

CARVER COUNTY COMMISSIONERS PROCEEDINGS**REGULAR SESSION – February 6, 2024**

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on February 6, 2024. Chair Gayle Degler convened the session at 9:00 a.m.

Members present: Gayle Degler, Chair, John P. Fahey, Vice Chair, Tim Lynch, Matt Udermann and Tom Workman.

Under public comments, Chair Degler acknowledged the comments received from Sam Cook submitted through email and clarified they were available for the public in the County Administration office.

Udermann moved, Workman seconded, to move items 5.4 and 5.12 from the consent agenda to items 6.4 and 6.5 on the regular agenda. Degler, Lynch, Udermann, Workman voted aye. Fahey voted nay. Motion carried.

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

Lynch moved, Udermann seconded, to approve the minutes of the January 16, 2024, Regular Session. Motion carried unanimously.

Fahey moved, Lynch seconded, to approve the following consent agenda items:

Approved an agreement with TC&W Railroad Company for the railroad crossing replacement at Highway 51, pending finalization of the contract review process.

Contract with the Minnesota Department of Public Safety pending finalization of the contract review process, receiving the 2023 UASI grant and related Sheriff's Office budget amendment.

Resolution #04-24

Support of the City of Chaska's Application to the Minnesota Department of
Transportation for a Safe Routes to School Infrastructure Grant Program for the Engler
Boulevard (CSAH 10) Trail Project

WHEREAS, the Safe Routes to School (SRTS) Infrastructure Grant Program provides grant funding for the construction of pedestrian and bicycle infrastructure projects that will improve safety, reduce traffic, and improve air quality around schools; and

WHEREAS, in this funding cycle the Minnesota Department of Transportation will award \$10.9 million in state funding to construct pedestrian and bicycle infrastructure improvements adjacent to schools; and

WHEREAS, the proposed project will enter construction during the 2025 calendar year and will have a useful life of over 10 years; and

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WHEREAS, Engler Boulevard (CSAH 10) acts a significant transportation barrier for pedestrians; and

WHEREAS, The City of Chaska's 2016 Safe Routes to School identified the need to improve safety and access for pedestrian and students crossing Engler Boulevard (CSAH 10); and

WHEREAS, the Engler Boulevard Trail Project will fill trail gaps along Engler Boulevard and construct a grade-separated underpass that provides a safe pedestrian crossing for students to use that is completely separated from high speed highway traffic; and

WHEREAS, the proposed Engler Boulevard Trail Project will impact Carver County right-of-way along Engler Boulevard (CSAH 10); and

WHEREAS, Carver County has been working with MnDOT and the City of Chaska to develop improvements for Trunk Highway 41 and Engler Boulevard (CSAH 10) that will be coordinated with the city funded Engler Boulevard Trail Project; and

NOW THEREFORE BE IT RESOLVED, that the Carver County Board of Commissioners hereby supports the City of Chaska's request for state SRTS funding to construct the Engler Boulevard Trail Project.

Approved Scott County Boarding Agreement to provide secure juvenile detention space.

Approved Blue Earth and Nicollet County Boarding Agreements to provide secure juvenile detention space.

Approved issuance of a charitable gambling license to the Ridgeview Foundation for a raffle to be held on June 24, 2024.

Resolution #05-24

Requesting a Variance from Standard for State Aid Operation for
Project No. S.P. 010-591-002

WHEREAS, Carver County is preparing plans for the County State Aid Highway (CSAH) 10 / Trunk Highway (TH) 41 Reconstruction Project in the City of Chaska, S.P. 1008-106. The project includes the reconstruction of the highway and the inclusion of a longitudinal off-road shared use path and an off-road shared use path crossing across TH 41 north of CSAH 10; and

WHEREAS, the project is proposed to be partially funded through State Transportation Economic Development (TED) funding, Federal Mobility Funding, Federal Safe Routes to School Grants, Carver County State Aid funds, City of Chaska Municipal State Aid Funds and local funding; and

WHEREAS, Minnesota Rules for State Aid Operation 8820.9995 require that the Off Road Shared Use Path be designed to accommodate a minimum 20 mph design speed; and

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WHEREAS, the reasons for this variance requests are that as part of the shared use path crossing of TH 41, the horizontal curvature in one location on the west side of the box culvert crossing cannot accommodate the size of curve necessary to meet a 20 mph design speed due to constrained property conditions adjacent to the highway; and

NOW, THEREFORE BE IT RESOLVED, that Carver County does hereby request a variance from the Minnesota Department of Transportation State Aid Operations Rules Chapter 8820.9995 Minimum Off-Road and Shared Use Path Standards to allow:

A reduced speed of no less than 12 mph for approximately 50 feet from the west end of the box culvert that crosses under TH 41 (Approx. Sta 82+20 to Sta. 82+60).

