Schuler

Accepted Immunization Registry Grant from the Minnesota Department of Human Services and related Public Health budget amendment increasing MN Department of Human Services revenue \$3,239 and increasing professional and technical fees \$3,239.

Resolution #100-07 CSAH 10-Negotiated Settlements (1).

Resolution #101-07, Professional Services Agreement between Carver County and Bolton & Menk, Inc., for Completion of Cooperative Agreement Funding Applications 2009.

Resolution #102-07, Amendment No. 1 to Professional Services Agreement between Carver County and SRF Consulting Group, Inc. for Final Design Services CSAH 18 (Lyman Blvd) and related Public Works budget amendment increasing State Aid Regular revenue \$11,000, increasing school contribution revenue \$14,000 and increasing professional and technical fee revenue \$25,000.

Resolution #103-07, Amendment No. 4 Professional Services Agreement between Carver County and SRF Consulting Group, Inc., for Final Design Services (TH 5 Realignment).

Agreement between the County Attorney and Allison L. O'Toole as Chief Deputy Carver County Attorney.

Approved 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.

Community Social Services' actions.

Approved payment of the following Commissioners' warrants:

INSERT

Motion carried unanimously.

Ische moved, Lynch seconded, to open the public hearing to consider the adoption of an ordinance amending the County code that would allow dogs to be off leash in designated pet exercise areas. Motion carried unanimously.

Martin Walsh, Parks, explained the proposed amendment to Chapter 91 of the general regulations to allow dogs to be off leash in designated areas. He indicated the dog park was nearly completed at Lake Minnewashta Regional Park and the current ordinance needed to be amended.

He noted the agreements with the Cities of Chanhassen and Shorewood to provide the financial resources and the County to provide the land and labor to construct the dog park. He clarified access to the Park and the admission charged would remain the same. He indicated although the pet area would open within the next couple of weeks, a grand opening is being planned for next spring or summer.

No public testimony was received.

Workman moved, Maluchnik seconded, to close the public hearing. Motion carried unanimously.

Workman offered the following Resolution, seconded by Degler:

Resolution #104 -07
Adopting Ordinance 61-2007
Amending Chapter 91, General Regulations, Amending Section 91.06

On vote taken all voted aye.

Roger Gustafson, Public Works, requested Board adopt a Resolution related to an uneconomic remnant offer. He explained they were continuing to move forward to finalize County road construction on the CSAH 10 project and reaching final settlements with property owners. He stated adjustments were made to the alignment resulting in this remnant of land.

Ische offered the following Resolution, seconded by Lynch:

Resolution #105-07
Uneconomic Remnant Offer

On vote taken, Degler, Ische, Lynch, Maluchnik voted aye. Workman abstained as the property owner was a relative. Motion carried.

Janet Cain, Assistant County Attorney, requested the Board consider adopting the proposed Carver County Social Host Ordinance. She stated underage consumption was an issue in the County and clarified they did get an Attorney General's opinion that they did have the authority to enact. She noted Mr. Kuhl's concern and stated this is a public health and public safety issue and the Attorney General's opinion came down on the public health side.

She pointed out the previous County Board's work session and indicated they had attempted to address the concerns the Board brought forward. She stated "reasonably should know" language was removed and the ordinance now included a "knowingly" standard. Cain indicated the violation would be a misdemeanor and an education class would be developed for first time offenders.

Cain noted deputies cannot always determine who is furnishing the alcohol but it is very clear who is hosting the underage drinking party. She indicated the proposed ordinance would give deputies a tool to combat underage drinking.

Sheriff Olson thanked Ms. Cain for the work she did on the proposed ordinance. He stated he did take this issue to the Sheriff's Association and discussed it with their Legislative Committee. Olson indicated this was an issue they deal with every day and the State Sheriff's Association voted in favor of taking a proactive position on this and would be drafting legislation.

Olson stated the “knowingly” standard has to be met. He noted his target group is the 21-30 age group who still have that connection with underage individuals.

