



**Carver County Board of Commissioners
August 6, 2024
Board Meeting**

The County Board Room is open to the public

The Regular Session portion of the meeting will be webcast live at:
<https://youtube.com/@CarverCountyMN>

- 9:00 a.m. 1. a) **CONVENE**
 b) **Pledge of allegiance**
 c) **Public comments**
- Public comments that relate to an item on the agenda may be heard when that agenda item is discussed. Please limit your comments to five minutes or less.
- Individuals unable to attend in person can provide public comments by e-mail at admin-contact@carvercountymn.gov.
2. Agenda review and adoption
3. Approve minutes of July 16, 2024, Regular Session 1-2
4. Community Announcements
- 9:20 a.m. 5. **CONSENT AGENDA**
- Communities: Create and maintain safe, healthy, and livable communities*
- 5.1 Final Payment and Contract Amendment For Paradise Commons..... 3-4
- 5.2 Stipulation for Settlement Agreement Between CCRRA and
Carver County 5-8
- 5.3 UAS Unmanned Aerial System Purchase..... 9
- 5.3.1 Budget Amendment 10
- 5.4 Professional Services Agreement with BOLTON AND MENK INC for
GAZER software application update..... 11
- 5.5 Professional Services Agreement with Bolton Menk for Design and
Construction Administration Services 12
- 5.6 Special Event Use Permit Request: ISD 108 Central Schools 2024
HS Cross County Race Events 13-14
- 5.7 Special Event Use Permit Issuance: St. Johns Lutheran - MS Cross
Country Race 15
- Culture: Provide organizational culture fostering accountability to achieve goals
and sustain trust/confidence in County government*
- 5.8 Approval of Settlement Agreement to Resolve Bankruptcy Litigation
with MENd Correctional Care 16-18

5.9	Phased Retirement Option for Peter Bendzick in Public Works	19
5.9.1	Budget Amendment	20

Growth: Manage the challenges and opportunities resulting from growth and development

5.10	Acceptance of Watershed-Based Implementation Funding Grant	21
5.10.1	Budget Amendment	22
5.11	Freshwater Church - Outdoor Service and Celebration (Annual Special Event)	23-30
5.12	Anna Tyler - Carver County Recovery Fest (One-Time Special Event)	31-40
5.13	Emanuel Lutheran Church - Large Scale Activity – Church Childcare Facility (CUP)	41-45
5.14	Award Contract to New Look Construction for Highway 17/West 78th Street Intersection Project	46-49
5.15	Settlement Agreements for Right of Way Acquisitions for the Highway 10/41 Project	50-53

Finances: Improve the County's financial health and economic profile

5.16	Review Health & Human Services and Commissioner Warrants	NO ATT
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9:30 a.m.	6. COMMUNITIES: Create and maintain safe, healthy, and livable communities	
	6.1 2024-25 Strategic Plan	54-73
9:50 a.m.	7. CONNECTIONS: Develop strong public partnerships and connect people to services and information	
	7.1 Legislative Update	74
10:20 a.m.	8. CULTURE: Provide organizational culture fostering accountability to achieve goals and sustain trust/confidence in County government	
	8.1 PEER Award Recognition	75
10:35 a.m.	9. CUSTOMER SERVICE: Continue the County's delivery of high value, timely service and support	
	9.1 Sheriff's Office Table of Organization Adjustment	76-77
10:45 a.m.	10. GROWTH: Manage the challenges and opportunities resulting from growth and development	
10:45 a.m.	10.1 B.H. Aggregate - Request to Mine Aggregate for road project (IUP).	78-85
10:50 a.m.	10.2 Ordinance No. 107-2024 Moratorium on cannabis business activity in the unincorporated area of Carver County (Zoning Standards)	86-92
11:20 a.m.	RECESS AS COUNTY BOARD AND CONVENE AS CARVER COUNTY REGIONAL RAIL AUTHORITY	
11:20 a.m.	11. COMMUNITIES: Create and maintain safe, healthy, and livable communities	
	11.1 Stipulation for Settlement Agreement Between CCRRA and Carver County	93-94
11:30 a.m.	ADJOURN AS CARVER COUNTY REGIONAL RAIL AUTHORITY AND RECONVENE AS COUNTY BOARD	
11:30 a.m.	12. County Administrator Report	
11:35 a.m.	ADJOURN REGULAR SESSION	

11:35 a.m. **CONVENE CLOSED SESSION**

13. GROWTH: Manage the challenges and opportunities resulting from growth and development

13. 1 Closed Session for Highway 41/10 Project Property Acquisitions.....95

11:55 a.m. **ADJOURN CLOSED SESSION**

David Hemze
County Administrator

UPCOMING MEETINGS

August 6, 2024	9:00 a.m.	Board Meeting
	4:30 p.m.	Hoffman Family Recognition Event
August 8, 2024	1:00 p.m.	Highway 212 Groundbreaking Ceremony
August 13, 2024		No Meeting
August 20, 2024	9:00 a.m.	Board Meeting
August 22, 2024	3:00 p.m.	Paradise Beach Bash: Paradise Commons Community Grand Opening
August 27, 2024	9:00 a.m.	Board Work Session
September 3, 2024	9:15 a.m.	Board Meeting
September 10, 2024		No Meeting
September 17, 2024		No Meeting (*Trans Fly In Tentative Date)
September 19, 2024	7:00 p.m.	League of Women Voters Fall Candidate Forum, MN House 48 Candidate, County Board Room, lwvec@lwvmnorg
September 24, 2024	9:00 a.m.	Board Work Session
September 24, 2024	7:00 p.m.	League of Women Voters Fall Candidate Forum, Carver County Commissioners, County Board Room, lwvec@lwvmnorg
October 1, 2024	9:00 a.m.	Board Meeting
October 8, 2024		No Meeting
October 15, 2024	9:00 a.m.	Board Meeting
October 22, 2024	9:00 a.m.	Board Work Session
October 29, 2024		No Board Meeting

CARVER COUNTY COMMISSIONERS PROCEEDINGS

REGULAR SESSION – July 16, 2024

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on July 16, 2024. Chair Gayle Degler convened the session at 8:59 a.m.

Members present: Gayle Degler, Chair, John P. Fahey, Vice Chair, and Matt Udermann

Absent Members: Tim Lynch, Tom Workman

Under public comments, None

Fahey moved, Degler seconded, to approve the agenda. Motion carried unanimously.

Fahey moved, Degler seconded, to approve the minutes of the July 9, 2024, Regular Session. Motion carried unanimously.

Udermann moved, Fahey seconded, to approve the consent agenda items below. Motion carried unanimously.

5.1 Accepted the \$10,000 donation from the Waconia Rotary Club to be utilize at Lake Waconia Regional Park.

5.1.1 Budget Amendment

5.2 Approved the motion to approve the two-year Public Health Infrastructure Fund grant agreement with MN DEPT OF HEALTH in the amount of \$316,000.

5.2.1 Budget Amendment

5.3 Approved the motion to approve a Professional Services Agreement with SIR LINES-A-LOT for \$69,240.20 for the 2024 Pavement Markings - Epoxy Hand Work, pending finalization of the contract review process.

5.4 Appointment of Betty Allen to the Mental Health Advisory Committee.

5.5 Approved the motion to approve the 1 Day to 4 Day Temporary On-Sale Liquor License application for the Justin Kukowski Foundation for Saturday October 5, 2024.

5.6 Approved the Motion to approve a Professional Service Agreement with A Better Society with a not to exceed amount of \$300,000 for the period beginning July 15, 2024, through July 31, 2026.

5.7 Adopted resolution 66-24 to approve CARVER COUNTY RIGHT OF WAY PLAT NO. 38 and authorize the Chair of the County Board to sign the plat.

5.8 Resolution 67-24, Authorizing Petition for Eminent Domain For The Highway 18 Project - Arboretum Area

5.9 Review on July 8, 2024, of Commissioner and Health & Human Services Warrants for July 12, 2024, in the amount of \$512.235.65.

6.1 Jason Mielke, Land Management Supervisor spoke on Ordinance No. 107-2024 Moratorium on cannabis business activity in the unincorporated area of Carver County (Zoning Standards). Mr. Mielke would like to continue this to the 8.6.2024 Board Meeting. Entered into record: proof of publication, proof of mailing of hearing, draft interim notice, draft county board resolution and e-mails from concerned citizen, Rickie Mann.

Udermann moved, Fahey seconded to open public hearing. Motion carried Unanimously.

Mielke explained the county needs to complete a review of ordinance language and establish an ordinance by January 1, 2025. The county can be more restrictive than the state but can't be less.

CARVER COUNTY COMMISSIONERS PROCEEDINGS

REGULAR SESSION – July 16, 2024

Public Comments:

Nate Ropes, representing Hemp Acres in Waconia, voiced opposition of the moratorium. Hemp Acres is one of Minnesota's first and largest manufactures.

Richie Mann, 8101 Petunia St., Victoria spoke in opposition to the moratorium.

Udermann motioned to close public hearing and not proceed with moratorium, No Second. Motion denied.

Fahey moved, Degler seconded, to continue hearing to August 6, 2024 Regular Session 9 a.m. meeting . Motion carried unanimously.

ADMINISTRATOR REPORT – Lake Minneswashta playground groundbreaking at 11:30 a.m. today.

Fahey motioned, Udermann seconded to adjourn the Regular Session at 10:18 a.m., retreating into a Closed Session for Highway 18 Project – Arboretum Area Acquisitions. Motion carried Unanimously.

David Hemze
County Administrator

ATTEST: _____
County Administrator

Chair

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Final Payment and Contract Amendment For Paradise Commons

Primary Originating Division/Dept:

Meeting Date: 8/6/2024

Contact: Martin Walsh

Title:

Item Type:

Consent

Amount of Time Requested: minutes

Presenter:

Title:

Attachments: ☐ Yes ☒ No

Strategic Initiative:

Communities: Create and maintain safe, healthy, and livable communities

BACKGROUND/JUSTIFICATION:

On June 28, 2022, the County Board authorized the award of contracts for the construction of the Paradise Commons building project at Lake Waconia Regional Park. The project began construction in October of 2022 and was substantially completed in January of 2024.

Staff is working with the construction management firm of RJM to complete punch list items and collect the necessary closeout forms. Retainage will be withheld on contracts for uncompleted items until completed.

A 3rd amendment is requested for RJM for services provided that are out of the contract scope:

- Sewer and water permit fee
- Interior door installation
- B3 compliance consultant
- Work to remove imperfections, scratches, dents in finished surfaces of the building
- Assembly and installation of mounted picnic tables
- Wall covering trim in mothers room and corner guards and installation for lobby wall mural

The requested amendment amount is \$51,186.43 and is within budget for the project.

Total contract amount with RJM will be \$966,305.35.

Staff is also requesting authorization to close out contracts and make final payment to contractors on the project upon receipt of proper documentation for the project.

ACTION REQUESTED:

1) Motion to approve 3rd contract amendment` with RJM upon completion of the contract review process.

2) Motion to close out contracts and make final payment to contractors on the project upon receipt of proper documentation for the project.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT:

Total

\$51,186.43

County Dollars =

Paradise Commons \$51,186.43

Total \$51,186.43 Insert additional funding source

Related Financial/FTE Comments:

Total Project Budget funding including Contingency is \$9,373,000. The amount includes additional Parks and Trails Funds of \$139,833 and BSA funds of \$375,000

\$9,373,000

Less Total Project Costs (\$8,700,000) Includes Requested Amendment Amounts Above

Remaining Contingency Balance \$ 673,000*Office use only:*

RBA 2024 - 9997

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Stipulation for Settlement Agreement Between CCRRA and Carver County

Primary Originating Division/Dept: Public Works - Parks ▼		Meeting Date: 8/6/2024
Contact: Martin Walsh	Title: Parks and Recreation Director	Item Type: Consent ▼
Amount of Time Requested: minutes		Attachments: ☒ Yes ☐ No
Presenter:	Title: 	
Strategic Initiative: Communities: Create and maintain safe, healthy, and livable communities ▼		

BACKGROUND/JUSTIFICATION:

Previous actions taken by the Board include: 1) June 18, 2024, approval of a Joint Powers Agreement between CCRRA and Chaska; and 2) July 9, 2024, approval of a Permanent Transportation Easement Agreement between CCRRA and the County.

The County now seeks Board approval to enter the Stipulation for Settlement Agreement (SA) between CCRRA and the County. The SA sets the amount of compensation that the County will pay to CCRRA for the County's acquisition of a permanent transportation easement from CCRRA (PTE) for the Project.

The County is eligible to apply for a PAOF grant from Met. Council for the County's acquisition costs of the PTE for the Project.

The entire easement tract on CCRRA property extends over a portion of parcel identified by Tax Parcel Identification Number 30.9990600 lying northeast of 1st Street West and all of the parcel identified by Tax Parcel Identification Number 30.9990500 (Tract). The appraisal for the Tract divided it into seven smaller parcels based upon the distinct land uses of the adjoining lands, and appraised each of those seven parcels separately. The total appraised fair market value of the PTE over the Tract or all of those seven parcels is \$3,960,000.

To maximize the amount of the PAOF grant that the County can receive from Met. Council for the County's acquisition of the PTE from CCRRA, the CCRRA plans to convey the PTE to the County in two separate transactions or conveyances. Each transaction or conveyance will occur in a different state fiscal year, and each will encumber a different set of the seven parcels identified in the appraisal. Collectively and at the end of the Phase 2 Acquisition described below, the entire Tract will be encumbered by the PTE.

Phase 1 Acquisition involves the County's acquisition of the PTE over parcels identified in the appraisal as Parcels 2 and 7. The appraised fair market value of the PTE over Parcels 2 and 7 is \$2,135,500.

During state fiscal year 2025, the County will seek a PAOF grant from Met. Council for 75% of the fair market value of the PTE over Parcels 2 and 7, which equals \$1,601,625 .

To satisfy the 25% local match requirement, the CCRRA plans to make an in-kind donation to the County for 25% of the fair market value of the PTE over Parcels 2 and 7, which equals \$533,875.

Phase 2 Acquisition involves the County's acquisition of the PTE over parcels identified in the appraisal as Parcels 1, 3, 4, 5 and 6. The appraised fair market value of the PTE over Parcels 1, 3, 4, 5 and 6 equals \$1,824,500.

During the state fiscal year 2026, the County will seek a PAOF grant from the Met. Council for 75% of the appraised fair market value of the PTE over Parcels 1, 3, 4, 5 and 6, which equals \$1,368,375.

To satisfy the 25% local match requirement, the CCRRA will make an in-kind donation to the County of 25% the fair market value of the PTE over Parcels 1,3,4,5, and 6, which equals \$456,125.

ACTION REQUESTED:

Motions:

- 1) Authorize the County to enter into the Stipulation for Settlement Agreement upon completion of the contract review process.
- 2) Authorize the County to apply for Park Acquisition Opportunity Funds from Met. Council for the County's acquisition costs of the Phase 1 Acquisition.
- 3) Authorize County resolution for acquisition of CCRRA property.

FISCAL IMPACT: 

If "Other", specify:

FTE IMPACT: 

FUNDING

County Dollars =

CCRRA \$533,875.00

Metropolitan Council \$1,601,625.00

Total \$2,135,500.00

☒ Insert additional funding source

Related Financial/FTE Comments:

CCRRA is providing an in-kind land value donation as a 25% match to the Metropolitan Council's 75% match for the acquisition of the permanent easement

Office use only:

RBA 2024 - 9972

BOARD OF COUNTY COMMISSIONERS

CARVER COUNTY, MINNESOTA

Date: 8/6/2024
Motion by Commissioner: _____

Resolution No: _____
Seconded by Commissioner: _____

WHEREAS, Carver County desires to acquire a Permanent Transportation Easement (PTE) from the Carver County Regional Railroad Authority (CCRRA) on CCRRA-owned property in Carver County, which extends over a portion of parcel identified by Tax Parcel Identification Number 30.9990600 lying northeast of 1st Street West and all of the parcel identified by Tax Parcel Identification Number 30.9990500 (Property). The PTE is for the Minnesota River Bluffs Regional Trail project (Project); and

WHEREAS, a qualified appraiser estimated the fair market value of the PTE on the Property by dividing the Property into seven smaller parcels based upon the distinct land uses of the adjoining lands. The appraiser then estimated the value of the PTE on each of those seven parcels separately; and

WHEREAS, during state fiscal year 2025, the County desires to acquire a PTE from CCRRA over parcels identified in said appraisal as Parcels 2 and 7, for the fair market value estimated in said appraisal. The acquisition is conditioned on the County's receipt of a Park Acquisition Opportunity Fund (PAOF) grant from the Metropolitan Council for the County's acquisition costs; and

WHEREAS, during state fiscal year 2025, the County will apply for a PAOF grant from the Metropolitan Council to pay for 75% of the County's acquisition costs of the PTE over Parcels 2 and 7; and

WHEREAS, the CCRRA plans to make an in-kind donation to the County of the remaining 25% of the County's acquisition costs of the PTE over Parcels 2 and 7. The in-kind donation will satisfy the 25% local match requirement of the PAOF grant; and

WHEREAS, if during fiscal year 2025, the County receives the anticipated PAOF grant from the Metropolitan Council and the CCRRA conveys the PTE over Parcels 2 and 7 to the County, then the CCRRA desires to transfer CCRRA's operation, maintenance, and repair obligations on the PTE over Parcels 2 and 7 to the County pursuant to a Joint Powers Agreement between CCRRA and the County.

NOW THEREFORE, be it resolved that Carver County Board hereby authorizes Carver County to:

1. Enter a Joint Powers Agreement approved by the Carver County Attorney's Office and the contract review process, with the City of Chaska and the CCRRA for the Project; and
2. Acquire a PTE over Parcel 2 and 7 for the Project from the CCRRA at its appraised fair market value, provided the County receives a PAOF grant to cover 75% of the County's acquisition costs; and
3. Apply in state fiscal year 2025 for a PAOF grant from the Metropolitan Council for the County's acquisition costs of the PTE over Parcels 2 and 7; and
4. Enter a Stipulation for Settlement Agreement with CCRRA which documents the terms, conditions, and costs of the County's acquisition from CCRRA of the PTE over Parcels 2 and 7; and
5. Enter a Joint Powers Agreement approved by the Carver County Attorney's Office and the contract review process, with CCRRA for the transfer of the CCRRA's operation, maintenance, and repair obligations of select Project improvements on Parcels 2 and 7 to the County.

	ABSENT	YES	NO
Gayle Degler, Chair	_____	_____	_____
John P. Fahey, Vice Chair	_____	_____	_____
Tom Workman	_____	_____	_____
Matt Udermann	_____	_____	_____
Tim Lynch	_____	_____	_____

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 August, 2024, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 6th day of August 2024.

Dave HemzeCounty Administrator

Carver County Board of Commissioners Request for Board Action



Agenda Item:

UAS Unmanned Aerial System Purchase

Primary Originating Division/Dept: Sheriff

Meeting Date: 8/6/2024

Contact: George Pufahl

Title: Patrol Lieutenant

Item Type:

Consent

Amount of Time Requested: minutes

Presenter:

Title:

Attachments: ☐ Yes ☒ No

Strategic Initiative:

Communities: Create and maintain safe, healthy, and livable communities

BACKGROUND/JUSTIFICATION:

At the work session (RBA 9636) on 02/27/2024, the Sheriff came before the board to present initiatives to leverage technology to further accountability, transparency, public safety, and recruitment/retention efforts in the Sheriff's Office. Areas of technology included UAS/drone system implementation. At the regular session (RBA 9799) on 05/21/2024, the Sheriff sought public comment before purchase or utilization pursuant to state law. We evaluated at least three vendors: DSLR, Dronerds, and Vertex in accordance with county policy. Vertex was identified as the company from which to purchase. No local business offers UAS for procurement in accordance with local preference policy.

ACTION REQUESTED:

Please approve using public safety aid funds from the State of MN to purchase and implement a UAS system to include pilot training and certification in the Carver County Sheriff's Office.

FISCAL IMPACT: Budget amendment request form

If "Other", specify:

FTE IMPACT: None

FUNDING

County Dollars =

Public Safety Aid \$38,391.00

Total \$38,391.00

Insert additional funding source

Related Financial/FTE Comments:

In 2023, the Sheriff's Office received one-time public safety aid of \$1,474,582 from the State of MN. If the Sheriff's recommendation is approved, the remaining balance of Public Safety Aid after this purchase will be \$940,786.

Ongoing costs incurred for annual software/equipment updates will be prioritized in the strategic budget planning in 2025 for the 2026 budget year.

Office use only:

RBA 2024 - 9983

Budget Amendment Request Form



To be filled out AFTER RBA submittal

Agenda Item: UAS Unmanned Aerial System Purchase

Department:

Meeting Date: 8/6/2024

Fund:

- ☒ 01 - General
- ☐ 02 - Reserve
- ☐ 03 - Public Works
- ☐ 11 - CSS
- ☐ 15 - CCRRA
- ☐ 30 - Building CIP
- ☐ 32 - Road/Bridge CIP
- ☐ 34 - Parks & Trails
- ☐ 35 - Debt Service

Requested By: Commander Mike Wollin

DEBIT			CREDIT		
Description of Accounts	Acct #	Amount	Description of Accounts	Acct #	Amount
Equipment/Services	02-209-236.6454/6346	\$38,391.00	Professional Services	02-209.6260	\$38,391.00
TOTAL		\$38,391.00	TOTAL		\$38,391.00

Reason for Request:

Allocate public safety aid to purchase UAS Unmanned Aerial system to include equipment, software, and training in the Carver County Sheriff's Office.

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Professional Services Agreement with BOLTON AND MENK INC for GAZER software application update

Primary Originating Division/Dept:

Meeting Date: 8/6/2024

Contact: Whitney Schroeder

Title:

Item Type:

Consent

Amount of Time Requested: minutes

Presenter:

Title:

Attachments: ☐ Yes ☒ No

Strategic Initiative:

Communities: Create and maintain safe, healthy, and livable communities

BACKGROUND/JUSTIFICATION:

The GAZER application was developed through coordination between Carver County and Bolton & Menk approximately five years ago. The application utilizes MnDOT's crash data to provide crash analysis summaries and reports specific to Carver County. Examples of these reports include crash rates, before and after studies, and identification of high-risk safety areas intersections and corridors. The GAZER application needs updating to incorporate traffic forecasts for future conditions analyses, the County's most recently completed CRSP, updating and refining crash rate tables based on intersection control and speed, verifying, and updating functional intersection areas, and eliminating reports that aren't needed.