BE IT FURTHER RESOLVED, that Carver County hereby indemnifies, saves and hold harmless the State of Minnesota and its agents and employees of and from claims, demands, actions, or causes of action arising out of or by reason of the reduced horizontal curve radius and vertical curve length accordance with Minnesota Rules 8820.9995 and further agrees to defend at their sole cost and expense any action or proceeding commenced for the purpose of asserting any claim arising as a result of the granting this variance.

Approved out of state travel to Washington DC, for Assistant County Attorney, Civil Division Manager.

Approved out of state travel to St. Louis, Missouri for four staff members from the County Attorney's office.

Contract with Envisionware, Inc., pending finalization of the contract review process and related Library budget amendment.

Professional services agreement with Alliant Engineering, Inc., for engineering services in the amount of \$209,538, pending finalization of the contract review process.

Adopted the Findings of Fat and issued Order #PZ20230045 for the issuance of a Conditional Use Permit, John Zimmermann, Waconia Township.

Resolution #06-24

Support and Authorization for an Application to the United States Department of Transportation for a FY 24 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Program for the Highway 5 Arboretum Area Mobility Project

WHEREAS, the USDOT announced its latest discretionary funding opportunity through the FY24 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant to regionally significant infrastructure projects; and

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WHEREAS, in the 2021 Infrastructure Investment and Jobs Acts, the United States Congress allocated \$1.5 billion for the 2024 RAISE program to fund projects that improve safety, economic strength and global competitiveness, equity, and climate and sustainability consistent with USDOT's strategic goals; and

WHEREAS, Carver County partnered with the Minnesota Department of Transportation (MnDOT), the City of Victoria, the City of Chaska, and the City of Chanhassen to identify transportation system improvements in the area of the Minnesota Landscape Arboretum including Highway 5, Highway 41, Rolling Acres Road, Bavaria Road, and 82nd Street West; and

WHEREAS, the Arboretum Area Transportation Plan includes an implementation framework with estimated improvement costs, project sequencing, and timeframes to guide capital improvement planning for Carver County, MnDOT, the City of Victoria, the City of Chaska, the City of Chanhassen, and their partners for improvements along Highway 5, Highway 41, Rolling Acres Road, Bavaria Road; and

WHEREAS, the Highway 5 Arboretum Area Mobility Project is a high priority project to address critical transportation system failures on a trunk highway and regional thoroughfare; and

WHEREAS, Carver County is the fastest growing county in Minnesota and completion of the Highway 5 Mobility Project is critical to support planned growth for jobs and housing in the Minneapolis/St Paul Metropolitan region; and

WHEREAS, Highway 5 provides primary access to the University of Minnesota Landscape Arboretum, a national tourism destination and educational resource for 500,000 annual visitors, of which is planning investments that will result in new jobs and significant increase in annual visitors; and

WHEREAS, once funded and constructed the Highway 5 Arboretum Area Mobility Project will provide safer, faster, and more reliable movement of goods and people through the Carver County and the metropolitan region.

NOW, THEREFORE BE IT RESOLVED that the Carver County Board of Commissioners hereby supports and approves a 2024 RAISE request for \$25 million to construct the Highway 5 Arboretum Area Mobility Project and the board directs the Carver County Engineer to submit requested project information; and

BE IT FURTHER RESOLVED that Carver County is committed to the required local match of 20% and fully funding the project as proposed and on schedule; and

BE IT FURTHER RESOLVED that the Carver County Board approved contingency plan for full project funding and any unforeseen circumstances include our Local Option Sales Tax implemented in 2017 and County State Aid Funds (CSAH) which would fill gaps in

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the funding plan above and beyond commitments from our local partners and MnDOT and secured amounts from other competitive sources.