Degler moved, Maluchnik seconded, to adopt Carver County Social Host Ordinance No. 59-2007.

The Board acknowledged the many discussions they have had on the proposed ordinance in the past and whether this should be a Statewide law so there is uniformity across counties. Board members discussed the “knowingly” standard and taking a cautious approach by waiting to see what occurs with the City of Chaska’s ordinance and bringing this back in six months to a year.

James Keeler, County Attorney, stated the “knowingly” term is defined in Statute and they have a clear understanding of the definition of the standard. He indicated they would review and evaluate each case with that in mind.

The Board recognized the evidence would come from underage youth and questioned the ability to get to the truth. Keeler stated it was a clear directive of his office to enforce the law without any bias. He stated these cases are dependent upon the investigation. Keeler stated their investigation would include talking to the homeowner, and not solely based on what the juveniles are saying. He indicated they would then have to make a decision if they have a case.

Maluchnik respectfully requested the Chair call the question.

On vote taken, Degler, Maluchnik voted aye. Ische, Lynch, Workman voted nay. Motion failed.

David Hemze, County Administrator, requested Board approve Lyman boulevard (CSAH 18) agreements. He pointed out these were critical projects due to the construction of the Chanhassen High School.

He highlight sections of CSAH 18 that were included in this agreement. Hemze pointed out the 1994 master agreement with the Cities of Chaska and Chanhassen and the remaining work to be done. He explained legislation that changed classifications and impacted TIF revenue streams. He noted the current agreements with other municipalities that now provide smaller contributions compared to this master agreement.

Hemze indicated they reached an agreement for a new master agreement with the Cities of Chanhassen, Chaska and School District 112, noting the school district came in with a financial contribution to move the project ahead. He reviewed the costs attributed to engineering and construction and the County’s share. He explained the percentage breakdown related to the right of way acquisition costs. He reviewed the amount of the cost shift to the County as compared to the master agreement. Hemze indicated future right of way costs attributable to the segments outside of the school project would need to be negotiated in the future.

The Board discussed the first master agreement, the City’s ability to use TIF revenues in the past and the reasons and the amounts of the cost shift. They acknowledged the need to complete this section due to the construction of the new high school.

Workman moved, Maluchnik seconded, to approve the new Master Agreement between the City of Chanhassen, City of Chaska, School District 12 and Carver County as proposed. Ische, Lynch, Maluchnik, Workman voted aye. Degler abstained due to a possible conflict of interest. Motion carried.

Workman moved, Maluchnik seconded, 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. Ische, Lynch, Maluchnik, Workman voted aye. Degler abstained due to a possible conflict of interest. Motion carried.

Hemze noted the difficulty in funding the remaining segments and stated they were hoping for additional funding sources including federal revenue or tax abatement from new developments.

Steve Taylor, Administrative Services, requested Board approve Building Committee structure for various building projects. He explained as the County enters schematic design phase, staff was recommending Building Committees and a Project Oversight Committee be formed. He reviewed the make-up of the committees and proposed membership.

Degler moved, Ische seconded, to approve the Building Committee structures as outlined with the following Commissioner representation on the following committees:

Project Oversight Committee- Ische, Lynch
Court, EOC and Lower Level Building Committee-Degler, Workman
Chaska License Center Building Committee-Maluchnik
Chanhassen License Center Building Committee-Workman

Motion carried unanimously.

Ische moved, Lynch seconded, to go into closed session at 11:15 a.m. pursuant to Minnesota Statute 13D.05 subd. 3 (c) (3) to develop or consider offers or counteroffers for the purchase of real estate, PID #010150100. Motion carried unanimously.

The Board adjourned the closed and Regular Session.