ACTION REQUESTED:

Motion to approve a professional services agreement with BOLTON AND MENK INC pending finalization of the contract review process.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

\$56,444.85

FTE IMPACT:

Total

\$56,444.85

☐ Insert additional funding source

Related Financial/FTE Comments:

The total of \$56,444.85 includes the cost for the initial application update 2024-2025 and annual application updates between 2025-2029.

Office use only:

RBA 2024 - 9978

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Professional Services Agreement with Bolton Menk for Design and Construction Administration Services

Primary Originating Division/Dept:

Meeting Date: 8/6/2024

Contact: Martin Walsh

Title:

Item Type:

Consent

Amount of Time Requested: minutes

Presenter:

Title:

Attachments: ☐ Yes ☒ No

Strategic Initiative:

Communities: Create and maintain safe, healthy, and livable communities

BACKGROUND/JUSTIFICATION:

The proposed contract with Bolton & Menk combines additional consulting services for the reconstruction of a boardwalk at Baylor Regional Park and for staircase replacement at Lake Minnewashta Regional Park.

As work was done through the plan development process for the boardwalk, the County found value in bidding multiple bid alternatives. This added complexity to the design as materials for composite decking and superstructure were considered along with alternative boardwalk products. The alternative material consideration increased the complexity of understanding of product materials, design and cost estimating for the project. The alternatives needed to be paired with a fixed funding amount for the project. Further additional time is needed for communications with the contractor for RFI's (Requests for Information) and site meeting as work progresses on the project.

The cost for this additional work is \$17,006.50

Lake Minnewashta Regional Park has staircases that were recently taken out of service due to their deteriorated condition. Bolton & Menk has proposed inspection/investigative work, alternative design analysis, design, project bidding and construction assistance for up to 4 wooden staircases at in the park. The cost for this service is \$59,901.

Total contract amount \$76,907.50

ACTION REQUESTED:

Motion to approve a professional services agreement with Bolton & Menk upon completion of the contract review process.

FISCAL IMPACT:

If "Other", specify:

FTE IMPACT:

FUNDING

County Dollars = \$59,901.00

Grant SG -24-P5-03-01 \$17,006.50

Total \$76,907.50

☐ Insert additional funding source

Related Financial/FTE Comments:

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Special Event Use Permit Request: ISD 108 Central Schools 2024 HS Cross County Race Events

Primary Originating Division/Dept:

Meeting Date: 8/6/2024



Contact: Sam Pertz

Title:

Item Type:

Consent

Amount of Time Requested: minutes

Presenter:

Title:

Attachments: ☐ Yes ☒ No

Strategic Initiative:

Communities: Create and maintain safe, healthy, and livable communities



BACKGROUND/JUSTIFICATION:

ISD 108 Central Schools is requesting a special event use permit to conduct high school cross country race event(s) at Baylor Regional Park this Fall.

By County Ordinance, Chapter 91: issuance of a special use permit is required. Ordinance also states that some permits require the action/authorization by the County Board.

The County Policy for Use Permitting outlines this request as a tier 2 (formal process), and are submitted for consideration to the Board.

- Applicant: ISD 108 Central High Schools, NYA
- Location: Baylor Regional Park
- Dates: 8/19, 8/24, 9/10 and 10/24
- Event: 5k & 3k high school athlete running races
- Estimated attendance of 100, 100, 2,500+, 2,500+ people respectively
- County permitting process completed.
- 24th year organization has requested use of County park/trail property for event purposes.
- Use fees and permit application fees applied per the 2024 County Fee schedule.
- Item of awareness: roadside signage is required for 9/10 and 10/24 to properly manage motorist safety on CR 33.
- Park Commission reviewed and made recommendation of permit issuance on July 10, 2024.

ACTION REQUESTED:

Motion to authorize the issuance of a special event use permit to ISD 108 Central Schools for the planned 2024 HS cross country race events held at Baylor Regional Park.

FISCAL IMPACT:



FUNDING

If "Other", specify:		County Dollars =	\$0.00
FTE IMPACT:	None	v	Total \$0.00
Related Financial/FTE Comments:		v Insert additional funding source	

Office use only:
RBA 2024 - 9992

Carver County Board of Commissioners Request for Board Action

**Agenda Item:****Special Event Use Permit Issuance: St. Johns Lutheran - MS Cross Country Race**

Primary Originating Division/Dept: Public Works - Parks	Meeting Date: 8/6/2024
Contact: Sam Pertz Title: Parks Supervisor	Item Type: Consent
Amount of Time Requested: minutes Presenter: Title:	Attachments: ☐ Yes ☒ No
Strategic Initiative: Communities: Create and maintain safe, healthy, and livable communities	

BACKGROUND/JUSTIFICATION:

St. John's Lutheran School of NYA has is requesting special event use permit for the utilization of Baylor Regional Park to hold a middle school cross-country race event.

By County Ordinance, Chapter 91: issuance of a special use permit is required. Ordinance also states that some permits require the action/authorization by the County Board.

The County Policy for Use Permitting outlines this event to be a tier 2 requests and is submitted for consideration to the Board.

- Applicant: St. John's Lutheran School of NYA.
- Location: Baylor Regional Park, NYA.
- Date: Tuesday, September 17, 2024.
- Event: Middle School aged cross country running meet.
- Estimated attendance: 250+ people (athletes, faculty/coaches & spectators).
- County permitting process completed.
- 3rd year organization has requested use of County park/trail property for event purposes.
- Use fees and permit application fees applied per the 2024 County Fee schedule.

Park Commission reviewed and made recommendation of permit issuance of the use permit on July 10, 2024.

ACTION REQUESTED:

Motion to authorize the issuance of a special event use permit to St. Johns Lutheran School for the planned September 17, 2024 middle school cross-country meet held at Baylor Regional Park.

FISCAL IMPACT: None	FUNDING
If "Other", specify:	County Dollars = \$0.00
FTE IMPACT: None	Total \$0.00
☒ Insert additional funding source	

Related Financial/FTE Comments:

Office use only:

RBA 2024 - 9994

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Approval of Settlement Agreement to Resolve Bankruptcy Litigation with MEnD Correctional Care

Primary Originating Division/Dept: Attorney

Meeting Date: 8/6/2024

Contact: Mark Metz

Title: County Attorney

Item Type:

Consent

Amount of Time Requested: minutes

Presenter:

Title:

Attachments: ☒ Yes ☐ No

Strategic Initiative:

Culture: Provide organizational culture fostering accountability to achieve goals & sustain public trust/confidence in County government

BACKGROUND/JUSTIFICATION:

The County previously contracted with MEnD Correctional Care, PLLC ("MEnD"), for health care and mental health services for individuals in custody at the Carver County Jail. The contract with MEnD was terminated in mid-January of 2023. MEnD has filed a Petition for Bankruptcy, and the Trustee in the bankruptcy proceeding initiated a lawsuit against Carver County in United States Bankruptcy Court (the "MEnD Litigation"), claiming that the County failed to pay MEnD for certain costs incurred and services provided. The Carver County Sheriff's Office ("CCSO") and the Carver County Health and Human Services Division ("CCHHS") have verified that a portion of the amount identified in the Trustee's Complaint represents valid charges under the previous contract between Carver County and MEnD. The amount of verified charges is \$3,806.50. CCSO and CCHHS have agreed that such charges should be paid out of their respective budgets.

The Carver County Attorney's Office ("CCAO") has negotiated a settlement with the Trustee in the MEnD Litigation that contemplates payment by Carver County of \$3,806.50, which is the amount that has been verified by CCSO and CCHHS as representing valid charges owed to MEnD under the terms of the contract. In exchange for this payment, the Trustee will dismiss the MEnD Litigation.

ACTION REQUESTED:

Motion to adopt the attached resolution, approving the settlement agreement with the MEnD Trustee, delegating authority to the Carver County Attorney's Office to execute the settlement agreement on behalf of Carver County, and authorizing payment to the MEnD Trustee in the amount of \$3,806.50.

FISCAL IMPACT: Included in current budget

If "Other", specify:

FUNDING

County Dollars =

\$3,806.50

FTE IMPACT: None

Total

\$3,806.50

☒ Insert additional funding source

Related Financial/FTE Comments:

\$3,369.00 will be paid out of the Sheriff's budget.

\$437.50 will be paid out of HHS' budget.

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

Date: 8-6-2024

Motion By Commissioner:

Resolution No:

Seconded by Commissioner:

A RESOLUTION

Authorizing County staff to take all steps and execute all necessary documents to enter into settlement of litigation matter initiated in United States Bankruptcy Court by Bankruptcy Trustee on behalf of MEnD Correctional Care, PLLC.

WHEREAS, Carver County had a previous contractual relationship with MEnD Correctional Care, PLLC (“MEnD”); and

WHEREAS, MENd filed a Petition for Bankruptcy in the United States Bankruptcy Court for the District of Minnesota; and

WHEREAS, the Trustee appointed for MENd in its bankruptcy proceeding initiated a lawsuit against Carver County in the United States Bankruptcy Court for the District of Minnesota, which lawsuit is entitled *Erik A. Ahlgren, Trustee v. Carver County, Minnesota*, Case File No. 22-60407 (the “MENd Litigation”); and

WHEREAS, the Trustee's Complaint in the MEnD Litigation alleges that Carver County failed to pay MEnD for certain costs incurred and services provided during the contractual relationship between MEnD and Carver County; and

WHEREAS, the Carver County Attorney's Office has negotiated a settlement of the MEnD Litigation; and

WHEREAS, the Carver County Sheriff's Office and the Carver County Health and Human Services Division have agreed to fund the payment contemplated by the settlement through their respective budgets.

NOW, THEREFORE, BE IT RESOLVED, that the settlement agreement negotiated in the matter of *Erik A. Ahlgren, Trustee v. Carver County, Minnesota*, Case File No. 22-60407, which contemplates a payment to the Trustee that will be funded jointly by the Carver County Sheriff's Office and the Carver County Health and Human Services Division, is approved by the Carver County Board of Commissioners;

BE IT FURTHER RESOLVED, the Carver County Board of Commissioners authorizes the Carver County Attorney's Office to execute the settlement agreement in the MEnD Litigation on behalf of Carver County; and

BE IT FURTHER RESOLVED, the Carver County Board of Commissioners authorizes the payment of \$3,806.50 to the Bankruptcy Trustee in settlement of the MENd Litigation.

YES	ABSENT	NO
		17

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STATE OF MINNESOTA)
) ss.
 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 August, 2024 now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 6 day of August, 2024.

 Dave Hemze County Administrator

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Phased Retirement Option for Peter Bendzick in Public Works

Primary Originating Division/Dept: Public Works - Asset & Performance Management	Meeting Date: 8/6/2024
Contact: Perry Clark Title: Asset Manager	Item Type: Consent
Amount of Time Requested: minutes	Attachments: ☐ Yes ☒ No
Presenter: Title:	
Strategic Initiative: Culture: Provide organizational culture fostering accountability to achieve goals & sustain public trust/confidence in County government	

BACKGROUND/JUSTIFICATION:

The Minnesota Public Employees Retirement Association (PERA) and County policy allow County employee participation in a Phased Retirement Option (PRO) program. In addition, the County is in process of establishing a Memorandum of Agreement (MOA) with AFSCME Public Works in support of this option.

The Public Works Division has identified specific project work and transition needs which could be met through a Phased Retirement Option with one of its current employees, Peter Bendzick; Mr. Bendzick has also expressed interest in a PRO arrangement.

Under the proposed arrangement, the incumbent will convert from regular status to PRO status, anticipated to be effective approximately early September 2024. Mr. Bendzick would transition to the PRO arrangement and Public Works would backfill the full-time Transportation Asset Inspector.

In accordance with the PRO MOA with AFSCME, Mr. Bendzick will receive severance compensation as outlined in the AFSCME Public Works collective bargaining agreement at the time of transition to the Phased Retirement Option. Mr. Bendzick will be eligible for the special retiree health insurance pursuant to County Personnel Policy, including during the timeframe serving in the Phased Retirement Option. No further PERA contributions will be processed upon transition to PRO status.

The PRO requires a reduction from 40 hours per week to no more than 30 hours per week not exceed a maximum of 900 hours in a year. In this case, we are anticipating a 16 hour (2 day) per week schedule for approximately one year however, work will be scheduled on an as needed basis and no hours are guaranteed through the PRO arrangement. The exact schedule and length of the PRO arrangement will be determined by business needs.

ACTION REQUESTED:

Motion to approve a Phased Retirement Option (PRO) for Peter Bendzick in the Public Works Division subject to satisfactory negotiation of the MOA.

FISCAL IMPACT: Budget amendment request form	FUNDING
If "Other", specify:	County Dollars = \$39,310.00
FTE IMPACT: None	Total \$39,310.00
	☒ Insert additional funding source

Related Financial/FTE Comments:

Funding for the PRO will come from county budgeted Professional Services funds. 03-302-000-0000-6260

Office use only:

RBA 2024 - 1000€

Budget Amendment Request Form



To be filled out AFTER RBA submittal

Agenda Item: Phased Retirement Option for Peter Bendzick in Public Works

Department:

Meeting Date: 8/6/2024

Fund:

- ☐ 01 - General
- ☐ 02 - Reserve
- ☒ 03 - Public Works
- ☐ 11 - CSS
- ☐ 15 - CCRRA
- ☐ 30 - Building CIP
- ☐ 32 - Road/Bridge CIP
- ☐ 34 - Parks & Trails
- ☐ 35 - Debt Service

Requested By: FRANCIS KERBER

DEBIT			CREDIT		
Description of Accounts	Acct #	Amount	Description of Accounts	Acct #	Amount
SALARIES - PART TIME	03-302.6112	\$39,310.00	PROFESSIONAL SERVICES	03-302.6260	\$39,310.00
TOTAL		\$39,310.00	TOTAL		\$39,310.00

Reason for Request:

Cover cost of phased retirement option.

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Acceptance of Watershed-Based Implementation Funding Grant

Primary Originating Division/Dept: Public Services - Planning & Water Mgmt.

Meeting Date: 8/6/2024

Contact: Tim Sundby

Title: Water Resources Supervisor

Item Type:

Consent

Amount of Time Requested: minutes

Presenter:

Title:

Attachments: ☐ Yes ☒ No

Strategic Initiative:

Growth: Manage the challenges and opportunities resulting from growth and development

BACKGROUND/JUSTIFICATION:

The state Board of Water & Soil Resources (BWSR) is distributing State Clean Water Funds (CWF) funds to the Carver County Water Management Organization (CCWMO) for the FY2024-5 period. BWSR established a process to allocate funds within the Metro Area based upon watersheds and to local government units that have an approved water plan with BWSR. In addition to CCWMO Staff, representatives of the County's municipalities and Carver County Soil and Water Conservation District (SWCD) were a part of the Watershed Based Funding approval group.

The funds have now been allocated and the County has received a draft grant agreement from BWSR to accept the watershed-based funding grant. Projects to be funded include one feasibility study to better understand the internal and external phosphorous loading for Eagle Lake; a project to stabilize a ravine that is discharging into Big Woods Lake; a project to help protect a large bank failure by rerouting a stream to provide a fifty foot bench between Carver Creek and the bottom of the bank; and a project to restore a section of East Creek by removing a 130 foot section of pipe flowing into Big Woods Lake as part of the Lyman Bridge Construction Project. Carver County is leveraging \$55,000 in CCWMO levy funds for \$470,000 in state grants to complete these four projects. County Staff recommends that the Board approve receipt of the grant and authorize the Board Chair to sign the grant program agreement.

ACTION REQUESTED:

Motion to authorize the chair to sign the BWSR Watershed-Based Implementation Funding Grant Agreement pending contract review.

FISCAL IMPACT: Budget amendment request form

If "Other", specify:

FTE IMPACT: None

FUNDING

County Dollars =

BWSR \$470,000.00

CCWMO Match \$55,000.00

Total \$525,000.00

Insert additional funding source

Related Financial/FTE Comments:

Acceptance of the Grant Agreement requires a Match. The \$55,000 matching funds are proposed for the 2025 and 2026 CCWMO Levy budget request.

Office use only:

RBA 2024 - 9995

Budget Amendment Request Form



To be filled out AFTER RBA submittal

Agenda Item: Acceptance of Watershed-Based Implementation Funding Grant

Department: Public Services - Planning & Water Mgmt.

Meeting Date: 8/6/2024

Fund:

- ☒ 01 - General
- ☐ 02 - Reserve
- ☐ 03 - Public Works
- ☐ 11 - CSS
- ☐ 15 - CCRRA
- ☐ 30 - Building CIP
- ☐ 32 - Road/Bridge CIP
- ☐ 34 - Parks & Trails
- ☐ 35 - Debt Service

Requested By: Tim Sundby

DEBIT		
Description of Accounts	Acct #	Amount
Professional & Tech. Fees for Services	01-123-124-0437-6260	\$76,500.00
Professional & Tech. Fees for Services	01-123-124-0439-6260	\$148,500.00
Professional & Tech. Fees for Services	01-123-124-0441-6260	\$180,000.00
Professional & Tech. Fees for Services	01-123-124-0442-6260	\$65,000.00
TOTAL		\$470,000.00

CREDIT		
Description of Accounts	Acct #	Amount
State Grant - BWSR WBIF	01-123-124-0437-...	\$76,500.00
State Grant - BWSR WBIF	01-123-124-0439-...	\$148,500.00
State Grant - BWSR WBIF	01-123-124-0441-...	\$180,000.00
State Grant - BWSR WBIF	01-123-124-0442-...	\$65,000.00
TOTAL		\$470,000.00

Reason for Request:

Add the revenue and expense budget amounts for the FY25 BWSR Watershed-Based Implementation Funding grant.

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Freshwater Church - Outdoor Service and Celebration (Annual Special Event)

Primary Originating Division/Dept: Public Services - Land Mgmt. v	Meeting Date: 8/6/2024 grid
Contact: Christina Neel Title: Land Management Planner	Item Type: Consent v
Amount of Time Requested: minutes Presenter: Title:	Attachments: ☒ Yes ☐ No
Strategic Initiative: Growth: Manage the challenges and opportunities resulting from growth and development v	

BACKGROUND/JUSTIFICATION:

File #A20240157. Freshwater Church has requested a One-Time Administrative Special Event Permit for an outdoor service and celebration on August 17-18, 2024, in Section 6, Laketown Township. The event would be similar to previous events and would be held entirely on the church property at 6635 Laketown Parkway. The event will include setup and band rehearsal 12PM-7PM on Saturday August 17, 2024. Worship Service and social festivities will occur Sunday August 18, 2024, 8AM-3PM. All parking for attendees would be on-site pursuant to the submitted site plan. The event is expected to host up to 1,000-1,300 attendees with food trucks, portable restrooms, security, and scheduled disposal pickup after the event ceases.

The applicant has provided an operation narrative, site plan, parking map, invoices for portable restrooms, and commercial recycling services, as well as proof of insurance.

Laketown Township reviewed the request and did not have any objections.

The County Zoning Code allows a maximum of three special event requests annually with County Board approval pursuant to Chapter 152, Section 152.074 (B)(6).

ACTION REQUESTED:

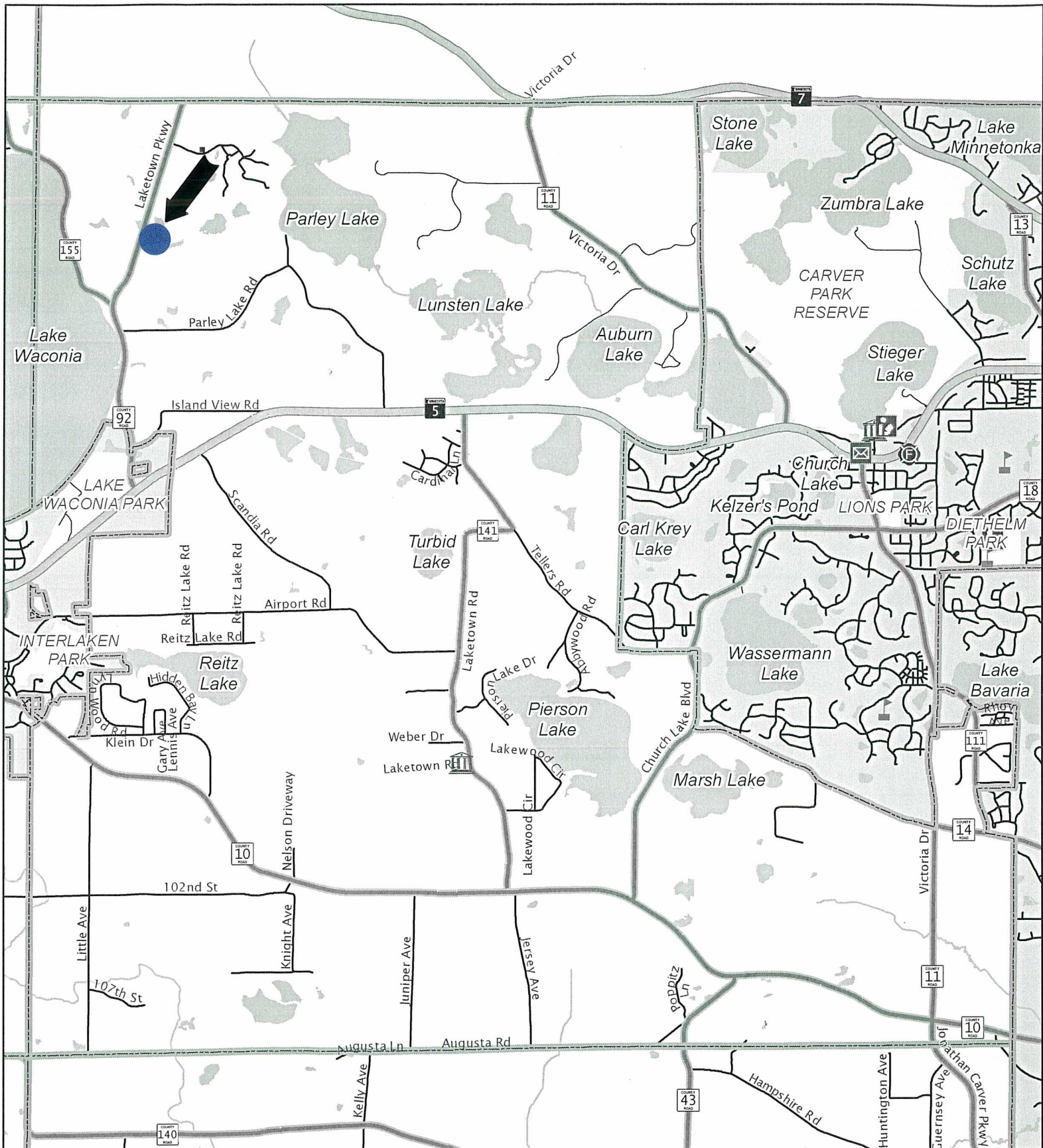
A motion authorizing the issuance of a Certificate of Zoning Compliance (#A20240157) for the August 17-18, 2024, Outdoor Service and Celebration event.