Resolution #07-24

Authorizing Offers of Just Compensation to Owners for Acquisition of Real Property
Interest Needed for Highway 18 Project-Arboretum Area

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 approximately 2 miles of new County State Aid Highway (CSAH) 18 from the intersection of CSAH 13 (Bavaria Road) in the City of Victoria to 0.25 miles west of Trunk Highway 41 in the City of Chaska as part of the Highway 18 Project – Arboretum Area; 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 described 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 Owners submit to the County the information necessary for reimbursement.

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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 approximately 2 miles of new County State Aid Highway (CSAH) 18 from the intersection of CSAH 13 (Bavaria Road) in the City of Victoria to 0.25 miles west of Trunk Highway 41 in the City of Chaska as part of the Highway 18 Project – Arboretum Area 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), the Public Works Division Director or agents under his supervision, shall make initial written offers of just compensation to the Owners of the real property interests described in Exhibit A from whom the County must acquire real property interests needed for the Project; and

BE IT FURTHER RESOLVED that the Public Works Division Director or agents under his supervision, shall reimburse the Owners of said real property interests for an independent appraisal of damages from a licensed real estate appraiser to estimate the full amount of damages which will be caused to Owners by the County's proposed acquisition of the real property interests described in said Exhibit A, and that, upon the Owners providing to County a copy of that appraisal report, evidence of the cost of that report, and evidence of payment of that amount to the appraiser, County shall reimburse Owners for the cost of Owners' independent appraisal report, subject to the limits stated in Minn. Stat. §117.036. In lieu of said independent appraisal of damages, the Public Works Division Director or agents under his supervision, may offer in addition to the initial written offer to property Owners, an amount up to said limits in Minn. Stat. §117.036.

Exhibit A

Highway 18 Project – Arboretum Area
Carver County Public Works No. 108365

Property Tax Identification No. 30.0170100

Parcel Number:

Fee Owners: Thomas A. Johnson

Property Address: 621 82nd Street West, Chaska, Minnesota

The Subject Property being taken in fee simple contains 108,464 SF, more or less.

Permanent easement for public right-of-way purposes contains 17,845 SF, more or less; 17,845 SF, after excluding existing easements.

Temporary easement for construction purposes contains 13,976 SF, more or less; 13,976 SF, after excluding existing easements.

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Resolution #08-24

Authorizing Offers 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 a 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 described 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 Owners submit to the County the information necessary for reimbursement.

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 as part of the Highway 41/10 Project constitute a valid public use or public purpose; and

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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), the Public Works Division Director or agents under his supervision, shall make initial written offers of just compensation to the Owners of the real property interests described in Exhibit A from whom the County must acquire real property interests needed for the Project; and

BE IT FURTHER RESOLVED that the Public Works Division Director or agents under his supervision, shall reimburse the Owners of said real property interests for an independent appraisal of damages from a licensed real estate appraiser to estimate the full amount of damages which will be caused to Owners by the County's proposed acquisition of the real property interests described in said Exhibit A, and that, upon the Owners providing to County a copy of that appraisal report, evidence of the cost of that report, and evidence of payment of that amount to the appraiser, County shall reimburse Owners for the cost of Owners' independent appraisal report, subject to the limits stated in Minn. Stat. §117.036. In lieu of said independent appraisal of damages, the Public Works Division Director or agents under his supervision, may offer in addition to the initial written offer to property Owners, an amount up to said limits in Minn. Stat. §117.036.

Exhibit A

to

Resolution Authorizing Offers of Just Compensation to Owners for Acquisition of Real Property Interests

Highway 41/10 Project

Carver County Public Works No. 178820

Property Tax Identification No. 30.0050400

Parcel Number(s): 1

Fee Owners: Jacob D. Wiemiller & Megan Wiemiller

Property Address: 554 Victoria Drive, Chaska, MN 55318

Permanent easement for public right-of-way purposes contains 139 sq. ft., more or less.

Temporary easement for construction purposes contains 1,530 sq. ft., more or less.

Property Tax Identification No. 30.4580010

Parcel Number(s): 2

Fee Owners: SB Chaska Partners, LLC

Property Address: 325 Engler Blvd, Chaska, MN 55318

Permanent easement for public right-of-way purposes contains 761 sq. ft., more or less.