David Hemze
County Administrator

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



REQUEST FOR BOARD ACTION

AGENDA ITEM : Grant Agreement for Recreation and Open Space

Originating Division: Public Works/Parks

Meeting Date: November 13, 2007

Amount of Time Requested: None

Attachments for packet: Yes No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM: The Metropolitan Council has issued a grant agreement to Carver County for the amount of \$400,841.00. This grant agreement partially reimburses Carver County for land acquisition costs related to the purchase of property needed for Lake Waconia Regional Park and the TH 5 alignment.

ACTION REQUESTED: It is recommended that the County Budget be amended to account for the grant funds and Board Chair sign Agreement SG-2007-099.

FUNDING

County Dollars =	\$
Other Sources & Amounts =	
Metropolitan Council	=\$400,841.00
TOTAL	=\$400,841.00

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments: Amend revenue line item 30-529-529-0000-5285 by \$400,841.00 and amend expenditures line item 30-529-529-0000-6601 by \$400,841.00

Reviewed by Division Director

Date:

11/5/07

S:Parks/BA- RES/ RBA -SG-2007-099

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

Date: November 13, 2007
Motion by Commissioner: _____

Resolution No: _____
Seconded by Commissioner: _____

**Grant Agreement between the Metropolitan Council
and Carver County for Recreation and Open Space, SG-2007-099**

BE IT RESOLVED, that the Carver County Board of Commissioners hereby amends the County Budget and authorizes the Board Chair to sign grant agreement SG-2007-099.

YES

ABSENT

NO

STATE OF MINNESOTA
COUNTY OF CARVER

I, David Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 13th 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 13th 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/Parks

Date of County Board Session: 11/13/07

Fund: 03

Description of Revenue Account funds are to Increased/(Decreased):	Amount	Description of Expenditure Account funds are to Increased/(Decreased):	Amount
Met Council Regional Park Grant	\$ 400,841	Regional Park Land Acquisition	\$ 400,841
TOTAL:	\$ 400,841	TOTAL:	\$ 400,841

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: Marty Welsh

G. Recommend Approval: Finance

H. County Board Decision: Approval/Disapproval



REQUEST FOR BOARD ACTION

AGENDA ITEM : Adult Rehabilitative Mental Health Services Recertification Application

Originating Division: Community Social Services

Meeting Date: 11/13/2007

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: Community Support Services is requesting Carver County Board approval of the Adult Rehabilitative Mental Health Services Program recertification application. This program assists adults experiencing a serious and persistent mental illness by providing basic living skills, medication monitoring, and symptom management. ARMHS is based on a three year renewal period, with Carver County's current renewal due on 3/14/08.

ACTION REQUESTED: Motion to approve the Adult Rehabilitative Mental Health Services Program recertification application.

FUNDING

County Dollars = \$

Other Sources & Amounts = \$

TOTAL = \$0

Related Financial Comments:

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Reviewed by Division Director

Date: 11/2/2007



REQUEST FOR BOARD ACTION

AGENDA ITEM: Request to Attend Out--Of- State Conference.

Originating Division: Land Water Services

Meeting Date: November 13, 2007

Amount of Time Requested: 10 minutes

Attachments for packet: X No

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

BACKGROUND/EXPLANATION OF AGENDA ITEM: In 2006, Carver County received a MN Pollution Control Agency grant to conduct an organic waste composting pilot project. The project has received national attention as well as significant local and regional interest. Marcus Zbinden and other staff are in the process of further expanding the project due to this interest.

The project will be featured at the US Composting Council's 16th Annual Conference in February of 2008. The conference is in Oakland, California. The conference was not specifically included in the Environmental Services budget due to timing issues. However, budgeted funds are available. I would like to request that Marcus Zbinden be allowed to attend the conference. Cost for the conference should be about \$1,200 depending on several variables such as air fare and the ability to share hotel expenses. I believe he will gain valuable experience/information that will assist us in further project.

ACTION REQUESTED: A motion approving attendance by Marcus Zbinden at the US Composting Council's 16th Annual Conference in Oakland, California in February, 2008.