FISCAL IMPACT: None v	FUNDING
If "Other", specify:	County Dollars =
FTE IMPACT: None v	Total \$0.00
☒ Insert additional funding source	
Related Financial/FTE Comments:	

Office use only:

RBA 2024 - 9985

LAKETOWN 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.



Freshwater Church Outdoor Service Operational Plan

Date of Event: 8/17/2024 & 8/18/2024

Proposed Activity

A gathering event on the land of our future church home for a Sunday service and fellowship that includes music, a time of teaching, and a social gathering with others. Saturday afternoon (8/17/24) is rehearsal and Sunday (Worship Service 8/18/24) begins with a spiritually moving worship experience and is directly followed by a message and social gathering.

Noise Control/Limitations

We will limit to afternoon band rehearsal with no crowd on Saturday, August 17th, 2024 between 12 pm-7 pm, and rehearsal and Worship Service with a crowd on Sunday, August 18th, 2024 between 8 am and 3 pm.

Litter/Disposable

The event will have several trash cans stationed throughout the grounds to maintain a clean and litter-free environment. All trash cans will be pulled, and trash/litter gathered, and removed from the property by the trash disposal company.

Sanitary Facilities

The building has indoor plumbing accessible to two full bathrooms. The event will have 7 standard and 1 handicap portable toilets and 2 double-sided hand washing stations.

Crowds

Expected Attendance: 1,000-1,300 people

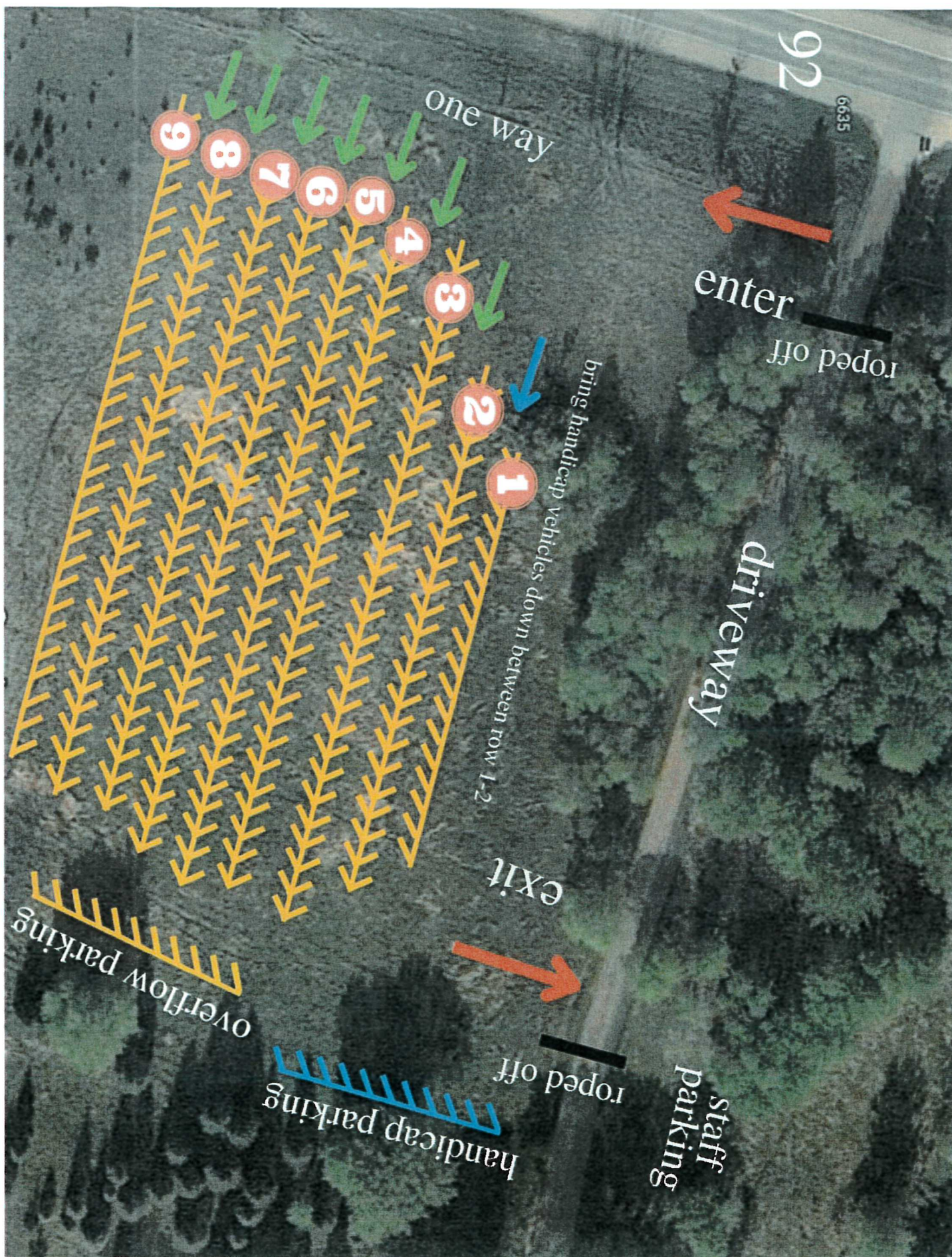
Crowd control and management begins with making sure that all attendees can find their way around the grounds and know where to go. This is done by providing clear directional signs for all activities, tents, and various areas in the event space. The sitting area is controlled by ensuring appropriate space and aisles between chairs and seating sections.

Parking/Traffic

The parking space is near the exit of the property, identified by signage, and is roped off in sections to identify parking aisles. A parking team wearing bright visibility vests is equipped to help direct incoming and outgoing traffic on Sunday, June 9th, 2024 including parking in designated spots.

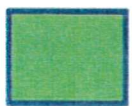
Security/Monitoring of Event

To ensure the safety of the event attendees, guests, and staff, a trained security team is present to act accordingly, address, and assist in medical emergencies, assist with crowd control, de-escalate troublesome guests or unexpected situations, and prevent any damage to the venue and related property.





Walk this way to
outdoor service



Regular Parking*

*you will be directed to your
spot



Handicap Parking



Ride to
Outdoor Service

COUNTY OF CARVER
CERTIFICATE OF ZONING COMPLIANCE

FILE/CERTIFICATE #: A20240157

DATE ISSUED: 8/6/2024

TYPE OF CERTIFICATE: ONE TIME SPECIAL EVENT
FRESHWATER CHURCH OUTDOOR WORSHIP SERVICE & CELEBRATION

This permit certificate is issued for the Freshwater Church Outdoor Worship Service & Celebration to be held on August 17-18, 2024. The event will be held entirely on property owned by Freshwater Church, at 6635 Laketown Parkway in Section 6, Laketown Township. Festivities at the property will run from 12PM (noon) – 7PM Saturday, August 17, 2024, for band rehearsal and 8AM – 3PM for the public worship service and celebration on Sunday, August 18, 2024. The event includes: worship, food trucks, children’s games, and music entertainment. This event is allowed with a Certificate of Zoning Compliance, pursuant to Chapter 152, section 152.074 (B)(6) of the Carver County Code. **This certificate is issued to:**

Freshwater Church
C/O Becky Kutz
6635 Laketown Parkway
Waconia, MN 55387

And is not transferable to another person or to another parcel of property.

Purpose of Certificate: To certify that the permittee and/or organization to which this certificate is issued is permitted and authorized to hold an Outdoor Worship and Celebration event on Saturday August 17, 2024, and Sunday August 18, 2024. The event shall take place in Laketown Township in accordance with the conditions listed on this permit and in accordance with Chapter 152, Section 152.074 (B)(6) of the Carver County Code.

THE FOLLOWING CONDITIONS ARE ATTACHED AND MUST BE COMPLIED WITH:

1. The Permit is valid only for the days of August 17, 2024 (rehearsal only from Noon to 7PM), and August 18, 2024 (worship and celebration from 8AM to 3PM). No music prior to Noon on August 17th and promptly ending at 7PM. No music prior to 7:45AM on August 18th and promptly ending at 3PM.
2. The event shall comply with the Noise standards pursuant to Section 152.040 (B)(9) of the Carver County Zoning Code. Noise levels are regulated by the Minnesota Pollution Control Agency (MPCA) Rules (Minn. Rules Ch. 7030). Compliance with the laws shall be as determined by the appropriate state regulatory agency, except as regulated by another county ordinance.

Minn. Rules Section 7030.0040 Noise Standards
Subp. 2. Noise standards.

Noise Area Classification	Daytime		Nighttime	
	L ₁₀	L ₅₀	L ₁₀	L ₅₀
1	65	60	55	50
2	70	65	70	65
3	80	75	80	75

Based on Minn. Rules Section 7030.0050 Noise Area Classification Standards, religious activities as a land use activity is classified as a NAC 1; therefore, the Daytime L10 sound level shall not exceed 65dB.

3. The event must be conducted in accordance with the Operational Plan & Site Maps attached hereto.
4. Per the event operations plan, there shall be at least seven (7) standard bathroom satellites and at least one (1) handicap accessible portable toilet available for the event, in addition to the indoor bathrooms located on site, as well as handwashing stations.
5. No parking shall be allowed along CSAH 92. Parking for the event must be on the subject property (i.e. PID #: 07-006-1121 - 6635 Laketown Parkway), and as detailed in the application.
6. Traffic shall be managed into and out of the site, with vehicle queuing occurring within the site. Traffic shall not be blocked on CSAH 92. In the event of wet weather, the applicant is responsible for keeping Laketown Parkway clear of mud and debris.
7. If item #4 and #5 cannot be met and the event would require closure of the traveled portion of the roadway or shoulder, a special event permit will need to be obtained through the Carver County Public Works Department.
8. Emergency vehicle access must be provided within the activity areas of the event.
9. The event shall not be detrimental to the highway or to the safety of the Public.
10. Parking within the site should be orderly to allow for maximum vehicle capacity.
11. The applicant shall submit a copy of the Certificate of Liability Insurance for the church to the Land Management Department prior to the event.
12. The church group and any sponsors are responsible to clean up all excess trash and litter during and after the event.
13. The permittee shall inform adjacent residents, Laketown Town Board, and the Carver County Public Works Department of the date(s) in which the event will take place. (Notification shall be provided prior to the event.)

Christina Neel
Land Management Planner

THIS CERTIFICATE IS ISSUED FOR THE WEEKEND OF SATURDAY AUGUST 17, 2024, AND SUNDAY, AUGUST 18, 2024, AND IS NOT EFFECTIVE UNTIL SIGNED:

I HAVE READ THE ABOVE CONDITIONS AND AGREE TO FOLLOW THEM. I REALIZE THAT FAILURE TO ABIDE BY THE CONDITIONS IS A VIOLATION OF THE ZONING ORDINANCE. I AGREE THAT THE ZONING ADMINISTRATOR OR A DESIGNATED REPRESENTATIVE MAY ENTER UPON THE SUBJECT PROPERTY TO CHECK FOR COMPLIANCE OR FOR REVIEW PURPOSES. I ALSO UNDERSTAND THAT THIS IS NOT A BUILDING PERMIT AND THAT OTHER PERMITS MAY BE REQUIRED.

Signature of Certificate Holder

Date

Attached To:
Property outlined in attached site plans,
And PID #07-006-1121

That part of the north 884.02 feet of the west 1736.94 feet of the Southeast Quarter that lies Easterly of the Centerline of County Road 30.

Prepared by Land Management Dept.

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Anna Tyler - Carver County Recovery Fest (One-Time Special Event)

Primary Originating Division/Dept:

Meeting Date: 8/6/2024

Contact: Christina Neel

Title:

Item Type:

Consent

Amount of Time Requested: minutes

Presenter:

Title:

Attachments: ☒ Yes ☐ No

Strategic Initiative:

Growth: Manage the challenges and opportunities resulting from growth and development

BACKGROUND/JUSTIFICATION:

File #A20240154. Anna Tyler has requested a One-Time Administrative Special Event Permit for a faith-based festival celebrating substance use recovery with live music on August 16-17, 2024, in Section 27, Waconia Township.

The event would be held entirely on the Tyler' property at 9750 Orchard Road, Cologne MN. Events would include a bounce house and children's activities, catered food, booths from local organizations and live music. Setup would start at 12PM on Friday afternoon, with the events occurring from 2PM to 9PM Saturday, and immediate clean up on Saturday evening. All parking for vendors and attendees would be on-site on an open grass field area, pursuant to the submitted site plan.

The applicant has provided an operation narrative (w/details) and site plan. The event is expecting up to 200 attendees.

The Carver County Sheriff's Department has reviewed the request and does not have any objections with the proposal. Waconia Township reviewed and recommended approval of the event without additional concerns or conditions.

The County Zoning Code allows a maximum of three special event requests annually with County Board approval pursuant to Chapter 152, Section 152.074 (B)(6).

ACTION REQUESTED:

A motion authorizing the issuance of a Certificate of Zoning Compliance (#A20240154) for the August 16-17, 2024, Carver County Recovery Fest event.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT:

Total

\$0.00

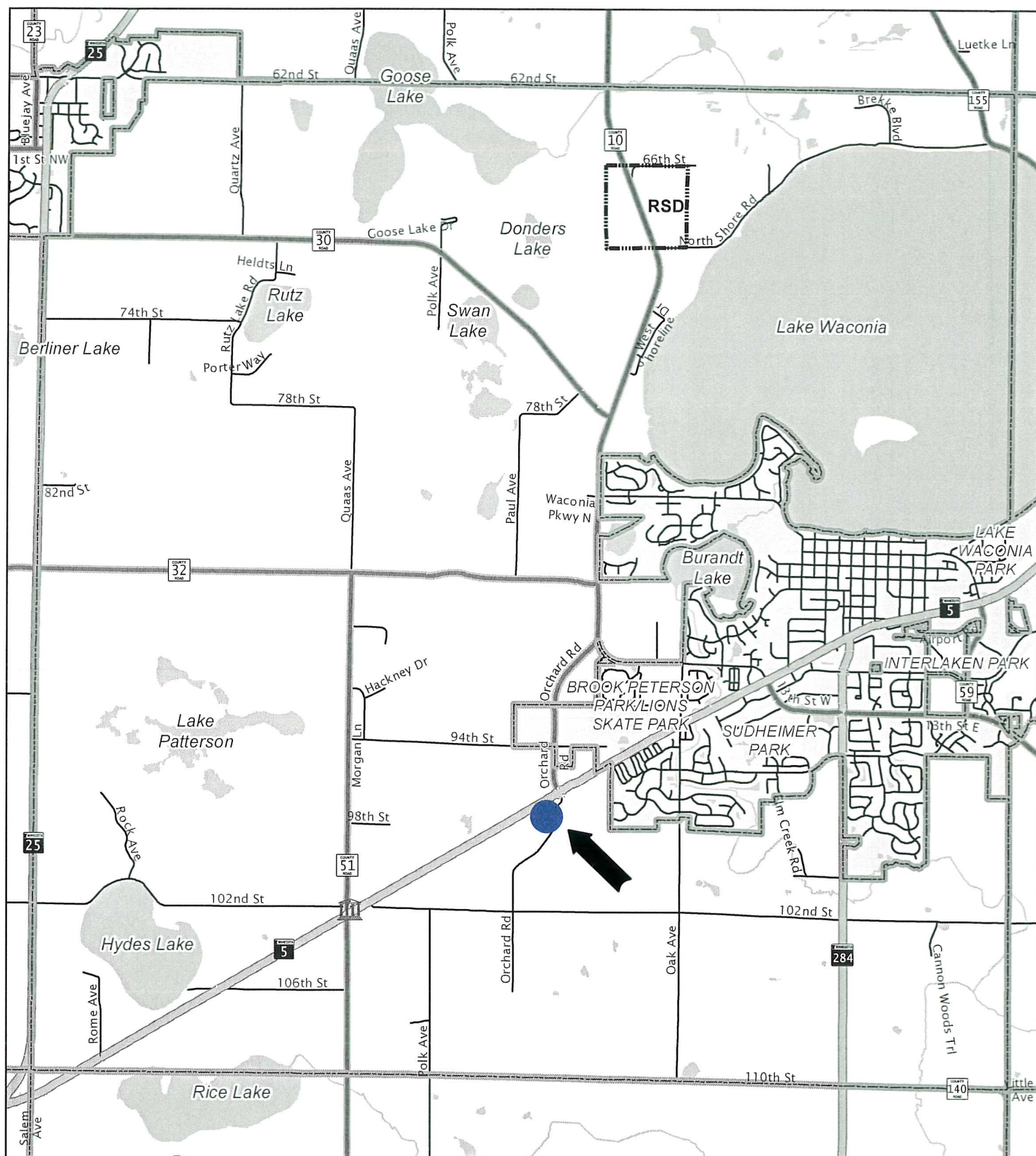
Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2024 - 9988

WACONIA TOWNSHIP



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Map Created by Carver County GIS

I. Event Background

This event is a way for the county and surrounding areas to celebrate recovery. This is a faith-based, family friendly event with live entertainment, bounce houses/kids zone, food, and booths.

II. Event Objectives

To bring awareness to recovery, to provide resources to those affected by substance use and allow a safe, comfortable, family friendly event.

III. Targeted Audience

Anyone. Those in recovery, those affected by substance use, those who work in the field of recovery, family, friends, neighbors. The entire community.

IV. Event Plan

A. Location

1. 9750 Orchard Rd., Cologne, MN – Property of Phillip and Anna Tyler (See attached Site Location picture)

B. Date & Time

1. August 17, 2024, 2pm -9pm

C. Event Flow

1. August 16 – set up of tents/chairs, and stage, bounce houses, drop-off of Biffs/set-up, parking marked off
2. August 17 (11:00am) – Volunteers arrive to help with additional set-up, food preparation, parking.
3. August 17 (12:00pm) – Vendors arrive for set-up
4. August 17 (2pm) – Event start.
5. August 17 (8:30pm- 9pm) – wrap up and end.

D. Adverse impact to environment/ neighbors

1. Sanitary Biffs will be brought in by K & K Fun time out of Watertown, MN. They will drop-off and remove. There will be 4 regular biffs, and 1 handicap accessible biff provided.
2. Garbage cans will be provided throughout the property for proper disposal of trash. Volunteers will be in place to assess the property throughout the day to help pick up and dispose of any litter. There will be a dump trailer provided to gather all trash once clean up has completed.
3. Music will be ending around 8pm. Based on the projected time for sunset, outdoor lighting will not be necessary. Volunteers will be available to assist anyone to their cars.

4. Since this is an “all day” event, we project crowd numbers of 200 or less, coming and going throughout. We will have volunteers set up to help maintain the parking either on the north or southside parking lots (see attached site picture with key.) There is one main access to the property, which is the driveway. However, in case of emergency, there is plenty of room for emergency vehicles to enter from any side.



Property of 9750 Orchard Rd.
Owned by Phil and Anna Tyler

- RED: Booths will be lined up along driveway
- ORANGE: Entertainment/Music
- BLUE: Food and seating
- PURPLE: Bounce houses, raffle area
- WHITE: Biffs
- Yellow: Volunteer Parking
- Green: General Attendance Parking

COUNTY OF CARVER
CERTIFICATE OF ZONING COMPLIANCE

FILE/CERTIFICATE # A20240154

DATE ISSUED: 8/6/2024

TYPE OF CERTIFICATE: ONE TIME SPECIAL EVENT – Recovery Fest

This permit certificate is issued for a faith-based family event celebrating recovery (Carver County Recovery Fest) to be held on August 17, 2024. The event will be held entirely on property owned by Phillip and Anna Tyler. Festivities at the property will run from setup at Friday evening to the event at 11:00AM – 9:00PM on Saturday, August 17. The event includes: live music, bounce houses and other children’s activities, food and booths from local organizations. This event is allowed with a Certificate of Zoning Compliance, pursuant to Chapter 152, section 152.074 (B)(6) of the Carver County Code. **This certificate is issued to:**

**Anna Tyler
9750 Orchard Road
Cologne, MN 55322**

And is not transferable to another person or to another parcel of property.

Purpose of Certificate: To certify that the permittee and/or organization to which this certificate is issued is permitted and authorized to hold the Carver County Recovery Fest event on Saturday, August 17, 2024. The event shall take place in Waconia Township in accordance with the conditions listed on this permit and in accordance with Chapter 152, Section 152.074 (B)(6) of the Carver County Code.

THE FOLLOWING CONDITIONS ARE ATTACHED AND MUST BE COMPLIED WITH:

1. The Permit is valid only for the weekend of August 16-17, 2024.
2. The event must be conducted in accordance with the application details & site map attached hereto.
3. There shall be at least two (2) bathroom satellites available for the event.
4. The sponsors are responsible to clean up all excess trash and litter during and after the event.
5. Emergency vehicle access must be provided within the activity areas of the event.
6. Parking shall be provided as described in the application, on site only.

7. No parking shall be allowed on Orchard Road. In the event of wet weather, the applicant is responsible for keeping Orchard Road clear of mud and debris.
8. The applicant shall submit a copy of the Certificate of Liability Insurance for the event to the Land Management Department prior to the event.
9. The applicant shall provide copies of the appropriate liquor licenses to allow for the serving of beer, wine, and/or liquor for the event to the Land Management Department prior to the event.
10. Any amplified music shall cease at 9:00PM.
11. The permittee shall inform adjacent residents, Waconia Town Board, and the Carver County Public Works Department of the date(s) in which the event will take place. (Notification shall be provided prior to the event.)

Christina Neel
Land Management Planner

THIS CERTIFICATE IS ISSUED FOR THE WEEKEND OF AUGUST 16-17, 2024, AND IS NOT EFFECTIVE UNTIL SIGNED:

I HAVE READ THE ABOVE CONDITIONS AND AGREE TO FOLLOW THEM. I REALIZE THAT FAILURE TO ABIDE BY THE CONDITIONS IS A VIOLATION OF THE ZONING ORDINANCE. I AGREE THAT THE ZONING ADMINISTRATOR OR A DESIGNATED REPRESENTATIVE MAY ENTER UPON THE SUBJECT PROPERTY TO CHECK FOR COMPLIANCE OR FOR REVIEW PURPOSES. I ALSO UNDERSTAND THAT THIS IS NOT A BUILDING PERMIT AND THAT OTHER PERMITS MAY BE REQUIRED.