Temporary easement for construction purposes contains 14,687 sq. ft., more or less.

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Property Tax Identification No. 30.4680010

Parcel Number(s): 5

Fee Owners: 1580 White Oak Drive, LLC

Property Address: 1580 White Oak Drive, Chaska, MN 55318

Permanent easement for public right-of-way purposes contains 4,795 sq. ft., more or less.

Permanent easement for drainage and utility purposes contains 1,959 sq. ft., more or less.

Temporary easement for construction purposes contains 3,533 sq. ft., more or less.

Property Tax Identification No. 30.4680020

Parcel Number(s): 6

Fee Owners: Security Bank Waconia

Property Address: 1575 White Oak Drive, Chaska, MN 55318

Permanent easement for public right-of-way purposes contains 4,461 sq. ft., more or less.

Permanent easement for drainage and utility purposes contains 2,043 sq. ft., more or less.

Temporary easement for construction purposes contains 3,379 sq. ft., more or less.

Property Tax Identification No. 30.1710030

Parcel Number(s): 7

Fee Owners: Chaska Grandview Owner's Association, Inc.

Property Address: 1475 & 1485 White Oak Drive, Chaska, MN 55318

Permanent easement for public right-of-way purposes contains 1,319 sq. ft., more or less.

Temporary easement for construction purposes contains 4,410 sq. ft., more or less.

Property Tax Identification No. 30.1660020

Parcel Number(s): 8

Fee Owners: Holiday Station Stores, Inc.

Property Address: 1465 White Oak Drive, Chaska, MN 55318

Permanent easement for public right-of-way purposes contains 864 sq. ft., more or less.

Permanent easement for drainage and utility purposes contains 85 sq. ft., more or less.

Temporary easement for construction purposes contains 1,793 sq. ft., more or less.

Property Tax Identification No. 30.0041000

Parcel Number(s): 9

Fee Owners: Shepherd of the Hill Presbyterian Church of Chaska

Property Address: 145 Engler Blvd, Chaska, MN 55318

Permanent easement for public right-of-way purposes contains 16,513 sq. ft., more or less.

Permanent easement for wall maintenance purposes contains 1,802 sq. ft., more or less.

Temporary easement for construction purposes contains 18,698 sq. ft., more or less.

Property Tax Identification No. 30.6050010

Parcel Number(s): 10

Fee Owners: Troy P. Wagener, Daniel J. Wagener, & Bonita L. Wagener

Property Address: 1595 Crest Drive, Chaska, MN 55318

Permanent easement for public right-of-way purposes contains 1,345 sq. ft., more or less.

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Permanent easement for drainage and utility purposes contains 1,164 sq. ft., more or less.
Temporary easement for construction purposes contains 1,875 sq. ft., more or less.

Property Tax Identification No. 30.6080030

Parcel Number(s): 11

Fee Owners: Imrose Alam & Farzana H. Alam

Property Address: 1552 Sunshine Circle, Chaska, MN 55318

Permanent easement for public right-of-way purposes contains 1,004 sq. ft., more or less.

Permanent easement for drainage and utility purposes contains 949 sq. ft., more or less.

Temporary easement for construction purposes contains 4,138 sq. ft., more or less.

Property Tax Identification No. 30.6050010

Parcel Number(s): 12

Fee Owners: Michael D. Hammers & Rose A. Hammers

Property Address: 1558 Sunshine Circle, Chaska, MN 55318

Permanent easement for public right-of-way purposes contains 499 sq. ft., more or less.

Permanent easement for drainage and utility purposes contains 451 sq. ft., more or less.

Temporary easement for construction purposes contains 1,234 sq. ft., more or less.

Property Tax Identification No. 30.6080010

Parcel Number(s): 13

Fee Owners: CD Gemini Properties, LLC

Property Address: 1564 Sunshine Circle, Chaska, MN 55318

Permanent easement for public right-of-way purposes contains 71 sq. ft., more or less.

Permanent easement for drainage and utility purposes contains 52 sq. ft., more or less.

Temporary easement for construction purposes contains 571 sq. ft., more or less.