FUNDING

County Dollars = \$1,200
Other Sources & Amounts = -0-
= \$
TOTAL = \$1,200

FISCAL IMPACT

None
X Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments: Funds are budgeted in the conference and training portion of the Environmental Services budget.

Reviewed by Division Director

Date: November 1, 2007



REQUEST FOR BOARD ACTION

AGENDA ITEM : Resolution in recognition of veterans and County employees that are veterans

Originating Division: Administration

Meeting Date: 11/13/07

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:

The Board will recognize the contributions of all veterans and commend the County employees that are veterans that have served our Country.

ACTION REQUESTED: Adopt Resolution. Following the adoption, a group photo will be taken followed by a short reception.

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: 11/1/07

BOARD OF COUNTY COMMISSIONERS CARVER COUNTY

Date: _____

Resolution No. _____

Motion by Commissioner: _____

Seconded by Commissioner: _____

Whereas, America was founded on the principles of Liberty, Opportunity and Justice for all; and

Whereas, the men and women of the armed forces bravely defended these principles and contribute to the freedom and national security that we all enjoy; and

Whereas, on November 11 the United States observes Veterans Day; and

Whereas, the Carver County Board of Commissioners honors the courage, selflessness and sacrifice that our current service members provide and that our veterans have provided us; and

Whereas, Carver County has employees that are veterans of the Army, Navy, Air Force, Marines and Coast Guard,

Now, Therefore, the Carver County Board of Commissioners, recognizes the contributions of all veterans and would like to commend its employees that serve our County and that have served our Nation.

YES

ABSENT

NO

STATE OF MINNESOTA
COUNTY OF CARVER

I, David Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 13th 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 13th day of November, 2007.

County Administrator



REQUEST FOR BOARD ACTION

AGENDA ITEM : 2008 Legislative Priorities

Originating Division: Administration

Meeting Date: 11/13/07

Amount of Time Requested: 90 minutes

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

BACKGROUND/EXPLANATION OF AGENDA ITEM: A first draft of Carver County's 2008 legislative priorities is attached. Staff will be reviewing these issues and looking for Board direction during this work session.

ACTION REQUESTED: Board direction.

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: 11/1/07



Legislative Platform

(Item numbering is not a priority listing)

- Item #1: Wheelage Tax**
- Item #2: Mn/DOT Chaska Truck Station**
- Item #3: Lake Waconia Regional Park Land Acquisition**
- Item #4: Protect Clean Water, Wildlife, Cultural Heritage, and Natural Areas**
- Item #5: Elimination of Sales Tax on Courts Projects**
- Item #6: State Funding for Federal Deficit Reduction Act Revenue Losses**
- Item #7: MR/RC Waiver Allocation Over Spending Repayment**

DRAFT



Item #1: Wheelage Tax

Background

Current law allows counties in the metropolitan area to impose a wheelage tax. However, the law mandates that counties must reduce their transportation levy by the amount of revenue raised by the tax. It also limits the maximum tax to \$5 per vehicle and limits the proceeds to only being spent for highway purposes. The wheelage tax option should be extended to all counties and the levy offset and \$5 cap should be repealed. The revenues raised should be allowed to be used for both highway and transit purposes.

Requested Position

Support legislation repealing the transportation levy offset and \$5 per vehicle tax cap in the current county wheelage tax law.

DRAFT



CARVER
COUNTY

Item #2: Mn/DOT Chaska Truck Station

Background

Over the past couple years, Mn/DOT has discussed the possibility of partnering with Carver County in the establishment of a joint use truck station located in the area of the New TH 212 interchange and CSAH 11 (formerly CR 147). The proposed co-tenancy in the new maintenance facility would provide the opportunity for the relocation of the County's Chaska Highway Maintenance operations from its current location.

State funding of the truck station facility was considered by the 2006 State Legislature but not included as part of the approved bonding package for State building facilities.

Requested Position

Support legislation funding the construction of the Mn/DOT Chaska truck station.