Signature of Certificate Holder

Date

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: #09-027-1700

FILE#A20240154

APPLICANT: Anna Tyler

That part of the Southwest Quarter of the Northwest Quarter of Section 27, Township 116 North, Range 25 West, Carver County, Minnesota, which lies Southerly of the South right-of-way line of State Trunk highway No. 5, except the following:

1. A strip of land 100 feet in width, the same being 50 feet in width on each side of the centerline of the main track (now removed) of the Minneapolis and St. Louis Railway Company (now the Chicago and Northwestern Transportation Company) as said main track centerline was originally located over and across the said Southwest Quarter of the Northwest Quarter, Section 27, Township 116, Range 25.
2. A parcel of land described as follows; Commencing at the Southwest corner of the Southwest Quarter of the Northwest Quarter of said Section 27; thence Easterly along the South line of said Southwest Quarter of the Northwest Quarter of said Section 27 a distance of 233.11 feet to a point; thence Northerly on a bearing of North 1 degree 3 minutes and 30 seconds East a distance of 253.95 feet to a point on the South right-of-way line of the former right-of-way of the Minneapolis and St. Louis Railroad as originally established; thence Southwesterly along the Southerly right-of-way of said former railroad right-of-way as originally established to a point on the Westerly line of said Southwest Quarter of the Northwest Quarter of Section 27; thence South along the West line of said Southwest Quarter of the Northwest Quarter of said Section 27 to the point of beginning.
3. Beginning at a point at the center of the former Minneapolis and St. Louis Railroad right-of-way as originally established and as referred to above, where said centerline intersects the center of a township road running along the Easterly line of the Southwest Quarter of the Northwest Quarter of Section 27; thence South 75.67 feet, along the centerline of said township road; thence West 33 feet to the actual point of beginning for this description, which is the point of intersection of the Southerly limit of said former railroad right-of-way and the Westerly limit of the right-of-way of said township road; thence South 188.76 feet along the Westerly limit of said township road; thence West 147.58 feet; thence North 106.40 feet to the Southern limit of said former railroad right-of-way; thence Northeasterly along the Southern limit of said railroad right-of-way a distance of 169.01 feet to the point of beginning for the tract described as Exception No. 3.
4. The tract of land herein conveyed is subject to an easement for access and roadway purposes 20 feet in width over and across the land hereby conveyed and which lies 10 feet on either side of the following described centerline: Commencing at the Northeasterly corner of the tract of land described as Exception No. 2 above; thence Southerly, along the East line of said tract, 10 feet to the point of beginning of the centerline to be described; thence Northeasterly, parallel to the former right-of-way line of the Minneapolis and St. Louis Railroad right-of-way as originally established, to a

point which is 10 feet Westerly of the tract of land described in Book 44 of Deeds, page 302, Office of the County Recorder, Carver County, Minnesota (Exception No. 3 above); thence South 106.40 feet to a point; thence East a distance of 147.58 feet to the Westerly line of the township road described in said Exception No. 3 above and there terminating.

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Emanuel Lutheran Church - Large Scale Activity – Church Childcare Facility (CUP)

Primary Originating Division/Dept:

Meeting Date: 8/6/2024

Contact: Christina Neel

Title:

Item Type:

Consent

Amount of Time Requested: minutes

Presenter:

Title:

Attachments: ☒ Yes ☐ No

Strategic Initiative:

Growth: Manage the challenges and opportunities resulting from growth and development

BACKGROUND/JUSTIFICATION:

File #PZ20240022. On July 16, 2024, the Planning Commission voted unanimously to recommend approval of Emanuel Lutheran Church's Conditional Use Permit (CUP) application for a Large-Scale Activity - Church, Educational (early learning center and childcare facility) on their 16.63-acre parcel in Section 32, Young America Township.

Emanuel Lutheran Church is requesting an update to their existing CUP in order to expand the educational and childcare facility. Their proposing a new 4,500 square foot building to replace an existing house on site. This facility would allow for up to 42 children (and increase of 28 from current capacity), ages 6 weeks to 5 years. The new facility would include indoor and outdoor play areas, rooms for each age group, commercial kitchen, laundry facility, and staff rooms. Operating hours would be 6:30AM-5:30PM, with approximately 84 trips in and out of the parking area. The new building would meet all setbacks and other zoning code requirements.

The Young America Town Board recommended approval of the request.

A township location map and Planning Commission Resolution is attached for the Board's consideration. A copy of the Planning Commission packet is available for review at:

<https://www.carvercountymn.gov/home/showpublisheddocument/26546/638562141113270000>

ACTION REQUESTED:

A motion to adopt Findings of Fact and issue Order #PZ20240022 for the issuance of a Conditional Use Permit.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT:

Total

\$0.00

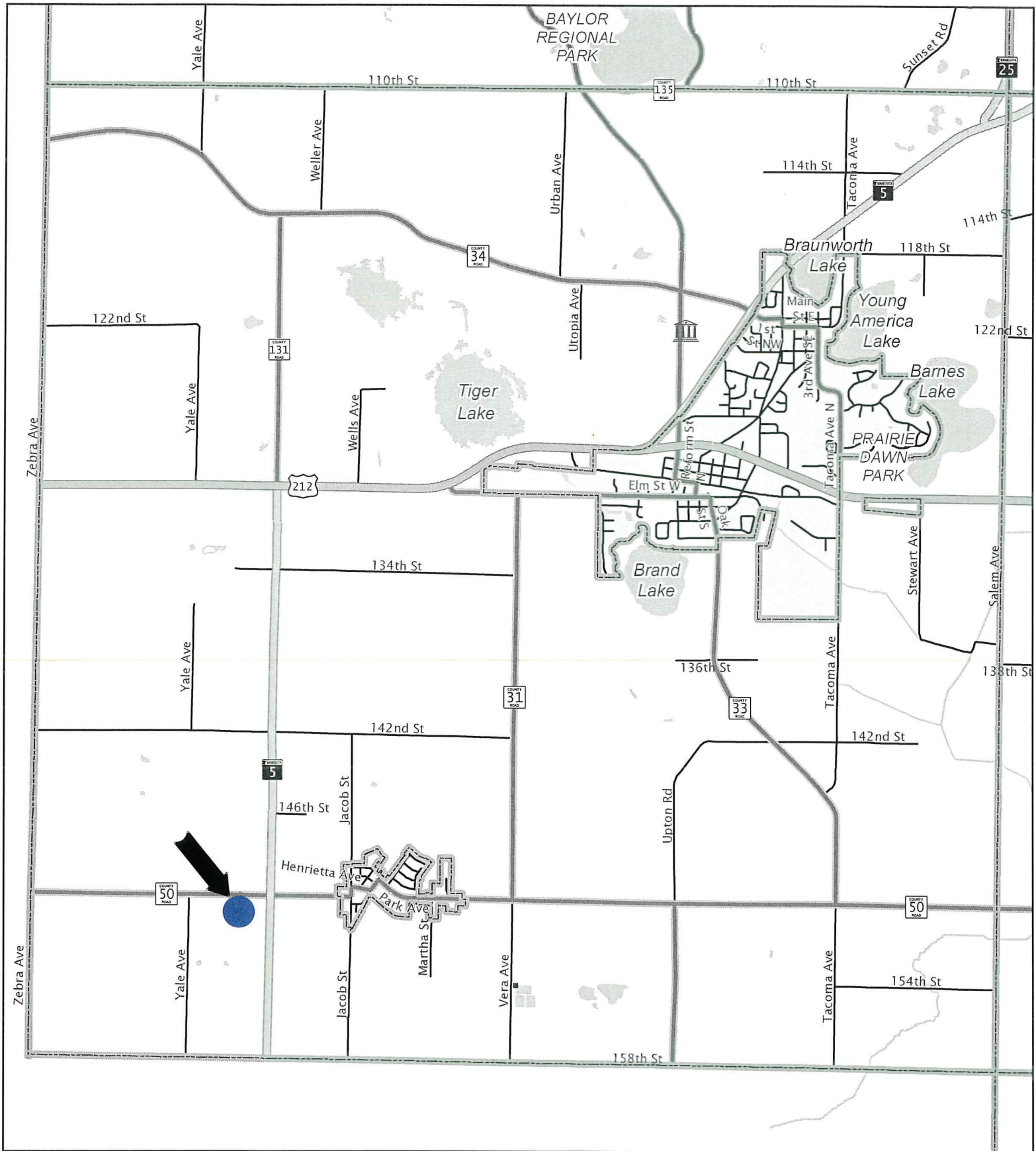
Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2024 - 9990

YOUNG AMERICA 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.



COUNTY OF CARVER
PLANNING COMMISSION RESOLUTION

FILE #: PZ20240022

RESOLUTION #: 24-06

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

FILE #: PZ20240022

APPLICANT: Sammie Jo Engelman, on behalf of Emanuel Lutheran Church

OWNER: Emanuel Lutheran Church

SITE ADDRESS: 18175 County Road 50, Hamburg 55339

PERMIT TYPE: Large Scale Activity (Educational, Church)

PURSUANT TO: County Code, Chapter 152, Section 152.080 (C)(2) & (6)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCELS #: 11-032-0200

WHEREAS, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meeting of July 16, 2024; and,

WHEREAS, the Carver County Planning Commission finds as follows:

1. The Emanuel Lutheran Church owns an approximately 16.63-acre parcel located in the North Half (N½) of the Northwest Quarter (NW¼) of Section 32, Young America Township. The church has existed on the property since 1864. The property is improved with a church, parking lot, a building containing an elementary school (grades 1-8), a house utilized as a daycare center, and a cemetery. The property is located within the Agricultural Zoning District and the Carver County Water Management Organization (CCWMO)—Bevens Creek watershed.
2. Emanuel Lutheran Church is proposing an expansion of the educational and institutional facility by constructing a new 4,500 square foot building to be used as an early learning and childcare center, replacing the existing house on the site. The new building would be located southeast of the existing church building and would meet all setbacks.
3. The 2040 Comprehensive Plan provides for “Large-Scale Activities with Unique Land or Location Needs” (LU-21) as potential land uses. The application by Emanuel Lutheran Church for a Conditional Use Permit (CUP) is pursuant to Sections 152.080 of the Zoning Code.
4. There have been several CUPs issued to Emanuel Lutheran Church over the years to expand the church operations and educational institution on this property. In 1979, Conditional Use Permit #3704 was granted to construct a teacherage on the property to replace an existing structure. In 1992, Conditional Use Permit #8648 was granted to the Emanuel Lutheran Church and school to “approve the site plan and operations plan for the church facility and allow for the construction of a gymnasium and church addition” on the subject parcel. In addition, the Board of Adjustment issued Variance #PZ20220010 to allow for increased signage square footage and an electronic changeable copy sign.
5. The Site Plan (dated June 26, 2024) shows the church and school grounds with the proposed new 4,520 square foot building. The existing home to be demolished is shown, as well as the expanded play area and reconfigured parking and school drop off. One storage building, a utility shed approximately 35’ x 45’ (1,575 square feet), will be relocated southward along an existing driveway to accommodate the new structure. The remainder of the property shall remain unchanged. Additional site plans are included that show the exterior and interior of the proposed daycare building, with indoor play areas, preschool room, toddler room, infant room, a commercial kitchen, and laundry facility, as well as staff rooms and bathroom facilities.

6. Described in the applicant's narrative (dated June 18, 2024), Emanuel Lutheran Church has been utilizing the residential home on the property as a Special Family Childcare facility, licensed for 14 children. To meet additional demand for quality childcare in the area, including neighboring counties, the church is proposing an additional 4,500 square foot building. The new center would allow for up to 42 children ages 6 weeks to 5 years, an increase of 28 children from current capacity. A minimum of 7 staff members will be required.
7. The narrative also explains the hours of operation will be 6:30AM to 5:30PM Monday-Friday throughout the year. "This will attribute to a potential 84 trips in and out of the parking lot daily by families drop off and pick up of children, in addition to families, staff trips will be daily up to 20 trips in and out." The applicant states that the 7-10 staff vehicles would fit in the existing parking lot. Existing landscape screening on the property shall remain surrounding the parking area and proposed facility.
8. The submitted narrative lists the proposed signage to be affixed to the building and is not expected to exceed 18 square feet. Additional signage is proposed to replace existing signage on the electronic sign at the corner of Highway 25 and County Road 50. All signage must comply with County Sign Regulations.
9. On June 26, 2024, staff spoke with Jeremy Gruenhagen, City Clerk and Treasurer for the City of Hamburg. Mr. Gruenhagen confirmed that the city's sewer system has been serving the church property for many years and would continue to have capacity for any additional sanitary sewerage with the proposed childcare facility. The facility would be served by a private well.
10. The subject property is located within the Carver County Water Management Organization (CCWMO) jurisdiction. In an email dated June 27, 2024, Paul Moline, Carver County Public Services Deputy Director stated the request does not trigger any WMO requirements, so no comments are necessary at this time.
11. On July 2, 2024, this request was reviewed by Mike Wanous, Carver County Soil and Water Conservation District Manager, who stated there are no concerns or comments on this approval.
12. At their July 9, 2024, meeting, the Young America Township Board reviewed the CUP request and voted to recommend approval unanimously without additional conditions.
13. The Planning Commission has considered all the factors required by Section 152.251 of the Carver County Code and finds that all are either true in this case or can be mitigated by conditions placed on the permit.

THEREFORE, BE IT RESOLVED, THAT the Carver County Planning Commission hereby recommends approval of the Conditional Use Permit application for an early learning center and childcare facility as a Large-Scale Activity – Church, Educational Facility on the parcel described in Exhibit A. The following conditions should be considered part of the permit:

1. The permit is subject to compliance 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 in the timeline of the proposed change as possible.
2. Operations shall be substantially in accordance with the Project Description and Operations Plan (dated June 18, 2024) and Site Plans (dated June 26, 2024). The hours of operation for programmed activities are 6:30AM – 5:30PM on weekdays.
3. Any grading, and/or filling activity on the property shall be completed in accordance with regulations of the Carver County Water Management Organization (CCWMO) and the Wetland Conservation Act (WCA), if applicable. Review and approvals are required prior to the issuance of construction and/or building permits, if applicable.

4. All structures used in conjunction with the Emanuel Lutheran Church operations, shall meet the applicable requirements of the Carver County Zoning Code, State Building Code, and applicable Fire Code. Any required building permits shall be applied for and issued prior to construction. Any future remodeling or construction shall be reviewed by the Zoning Administrator to determine if an amendment to the CUP and/or variance is necessary.
5. The permittee shall comply with all access permits and any access improvements required by Carver County Public Works. No public parking shall be allowed along County Rd. 50. No construction shall occur within the public right-of-way without the proper permit(s).
6. Sanitary sewer service must be provided by the City of Hamburg, or the facility must comply with Carver County Chapter 52 - Subsurface Sewage Treatment System (SSTS) regulations.
7. The permittee is responsible for obtaining and abiding by all appropriate permits and licensing from the Department of Human Services, Department of Health, Dept of Agriculture, and all required food service permits, if applicable.
8. The permittee shall comply with all conditions of Chapter 50: Solid Waste Management of the Carver County Code of Ordinances pertaining to the storage and disposal of solid waste materials.
9. Permittee shall submit Certificate of Workers' Compensation Insurance to the Land Management Department annually. The insurance shall be maintained for the duration of the CUP.
10. The Permittee shall comply at all times with the County standards as detailed in Chapter 152 – Zoning Code and Chapter 154 – Sign Regulations, MN State Building Code requirements, and all other applicable local, state, and federal regulations. Any increase in signage square footage will require a variance.

ADOPTED by the Carver County Planning Commission this 16th day of July, 2024.


Scott Hoese (Jul 22, 2024 07:32 CDT)

Scott Hoese, Chairman
Carver County Planning Commission

07/22/24

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Award Contract to New Look Construction for Highway 17/West 78th Street Intersection Project

Primary Originating Division/Dept: Public Works - Program Delivery ▼	Meeting Date: 8/6/2024 📅
Contact: Whitney Schroeder Title: Traffic Engineer	Item Type: Consent ▼
Amount of Time Requested: minutes	Attachments: ☒ Yes ☐ No
Presenter: Title: 	
Strategic Initiative: Growth: Manage the challenges and opportunities resulting from growth and development ▼	

BACKGROUND/JUSTIFICATION:

The City of Chanhassen and Carver County have identified the Highway 17 and 78th Street intersection as one of the oldest traffic signal systems in the County. The project consists of a signal system replacement as well as updating pedestrian facilities to meet ADA compliance. Carver County is partnering with the City of Chanhassen on this project.

Carver County requested bids for construction, excluding the costs for the signal cabinet and signal pole components as those materials will be purchased directly by Carver County through MnDOT State Aid Force Account. All bids received were opened at 10:00 AM on Monday, July 15th. Three bids were received: New Look Contracting, Inc: \$592,248.00; G Urban Companies, Inc: \$603,003.50; and Park Construction Company: \$675,447.30.

While the lowest bid was approximately 12% higher than the engineer's estimate of \$528,324.25, the County and the City of Chanhassen have both agreed to move forward with the lowest bid as it is still deemed reasonable reflecting the work involved and timeframe.

The materials for the signal cabinet and mast arms/poles/etc. have been approved to be purchased directly through a force account with MnDOT State Aid. The force account total is \$198,093.50 and is in addition to the bid amount.

ACTION REQUESTED:

Motion to award a contract to New Look Contracting, Inc. for the Highway 17/West 78th Street Intersection Project for \$592,248.00, pending finalization of the contract review process.

FISCAL IMPACT: Included in current budget ▼
If "Other", specify:

FTE IMPACT: None ▼

FUNDING

County Dollars =

City of Chanhassen	\$340,413.25
CSAH Reg. Funds	\$449,928.25
Total	\$790,341.50

📄 Insert additional funding source

Related Financial/FTE Comments:

The funding totals above include the force account amount that includes materials that have been procured separate from this competitive bid. The force account total of \$198,093.50 is split between the County and City 50/50. This amounts to \$99,046.75 being funded by City of Chanhassen and \$99,046.75 by CSAH Reg Funds.

Office use only:

RBA 2024 - 9976

BOARD OF COUNTY COMMISSIONERS

CARVER COUNTY, MINNESOTA

Date: August 6, 2024 Resolution No: _____
Motion by Commissioner: _____ Seconded by Commissioner: _____

Awarding of the Construction Contract for Highway 17/West 78th St Intersection Project Carver County Contract 24-346 Project #'s 198871

WHEREAS, The County Engineer has secured and designated funding for this contract in the current fiscal year Road and Bridge budget; and

WHEREAS, On Monday, July 15th, at 10:00 A.M. at Carver County Public Works, 11360 Highway 212, Cologne, Minnesota, three (3) bids were received by Carver County Public Works and opened by two (2) representatives of Carver County Public Works, one (1) representative of City of Chanhassen, and one (1) representative of Alliant Engineering, for the Highway 17/West 78th St Intersection Project. Said bids for the responsible bidders are summarized as follows:

Bidder Name	Total Amount	% Over/Under Estimate
<i>Engineer's Estimate</i>	<i>\$ 528,324.25</i>	
New Look Contracting, Inc.	\$ 592,248.00	12% Over
G Urban Companies, Inc.	\$ 603,003.50	14% Over
Park Construction Company	\$ 675,447.30	28% Over

And WHEREAS, after examination of the bids by Carver County Public Works, New Look Contracting, Inc. is the successful low responsible bidder.

NOW THEREFORE, BE IT RESOLVED that the Carver County Board of Commissioners hereby authorizes and directs the Carver County Board Chairman and Carver County Administrator to enter into Carver County Contract 24-346 with New Look Contracting, Inc. of Rogers, MN, in the name of the County of Carver for the construction of the Highway 17/West 78th St Intersection Project in accordance with the construction plans and specifications contained in the project manual; and

BE IT FURTHER RESOLVED that Carver County Public Works is hereby authorized and directed to return the proposal guaranty to the bidders, except that of the successful low responsible bidder and second lowest bidder, which shall be retained until the construction contract has been signed and the performance and payment bonds of the low responsible bidder have been executed; and

BE IT FURTHER RESOLVED that the Carver County Engineer, or his designee, is hereby authorized to take actions necessary and to enter into all change orders on behalf of Carver County as the lead contracting agency for the project, with the approval of the partnering agency(ies) for their respective cost share increase. The approval of the Carver County Engineer, or his designee, of Carver County's cost share of the change orders is limited to an amount less than thirty thousand dollars (\$30,000) and an increased aggregate project total of all project changes of sixty thousand dollars (\$60,000.00), when time is of the

essence to make contract changes due to unforeseen construction conditions in order to minimize construction delays and to efficiently carry out the planned project improvements.

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 August, 2024, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 6th day of August, 2024.

Dave Hemze

County Administrator

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Settlement Agreements for Right of Way Acquisitions for the Highway 10/41 Project

Primary Originating Division/Dept: Public Works - Program Delivery ▼		Meeting Date: 8/6/2024 📅
Contact: Anthony Stucchi	Title: Assistant Right of Way Agent	Item Type: Consent ▼
Amount of Time Requested: minutes		Attachments: ☒ Yes ☐ No
Presenter:	Title: 	
Strategic Initiative: Growth: Manage the challenges and opportunities resulting from growth and development ▼		

BACKGROUND/JUSTIFICATION:

The 2024 - 2026 construction seasons includes the reconstruction of Highway 10 (Engler Boulevard) from Ravoux Rd on the east to approximately Highway 212 on the west. In cooperation with the City of Chaska, this Project also includes the construction of a new trail along the Highway 10 corridor. Additional right-of-way is needed for the new trail on the east end of the project and additional right-of-way is needed for the paving improvements on the West end of the project. On June 18, 2024, the County Board authorized Public Works staff to make offers for direct purchase of the impacted properties. Negotiations commenced and staff have reached recommended settlements with the following property owners located at PID#'s: 30.0332400 and 30.0044520.

ACTION REQUESTED:

Adopt a resolution to approve right of way acquisition settlements for the Highway 10/41 Project for the properties located at PID #'s: 30.0332400 and 30.0044520.