Property Tax Identification No. 30.6070010

Parcel Number(s): 14

Fee Owners: John F. Miller & Donna M. Miller

Property Address: 1570 Sunshine Circle, Chaska, MN 55318

Permanent easement for public right-of-way purposes contains 1,640 sq. ft., more or less.

Permanent easement for drainage and utility purposes contains 795 sq. ft., more or less.

Temporary easement for construction purposes contains 1,522 sq. ft., more or less.

Property Tax Identification No. 30.6070070

Parcel Number(s): 15

Fee Owners: Stephen R. Duvick & Courtney J. Duvick

Property Address: 1569 Skyview Drive, Chaska, MN 55318

Permanent easement for public right-of-way purposes contains 37 sq. ft., more or less.

Permanent easement for drainage and utility purposes contains 286 sq. ft., more or less.

Temporary easement for construction purposes contains 3,883 sq. ft., more or less.

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Property Tax Identification No. 30.6070130

Parcel Number(s): 16

Fee Owners: Scott A. Stanger & Nancy A. Stanger

Property Address: 1521 Sunshine Court, Chaska, MN 55318

Temporary easement for construction purposes contains 204 sq. ft., more or less.

Property Tax Identification No. 30.6070140

Parcel Number(s): 17

Fee Owners: James E. Finelli & Rachel M. Finelli

Property Address: 1517 Sunshine Court, Chaska, MN 55318

Temporary easement for construction purposes contains 1,498 sq. ft., more or less.

Property Tax Identification No. 30.0330700

Parcel Number(s): 21

Fee Owners: Independent School District 112

Property Address: 140 Engler Blvd, Chaska, MN 55318

Permanent easement for public right-of-way purposes contains 80,547 sq. ft., more or less.

Permanent easement for drainage and utility purposes contains 2,446 sq. ft., more or less.

Permanent easement for wall maintenance purposes contains 6,834 sq. ft., more or less.

Temporary easement for construction purposes contains 69,437 sq. ft., more or less.

Property Tax Identification No. 30.4520060

Parcel Number(s): 22

Fee Owners: David C. Liebelt & Kayleen A. Liebelt

Property Address: 1665 Highwood Drive, Chaska, MN 55318

Permanent easement for drainage and utility purposes contains 486 sq. ft., more or less.

Temporary easement for construction purposes contains 394 sq. ft., more or less.

Property Tax Identification No. 30.6570010

Parcel Number(s): 23

Fee Owners: Valley Evangelical Free Church

Property Address: 150 Engler Blvd, Chaska, MN 55318

Permanent easement for public right-of-way purposes contains 4,458 sq. ft., more or less.

Permanent easement for drainage and utility purposes contains 3,020 sq. ft., more or less.

Permanent easement for wall maintenance purposes contains 3,167 sq. ft., more or less.

Temporary easement for construction purposes contains 7,467 sq. ft., more or less.

Property Tax Identification No. 30.5810040

Parcel Number(s): 24

Fee Owners: Parrott Nest, LLC

Property Address: 1601 White Oak Drive, Chaska, MN 55318

Permanent easement for public right-of-way purposes contains 2,926 sq. ft., more or less.

Permanent easement for drainage and utility purposes contains 1,404 sq. ft., more or less.

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Temporary easement for construction purposes contains 2,409 sq. ft., more or less.

Property Tax Identification No. 30.5810030

Parcel Number(s): 25

Fee Owners: Rebecca Lewis

Property Address: 1610 White Oak Drive, Chaska, MN 55318

Permanent easement for public right-of-way purposes contains 5,610 sq. ft., more or less.

Temporary easement for construction purposes contains 4,303 sq. ft., more or less.

Property Tax Identification No. 30.5800170

Parcel Number(s): 27

Fee Owners: Michael J. Maley & Diane L. Maley

Property Address: 355 Pondview Lane, Chaska, MN 55318

Permanent easement for public right-of-way purposes contains 1,551 sq. ft., more or less.

Permanent easement for drainage and utility purposes contains 831 sq. ft., more or less.

Temporary easement for construction purposes contains 1,744 sq. ft., more or less.

Property Tax Identification No. 30.5800140

Parcel Number(s): 28

Fee Owners: Kurtis A. Pemble & Hansen, Amy L

Property Address: 1605 Royal Oak Drive, Chaska, MN 55318

Permanent easement for public right-of-way purposes contains 2,853 sq. ft., more or less.