DRAFT



Item #3: Lake Waconia Regional Park Land Acquisition

Background

Lake Waconia is the second largest lake in the metropolitan area and a regional attraction for water based recreation activities. The existing public boat access on the northeast side of the lake is overwhelmed with use. Long lines of vehicles with trailers park along the busy county road between St. Bonifacius and Waconia due to the demand for boat access parking.

Carver County has an approved Regional Park Master Plan for Lake Waconia Regional Park. This master plan includes the creation of public boat access within the park boundary. Funding is requested to purchase land for the boat access and related property for Lake Waconia Regional Park. The proposed acquisition would improve public access to a regionally significant body of water, increase recreational opportunities and user satisfaction at an existing regional park.

Due to the value of lakeshore property on a metropolitan lake, and due to significance of a public boat access and land needed for Lake Waconia Regional Park, legislative assistance is requested for this acquisition.

Requested Position

Support legislation to acquire approximately 19 acres identified as Parcel 5 in the Carver County Surveyor's exhibit for a public boat access and land needed for Lake Waconia Regional Park.

Note: This needs work and communication with area legislators, DNR and staff from the Metropolitan Council Parks and Open Space Commission. This request would not be a part of the regional park CIP.



Item #4: Protect Clean Water, Wildlife, Cultural Heritage, and Natural Areas

Background

Minnesota's rivers, lakes, and streams; wildlife; parks; and natural areas are crucial to ensuring a high quality of life for future generations. The state's waters, parks and wildlife are at greater risk than ever before.

Some 2,250 lakes and rivers (40% of those tested) already fail federal water quality standards for safety and most of our lakes and streams have not even been tested. Minnesota's population is projected to grow faster than any other mid-western state. This projected population boom of 1.2 million people by 2030 will cause Minnesota to lose an estimated 1,000,000 acres of farmland and natural areas. With 50% of our wetlands and forests and 99% of our prairies gone, one in four wildlife species and one in five plant species are threatened or endangered.

Funding for water resources, parks and wildlife remains near historic lows. The Legislature has the opportunity to let Minnesota voters decide on a constitutional amendment that would provide significant new revenue to protect water, parks, and wildlife habitat, and ensure that our most valuable shared resources are protected forever. Core Minnesota values are well worth protecting in our constitution, particularly when future generations rely on our actions today.

Requested Position

Support legislation for an increase of 3/8 of one percent in the state sales tax to be constitutionally dedicated, on the November 2008 ballot, for 25 years. Of which, 33% to protect and restore clean water and drinking water; 33% to protect and restore natural areas and wildlife habitat, including parkland; 14.25% to support parks and trails of regional and statewide significance; and 19.75% to preserve cultural heritage and arts. Funding for matching grants should be included to encourage additional investment by nonprofit organizations and local units of government.



CARVER
COUNTY

Item #5: Elimination of Sales Tax on Courts Projects

Background

Carver County is constructing new space at its Justice Center in Chaska to support significant population growth and increased use of state judicial functions. The County has the following projects slated for construction in 2008:

- A second floor Courts addition to include a new courtroom, jury assembly room, probation department, law library and public defender conference rooms
- A new Emergency Operations Center, conference rooms, storage and several support staff offices.
- Expanded Dispatch Center, crime lab and evidence storage
- An additional courtroom and associated moves (prior to 2015).

It is unclear why Carver County, while mandated to provide a Courthouse for the State is also required to pay state sales tax. Essentially the County is paying this tax through funds generated from local property tax dollars.

The project construction cost is estimated to be \$9.6 million. Currently Minnesota State sales tax of 6.5% is applied to construction materials. Typically this translates to approximately 2% of the construction cost or for this project, an estimated \$192,000. These funds would be directed toward purchasing furniture, fixtures and equipment for the new courts space.

Requested Position

Support legislation to exempt Carver County from the Minnesota State sales tax for Courthouse construction projects.