FISCAL IMPACT: Included in current budget ▼ If "Other", specify: 	FUNDING County Dollars = <table style="width: 100%;"> <tr> <td>City of Chaska</td> <td style="text-align: right;">\$72,300.00</td> </tr> <tr> <td>CSAH Regular</td> <td style="text-align: right;">\$72,300.00</td> </tr> <tr> <td>Total</td> <td style="text-align: right;">\$144,600.00</td> </tr> </table> ☒ Insert additional funding source	City of Chaska	\$72,300.00	CSAH Regular	\$72,300.00	Total	\$144,600.00
City of Chaska	\$72,300.00						
CSAH Regular	\$72,300.00						
Total	\$144,600.00						
FTE IMPACT: None ▼							
Related Financial/FTE Comments:							

Office use only:

RBA 2024 - 9999

BOARD OF COUNTY COMMISSIONERS CARVER COUNTY, MINNESOTA

Date: August 6, 2024

Resolution No: _____

Motion by Commissioner: _____

Seconded by Commissioner: _____

Resolution Authorizing Settlement of Compensation to Owners for Acquisition of Real Property Interests Needed for the Highway 41/10 Project

WHEREAS, the Board of Commissioners of Carver County is the official governing body of Carver County (“County”); and

WHEREAS, the County, acting by and through its Board of Commissioners, is authorized by law, and pursuant to Minnesota Statutes, § 163.02, subd. 2; §117.012; and § 117.042, to acquire land and other real property interests in Carver County which the County needs for a public use or public purpose; and

WHEREAS, the County proposes to construct highway and related improvements in Carver County for shoulder widening and pavement improvements as part of the Highway 41/10 Project (“Project”); and

WHEREAS, to complete the Project, the County must acquire the real property interests described in Exhibit A, attached hereto, from the Owners of the real property interests identified in said Exhibit A; and

WHEREAS, the County obtained either an appraisal(s) from a licensed real estate appraiser when the estimate of the damages from the County’s proposed acquisitions of the real property interests described in said Exhibit A exceeds \$25,000, or the County obtained a minimum damage acquisition report from a qualified person with appraisal knowledge, in lieu of an appraisal, when the estimate of the damages from the County’s proposed acquisitions of the real property interests described in said Exhibit A is under \$25,000; and

WHEREAS, County must determine and submit an initial written offer of just compensation to the Owners of said needed real property interests covering the full amount of damages caused by the County’s proposed acquisitions; and

WHEREAS, the Owners of said real property interests may obtain an independent appraisal by a qualified appraiser of the real property interests which the County proposes to acquire for the Project; and

WHEREAS, the Owners of said real property interests are entitled to reimbursement for the reasonable costs of the appraisal from the County up to a maximum of the limits stated in Minn. Stat. §117.036, provided the Owner submits to County the information necessary for reimbursement; and

WHEREAS, the Carver County Board of Commissioners authorized the Public Works Division Director or agents under his supervision, to make initial written offers of just compensation to the Owners within the Project from whom property interests are required; and

WHEREAS, the Public Works Division Director or agents under his supervision, have negotiated settlement(s) with the Owners impacted by the Project as described in said Exhibit A.

NOW, THEREFORE, BE IT RESOLVED that County’s acquisition of the real property interests described in said Exhibit A and the construction of highway and related improvements of shoulder widening and pavement improvements as part of the Highway 41/10 Project constitute a valid public use or public purpose; and

BE IT FURTHER RESOLVED that based upon the estimate of damages from the County’s proposed acquisitions of the real property interests described in said Exhibit A which the County obtained either from an appraisal(s) or a minimum damage acquisition report(s) and the negotiations between said Owner(s) and the Public Works Division Director or agents under his supervision, County shall make a payment of compensation to the Owners within the Project from whom the County must acquire needed real property interests, in the amounts as described in said Exhibit A; and

BE IT FURTHER RESOLVED that the Carver County Board of Commissioners hereby authorizes and directs the Carver County Board Chairman and Carver County Administrator to enter into Stipulation of Settlement Agreement with said property owner(s), in the name of the County of Carver for the Project.

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 August 6, 2024, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 6th day of August, 2024

Dave Hemze	County Administrator

Exhibit A
to
Resolution Authorizing Settlement of Compensation to Owners for Acquisition of Real Property
Interests

Highway 41/10 Project

Carver County Public Works No. 178820

Property Tax Identification No. 30.0332400

Parcel Number(s): 35

Fee Owners: Brandondale Estates, LLC

Property Address: 1 Kelly Road, Chaska, MN 55388

Permanent easement for public right-of-way purposes contains **74,066 sq. ft.**, more or less.
\$54,473.00

Permanent easement for retaining wall purposes contains **6,757 sq. ft.**, more or less.
\$12,527.00

Temporary easement for construction purposes contains **33,887 sq. ft.**, more or less.
\$22,600.00

Damages to trees.

\$21,000.00

Lender, Appraisal, and Attorney Fees.

\$25,000.00

Settlement Amount: **\$135,600.00**

Property Tax Identification No. 30.0044520

Parcel Number(s): 37

Fee Owners: Longview Ventures, LLC & Cornerstone Investors, LLC

Property Address: Vacant Land

Temporary easement for construction purposes contains **3,307 sq. ft.**, more or less.
\$4,000.00

Appraisal Fee.

\$5,000.00

Settlement Amount: **\$9,000.00**

Carver County Board of Commissioners Request for Board Action



Agenda Item:
2024-25 Strategic Plan

Primary Originating Division/Dept: Administration (County)

Meeting Date: 8/6/2024

Contact: David Hemze

Title: County Administrator

Item Type:

Regular Session

Amount of Time Requested: 20 minutes

Presenter: David Hemze

Title: County Administrator

Attachments: ☒ Yes ☐ No

Strategic Initiative:

Communities: Create and maintain safe, healthy, and livable communities

BACKGROUND/JUSTIFICATION:

The County Board and Division Directors held a retreat on May 28, 2024 to consider updates to Carver County's Strategic Plan. The updated document is attached and will be reviewed by County Administrator Hemze

ACTION REQUESTED:

Motion to approve Carver County's 2024-25 Strategic Plan.

FISCAL IMPACT: None

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT: None

Total

\$0.00

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2024 - 9875

2024-25 Carver County Strategic Plan

Strategic Planning Session

May 29, 2024

No.	Item/Objectives	Tasks	Time	Progress to Date/Notes	Assigned
Communities					
1	<u>Public Safety Professionals:</u> Improve recruitment and retention.	1. Work with legislators to create new on-ramps to peace officer licensure. (Presented to legislators Jan 2022) 2. Negotiate successor collective bargaining agreements (CBAs) to ensure competitive, performance-based compensation packages that accelerate an employee's wages proportionate to value added. 3. Adjust/change workplace practices to recognize changes in the workforce attitudes toward work/life balance. 4. Explore cadet-type programs for Detention Deputy and/or 911 Dispatcher. 5. Create internal career paths and structures.	2024-2025	• Sheriff Kamerud has worked with and through Minnesota Sheriff's Association and Minnesota Police Officers' Standards and Training (POST) Board to update licensing requirements, with no new pathways added for 2024 • Successor CBAs covering 2023-2024 were negotiated and deliver competitive performance-based compensation packages. • Certain CBA provisions were negotiated to recognize work/life balance values. • Sheriff Kamerud is working with contract police communities to adjust scheduling practices to meet life/work balance demands and increase average on-duty per shift. Most patrol personnel moved to 12-hour schedules, with the balance expected to follow in FY2025. • Recruitment processes for Detention Deputy and Dispatcher positions continue to be "open until filled" job postings.	Kamerud Anderka Frischmon Hemze
				• The Sheriff's Office and Employee Relations have continued to partner on pursuing expansion of law enforcement career path opportunities to reach diverse candidates. Carver County was recently (again*) awarded up to \$100,000 through the Intensive Comprehensive Peace Officer Education and Training Program (ICPOET). This grant will support the Sheriff's Office in hiring two Deputy Cadets to start school fall of 2024. Through the ICPOET program, the County will be reimbursed for 100% of tuition, salary, benefits, and other allowable expenses, up to \$50K per Cadet. *The County had previously pursued and obtained Pathways to Policing grant funding to support its cadet program. • Sheriff's Office targeted outreach at post-secondary educational institutions has yielded positive outcomes in connecting future job candidates to County opportunities.	

No.	Item/Objectives	Tasks	Time	Progress to Date/Notes	Assigned
2	<u>Non-criminal Calls for Service:</u> Provide responsive services and appropriate resources (e.g., mental health, medical, substance use, crisis, or civil matter).	1. Increase crisis co-responder personnel. 2. Continue implementation of co-located mental health crisis workers in dispatch. 3. Evaluate call for service data to determine actual impact/cost of response to non-criminal calls for service. 4. Assess viability of civilian (non Law Enforcement/Community Service Officer) personnel to respond to non-criminal calls for service.	2024-2025	Sheriff, Health & Human Services (HHS), Employee Relations, and County Administration have developed a different organizational structure to better integrate sheriff operations and HHS clinical supervision. Collaboratively, the Sheriff's Office and HHS hired 1.0 FTE Co-Responder in July 2023. The team will be ready to add a second co-responder in Q2/Q3 2024.	Kamerud Anderka Goodwin
3	Determinants of Health: Collaborate with residents and internal/external partners to address housing, food security, access to healthcare services, and other core resources that promote positive health outcomes and wellbeing.	1. Food Security: Collaborate with the Carver County Hunger Relief Collaborative and other partners to build and enhance community supports and interventions around healthy nutrition and food availability to ensure accessibility of food resources to those in need across the age span and improve food security of all Carver County residents. 2. Housing: Coordinate the efforts of all Health and Human Service departments to collaboratively work with residents and community partners to address the continuum of housing needs from prevention to provision of emergency shelter services to both prevent and mitigate the impact of homelessness. 3. Healthcare: Collaborate with the diversity of healthcare and supportive service partners to ensure access and delivery of culturally responsive and trauma informed healthcare to prevent disease and optimize health and wellbeing of all Carver County residents.	Ongoing	<u>Food Security:</u> • The Carver County Hunger Relief Collaborative completed a strategic plan, identifying six priority areas for eliminating food insecurity by 2027. • The 2023 Free Produce Market program served 3,029 families and a total of 10,049 people (including 4017 children) at two sites. An estimated 93 volunteers contributed nearly 1000 hours to operate the program. Several organizations partnered to coordinate and run the program, demonstrating true community collaboration. • The Cologne Food Shelf opened in July 2023 to meet the need of people experiencing food insecurity in western Carver County. • Carver County Public Health helped coordinate 23 food distributions in 2023. Nearly 24,000 people received food, and an average of 359 households participated in each event. Over 180 volunteers contributed over 2100 hours to operate these events. • The Find Food Carver County website and social media pages continue to be a trusted source for food assistance programs and volunteer opportunities. • The Chaska Farmers Market now accepts SNAP/EBT with a matching program, allowing people to stretch their food budget and access fresh, local produce.	Goodwin

No.	Item/Objectives	Tasks	Time	Progress to Date/Notes	Assigned
		4. Support development of "Communities of Belonging" across all municipalities and townships in the County to leverage local community resources and activate resident participation to improve the health, wellbeing, and economic prosperity of all who live and work within that community.		<u>Housing:</u> • In 2023 the Housing unit served 30 households with the HSS program, and 44 with the Community Living Infrastructure Grant, ending homelessness or providing sustaining services to 38 households. • In 2023, The Carver County shelter program served a total of 59 households consisting of 87 people (including 19 children). 51 households exited to housing solution, 8 returned to homelessness and 4 are still enrolled today. • The severe weather shelter program received state funding for the first time in 2023, helping provide critical shelter services to 30 households in 2023. • The housing section of the County's website remains a helpful resource along with the Housing Unit helpline, which received 782 calls in 2023, allowing for easier access to housing information for residents of Carver County. • The Income Support Department provided onsite support and resources at local events, libraries, food shelves, and nonprofits to those experiencing food insecurities. Implemented outreach plans to residents letting them know how they could earn additional months of SNAP benefits.	

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				• The Community Living Infrastructure Grant provided direct assistance funds for the first time allowing the Housing Unit to provide help with rent, deposits, application fees, utility help, moving expenses and furnishings. The program provided 294 services to 157 people, ending homelessness for 40 households with Deposit and first month's rent alone. • Additional collaborations were also established with the Carver County Veteran Service Office and the MN Veteran's Administration that allows Carver County to shelter any homeless veteran. In 2023, 6 veterans were sheltered. • The Housing unit continues to participate in a Metro wide collaborative effort called the Kitchen Table works on improving equitable housing practices with a focus on housing justice. Also, Housing and Income support worked together to plan the implementation of the Local Homeless Prevention Aid in 2023. The income support department approved 51 households with this funding. • The Income Support Department and Housing Unit collaborated to administer housing grants to help ensure residents remained in their homes. Provided employment guidance and counseling to the residents focusing on long term housing retention efforts. Collectively, created a joint oversight committee within HHS to better address service integration efforts.	
4	<u>Veterans:</u> Provide quality services to the County's veterans and their families.	1. Implement periodic program evaluation techniques to ensure that staff is effective in meeting the needs of the community. 2. Operate an efficient transportation program which assists veterans in attending Veterans' Assistance (VA) Medical Center appointments. 3. Find ways to identify and serve previously unknown veterans in the County.	Ongoing	Hired new Veteran Services Officer. Worked with Veteran Service Organizations and product manager of current Veteran application system to identify program inefficiencies and gaps so we can find solutions to make us more efficient with our time and better serve veterans. Started advertisement campaign in local restaurants and venues to identify and assist veterans currently unknown to us.	Koktavy

No.	Item/Objectives	Tasks	Time	Progress to Date/Notes	Assigned
5	Safe Children: Partner with parents and children/youth to build upon a period of safety to stabilize and strengthen a family's situation and ultimately support and sustain the health, wellness, and safety of the child.	1. Adopt our local service delivery model based on direction and requirements from the new State agency (MN Department of Children, Youth, and Families). The new State agency (separate from MN DHS) will be established starting 07/01/2024 and will be fully operational by 07/01/2025. The change will impact how children and family services are funded and delivered at a local level. 2. Continue to utilize out-of-home placement as an option of last resort after home-based efforts have failed. 3. Collaborate with Public Health, Human Services, Behavioral Health, Housing, Income Support, Court/Probation Services, and Community Child and Family programs to provide appropriate wrap-around services. 4. Take appropriate steps to support the MN legislative priority regarding reduction of child protection paperwork. 5. Provide a continuum of community-based services and sanctions to hold clients accountable, reduce barriers to success, improve their ability to become productive and lawful members of the community, reduce recidivism, and enhance public safety. 6. Continue to work with county partners to explore diversion options for our juvenile clients to keep them out of the justice system whenever possible. 7. Provide incentive-based probation supervision and opportunities for early discharge if earned. 8. Fully implement Ape Siyalu Diyaniyan probation supervision for higher risk juvenile girls.	2024-2025	• Implemented a preventive Home-Based service approach to support families before the crisis. • Implemented a Multi-Systemic Home-Based or Behavioral Consultant service approach to support families in crisis. The Carver County Child and Family Department is experiencing great success with utilizing a Behavioral Consultant to work with families in the home and avoid out-of-home placement. We have greatly enhanced our Relative Search Collaboration that helps get children placed with relatives instead of in residential or non-relative care. We have shifted our truancy efforts to be more restorative than punitive which has helped assist with increased truancy cases related to the pandemic and post-pandemic recovery. We are not having any success with identifying a Multi-Systemic Therapist to work in our Carver County communities. The feedback is that it is too far out of the metro and agencies we contacted could not solidify staff willing to work in the Carver County area. • Collaborated across the IS and Workforce Development department to provide timely services to families with children. Ensured children had medical coverage through MA, families received needed child support payments, and parents were able to work while their children were being cared for.	Goodwin
		9. Fully implement STRIVE as an innovative approach to reducing the risk of higher risk juvenile males.			
6	<u>Community Connectedness:</u> Promote partnerships with community organizations, schools and governmental agencies.	1. Continue to evolve and expand legislative priorities and advocacy efforts to accomplish County goals. 3. Continue working with the Community Development Agency (CDA), Cities, and Townships on ensuring affordable housing stock exists to meet community needs and support a robust, diversified workforce. 4. Assess CDA governance and restructuring options and obtain County Board direction on CDA governance moving forward.	Ongoing	• Developed 2024 legislative priorities. • Worked with our State lobbyist, Tony Albright, on a variety of legislative issues and initiatives. • Renewed contract with Primacy Strategy Group.	All Division Directors

No.	Item/Objectives	Tasks	Time	Progress to Date/Notes	Assigned
7	<u>Behavioral Health (BH):</u> Expand, enhance, and integrate both county and community resources to address the growing and changing behavioral health (mental health/substance use) needs of those who live and work in Carver County.	1. Address State of MN shift in the 988 response model and prepare for anticipated doubling of calls. Evaluate need for additional FTEs (staff) to meet the demand. 2. Identify and reduce barriers to quality substance abuse and mental health treatment by contracting with local provider(s) for rapid assessment and treatment to augment current crisis and other county mental health services. 3. Establish dependable and sustainable psychiatric services. Explore opportunities for partnerships and/or contracted services to provide needed psychiatry and prescribing services in both Jail and HHS Behavioral Health Dept. 4. Increase use of targeted interventions with an emphasis on skill building to reduce the risk of justice-involved youth and adults. This includes but is not limited to incorporating cognitive skill instruction to higher risk justice-involved youth using Decision Points Curriculum. 5. Contract with local service provider for a Certified Peer Recovery Specialist (CPRS) to optimize successful outcomes for Drug Court participants. 6. Continue to evaluate our jail mental health model and sustainability of our collaborative service plan. Continue collaboration across both departments to improve both jail and re-entry outcomes. 7. Combine Public Health and Behavioral Health strategies to address building mental wellness on an individual and community level.	2024-2025	• There are eight different services areas in Behavioral Health, providing nearly 52,000 units/encounters of service. Following the implementation of Uniform Services Standards, the Behavioral Health Leadership team is preparing for the next phase including licensure of Crisis Services and Children's Therapeutic Services and Supports. In addition, Targeted Case Management Reform continues on a state level. • In late 2023 and early 2024, the BH team has been implementing increased reporting and accountability tools using the Credible BI reporting system. The goal is to provide all BH staff with data related to their work and provide HHS leadership ready access to program and department wide data. • In 2023, the Crisis Team was on trend with the number of assessments provided, however at significantly diminished mental health professional capacity throughout 2023. The program continues to address service needs and possible operational changes in response to the persistent shortage of mental health professionals. • Adult Mental Health Targeted Case Management is preparing to see more clients and provide more intensive services to higher need clients than previous years.	Goodwin

No.	Item/Objectives	Tasks	Time	Progress to Date/Notes	Assigned
		8. Take appropriate steps to support the Minnesota legislative priority regarding reduction of behavioral health paperwork. 9. Develop and implement communication tools to decrease barriers to mental health services. 10. Continue to utilize telehealth or virtual presence to augment and enhance safe and effective increase access and reduce barriers to mental health care to for clients.		• Outpatient services continues to adapt to both client needs and changes in the state and federal standards. rallied to respond to the needs of their clients when both psychologists retired. The team maximized continues the utilization of telehealth in both therapy and Advance Practice Nurse services to fill in the gap. • HHS transitioned away from Rule 25 and fully implemented the Substance Use Disorder Direct Access initiative. • School Linked and ANICCA Day Treatment continue to adapt to changing needs in the schools including an increased need for mental health services for students as they continue to demonstrate lasting impacts of the COVID-19 pandemic. and continue to ensure continuity of care for students and families. Staff also provided support for teachers who continue to face increased mental health needs in the classroom. Thirty children received therapeutic and recreational services over the summer. • Robust services continue to be provided in BHH department. Several pandemic area initiatives, such as telehealth, are now established as a service delivery option. The most significant challenge facing the department is the impact of a workforce shortage, especially among mental health professionals, prescribers, and nurses. The ongoing implementation of Credible BI provides improved access to data regarding services. Psychiatric services provided by telehealth are impacted by the Ryan Haight Act of 2008.	