Permanent easement for drainage and utility purposes contains 1,269 sq. ft., more or less.

Temporary easement for construction purposes contains 958 sq. ft., more or less.

Property Tax Identification No. 30.5800010

Parcel Number(s): 29

Fee Owners: SFR Borrower 2022-A, LLC

Property Address: 1600 Royal Oak Drive, Chaska, MN 55318

Permanent easement for public right-of-way purposes contains 5,845 sq. ft., more or less.

Permanent easement for drainage and utility purposes contains 1,649 sq. ft., more or less.

Temporary easement for construction purposes contains 2,506 sq. ft., more or less.

Property Tax Identification No. 30.4690040

Parcel Number(s): 31

Fee Owners: North Meadows Office Condominiums Association, Inc.

Property Address: 542-586 Bavaria Lane, Chaska, MN 55318

Permanent easement for public right-of-way purposes contains 2,034 sq. ft., more or less.

Temporary easement for construction purposes contains 2,983sq. ft., more or less.

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Property Tax Identification No. 30.0321500

Parcel Number(s): 32

Fee Owners: Kierstin Case

Property Address: 1695 Bavaria Road, Chaska, MN 55318

Temporary easement for construction purposes contains 2,243 sq. ft., more or less.

Property Tax Identification No. 30.5800230

Parcel Number(s): 33

Fee Owners: Goodwin Builders Inc.

Property Address: Vacant Land, Bavaria Road, Chaska, MN 55318

Permanent easement for drainage and utility purposes contains 34,358 sq. ft., more or less.

Resolution #09-24

Authorizing Settlement of Compensation to Owners for Acquisition of Real Property
Interests Needed for Highway 212 Project-Benton Township

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 the reconstruction and expansion of Trunk Highway 212 to a 4-lane expressway as part of the Highway 212 Project - Benton Township ("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

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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 the reconstruction and expansion of Trunk Highway 212 to a 4-lane expressway as part of the Highway 212 Project - Benton Township 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.

EXHIBIT A

to

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

Highway 212 Project – Benton Township
Carver County Public Works No. 178826

CARVER COUNTY COMMISSIONERS PROCEEDINGSREGULAR SESSION – February 6, 2024

Property Tax Identification No. 0110130400

Parcel Number(s): 2 of CARVER COUNTY RIGHT OF WAY PLAT NO. 35

Fee Owners: Kenneth B Briggs and Susan C. Briggs

Property Address: 15130 Highway 212, Norwood-Young America, MN 55368

Temporary easement for construction purposes contains 345 SQ FT, more or less.

Amount: \$ 500

Appraisal Fee -

Amount: \$500

Settlement Amount: \$ 1,000 (Rounded)

Property Tax Identification No. 010131400

Parcel Number(s): 4 of CARVER COUNTY RIGHT OF WAY PLAT NO. 35

Fee Owners: Terrance L. Picha

Property Address: XXXX Salem Avenue, Norwood-Young America, MN 55368

A portion of the Subject Property being taken in fee simple contains 362,977 SQ FT, more or less.

Amount: \$ 98,991.50

Temporary easement for construction purposes contains 45,782 SQ FT, more or less.

Amount: \$3,139

Appraisal Fee –

Amount: \$5,000

Premium to Induce Settlement

Amount: \$17,800

Settlement Amount: \$125,000 (Rounded)

Property Tax Identification No. 010172000

Parcel Number(s): 8 of CARVER COUNTY RIGHT OF WAY PLAT NO. 35

Fee Owners: Mark S. Rolf and June M. Rolf Trusts

Property Address: 13440 Highway 212, Norwood-Young America, MN 55368

A portion of the Subject Property being taken in fee simple contains 357,376 SQ FT, more or less.

Amount: \$81,418.50

Temporary easement for construction purposes contains 82,766 SQ FT, more or less.

Amount: \$7,971.00

Improvements –

Amount: \$1,800

Appraisal Fee –

Amount: \$ 5,000

Premium to Induce Settlement

Amount: \$ 28,750

Settlement Amount: \$ 125,000 (Rounded)

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Property Tax Identification 010150800

Parcel Number(s): 22 of CARVER COUNTY RIGHT OF WAY PLAT NO. 35

Fee Owners: Winkler Family Revocable Living Trust

Property Address: 11730 Highway 212 Cologne, MN 55322

A portion of the Subject Property being taken in fee simple contains 26,174 SQ FT, more or less.