Item #6: State Funding For Federal Deficit Reduction Act Revenue Losses

Background

In January of 2006, Congress passed the Deficit Reduction Act. The impact of this act was that a number of federal and state mandated services, that the County provides, were left under funded. As a result, the costs to provide these mandated services were transferred to the County creating an unfunded mandate.

The largest of the impacts was to Targeted Case Management (TCM). TCM are reimbursements, through Medicaid, to the County for providing service for children and families, mentally ill persons, developmentally disabled individuals and vulnerable adults needing case management. The Deficit Reduction Act is projected to cut \$750,000 in federal reimbursements to Carver County in this program alone.

Carver County is projecting a \$20,000 loss in federal revenue for social rehabilitation services for mentally ill adults.

The Deficit Reduction Act also changed the methodology for using federal child support incentives. The projected loss for child support revenue is \$108,000 annually.

The 2007 Legislature did pass legislation that provided one time funding to offset some of the loss of TCM revenue. The estimated state funding for Carver County in SFY2007/2008 is \$379,000 which does not address the long term problem.

Requested Position

Support legislative changes that provide state funding to replace the federal revenue that has been reduced by the Deficit Reduction Act.



Item #7: MR/RC Waiver Allocation Over Spending Repayment

Background

For 2004 and 2005 four counties spent in excess of their Mental Retardation/Related Conditions (MR/RC) Waiver Allocation and were required to repay the excess expenditures to the Department of Human Services.

The 2007 Legislature proposed to forgive three of the Counties and extend Carver County's repayment until June 30, 2009. The Governor vetoed the appropriation for the three counties but not the policy language. Essentially three counties have been forgiven with Carver County being required to pay, but not until 2009. The over expenditure amount is \$965,146.

The reason that Carver County over expended their allocation was that following the unprecedented open enrollment in the MR/RC Waiver in 2001, Carver County did not have all the resources available to meet the needs specified in the client's plan for services when the state rebased the MR/RC Waiver in 2003. Essentially, Carver County's MR/RC Waiver allocation was being adjusted based on actual expenditures, not considering our total obligation to our clients. This resulted in over expenditures in 2004 and 2005. For 2002 Carver County was \$1.6 million under its waiver allocation.

In 2004, the statewide expenditure for the MR/RC Waiver was 18 million dollars under the statewide allocation.

Requested Position

Support a legislative change that forgives Carver County's repayment from over spending to be consistent with the action taken for St. Louis, Steele and Fillmore Counties.

2007 CARVER COUNTY COMMISSIONERS

Carver County Government Center
 602 East Fourth Street
 Chaska, MN 55318
 Phone: (952) 361-1500
 Fax: (952) 361-1581
www.co.carver.mn.us
 Hours: 8:00-4:30 p.m.

Board meets 1st, 2nd, 4th Tuesdays at 9:15 a.m.
 Work Sessions 3rd Tuesday at 4:00 p.m.
 No meeting on fifth Tuesday

<u>DISTRICT</u>	<u>NAME</u>	<u>TOWNSHIPS</u>	<u>CITIES</u>
District 1	Gayle O. Degler 541 Pine View Court Chanhassen, MN 55317 Phone: (952)403-7047 gdegler@co.carver.mn.us		Chaska Ward 3 Chaska Ward 4 Chanhassen Precinct 3 Chanhassen Precinct 4
District 2	Tom Workman 181 South Shore Ct Chanhassen, MN 55317 Phone: (952) 486-7771 tworkman@co.carver.mn.us		Chanhassen Precinct 1 Chanhassen Precinct 2 Chanhassen Precinct 5 Chanhassen Precinct 6 Chanhassen Precinct 7
District 3	Randy Maluchnik 112510 Ramsey Court Chaska, MN 55318 Phone: (612) 964-5382 rmaluchnik@co.carver.mn.us		Carver Victoria Chaska Ward I Chaska Ward 2 – Precinct 1 Chaska Ward 2 – Precinct 2
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