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8	Substance Use: Identify, collaborate, and mitigate the harm associated with opioid abuse and other substance use disorders and address the associated impact of the legalization of cannabis.	1. Leverage funding from the National Opioid Settlement with input from the Opioid Settlement Advisory Committee to support current and establish new initiatives to prevent and mitigate the negative impact of opioid and other substance abuse and addiction. 2. Collaborate with municipalities in updating zoning code to reflect Minnesota's new cannabis law including location and number of locations in the County. 3. Develop ordinance(s) and procedures for registering and conducting compliance checks on cannabis retail locations. 4. Assess and take measures to address criminal justice and public and human services impacts.	Ongoing	• Carver County signed on to receive payments from a National Opioid Settlement Agreement. Carver County received their first payment on 10/17/2022 from the first distributor settlement, then subsequent payments in December 2022 as other distributors settled. • In Q1 2023, various pharmacies settled and Carver County signed paperwork in April 2023 to receive those payments. • Hired a .3 FTE position to assist with these efforts in Q3 2023. • The State of Minnesota assigned HHS-Public Health as the organization responsible to manage and disburse settlement funds. The focus is on abatement. • On November 30, 2023, CCHHS held the "Carver County Mental Wellness Roundtable-Discussion About Mental Health in Community and Opioid Settlement" in partnership with Ridgeview Medical Center introducing Settlement details and the Opioid Advisory Council to the public. Held work session with County Board. Moving forward with public use ordinance.	Koktavy Metz Goodwin Kamerud Frischmon
9	<u>Centralized Traffic Management Center (TMC)</u>	Implement a central traffic signal control system to improve traffic signal operations utilizing federal grant. Evaluate needs for software, hardware and expansion of traffic signal/sign shop office.	2024-2025	Federal funding has been secured. Consultant hired.	Robjert

No.	Item/Objectives	Tasks	Time	Progress to Date/Notes	Assigned
Connections					
10	<u>Fiber infrastructure:</u> Make high-speed connectivity available to Carver County and other public and community support entities.	1. Expand the County's broadband fiber optic cable network through CarverLink to meet the growing needs of participating agencies. 2. Implement Connect Up Carver initiative to reach unserved and underserved properties in the County. 3. Continue to look for opportunities to connect the last remaining unserved/underserved areas of the county.	Ongoing	• Connecting up the last of the desiring Connect Up Carver customers by Metronet. • CarverLink is negotiating final proposals with Metronet on a Connect Up Carver Expansion project that would meet the County's desire of making high speed broadband available to all remaining locations in the County that want it.	Koktavy
11	<u>Technology Enhancements:</u> Develop infrastructure and applications to provide better service and communication to the Carver County community and to raise productivity.	1. Implement IT Strategic Plan, including increased external "Cloud" hosting, improvements in Information Technology (IT) structure, management, customer service and communications, core technologies, data integration, and the development of high-level business intelligence. 2. Support hybrid work environment with technology (video conferencing and computer hardware). 3. Upgrade County network that is aging. Includes replacing switches across County facilities and libraries.	Ongoing	• Land Records went live with their Trimming Cloud hosted applications. • Employee Relations benefits went live with a new hosted solution. • IT is utilizing Microsoft PowerBI for data analytics. • IT partnered with the Sheriff's Office to create crime reports utilizing Microsoft PowerBI for data analytics. • Installed new Wifi controller and increasing Wifi capacity across County buildings. • Attorney's Office went live with their new Cloud hosted application. • Replacing mobile ThinClients with Laptops to support mobile workforce.	Koktavy
12	<u>Cybersecurity:</u> Continuously advance protections.	1. Train and provide resources to employees on cybersecurity threats. 2. Develop security procedures to mitigate daily risk of cyberattacks. 3. Transition County email to carvercountymn.gov domain.	Ongoing	• Completed annual cybersecurity training for all employees in October. • Transitioned County website to .GOV domain on April 6th. • Transitioning emails to .GOV domain, IT went live in March. • Scheduling FISA score security assessment to evaluate progress since 2018 assessment.	Koktavy
13	<u>Communication:</u> Enhance public and employee understanding of County services and resources.	1. Make additional improvements to the County's website to improve the user's experience on our site. Explore opportunities for customers to conduct additional business through our website. 2. Implement new communications structure. 3. Refine and implement staff level communications strategic plan. 4. Continue to enhance our social media presence.	Ongoing	• County Board approved new Communications Department in Public Services. The three goals are: 1) enhance overall County communications; 2) foster consistency in communications; and 3) leverage higher level of expertise in communication strategy. Currently hiring a new Chief Communications Officer to lead this team. • Continuous improvements are being made to the website so residents and customers can find needed information.	All Division Directors

No.	Item/Objectives	Tasks	Time	Progress to Date/Notes	Assigned
Culture					
14	<u>Innovation:</u> Create a culture of innovation.	1. Further raise employee engagement in innovative methods, spark more innovations and cultural change, and improve measurement of results. 2. Support a culture where the above can be facilitated in work environment more focused on remote working and teleworking. Look to build and enhance business processes and structures that increase efficiencies in a remote/telework structure. 3. Focus innovation processes to continue promoting front-line workers' ability to bring forward ideas that improve current work processes.	Ongoing	Over the past year, completed or engaged in innovation events including Mobile Home Kaizen; Veterans facilitated discussion around records; Lockout event in Property and Finance; Elections coordination; Receivable and Invoice tracking; Digital Discovery; and Cost Recovery in PWM. The Innovation leadership team is also having discussions around the use of AI in the workplace.	Koktavy
15	<u>Employee Accountability:</u> Improve community trust through employee accountability.	1. Increase use of measurable data as part of employee evaluations. 2. Provide additional training for supervisors and managers to further develop employee performance management skills. 3. Consider accountability language during CBA negotiations. 4. Leverage technologies to accurately capture performance data (e.g., body-worn cameras, in-car camera systems, Global Position Satellite).	Ongoing	• Performance management training was delivered to all Divisions including the Sheriff's Office by Employee Relations during 2023. Additionally, countywide management training addressing performance management, writing effective performance evaluations, and managing a hybrid/remote workforce was provided by an external attorney presenter. • Sheriff's Office management utilized an informal Q-12 to evaluate employee engagement and provide coaching materials as part of supervisor/management skill development in 2023 and 2024. • The Sheriff's Office has begun the policy draft and purchasing of body-worn cameras in the Jail to improve community trust and liability protections.	Kamerud Anderka
16	<u>Components of Culture:</u> Develop clearer expectations and success measures and create a "Best Place to Work".	1. Integrate six proposed pillars in the culture of our organization: Values Base, Purposeful Work, Engagement & Clarity, Equipped/Resourced, Rewards, Gratefulness & Appreciation. 2. Report efforts that roll up to each pillar.	Ongoing	Pillars are intentionally integrated into a variety of efforts including the strategic plan, annual budget, goal setting, performance management and performance evaluation processes.	All Division Directors
17	<u>Inspect What We Expect:</u> Develop clearer expectations and success measures.	1. Develop manager training video on performance evaluation best practices. 2. Consider best practices to confirm that established standards are being met (e.g. telework productivity, out-of-office signatures, responses to requests, etc.). 3. Explore effort and benefits of an enterprise dashboard. 4. Develop and implement response standards and format (e.g. voicemail, email, virtual background, etc.).	2024-2025	• Employee Relations provided video based and more specifically tailored departmental in-person training as well as intranet resources to support best practices in the performance evaluation process. • Board direction was to not conduct survey. • Work best practices are integrated into innovation and performance evaluation efforts.	All Division Directors

No.	Item/Objectives	Tasks	Time	Progress to Date/Notes	Assigned
18	<u>Leadership:</u> Continue to develop a consistent leadership approach at all levels in support of County goals and vision. Support positive organizational culture development, through effective leadership engagement at all levels.	1. Continue effective discussions and communication with all levels of County leadership. 2. Review opportunities for constructive conversations, training, and clear communications to support alignment of mid-level management approach and engagement with organizational goals, vision, and values. 3. Invest in leadership development for supervisors and managers across all work areas. 4. Build mid-management recognition of the importance of their significant role and ability to define and influence organizational culture, employee engagement, accountability, and experience of workplace culture pillars for their teams and those with whom they interact. (Supervisors and managers significantly influence employee experience of values based and purposeful work, engagement, clarity of work direction/expectations, being equipped/resourced to complete work safely and effectively, and creating a culture of gratefulness and appreciation.)	Ongoing	• Regular information sharing opportunities are created through monthly countywide manager meetings. • Additional performance management training (building on and reviewing prior training in this area) was delivered by Employee Relations for management across all work areas. • Additional management training to support effective telework and managing remote/hybrid workforce best practices was delivered countywide in 2023. • Management training on various leadership development and effective supervision topics has been arranged by Employee Relations and delivered by a variety of internal and external presenters. Countywide leadership development training plans continue throughout 2024. • Employee Relations has sought feedback and continues to collaborate with management to identify and develop training and resources to support effective leadership practices and growth.	All Division Directors
19	<u>Attraction and Retention:</u> Position the County to attract, develop, and retain a well-qualified, diverse workforce that reflects our community and is prepared to deliver excellent service, responsive to community requirements.	1. Encourage staff engagement, achievement, and effective teamwork, including engagement of more-remote workers and dispersed teams. 2. Continue to build a professional, respectful, and welcoming, performance-based and service-oriented culture. Create a culture of learning, wellness, innovation and continued personal and professional growth, positioning employees to deliver a high level of service to the community. 3. Continue to support, develop, update, and invest in the elements necessary to attract and retain a well-qualified workforce in a highly competitive labor market, including but not limited to: focus on and investment in competitive compensation and benefits; staff training and development; workplace culture and environment; continued prioritization of workplace safety and health; effective supervisory and leadership strategies and approaches; effective performance management; and innovation and technology investment.	Ongoing	• Carver County has positioned itself as a leader in effective, technology driven, remote and hybrid work practices. Maintenance and oversight of the County's telework program continues to be a key strategy to capitalize on service delivery efficiencies, maintain County office space requirements in-check, and supports the County's goals to maintain a competitive edge on attraction and retention of a well-qualified, diverse workforce that reflects our community. • Ongoing training has been provided to support management in effectively supervising and managing a hybrid/remote workforce. • Collective Bargaining Agreements (CBAs) covering 2023-2024 were negotiated with all ten bargaining units. The agreements reflect investment in competitive compensation and benefits packages, responsive to a competitive labor market. Employee relations continues to monitor relevant labor and market factors as the County prepares to negotiate CBAs covering 2025 and beyond. • Investment in staff training and development, workplace culture and environment, prioritization of workplace safety and health, effective supervisory and leadership strategies and approaches, effective performance management, innovation and technology investment have continued.	All Division Directors

No.	Item/Objectives	Tasks	Time	Progress to Date/Notes	Assigned
		4. Develop effective strategies for communicating about County career paths and job opportunities through engagement with post-secondary educational institutions and additional potential job candidate sources, including diverse communities. Continue to develop communication methods and materials to connect with job seekers and potential future workforce candidates. an intentional future talent pipeline strategy by forming partnerships with high schools including educational events and strategies such as such as tours, presentations, and/or communication media. 5. Continue to monitor market conditions and developments, and conduct market analysis to ensure competitive compensation and benefits as appropriate. Perform market analysis for position with high vacancy periods. Revise and/or update salary ranges to ensure Carver County can compete with other agencies. 6. Continue to identify and implement, within budget parameters, effective job/career path marketing approaches and appropriate attraction/retention strategies based on County-specific experience and considerations, and external market factors. Develop marketing plan to attract talent.		These strategies all contribute to a positive workplace environment, attraction and retention of a qualified workforce, and service delivery excellence. • Adoption and initial implementation of a Total Worker Health philosophy and approach provides an overarching strategy and guidance focusing on employee safety, health, wellbeing, and the overall workplace experience. • The County has implemented various innovative strategies to support attraction of a well-qualified workforce to serve the public. Work in this area includes but is not limited to development and ongoing administration of a deputy cadet program, obtaining additional grant funding to support this program, building relationships with educational institutions and engaging with future job candidates, provision of On the Job Training Benefits including options for service members to use GI Bill benefits in career development opportunities, development and implementation of an Entry Level Drivers Training Program supporting career development for workers to attain their CDL, and expanding communications and advertising of County job opportunities such as through social media and expanding the use of QR codes to quickly connect job seekers within information on County careers.	
20	Legislative Impacts: Address multiple significant changes impacting County workforce planning and management arising from recent legislative updates.	1. Continue to focus on analysis regarding the outcome and County impacts of recent significant legislation, including in the areas of Minnesota Paid Family and Medical Leave, Earned Sick and Safe Leave, and various Public Employment Labor Relations Act changes. 2. Review and update County policies, procedures, processes, and technology systems to support required management and tracking as needed, responsive to upcoming requirements including preparing for Minnesota Paid Family and Medical Leave, and other changes that may arise from 2024 legislative sessions. 3. Analyze countywide staffing, workforce, and budget impacts. 4. Continue to monitor the development of guidance and clarification regarding for practical application of program requirements and adjust County approaches as needed. 5. Review Employee Relations staffing and/or contracted options for administration of expanded requirements including Minnesota Paid Family Leave.	2023 – 2026	Employee Relations prepared updates to numerous County policies and programs responsive to recent changes in Minnesota law, and worked collaboratively with Finance to update HRIS, payroll system, and timecard technology systems to support requirements. Additionally, Employee Relations provided education and training for County management on key areas of the new laws. With numerous potential changes underway in 2024 legislative sessions, Employee Relations will continue to monitor and respond to additional and upcoming requirements.	Anderka Hemze Frischmon

No.	Item/Objectives	Tasks	Time	Progress to Date/Notes	Assigned
21	<u>Resource Savings:</u> Continue to seek out and implement resource saving measures and develop a coordinated message promoting these efforts.	1. Identify and assemble existing efforts and potential new ways to reduce the County's use of resources including seeking cost savings in energy use, and waste generation and collection. 2. Promote County efforts that reduce costs and resource use. 3. Explore options for vehicle charging stations.	Ongoing	Working with a consultant to apply for federal grants which will save energy and have a short payback period. The initial vehicle station plan did not work out. We continue to look for opportunities.	Koktavy

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Customer Service					
22	<u>Data Requests:</u> Develop a consistent means and personnel to respond to data requests.	1. Examine/evaluate data redaction tools. 2. Update/define retention practices for miscellaneous data not included in the data inventory and/or records retention schedule. 3. Evaluate feasibility of creating a collaborative data practices specialist position to support the Sheriff's Office, Health & Human Services, and Public Services.	2024-2025	Sheriff's Office and Employee Relations have developed a job description and worked with compensation consultant to conduct job classification evaluation. Sheriff's Office is examining organizational chart and budget to determine if position can be fully funded with existing budget or would need additional funding for FY2024 and beyond.	Kamerud Metz Anderka Koktavy Goodwin
23	<u>Absentee Voters:</u> Reduce in-person wait times at the Chaska Government Center by having additional Carver County cities provide in-person absentee voting at their City Halls for the 2026 4 Election.	Promote an In-Person Absentee City Precinct pilot project to reimburse out-of-pocket costs for Chanhassen and Victoria if they join Waconia in being an In-Person Absentee City Precinct for the 2026 4 Election.	Ongoing	Due to staffing turnover, Chanhassen & Victoria were not in a position to participate in a pilot project to be an In-Person Absentee City Precinct for the 2024 Election but are interested in reconsidering for the 2026 Election. State Legislature changed the in-person absentee voting process to allow "early voting" which means voters will have the same experience voting 18 days before election day as they do on election day. This change will make it significantly less work for cities to be in-person absentee/"early voting" City precincts for the 2026 Election.	Frischmon
24	<u>Fleet Management:</u> Update the plan to optimize fleet usage, replacement schedules and future needs	1. Re-assess pool vehicle usage and determine recommendations (eliminate, rent, implement kiosk system etc.). 2. Determine policy needs as necessary for pool vehicle use versus mileage reimbursement. 3. Analyze Public Works equipment usage and future needs and update long term equipment replacement program. 4. Utilize AssetWorks software to aid with equipment replacement schedules and budgeting (capital planning)	2024-2025	First phase of pool vehicles study was completed. Four vehicles removed from the fleet in 2023. Will review again in 2024.	Robjert Koktavy

No.	Item/Objectives	Tasks	Time	Progress to Date/Notes	Assigned
Finance					
25	<u>Parks and Trails Asset Management Plan/CIP</u>	1. Determine high level preservation needs and costs for existing parks assets. 2. Identify and prioritize known parks and trails enhancement/development projects. 3. Develop strategic plan for existing and future regional parks and trails needs. 4. Perform parks building assessment. 5. Determine budget scenarios and incorporate in county long term financial plan. 6. Update/Develop Parks and Tail CIP.	2024-2025	Parks asset needs assessment complete. First 5-year CIP priorities established. Parks strategic plan complete.	Robjent Frischmon
26	<u>Annual Budget</u>	1. Develop appropriate annual budget to address increasing service needs from the fastest growing county in the state with taxpayers limited financial resources. 2. Develop the County Administrator's Recommended 2025 budget by balancing mandatory and discretionary service needs and demands with limited revenue sources.	2024-2025	Developed 2024 budget recommendations and Board adopted December of 2023.	Hemze Frischmon
27	<u>20-year Capital Budget</u>	Incorporate high-level summary of anticipated 20-year capital projects from the Master Space Plan Study and the Parks and Trails Strategic Investment Plan into five-year Long-Term Financial Plan.	Ongoing		All Division Directors
28	<u>Labor Market:</u> Develop strategies to operate in a strained labor environment.	1. Maximize organizational capacity. 2. Maximize telework efficiencies.	Ongoing		All Division Directors
29	<u>Federal and State Transportation Grants and Appropriations</u>	1. Continue to submit DOT discretionay grants for Highway 5 and coninue to seek MnDOT funds to help with match. 2. Overall funding plan needs to be fully established by end of 2024 to determine final proeject limits and potential county bonding rquierments	Ongoing	Awarded 10M in state bonds for 82nd/CR 18. Need language change Awarded 10.8M fregiht funds for Highway 5, & \$7M in federal earmark for Highway 5. Another \$10 M in IJJA match fund for Highway 212	Robjent

No.	Item/Objectives	Tasks	Time	Progress to Date/Notes	Assigned
Growth					
30	Transit Plan: Prepare a plan and strategies to complement the 2040 Comprehensive Plan and better serve those who work and live in Carver County.	1. Complete a transit study. 2. Continue exploring service expansion options and funding sources.	2024-2025	Board discussion and direction on recommended strategies occurred in Jan 2024. Service improvements scheduled for 2024. Discussion on SWT expansion to continue. Scope of a longer term transit study to be determined in 2024. Transit planning role to shift from PWM dept. to PW. HHS, in partnership with Public Works, Public Services Administration, Smart Link (Transit Link) and Southwest, with approval from the board is working on phase one implementation of transit plan. The phase one implementation includes a partnership between Carver County and Met Council to secure funding and expand evening and weekend services for the low income residents and seniors. The goal is to connect people to jobs and address resident's essential needs. In addition, the expansion will include a shopping loop circulator.	Koktavy Robjent Goodwin
31	Library Facilities: Plan for new and renovated library facilities to meet growing and changing community needs.	1. Evaluate community needs for library service in each community in Carver County. 2. Partner with cities to determine capacity to support varying types of library service. 3. Build new, enlarged library building in Chaska. 4. Explore and implement different service delivery models for expanded access.	Ongoing	The City of Chaska and County are in the discussion phases regarding a new library.	Koktavy
32	Master Space Plan: Implement the County Master Space Plan to accommodate growing and changing citizen service needs, county staffing, and facility needs.	Implement phase one of the master space plan recommendations. The first phase is focused on the Government Center including demo 600 and 601 buildings; construct new 2-3 story building; full remodel of 602 building; and minor refresh and build out in 604/606. The next task is to complete the predesign which has two parts: 1) Staff and Community Engagement; and 2) predesign services.	Ongoing	At the September 5, 2023 work session, Leo A Daly presented the findings and recommendations and sought input from the County Board. In December, the County Board approved an agreement with Leo A Daly to complete the predesign phase.	Koktavy
33	Lake Waconia Regional Park	Mainland: 1. Seek additional state bonding for Phase III, \$3.25 M requested. 2. Design Phase III improvements (playground, trails, docks, other amenities). 3. Construct Phase III. 6. Determine scope of additional future development. Coney Island: 1. Complete implementation plan for Phase II and incorporate into Long Term Financial Plan.	2024-2025	Applied for bonding in 2024 legislative session.	Robjent

No.	Item/Objectives	Tasks	Time	Progress to Date/Notes	Assigned
34	<u>Arboretum Area Transportation Plan</u>	1. Refine implementation plan to consolidate projects to reduce traffic and community disruption. 2. Complete preliminary engineering of combined projects on Highway 5 from 78th St through Highway 41 and Rolling Acres Road from 5 to Interlaken. 3. Engage public and policy makers. 4. Seek federal and state funding with the goal to construct this section of Highway 5 (including Lake Minnewashta causeway bridge) in 2025. 5. Determine County funding including potential bonding needs. Update CIP/LTFP. 6. Complete final design plans and revise-state bonding language for CR 18 (82nd Street) with the goal to construct in 2024-2025. for 18-82 7. Continue development of remaining projects on Highway 5 and the rest of Rolling Acres Rd. 8. Negotiate land acquisition agreement with the UofM/Landscape Arboretum	Ongoing	Secure additional federal funds. Gap is now \$19M out of \$114M	Robjent
35	<u>Carver County Water Management Organization (CCWMO)</u>	<u>Internal Processes</u> 1. Update CCWMO business rules to include Land Management procedures and the Carver Soil and Water Conservation District (SWCD) role. 2. Complete project for CCWMO cost recovery and other invoicing processes to follow Finance Dept. recommendations and initiatives. 3. Expand communication and innovation across all LWE depts in coordination with new Communications Dept. <u>Water Management Plan</u> 1. Update the project list based on CCWMO and community input and proposed capital funding. 2. Review the water management plan priority water body list and amend if necessary. 3. Follow state procedures on the watershed based implementation funding including the convene group process with communities.	2024-2025	Additional staffing for Land Management to enhance permit compliance in process. LM Dept. procedures complete. CCWMO cost recovery project begun in March.	Koktavy
36	<u>Household Hazardous Waste (HHW)</u> : Plan for future demand of HHW and problem material disposal to meet the increased service needs of our citizens.	1. Work with consultant to review existing Environmental Center service models and annual collection events. 2. Determine how long the Environmental Center can continue to operate at the current site, if operational changes are needed to extend the life of the facility, and if/when a new facility is necessary. 3. Bring proposed options for Board discussion.	2023-2024	Consultant completed a future services and facility plan on 3/15/2024. The analysis and recommendations will be presented to the County Board this spring.	Koktavy

No.	Item/Objectives	Tasks	Time	Progress to Date/Notes	Assigned
37	<u>Environmental Services</u> <u>Department:</u> Analyze future funding needs of Environmental Services Department. Determine future service demands and financial challenges.	1. Review existing Environmental Service models and programs. Determine anticipated future budget demands. 2. Prepare Solid Waste Fee plan to meet those needs, and proceed along necessary timeline to provide for those needs.	2024-2025	Staff has started to conduct an analysis of the solid waste fee.	Koktavy
38	<u>County Solid Waste</u> <u>Management Plan:</u> Update the County Plan to align with the Metropolitan Solid Waste Management Policy Plan, guiding waste management initiatives through 2029.	Solicit input from residents on waste management and reduction, assemble a Stakeholder Group to discuss strategies, and prepare a final draft for public comment, MPCA approval, and County Board adoption.	2024	Staff conducted a residential waste management survey and assembled participants for a Stakeholder Group.	Koktavy

No.	Item/Objectives	Tasks	Time	Progress to Date/Notes	Assigned
Key:					
	Communities				
	Connections				
	Culture				
	Customer Service				
	Finance				
	Growth				

Carver County Board of Commissioners Request for Board Action



Agenda Item: Legislative Update

Primary Originating Division/Dept: Administration (County)

Meeting Date: 8/6/2024

Contact: David Hemze

Title: County Administrator

Item Type:

Regular Session

Amount of Time Requested: 30 minutes

Presenter: Tony Albright

Title: Lobbyist

Attachments: ☐ Yes ☒ No

Strategic Initiative:

Connections: Develop strong public partnerships and connect people to services and information

BACKGROUND/JUSTIFICATION:

Tony Albright, Carver County's State legislative lobbyist with Poul Haas Government Relations, will provide an update on the 2024 State legislative session.

ACTION REQUESTED:

None.

FISCAL IMPACT: None

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT: None

Total

\$0.00

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2024 - 9881

Carver County Board of Commissioners Request for Board Action



Agenda Item: PEER Award Recognition

Primary Originating Division/Dept:

Meeting Date: 8/6/2024

Contact: Michelle Miller

Title:

Item Type:

Regular Session

Amount of Time Requested: minutes

Presenter: Michelle Miller

Title:

Attachments: ☐ Yes ☒ No

Strategic Initiative:

Culture: Provide organizational culture fostering accountability to achieve goals & sustain public trust/confidence in County government

BACKGROUND/JUSTIFICATION:

The Public Employees Excellence Recognition Program (PEER) is Carver County's annual recognition program to honor hard work and exceptional contributions employees have made during the prior year of service. The PEER Program is designed to allow employees of Carver County to nominate their co-workers for an award for having shown excellence in the areas of Customer Service, Innovation, and Project-Based Teamwork.