Amount: \$ 1,320

Temporary easement for construction purposes contains 509 SQ FT, more or less.

Amount: \$ 53

Appraisal Fee –

Amount: \$ 1,500

Settlement Amount: \$ 2,900 (Rounded)

Property Tax Identification No. 010140300

Parcel Number(s): 30 of CARVER COUNTY RIGHT OF WAY PLAT NO. 35

Fee Owners: Michael K. Ewald

Property Address: 11030 Highway 212 Cologne, MN 55322

Temporary easement for construction purposes contains 23,613 SQ FT, more or less.

Amount: \$ 1,169

Improvements –

Amount: \$ 3,281

Settlement Amount: \$ 4,450 (Rounded)

Property Tax Identification No. 010180110

Parcel Number(s): 53 of CARVER COUNTY RIGHT OF WAY PLAT NO. 35

Fee Owners: Gordon Dietel

Property Address: 13715 Hwy. 212, Norwood-Young America, MN 55368

A portion of the Subject Property being taken in fee simple contains 53,143 SQ FT, more or less.

Amount: \$ 21,229

Temporary easement for construction purposes contains 5,022 SQ FT, more or less.

Amount: \$ 569

Improvements –

Amount: \$ 9,592

Appraisal Fee –

Amount: \$ 1,500

Premium to Induce Settlement

Amount: \$ 12,100

Settlement Amount: \$ 45,000 (Rounded)

Authorized the Sheriff's Office Dive Team acceptance of donation from NYA West Carver Lions and related budget amendment.

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Professional services agreement with Primacy Strategy Group for federal government relations strategy services, pending finalization of the contract review process.

Reviewed January 23, 2024, Community Social Services' actions/Commissioners' warrants in the amount of \$1,334,473.84; reviewed January 30, 2024, Community Social Services' actions/Commissioners' warrants in the amount of \$277,029.50 and reviewed February 6, 2024, Community Social Services' actions/Commissioners' warrants in the amount of \$538,192.83.

Motion carried unanimously.

Daniel Huff, Metropolitan Mosquito Control Director, introduced Alex Carlson, MMCD Public Affairs Manager, and stated they were present to give their annual update.

Alex Carlson, MMCD, explained the District was established in 1958, includes the seven metro counties and covers a 2,900 square mile service area. He reviewed the services provided by the District, the mosquito life cycle and habitat. He pointed out the number of West Nile virus cases in 2023 and other diseases they monitor. Carlson clarified their decisions are driven by data and they have an entomology lab in St. Paul.

In 2023, the District saw an early spring mosquito surge followed by a gradual decline in August. He reviewed their control methods and the number of inspections and treatments within the County.

Carlson highlighted their tax levy and expenditures that increased slightly. He stated they would continue to expand services in 2024, increase use of drone programs as well as educational outreach. He suggested a mosquito spike in spring may not be as significant in 2024 due to the lack of snowfall. Carlson pointed out maps and alerts that were available on their website for the public and encourage the Board to let them know of groups that MMCD should connect with.

The Board expressed appreciation for the education and information shared.

Allison Streich, CDA Deputy Director, appeared before the Board to present an update on Carver Place and for approval of an agreement amendment. She noted the three million in ARPA money the CDA received from the County for three projects.

She reviewed the locations, amenities, timelines and funding sources for the Carver Place, Carver Oaks and Trail's Edge Senior projects. Streich indicated they were requesting the funds be released for the Carver Place at this time and requesting that the timeline be extended to apply for an additional round of funding for the Trail's Edge project.

Fahey moved, Udermann seconded, to release \$1,000,000 to the CDA from the CDA Housing Project account for the Carver Place project and to amend the agreement by

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extending the obligation timeline for Trails Edge Senior to January 25, 2025, pending contract finalization. Motion carried unanimously.

Sam Pertz, Parks Supervisor, appeared before the Board to review lifeguard services options at County beaches. He pointed out the past contract with a local service provider and their inability to provide that service due to staffing shortages. He also noted the prior search for another provider and their inability to provide the service due to the necessary liability coverage needed for the County. Pertz identified service models of other cities and regions and indicated few natural beaches provide lifeguard services.

