

CARVER COUNTY COMMISSIONERS PROCEEDINGS

REGULAR SESSION – February 20, 2024

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on February 20, 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, Sam Cooke, 310 38th Street, spoke of his plans for the Hollywood Township radio tower and the struggles he has had over the last 20 years. He believed the County should take responsibility and asked for closure of the issues.

Gene Sipprell, 821 Creekwood, Chanhassen, stated he was a local pastor for 20 years and was available to provide bible study to elected officials if interested.

Greg Boe, 1846 Plymouth Lane, Chanhassen, pointed out to the Board and the public the upcoming fish fries to be held at Guardian Angels in Chaska.

Sheriff Kamerud recognized the tragic Burnsville incident over the weekend. He pointed out the effects on the law enforcement community and encouraged residents to express their appreciation to public safety officials. Sheriff also recognized there may be some opportunities to donate to the families and cautioned residents to avoid scams if they planned to contribute through online accounts.

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

Lynch moved, Fahey seconded, to approve the minutes of the February 6, 2024, Regular Session. Motion carried unanimously.

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

Approved the income contract with the MN Department of Corrections for a 1.0 FTE probation agent.

Resolution #10-24
2024 Seasonal Road Restrictions

BE IT RESOLVED that the seasonal road restrictions in Carver County be established in accordance with Chapter 169, Section 169.87, Laws of Minnesota, at the ton per axle limitations of the 2024 Seasonal Road Restriction map for Carver County, and

BE IT FURTHER RESOLVED that the County Engineer is hereby authorized to impose and to increase or decrease said restrictions whenever conditions warrant pursuant to Chapter 163, Section 163.02, Subdivision 3, Laws of Minnesota.

Resolution #11-24
Speed Zone Study Request

BE IT RESOLVED, that the Carver County Board of Commissioner hereby requests the State of Minnesota Commissioner of Transportation to conduct speed zoning studies on the

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following County State Aid Highway (CSAH) and County Road (CR) segments to determine the appropriate speed limits:

CSAH 10 - Between the intersection with Trunk Highway (TH) 5 and the intersection with CSAH 30 in the City of Waconia and Waconia Township.

CSAH 18 - Between the intersection with CSAH 11 and the intersection with CSAH 13 in the City of Victoria.

CSAH 30 - Between the intersection with CSAH 33 in the City of New Germany and the intersection with TH 25 in the City of Mayer.

CSAH 36 - Between the intersection with US 212 and the intersection with CSAH 41 in the City of Cologne and Benton Township.

CSAH 43 - Between the intersection with CSAH 10 and the intersection with CSAH 11 (Victoria Drive) in the City of Victoria.

CSAH 44 - Between the intersection with CSAH 11 and the intersection with CSAH 61 in the City of Chaska.

CR 111 – Between the intersection with CSAH 14 (Pioneer Trail) and CSAH 11 (Victoria Drive) in the City of Chaska.

Approved the 2024 Aquatic Invasive Species annual program; authorized the Chair to sign a new three-year delegation agreement for watercraft inspectors and authorized Chair to sign agreement with the City of Chanhassen for County watercraft inspections.

Resolution #12-24

Awarding of the Highway 40 Project-Belle Plaine Area Carver County Contract 24-073 Project #188844, pending finalization of the contract review process and completion of post bid documentation and approvals as outlined in the MnDOT Delegated Contract Process for Local Agency Federal Aid Projects

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

WHEREAS, On Tuesday, February 6th at 2:00 P.M. at Carver County Public Works, 11360 Highway 212, Cologne, Minnesota, seven (7) bids were received by Carver County Public Works and opened by three (3) representatives of Carver County Public Works for the Highway 40 Project – Belle Plaine Area, said bids for the responsible bidders are summarized as follows:

Bidder Name	Total Amount	% Over/Under Estimate
<i>Engineer's Estimate</i>	<i>\$10,097,255.35</i>	-
Minger Construction Co., Inc.	\$7,467,772.93	-26%
S.M. Hentges & Son, Inc.	\$7,975,630.29	-21%

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Veit & Company, Inc.	\$8,053,667.47	-20%
Mathiowetz Construction Company	\$8,119,052.89	-20%
Hoffman Construction Company	\$8,626,598.22	-15%
Valley Paving Inc	\$9,043,893.06	-10%
Northern Lines Contracting	\$9,192,054.05	-9%

And WHEREAS, after examination of the bids by Carver County Public Works, Minger Construction Company, 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 24-073 with Minger Construction Company, Inc. of Jordan, MN, in the name of the County of Carver for the construction of the Highway 40 Project – Belle Plaine Area 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 and third 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 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 two hundred thousand dollars (\$200,000) and an increased aggregate project total of all project changes of four hundred thousand dollars (\$400,000), 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.