ACTION REQUESTED:

Recognition of PEER Award recipients in the categories of Customer Service, Innovation, and Project-Based Teamwork, as well as a Judge's Choice award.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT:

Total

\$0.00

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2024 - 9991

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Sheriff's Office Table of Organization Adjustment

Primary Originating Division/Dept: Sheriff

Meeting Date: 8/6/2024

Contact: Patrick Barry

Title: Chief Deputy Sheriff

Item Type:

Regular Session

Amount of Time Requested: 10 minutes

Presenter: Patrick Barry

Title: Chief Deputy Sheriff

Attachments: ☐ Yes ☒ No

Strategic Initiative:

Customer Service: Continue the County's delivery of high value, timely service and support

BACKGROUND/JUSTIFICATION:

To increase the effectiveness and efficiency of Emergency Management and Communications, the Sheriff's Office is requesting approval of the following adjustments to the Sheriff's Office Table of Organization:

- 1: Eliminate 1.0 FTE (D62) Commander of Communications and Emergency Management
- 2: Eliminate 1.0 FTE (C41) Emergency Management Specialist
- 3: Create 1.0 FTE (C44) Manager of Emergency Management
- 4: Create 1.0 FTE (D62) Commander of Operations and Support Services

The Manager of Emergency Management will oversee Carver County's Emergency Management Program. Emergency management is unique in that the Board of Commissioners is statutorily required to appoint the County's Emergency Management director and one or more deputy directors. When the new Manager of Emergency Management is identified and hired, the Carver County Board of Commissioners will be requested to statutorily appoint the Manager as the County's Emergency Management Director. This adjustment will allow Emergency Management to focus on countywide community partnerships with all county divisions, cities, and townships within Carver County. Additionally, Emergency Management will be better able to focus on their area of expertise of training, long-term planning, and preparing for responses to and recovery from local and regional natural and manmade disasters. This position will supervise one Emergency Management Specialist.

The new Commander of Operations/Support Services will oversee the Communications and Emergency Management Division/Units as part of the Support Services Division. This better aligns with the daily response activities by all emergency responders within the Sheriff's Office. The incumbent in the current Commander position has notified the Sheriff of their intent to retire later this year; the newly created Commander position would not be filled until after the retirement of the incumbent Commander.

The Sheriff's Office budget supports these requested adjustments, and no additional levy funding is required.

ACTION REQUESTED:

Request the Board of Commissioners to approve the Sheriff's Office Table of Organization adjustments.

FISCAL IMPACT: Included in current budget

FUNDING

If "Other", specify:

FTE IMPACT:	Other staffing change (grade, classification, hours, etc.)	v	County Dollars =	\$0.00
	Total			\$0.00
	+ Insert additional funding source			
Related Financial/FTE Comments: Position adjustments will be covered by reallocating budget in 2025 within the Sheriff's Office (no cost in 2024). No additional levy dollars are being requested. The Sheriff's Office has reviewed the allocation of work utilizing the conceal and carry funds allowing levy dollars to be freed up to support this new position.				

Office use only:

RBA 2024 - 9968

Carver County Board of Commissioners Request for Board Action



Agenda Item:

B.H. Aggregate - Request to Mine Aggregate for road project (IUP)

Primary Originating Division/Dept:

Meeting Date: 8/6/2024

Contact: Donovan Hart

Title:

Item Type:

Regular Session

Amount of Time Requested: minutes

Presenter:

Title:

Attachments: ☒ Yes ☐ No

Strategic Initiative:

Growth: Manage the challenges and opportunities resulting from growth and development

BACKGROUND/JUSTIFICATION:

File #PZ20240025. On July 16, 2024, the Planning Commission voted unanimously to recommend approval of the B.H. Aggregate Services, Inc. (Joe White) Interim Use Permit (IUP) application to remove approximately 340,000 cubic yards of sand and aggregate material for use in the Hwy. 212 (Cologne to NYA) reconstruction and expansion project. The subject property consists of approximately 85 acres and is located in Section 30, Watertown Township.

The sand mining and transporting is expected to occur during the 2025-26 construction season. Because of the distance between the point of excavation and project site, the haul route is proposed on County and State roads. A condition of the IUP is to prohibit project truck traffic on gravel township roads. Mining activities are required to end by December 31, 2026. There would be full reclamation of the approximately 9.6-acre disturbed area, with the land returned to agricultural use.

Carver County Water Management Organization (CCWMO) permitting is required. The Permittee will comply with MNDOT standards for Hwy 7 & Co Rd 23/123 intersection safety. The Interim Use Permit would be terminated when all permit requirements are met.

The Watertown Town Board recommended approval of the request.

A township location map and Planning Commission Resolution are attached for the County Board's consideration. A copy of the Planning Commission packet is available for review at:

<https://www.carvercountymn.gov/home/showpublisheddocument/26542/638562141090170000>

ACTION REQUESTED:

A motion to adopt the Findings of Fact and issue Order #PZ20240025 for the issuance of an Interim Use Permit.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT:

Total

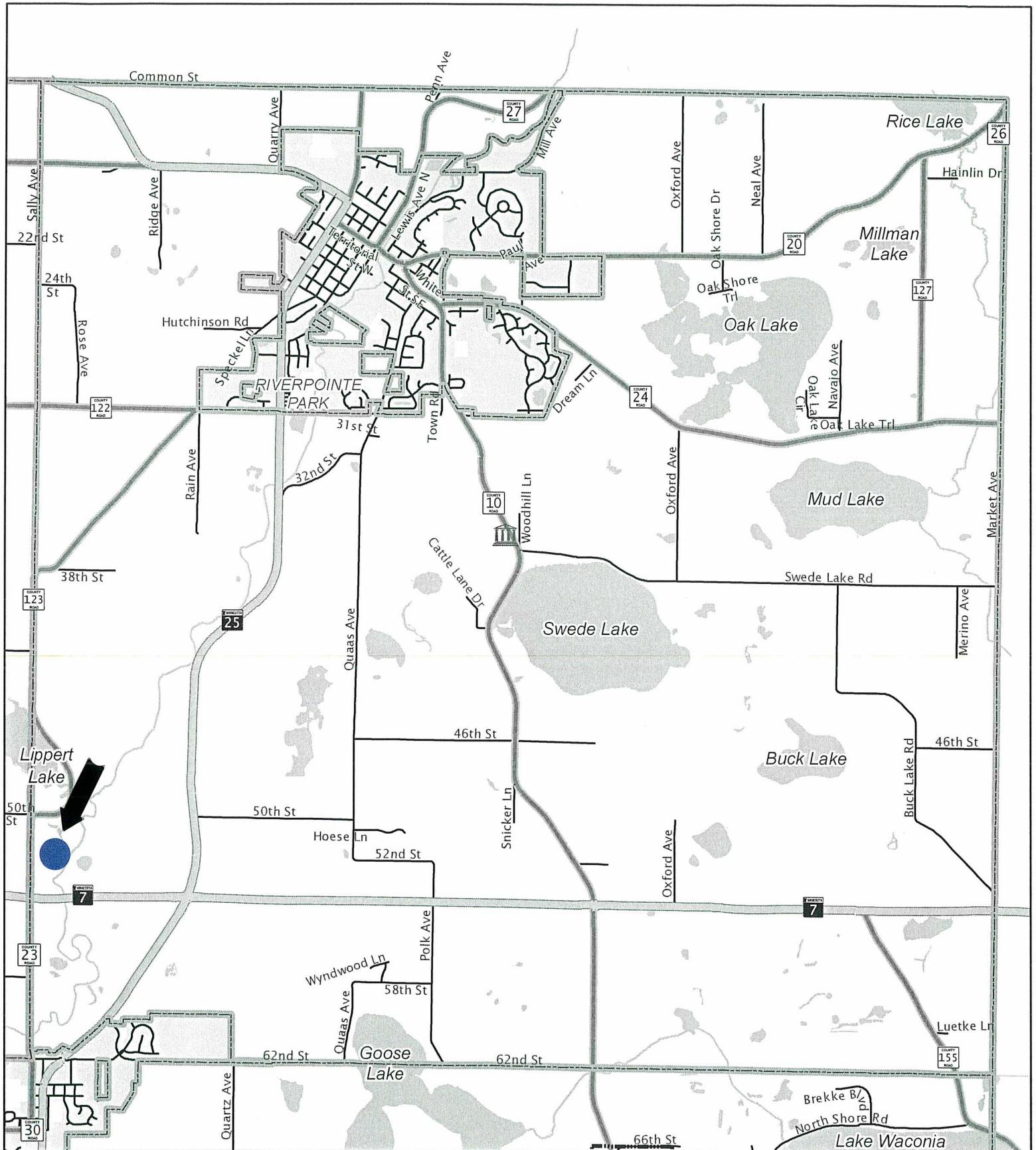
\$0.00

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

WATERTOWN 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.



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Map Created by Carver County GIS

COUNTY OF CARVER
PLANNING COMMISSION RESOLUTION

FILE #: PZ20240025

RESOLUTION #: 24-07

WHEREAS, the following application for an Interim Use Permit has been submitted and accepted:

FILE #: PZ20240025

APPLICANT: Joe White (B.H. Aggregate Services, Inc.)

OWNER: Thomas and Jody Luebke

SITE ADDRESS: 5285 Co Rd 123, Mayer, MN 55360

PERMIT TYPE: Mining and/or Land Reclamation

PURSUANT TO: County Code, Chapter 152, Section(s) 152.081 and 152.082

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 10-030-1100

WHEREAS, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meeting of July 16, 2024; and,

WHEREAS, the Carver County Planning Commission finds as follows:

1. Thomas and Jody Luebke own an approximate 85-acre parcel in the West Half (W½) of the Southwest Quarter (SW¼) of Section 30, Watertown Township. The parcel is currently improved with a single-family dwelling, several accessory and agricultural structures including a feedlot operation (CUP #PZ20030066). The property is located in the Agricultural Zoning District, Shoreland Overlay District of the Crow River, Floodplain Overlay District of the Crow River, and the Carver County Water Management Organization (CCWMO) - Crow River watershed.
2. Joe White of B.H. Aggregate Services, Inc. is requesting an Interim Use Permit (IUP) for the operation of a new gravel mining operation pursuant to the County Zoning Code. The request would encompass an approximate 9.67-acre area for the extraction of sand and gravel resources which would then be processed for use as base material for private and public construction projects in the area, including the reconstruction and expansion of Hwy. 212 (Cologne to Norwood Young America). The project is expected to operate 2 to 3 years, depending on aggregate demand.
3. Sections 152.081 and 152.082 of the Carver County Zoning Code allows for mining and/or land reclamation involving 10,000 cubic yards or more as an Interim Use Permit (IUP).
4. The applicant's engineer, Carlson McCain, Inc., has provided the IUP application, all supporting documentation, and site plans for the IUP request. The project description (dated July 8, 2024) provides details of the mining operation and reclamation plan. The proposed site activities include topsoil stripping, sand and gravel excavation, material screening, and stockpiling. No material crushing is proposed. The material processing equipment would be located on the floor of the mine and moved around as needed. The proposed site equipment used in mining activities are what are typically found at such sites: excavators, front-end loaders, bulldozers, haul trucks, conveyors, etc. The excavation would be done with a backhoe to an approximate depth of 30 feet below the current ground level. The narrative states no dredging would occur. (The applicant estimates the water table is about 35' below the current soil surface.) The project description includes operational steps for site safety, site housekeeping, noise mitigation, and dust control. The hours of operation would be from 6:30AM to 8:00PM Monday through Saturday. The number of employees and suppliers on site would range from 6 to 8 workers.

5. The Mining Site Plan (dated July 8, 2024) shows the planned approximate 9.67-acre excavation area in which approximately 339,400 cubic yards of material would be removed, with a double perimeter silt fence on the northeast project border to protect the nearby wetlands. The mining vehicles would use an existing field access on Co Rd 123 at the northern end of the pit. The applicant estimates that the mine would export an average of 150,000 cubic yards per year, which may increase up to 250,000 cubic yards in a high-demand year. At this rate, the mine's operational life would be 2-3 years, with two mining areas identified for two phases in the project. The proposed pit maintains the required 500-foot setback from existing adjacent residential structures to the northeast and southwest not on the subject property. No mining activities are proposed within the required 50-foot setback from property lines. No screening of mining activities is proposed. The operational area(s) would be substantially screened through trees on nearby properties and the depth of the mine where mining processes would occur.
6. There are wetlands on the property. All mining activities are shown outside the required 300-foot setback from wetlands that the project engineer has identified from U.S. Fish & Wildlife mapping. To date, no wetland delineation report has been submitted to the County. No mining activities are proposed within the Crow River floodplain.
7. A table in the project narrative shows the estimated average daily trips (ADT) for the project. The table estimates that an average of 60 trips per day for aggregate hauling to export an approximate 150,000 cubic yards per year from the mine, with an average of 26 trips per day to import reclamation fill. On the high side, the applicant estimates 100 trips per day to export about 250,000 cubic yards of aggregate per year, with 50 trips per day to import reclamation fill. Site workers add about 6-8 trips per day to the ADT count, for a total of about 91 trips per day for the site. ADT generation was based on the average of 20 tons per load and with hauling occurring on 180 days per year. Actual production rates would fluctuate based on market demand and amount of material recycling. The A.M. peak hourly traffic (6:30-8AM) is estimated to be 12 trips per hour and the P.M. peak (3-4PM) hourly traffic would be about 10 trips per hour. The narrative states the "worst-case" hourly traffic count would be 30 trips per hour.
8. The Reclamation Plan (dated July 8, 2024) shows the proposed contours of the mining site upon completion of aggregate removal. Once mining activities are completed, approximately 23,500 cubic yards of topsoil and non-granular overburden material would be re-applied to the mined area, along with about 257,000 cubic yards of imported soils, to achieve the proposed contours. This property is currently enrolled in the Agricultural Preserve program. Per IUP standards, mining is allowed when the fields are proposed to be returned to agricultural use. The Site Reclamation section of the narrative states: "The final land use for the mining areas will be returned to agricultural." The reclamation plan appears to meet zoning code standards and will be reviewed by the Soil & Water Conservation District and CCWMO to determine that all agency standards are met.
9. The applicant has indicated that white noise backup alarms would be utilized to help control equipment noise, as well as establishing circular traffic patterns for loading to reduce backup movements. Locating the processing equipment on the mine floor, recessed from the surrounding ground surface, would help reduce sound for the surrounding receptors.
10. Based on the anticipated operational timeframe, the IUP would terminate upon the following events, whichever occurs first: The permit shall terminate upon a change in ownership, or upon the exhaustion of the aggregate mining, or December 31, 2026 (whichever happens sooner). However, Permit #PZ20240025 shall not be considered terminated until all reclamation areas have been completed to the satisfaction of the approved Carver County Water Management Organization (CCWMO) permit and Zoning Code standards, and release of the financial security, if applicable.
11. Matthew Steele, Carver County Feedlot Officer, reviewed the plans and expressed concerns about the location of manure spreading that may not be able to be used since the fields may be in the mining area. Mr. Steele requested a manure management plan from Mr. Luebke (feedlot owner and operator).
12. Darin Mielke, Deputy County Engineer with Carver County Public Works, reviewed the submitted materials. In a review letter dated July 5, 2024, he expressed concerns about the proximity of the proposed gravel pit's driveway to Hwy. 7 and suggested an access further north. The applicant revised the mining plan to move the driveway northward, as shown in the mining plan dated July 8, 2024.

13. The application materials are in the process of being reviewed by MNDOT staff to determine what, if any, safety measures are warranted to mitigate safety concerns for trucks entering or leaving Highway 7 at the Co Rd 123/Hwy 7 intersection.
14. A Carver County Water Management Organization (CCWMO) permit is required, and Stormwater Management standards would need to be met for the reclamation of all aggregate mining areas. The applicant would need to secure a permit with the Planning and Water Management Department in order to establish an appropriate restoration phasing plan. The applicant has submitted a Pollution Prevention Plan for review. The permittee shall submit a stormwater management application for review and submit the required financial security and comply with all permit requirements, including topsoil depth requirements for restoration and preservation.
15. Mike Wanous, District Manager with the Carver County Soil & Water District, reviewed the submitted materials and provided comments via an email dated July 2, 2024. The applicant revised the mining plan to address the review comments, as shown in the plan dated July 8, 2024.
16. Taylor Huinker, Area Hydrologist with the MN DNR, reviewed the submitted materials and offered the comment in an email dated June 27, 2024: "It appears all activities and machinery will be well away from the 100-ft setback from the rivers. If for some reason dewatering is required, a DNR Water Appropriation Permit is required if the water pumped exceeds 10,000 gallons in a day, or one million gallons in one year."
17. The Watertown Township Town Board reviewed and recommended approval without any additional conditions or expressed concerns for this request during their July 1, 2024, Town Board meeting.
18. Ron Trick, Young America Township Supervisor, spoke at the July 16, 2024, public hearing to express concerns about loaded and unloaded trucks involved in the project using Salem Avenue, a gravel road, as part of the haul route to the Highway 212 construction site. They would not support the use of gravel township roads for haul route purposes.
19. Andy Steinhagen, Benton Township Supervisor, spoke at the July 16, 2024, public hearing on behalf of the township and also stated his opposition to trucks using Salem Avenue. In response, the applicant submitted a Luebke Pits Haul Route Map (dated July 16, 2024) that shows a route that uses only state and county roads.
20. The Land Management Department received an email (dated July 15, 2024) from Ben and Michele Ratzlaff expressing concerns about the application. At the July 16, 2024, public hearing area residents expressed concerns about potential accidents with trucks entering the Hwy. 7/Co Rd 123 intersection, dust and noise from mining activities, the timing and geographic scope of the public notification process for the Township Board meeting and County Planning Commission meeting where the project was reviewed, and possible wetland impacts.
21. The Planning Commission has considered all the factors required by Section 152.251 of the Carver County Code and finds that all are either true in this case or can be mitigated by conditions placed on the permit.

THEREFORE, BE IT RESOLVED, THAT the Carver County Planning Commission hereby recommends approval of the Interim Use Permit application for mining and land reclamation activities on the parcel described in Exhibit A. The following conditions should be considered part of the permit:

GENERAL REQUIREMENTS:

1. The permit is subject to compliance review. The Interim Use Permit (IUP) is issued to B.H. Aggregates. The permit allows for extraction limited by the approximate 9.67-acre operational area and it is not transferable to another property owner and/or allowed for leasing activity. The permit shall terminate upon the exhaustion of the aggregate mining, or upon a change in ownership, or mining activities shall cease by December 31, 2026 (with restoration occurring in Spring 2027), which occurs first. However, Permit #PZ20240025 shall not be considered terminated until all reclamation areas have been completed to the satisfaction of the approved Carver County Water Management Organization (CCWMO) permit and Zoning Code standards and the financial security has been released, if applicable.

2. The property owner must comply with the Carver County Feedlot Ordinance standards and the approved conditions of CUP #PZ20030066.
3. The Permittee shall comply with all Carver County Public Works access requirements. Mining and/or similar disturbance shall not occur within 50 feet of the public right-of-way. The Permittee shall receive all required permits for work within the public right-of-way prior to the initiation of construction activities.
4. The Permittee shall comply with any/all CCWMO rules and regulations including but not limited to, grading, vegetation (w/maintenance) and landscaping plan(s). An erosion/sediment control plan and stormwater management plan for site restoration, screening, vegetation and maintenance shall be prepared and implemented in accordance with the CCWMO Water Management guidelines and the Wetland Conservation Act (WCA) before mining commences, if applicable. Any and all site improvements shall be completed pursuant to Chapter 153 – Water Resource Management. Permittee shall obtain a National Pollutant Discharge Elimination System (NPDES) permit as required by the Minnesota Pollution Control Agency (MPCA).
5. Permittee shall obtain and maintain a Non-generator's Certificate or contact the Environmental Services (E.S.) Department to obtain a Hazardous Waste Generator's License, if required.
6. The Permittee shall always comply with the County standards as detailed in Chapter 152 – Zoning Code and Chapter 154 – Sign Regulations. The Permittee shall not exceed the allowed square footage of signage on the property.
7. Permittee agrees to defend, indemnify and hold harmless the County, its officers and employees against any and all liability, loss, costs, damages and expenses which the County, its officers or employees may hereafter sustain, incur, or be required to pay arising out of the certificate holder's performance or failure to adequately perform its obligations pursuant to this permit, or arising out of a dispute as to the ownership of the property.

OPERATIONAL REQUIREMENTS:

These requirements combined with the most current Site and Operational Plans shall govern the mining operation.

1. The mining activity shall operate in accordance with the submitted Project Description (dated: July 8, 2024), Site Plan and Reclamation Plans (dated July 8, 2024), Luebke Pits Haul Route map (dated July 16, 2024) any/all CCWMO permit approval(s) (i.e. stormwater infiltration, BMPs, site vegetation and plantings, and site reclamation), and any/all Watertown Township conditions, Carver County Public Works access requirements/right-of-way standards, and MNDOT recommendations/requirements. If there are any inconsistencies between previously submitted versions, the terms of the most recent shall prevail and shall be considered requirements of this permit. The mining activity shall be operated and maintained in accordance with the Carver County Zoning Code (i.e. screening, noise mitigation, etc.) These plans shall be attached to and be considered part of this permit.
2. The hours of operation shall be from 6:30AM to 8:00PM Monday through Saturday. Mining and processing shall not occur on Sundays or federally observed holidays, unless for emergency related purposes (i.e., flooding, etc.).
3. The mining activities prohibit the ability to crush any materials on-site.
4. The construction equipment located on-site includes, but is not limited to: front-end loaders, backhoes, excavators, bulldozers, skid steers, and haul trucks. Other processing equipment may include classifying screens and conveyors.
5. No township (gravel) roads shall be used in the haul route for trucks involved with the proposed mining activity.
6. Existing drainage patterns shall not be altered if possible; if alteration is unavoidable, the alteration shall not adversely affect surrounding properties and/or cause erosion or sedimentation.
7. The permittee shall submit to the Land Management Department quarterly tonnage calculations, in order to document all aggregate material(s) removed from the site.