He indicated they engaged the public with a survey with a 50/50 response on whether it would impact the public's use. Pertz stated this was considered by the Park Commission at three meetings and they were recommending to suspend services. He indicated Parks would update signage and would communicate this to make sure the public is aware of this change in service.

Workman left the room at 10:14 a.m.

The Board discussed whether they would see an increase in use due to the opening of Paradise Commons and the need to monitor this. Pertz recognized they may see an increase in use and will learn more from users in the future. Udermann suggested the shift of dollars be utilized for something the public will see the benefits from.

Lynch moved, Fahey seconded, to discontinue lifeguard services at County Beach facilities. Degler, Fahey, Lynch, Udermann voted aye. Workman absent. Motion carried.

Workman returned to the room at 10:19 a.m.

Lynch moved, Workman seconded, to recess as the County Board and convene as the Carver County Regional Rail Authority. Motion carried unanimously.

Martin Walsh, Parks Manager, requested the Board approve a joint powers agreement with Scott County for the Merriam Junction trail segment. He displayed an aerial of the trail corridor. He stated the project included 2.4 miles of paved trail, four bridges and embankment stabilization. Walsh reviewed the trail connections and history in acquiring the trail. He pointed out the number of partners involved in the project and work done. He also noted the levee improvements taking place in the City of Carver and the coordination between Carver County, Scott County and the City of Carver. Walsh highlighted the City's future proposal to redevelop the downtown area with a park facility.

Walsh pointed out construction access, impact mitigation to be done in the City of Carver and construction schedule. He noted the total project cost of \$24-\$25 million and Scott County's agreement to cap the County's bridge contribution at 1.4 million. Walsh reviewed the County's funding sources. He highlighted the terms of the joint powers agreement and indicated Scott County would be leading the project. Scott County would be responsible

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to provide for routine bridge maintenance and the County would share costs for routine inspections and longer-term repairs on Bridge R0910

Lisa Freese, representing Scott County, identified the future trail connections in Scott County.

Brent Marek, City of Carver, stated the timeline for downtown redevelopment is to be determined and is a concept so they can plan appropriately. He noted their goal at this time is to make sure the bridge project and their levee project fit together.

Fahey moved, Degler seconded, to approve the joint powers agreement with Scott County, to authorize the Chair to sign, to authorize staff to issue permits for clearing, construction and other permits as may be necessary upon completion of the contract review process. Motion carried unanimously.

Lynch moved, Workman seconded, to adjourn as the Regional Rail Authority and reconvene as the County Board. Motion carried unanimously.

Lyndon Robjent, Public Works, requested the Board approve an amendment to the professional services agreement with SRF Consulting for the Highway 212 project. He pointed out project costs, the complexity of the project and indicated the scope of the project has emerged over time.

Udermann questioned the overruns and wanted to bring this forward for a vote to hold partners accountable.

Robjent pointed out the excellent job that had been done and the importance of a good product at the end so there are minimal changes once construction begins.

Lynch moved, Degler seconded, to approve Amendment No. 5 with SRF Consulting Group for \$44,318.32 for scope of work revisions for the Highway 212 Project-Benton Township, pending finalization of the contract review process. Degler, Fahey, Lynch, Workman voted aye. Udermann voted nay. Motion carried.

The Board considered their remaining committee assignments and advisory committee appointments for 2024.

Commissioner Fahey agreed to serve as the appointment to the MICA Board and Chair Degler agreed to act as the alternate to the TAB Board.

Degler moved, Fahey seconded, to appoint Jon Thom to the Park Commission and to appoint Naima Hussein to the Mental Health Committee to represent District 1. Motion carried unanimously.

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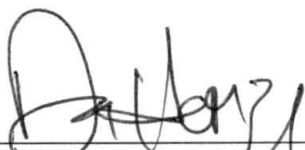
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Lynch moved, Workman seconded, to go into closed session to discuss the County Administrator's annual performance evaluation pursuant to Minnesota Statutes 13D.05, Sub. 3(a). Motion carried unanimously.

The Board adjourn the closed and Regular Session.

Dave Hemze
County Administrator

ATTEST:


County Administrator
Chair