8. Vertical faces shall be kept to a minimum except during the actual mining operation and pursuant to the County Zoning Code. Mining below the water table shall only be allowed pursuant to Minnesota Pollution Control Agency (PCA), Minnesota Department of Natural Resources (DNR), and/or any other State or Federal regulations. No mining or grading shall take place within the floodplain overlay district of the Crow River. (FEMA floodplain elevation is 945.1 feet)
9. If internal access roads are used to the extent that dust becomes a problem for surrounding properties, the access roads shall be treated with water and calcium chloride.
10. All storage of equipment and materials used in the operation shall be kept within the operational area to minimize visual exposure to areas outside the mining area.
11. The Permittee shall comply with the noise pollution requirements/standards of the Minnesota State Rules Chapter 7030. White noise backup alarms shall be installed and maintained on all Permittee owned mining equipment operating at the site, as well as establishing circular traffic patterns for loading to reduce backup movements.
12. No trash, garbage, waste, construction debris, or other similar materials shall be deposited in or near the operational area.

RESTORATION REQUIREMENTS:

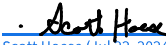
1. The design of the restored areas must be according to standards of the Zoning Code and the CCWMO Water Management Rules. To the extent possible, restoration shall be staged such that the exhausted phases of the operation are stabilized and have established turf. Said design may be subject to revisions and modifications by the Land Management Department and Carver County SWCD.
2. The Permittee must maintain existing vegetation wherever possible and implement erosion control as required by the CCWMO Rules permit. The Permittee is responsible for obtaining a CCWMO Permit regarding stormwater management and site reclamation of all aggregate mining areas. If a CCWMO Permit is not obtained within six (6) months of the County Board's approval, File #PZ20240025 shall be suspended until the appropriate permit is obtained. A financial security for erosion control/restoration shall be held by the County for the duration of the project/permit.
3. Topsoil and overburden required for restoration shall be maintained and shall be preserved from erosion or other loss. Only material necessary for restoration may be hauled to the site. Said material shall be incorporated into site restoration immediately or stockpiled according to the site plan. (Restoration shall not take place below the FEMA floodplain elevation of 945.1 feet)

PERFORMANCE SECURITIES & INSURANCE REQUIREMENTS:

1. Permittee shall provide a performance security (pursuant to Section 152.082 (C) 5 (ii)) in a form acceptable to the County, naming the County as an obligee. The security shall be drafted to be effective for at least 3 months after the annual anniversary dated of this point. Performance Surety amount required - \$10,000.00 per acre of open mining activities (i.e., mining, staging, and restoration areas).
2. The conditions of the surety shall be that if the Permittee fails to conform to any of the conditions or requirements of this permit or for any reason ceases to operate the facility in accordance with the provisions of this permit and the County is required to expend monies, labor, or material to bring the operation into conformance with the permit or to perform restoration as provided in this permit due to non-performance by the Permittee, the County may utilize the performance security for reimbursement for any and all expenses incurred to remedy such failure of the Permittee.

3. Permittee shall submit a Certificate of Insurance with coverage provided by an insurance company duly licensed by the State of Minnesota indicating that the Permittee has in force coverage for General Liability, Automobile Liability, Loading and Unloading, Completed Operations Liability, Explosion and Collapse of Underground Operations Liability including a minimum limit of liability in the amount of \$2,000,000 for any one occurrence. The Certificate of Insurance shall include Workers' Compensation Insurance or Permittee shall sign an appropriate affidavit regarding employee status and submit it to the Land Management Department. The Insurance Certificate(s) described above shall carry an irrevocable notice to the County by the carrier 30 days prior to any change, modification, lapse, or cancellation of the policies required.
4. Insurance coverage required above shall be kept in effect for the duration of the permit. If the permit is to be terminated, insurance shall be maintained until the completion of restoration and return of the performance security.
5. The obligor and its sureties hereby indemnify and save the County harmless from all losses, costs, and charges that may occur to the County because of default.
6. The Permittee shall submit a copy of Worker's Compensation Insurance to the Carver County Land Management Department annually.

ADOPTED by the Carver County Planning Commission this 16th day of July 2024.



Scott Hoese (Jul 22, 2024 07:32 CDT)

Scott Hoese, Chairman
Carver County Planning Commission

07/22/24

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Ordinance No. 107-2024 Moratorium on cannabis business activity in the unincorporated area of Carver County (Zoning Standards)

Primary Originating Division/Dept:

Meeting Date: 8/6/2024

Contact: Jason Mielke

Title:

Item Type:

Regular Session

Amount of Time Requested: minutes

Presenter:

Title:

Attachments: ☒ Yes ☐ No

Strategic Initiative:

Growth: Manage the challenges and opportunities resulting from growth and development

BACKGROUND/JUSTIFICATION:

On July 16, 2024, the Carver County Board of Commissioner opened the public hearing to discuss and establish an interim ordinance "moratorium" on cannabis business activities in the unincorporated area of the county through the zoning standards. The request was continued to a date certain (August 6, 2024) due to the fact the full Board was not present to act on the request.

Recently enacted changes to Minnesota's cannabis law (2024 legislation) were implemented and designed to help expedite the launch of Minnesota's new cannabis industry, with social equity applicants selected via a well-vetted lottery able to start their business operations earlier than had been allowed by the original law. The legislation allows for early applications to help ensure the cannabis supply meets demand once retail sales start in 2025. The cannabis legislation allows MN counties and cities to adopt reasonable restrictions on the time, place, and manner of the operations of a cannabis business, provided that such restrictions do not prohibit the establishment or operation of cannabis businesses.

During the June 25, 2024, Carver County Board of Commissioners work session meeting, the County Board directed staff to draft an interim zoning ordinance instituting an emergency moratorium on cannabis businesses in the unincorporated area of Carver County.

The purpose of the proposed cannabis business moratorium (Ordinance No. 107-2024) is to allow the Land Management Department time to conduct research, study legislation language related to cannabis businesses, and develop zoning code language to amend or adopt official controls on cannabis businesses as they relate to reasonable restrictions on the time, place, and manner of the operation of such businesses in order to protect the health, safety, and welfare of its citizens. As written, the moratorium is set to expire on January 1, 2025, or earlier upon the effective date of an ordinance adopting or amending reasonable restrictions on the time, place, and manner of the operation of a Cannabis Businesses within the County or by resolution of the County Board of Commissioners terminating this Ordinance prior to the expiration date.

The County Attorney's Office has reviewed the proposed moratorium ordinance language.

The following items are attached for the Board's consideration: 1) a draft of interim Ordinance No. 107-2024 (moratorium on cannabis businesses); 2) an updated draft County Board Resolution.

ACTION REQUESTED:

1. Continue with the public hearing. 2. Motion to close the public hearing. 3. Motion adopting a resolution enacting an interim ordinance (Ordinance No. 107-2024), instituting an emergency moratorium on cannabis businesses in the unincorporated area of Carver County.

FISCAL IMPACT: 

If "Other", specify:

FUNDING
County Dollars =

FTE IMPACT: 

Total \$0.00

 Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2024 - 9981

COUNTY OF CARVER

STATE OF MINNESOTA

ORDINANCE NO. 107-2024

AN INTERIM ORDINANCE AUTHORIZING A STUDY AND IMPOSING A MORATORIUM ON THE OPERATION OF CANNABIS BUSINESSES IN THE UNINCORPORATED AREAS OF CARVER COUNTY

THE CARVER COUNTY COMMISSIONERS HEREBY ORDAIN AS FOLLOWS:

SECTION 1. PURPOSE, INTENT AND STATUTORY AUTHORITY

- A. This Ordinance is adopted by the Carver County Commissioners for the purpose of providing sufficient time to complete the study of the application, and impact of the 2023 Minnesota Session Laws Chapter 63 – H.F. No. 100 including enacted Minnesota Statute Chapter 342, and H.F. No. 4757 adopted in 2024 (hereinafter “Cannabis Legislation”), upon Carver County; and to recommend and enact official controls applicable to and in the best interests of the residents health, safety, and welfare as provided for by Minnesota Statutes Chapter 342, and Minnesota Statutes section 394.34.
- B. Cannabis Legislation establishes that the sale of cannabis products is subject to local planning and zoning restrictions and must comply with local zoning ordinances. Cannabis Legislation provides local units of government, including counties, certain authority to regulate Cannabis Businesses, including: 1) authority to require local registration of Cannabis Businesses and retail establishments, 2) authority to adopt reasonable restriction on time, place and manner of operation of Cannabis Businesses, 3) authority to limit the number of Cannabis Businesses based on population, and 4) authority to prohibit the operation of Cannabis Businesses within specified distances of schools, day care or residential treatment facilities, or within public parks, athletic fields or playgrounds.
- C. Pursuant to Minnesota Statute §342.13(e), a local unit of government which is conducting studies or which has authorized a study be conducted or has scheduled or held a hearing to consider the adoption or amendment of reasonable restrictions on time, place and manner of the operation of Cannabis Businesses is authorized to adopt an interim ordinance protecting the planning process and the health, safety, and welfare of its citizens. Minn. Stat. §342.13(e) provides specifically that “the interim ordinance may regulate, restrict, or prohibit the operation of Cannabis Businesses within the jurisdiction or a portion thereof until January 1, 2025”.
- D. The Cannabis Legislation requires the Office of Cannabis Management (OCM) to work with local units of government to develop model ordinances relating to reasonable restriction on time, place, and manner of operation of Cannabis Businesses. The Cannabis Legislation also requires the OCM to establish additional regulations relating to the operation of Cannabis Businesses. Given the uncertainty regarding the model ordinances, rules and regulations to be developed in a timely manner, given the broad scope of changes brought about by the Cannabis Legislation, and given the many obligations and responsibilities placed on the OCM by the Cannabis Legislation, and given legislation seeking early licensure of Cannabis Businesses, the County desires to adopt an emergency interim ordinance for the purpose of protecting the planning process and the health, safety, and welfare of its citizens.
- E. The County desires time to complete its study for the purpose of considering the adoption or amendment of its comprehensive plan, local planning and zoning restrictions, including reasonable restrictions on the time, place, and manner of operation of Cannabis Businesses as well as other regulations local units of government may adopt under the Cannabis Legislation.

- F. After published notice, the Carver County Board of Commissioners held a public hearing to consider the adoption of this interim ordinance prohibiting the operation of Cannabis Businesses within the County until January 1, 2025, and recommended its adoption.

SECTION 2. DEFINITIONS

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. The following words, terms, and phrases, when used in this ordinance, shall have the meanings given to them in this section.

- (a) “Cannabis Business” has the meaning given the term in Minnesota Statutes, section 342.01, subdivision 14.
- (b) “Cannabis Legislation” means 2023 Minnesota Session Laws, Chapter 63 (House File No. 100) and Minnesota Statutes Chapter 342.
- (c) “County” means Carver County.
- (d) “Edible Cannabinoid Product” has the meaning given the term in Minnesota Statutes, section 151.72, subdivision 1(f).
- (e) “Local unit of government” means a home rule charter or statutory city, county, town, or other political subdivision.
- (f) “OCM” means the Office of Cannabis Management, established as set forth in Minnesota Statutes, section 342.02, subdivision 1.
- (g) “This Ordinance” means this interim ordinance, which was adopted pursuant to Minnesota Statutes, section 342.13(e)

SECTION 3. STUDY AUTHORIZED

The County Board of Commissioners hereby authorizes and directs the Carver County Land Management Department to conduct a study regarding the adoption or amendment of reasonable restrictions on the time, place, and manner of the operation of Cannabis Businesses, as well as the other potential local regulations allowed under the Cannabis Legislation, and report to the County Board of Commissioners on the potential regulation of Cannabis Businesses under the Cannabis Legislation. The study must include a review of model ordinances drafted by the OCM pursuant to Minnesota Statutes, section 342.13(d), an analysis of potential setback regulations allowed under Minnesota Statutes, section 342.13(c), and such other matters as staff may determine relevant for consideration by the County Board of Commissioners for the purpose of protecting the planning process and the health, safety, and welfare of its citizens. The report shall specifically include recommendations on whether the County Board of Commissioners should adopt regulations and the types of regulations recommended for adoption.

SECTION 4. MORATORIUM

A moratorium is hereby imposed regarding the operation of Cannabis Businesses within the unincorporated areas of Carver County. During the term of this Ordinance, the County shall not accept, process, nor act on any application, site plan, building permit, zoning request, nor any related proposal from any person, or entity. No Cannabis Business may be established or operate during this moratorium unless it was lawfully operating prior to this Interim Ordinance or falls within the exceptions listed in Section 5.

SECTION 5. EXCEPTIONS

The moratorium imposed by this Ordinance does not apply to the continued operation of Cannabis Businesses which were 1) lawfully operating within the County as part of the Medical Cannabis Program administered by the Minnesota Dept. of Health or 2) selling Edible Cannabinoid Products in compliance with Minnesota Statute, section 151.72 prior to this Moratorium. Nothing in this Article exempts a business, person, or entity that is selling Edible Cannabinoid Products from having to comply with all requirements and prohibitions of applicable laws and ordinances.

SECTION 6. ENFORCEMENT

Violation of this Ordinance is a misdemeanor. The County may also enforce this Ordinance by mandamus, injunction, or other appropriate civil remedy in any court of competent jurisdiction. A violation of this Ordinance may result in the County reporting the violation to the OCM.

SECTION 7. DURATION

This Ordinance shall become effective on the first day of passage after adoption and shall remain in effect until January 1, 2025. This Ordinance may be repealed earlier upon the effective date of an ordinance adopting or amending reasonable restrictions on the time, place, and manner of the operation of a Cannabis Businesses within the County or by resolution of the County Board of Commissioners terminating this Ordinance prior to the expiration date.

SECTION 8. SEVERABILITY

If any section or provision of this Ordinance is held invalid, such invalidity will not affect other sections or provisions that can be given force and effect without the invalidated section or provision.

SECTION 9. EFFECTIVE DATE

This Ordinance shall be in full force and effect upon the date of its passage.

ADOPTED by the Carver County Board of Commissioners this _____ day of _____, 2024.

Gayle Degler, Chairman
Carver County Board of Commissioners

Dave Hemze
County Administrator

BOARD OF COUNTY COMMISSIONERS CARVER COUNTY, MINNESOTA

Date: August 6, 2024

Resolution #:

Motion by Commissioner:

Seconded by Commissioner:

A RESOLUTION ADOPTING ORDINANCE NO. 107-2024 AN INTERIM ORDINANCE AUTHORIZING A STUDY AND IMPOSING A MORATORIUM ON THE OPERATION OF CANNABIS BUSINESSES IN THE UNINCORPORATED AREAS OF CARVER COUNTY

WHEREAS, the Office of Cannabis Management (OCM), established in 2023, is charged with oversight of the cannabis industry in Minnesota (MN S.S. Chapter 342). The cannabis legislation allows MN counties and cities to adopt reasonable restrictions on the time, place, and manner of the operations of a cannabis business, provided that such restrictions do not prohibit the establishment or operation of cannabis businesses; and,

WHEREAS, recently enacted changes to Minnesota's cannabis law (2024 legislation) were implemented and designed to help expedite the launch of Minnesota's new cannabis industry, with social equity applicants selected via a well-vetted lottery able to start their business operations earlier than had been allowed by the original law. The legislation allows eligible social equity applicants to grow cannabis for the new market by the end of this year, helping ensure cannabis supply meets demand once retail sales start in 2025; and,

WHEREAS, during the June 25, 2024, Carver County Board of Commissioners work session meeting, county staff presented cannabis legislation updates to the Board and explained how the statute language and changes could impact local government "county" regulations as they pertain to retail cannabis business registration and county zoning code/land use. Pursuant to the Board's direction, staff has drafted an interim zoning ordinance instituting an emergency moratorium on cannabis businesses in the unincorporated area of Carver County; and,

WHEREAS, the purpose of the proposed cannabis business moratorium is to allow the Land Management Department time to conduct research, study legislation language related to cannabis businesses, and develop zoning code language to address the impact on planning & zoning and other official controls allowed by local units of government. The additional time is needed to amend or adopt official controls on cannabis businesses as they relate to reasonable restrictions on the time, place, and manner of the operation of such businesses in order to protect the health, safety, and welfare of its citizens; and,

WHEREAS, Ordinance No. 107-2024 has been reviewed as to form and content by the County Attorney's Office; and,

WHEREAS, the moratorium, as written, shall become effective on the first day of passage after adoption and shall remain in effect until January 1, 2025. This Ordinance may be repealed earlier upon the effective date of an ordinance adopting or amending reasonable restrictions on the time, place, and manner of the operation of a Cannabis Businesses within the County or by resolution of the County Board of Commissioners terminating this Ordinance prior to the expiration date; and,

WHEREAS, the public comments and other testimony were duly considered at a public hearing held by the Carver County Board of Commissioners at its regular meeting of July 16, 2024, and August 6, 2024, and the County Board finds as follows:

1. Minn. Stat. §342.13(e) provides specifically that "the interim ordinance may regulate, restrict, or prohibit the operation of Cannabis Businesses within the jurisdiction or a portion thereof until January 1, 2025".
2. The interim ordinance "moratorium" is not in conflict with any other official controls.
3. The interim ordinance "moratorium" will not be detrimental to the health, safety, or general welfare.

THEREFORE, BE IT RESOLVED THAT THE Carver County Board of Commissioners hereby adopts and enacts interim ordinance (Ordinance No. 107-2024), instituting an emergency moratorium on cannabis businesses in the unincorporated area of Carver County.

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YES	NO	ABSENT
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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 August 2024, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this _____ day of _____, 2024.

Dave Hemze, County Administrator

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Stipulation for Settlement Agreement Between CCRRA and Carver County

Primary Originating Division/Dept: Public Works - Parks	Meeting Date: 8/6/2024
Contact: Martin Walsh	Item Type: Ditch/Rail Authority
Title: Parks and Recreation Director	Attachments: ☐ Yes ☒ No
Amount of Time Requested: minutes	
Presenter:	
Strategic Initiative: Communities: Create and maintain safe, healthy, and livable communities	

BACKGROUND/JUSTIFICATION:

The Pervious actions taken by the Board include: 1) June 18, 2024, approval of a Joint Powers Agreement between CCRRA and Chaska; and 2) July 9, 2024, approval of a Permanent Transportation Easement Agreement between CCRRA and the County.

The CCRRA now seeks Board approval to enter into the Stipulation for Settlement Agreement (SA) between CCRRA and the County. The SA sets the amount of the compensation that the County will pay to CCRRA for CCRRA's grant of a permanent transportation easement (PTE) to the County for the Project.

The County is eligible to apply for the Park Acquisition Opportunity funding from the Metropolitan Council for its acquisition costs of the PTE from CCRRA for the Project.

The easement tract on CCRRA property extends over a portion of parcel identified by Tax Parcel Identification Number 30.9990600 lying northeast of 1st Street West and all of the parcel identified by Tax Parcel Identification Number 30.9990500 (Tract). The appraisal for the Tract divided it into seven smaller parcels based upon the distinct land uses of each of those seven adjoining parcels and appraised each of those seven parcels separately. The total appraised fair market value of the PTE over all those seven parcels is \$3,960,000.

To maximize the amount of the PAOF grant that the County can receive from Met. Council for the County's acquisition costs of the PTE, the CCRRA plans to convey the PTE to the County in two separate transactions. Each transaction will occur in a different state fiscal year, and each will encumber a different set of the seven parcels identified in the appraisal. Collectively and at the end of the Phase 2 Acquisition below, the entire Tract will be encumbered by the PTE.

Phase 1 Acquisition involves the County's acquisition of the PTE over parcels identified in the appraisal as Parcels 2 and 7. The appraised fair market value of the PTE over Parcels 2 and 7 is \$2,135,500.

During the state fiscal year 2025, the County will seek a PAOF grant from the Met. Council for 75% of the fair market value of the PTE over Parcels 2 and 7, which equals \$1,601,625 .

To satisfy the 25% local match requirement, the CCRRA will make an in-kind donation to the County of 25% the fair market value of the PTE over Parcels 2 and 7, which equals \$533,875.

Phase 2 Acquisition involves the County's acquisition of the remaining parcels identified in the appraisal as Parcels 1, 3, 4, 5 and 6. The fair market value of the PTE over Parcels 1, 3, 4, 5, and 6, is \$1,824,500.

During the state fiscal year 2026, the County will seek PAOF from the Met. Council for 75% of the fair market value of the PTE over Parcels 1, 3, 4, 5, and 6, which is \$1,368,375.

To satisfy the 25% local match requirement, the CCRRA will make an in-kind donation to the County of 25% the fair market value of the PTE over Parcels 1,3,4,5, and 6, which equals \$456,125.

ACTION REQUESTED:

Motions:

- 1) Authorize CCRRA to enter the Stipulation for Settlement Agreement upon completion of the contract review process.
- 2) Authorize CCRRA to make an in-kind donation to the County of 25% the fair market value of the PTE over Parcels 2 and 7, provided the County receives a Park Acquisition Opportunity Funds grant from Met. Council for 75% of the fair market value of the Phase 1 Acquisitions.

FISCAL IMPACT: 

If "Other", specify:

FTE IMPACT: 

FUNDING

County Dollars =

CCRRA	\$533,875.00
Metropolitan Council	\$1,601,625.00
Total	\$2,135,500.00

 Insert additional funding source

Related Financial/FTE Comments:

CCRRA is providing an in-kind land value donation as a 25% match to the Metropolitan Council's 75% match to the acquisition of the permanent easement

Office use only:

RBA 2024 - 9987

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Closed Session for Highway 41/10 Project Property Acquisitions

Primary Originating Division/Dept:

Meeting Date: 8/6/2024

Contact: Anthony Stucchi

Title:

Item Type:

Closed Session

Amount of Time Requested: minutes

Presenter: Pat Lambert/Anthony Stucchi Title:

Attachments: ☐ Yes ☒ No

Strategic Initiative:

Growth: Manage the challenges and opportunities resulting from growth and development

BACKGROUND/JUSTIFICATION:

The 2024-2026 construction seasons include the Highway 41/10 Project, which is the reconstruction and expansion of Highway 10 to a four-lane roadway and includes several roundabouts. Additional right-of-way is needed to complete the project scope. Carver County has contracted with appraisers in order to establish fair market value for the right of way acquisitions needed in support of the project. On February 6, 2024, the County Board authorized Public Works staff to make offers for direct purchase of the impacted properties. On May 7, 2024, the county board gave Public Works staff direction on last written offers. On May 22, 2024 the County filed the petition for use of eminent domain and the hearing on the petition occurred on July 17, 2024.

Public Works staff have received a counteroffer settlement proposal from the property owners on parcels located at PID No. 30.04580010 and 30.6570010. Public Works staff would like to discuss the settlement proposal and get direction from the county board on next steps.

ACTION REQUESTED:

Motion to enter into closed session to discuss confidential settlement negotiations for the purchase of real property, pursuant to Minn. Stat. Section 13D.05, Subd. 3 (c), for PID No. 30.04580010 and 30.6570010.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT:

Total

\$0.00

☒ Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2024 - 10005