Approved an amendment to a Joint Powers Agreement for continued Asset Management Software Collaboration with Scott County and the Cities of Burnsville, Apple Valley, Eagan, Shakopee and White Bear Lake, pending finalization of the contract review process.

Approved an amendment to the professional services agreement for the Highway 41/10 project with SRF Consulting Group for \$39,236.00, pending finalization of the contract review process.

Approved a professional services agreement with SRF Consulting Group, Inc., for \$168,440.50 for final design services for the Engler Trail Gap project, pending finalization of the contract review process.

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Resolution #13-24

Highways 10 and 24 Approval for the MPCA Stipulation Agreement

WHEREAS, the Minnesota Pollution Control Agency has issued Carver County a stipulation agreement on the Highway 10 and 24 Project.

NOW THEREFORE BE IT RESOLVED, that Carver County hereby directs the Board Chair to sign said stipulation agreement on behalf of the Carver County Public Works Division.

Authorized the preorder of a tandem snowplow truck with upfitting and tractor to hold state contract pricing with Boyer Trucks/Towmaster and Trueman Welters respectively.

Approved the purchase of budgeted fleet equipment replacements and additions for 2024.

Approved amendment to the professional services agreement with SRF Consulting Group for final design for the Highway 212 Project-Benton Township to cover costs for changed conditions that resulted in revisions to the agreed upon project scope, in the amount of \$539,353.05, pending finalization of the contract review process.

Resolution #14-24

Supporting Scott County's Pursuit of a 2024 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Discretionary Grant for the Minnesota River Crossing and Flood Resiliency Study

WHEREAS, the U.S. Department of Transportation has published a Notice of Funding Opportunity (NOFO) for \$1.5 billion in grant funding through the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) discretionary grant program for 2024; and

WHEREAS, the RAISE Discretionary Grant program allows the DOT to invest in road, transit, and port studies and projects that help communities around the country carry out projects with significant local or regional impact; and

WHEREAS, the RAISE program prioritizes projects based on safety, environmental sustainability, quality of life, mobility and community connectivity, economic competitiveness and opportunity including tourism, state of good repair, partnership and collaboration, and innovation; and

WHEREAS, Scott County will submit a request for funding to the RAISE Program for the Minnesota River Crossing and Flood Resiliency Study; and

WHEREAS, the Minnesota River Crossing and Flood Resiliency Study will identify a community-supported solution that addresses infrastructure improvement needs due to this frequent flooding at key Minnesota River crossings, including TH 25, Carver CSAH 11/Carver CSAH 9, and TH 41; and

WHEREAS, the proposed study is necessary due to the regular flooding that occurs at these locations, causing bridges throughout the study area to close regularly, and limiting connectivity, safety, and accessibility throughout Scott County and Carver County; and

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WHEREAS, the proposed study will also include CSAH 101 and U.S. Highway 169, which both take on additional traffic during flooding events that cause a major imbalance in the system, resulting in extreme levels of congestion and crashes; and

WHEREAS, the proposed study furthers the goals of the USDOT and the RAISE grant by improving safety, accessibility, equity, vehicle congestion, and climate resiliency in the Southwestern Minneapolis-St. Paul Metropolitan Area; and

WHEREAS, a RAISE Planning Grant will allow Scott County and project partners to determine community needs, connect with stakeholders, create a comprehensive long-term vision for the crossings, support multimodal connectivity, increase access to commercial and employment areas, promote economic growth and investment, and create an inviting natural environment.

NOW THEREFORE BE IT RESOLVED, by the Carver County Board of Commissioners:

1. The County Board supports Scott County's pursuit of RAISE Planning Grant funding for the Minnesota River Crossing and Flood Resiliency Study; and

Resolution #15-24

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

Property Tax Identification No. 010171313

Parcel Number(s): 11 of CARVER COUNTY RIGHT OF WAY PLAT NO. 35

Fee Owners: Tom Diethelm Builders LLC

Property Address: 13010 Highway 212, Norwood-Young America, MN 55368

A portion of the Subject Property being taken in fee simple contains 2,403, more or less.

Amount: \$809.81

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Temporary easement for construction purposes contains 100 SQ FT, more or less.

Amount: \$69.00

Premium to Induce Settlement

Amount: \$521.19

Settlement Amount: \$1,400.00

Property Tax Identification No. 010162611 and 010172611

Parcel Number(s): 34 and 35 of CARVER COUNTY RIGHT OF WAY PLAT NO. 35

Fee Owners: Bongards Co-op Creamery

Property Address: No Address Assigned

A portion of the Subject Property being taken in fee simple contains 1,168,085 SQ FT, more or less.

Revised Amount: \$680,593.00

Permanent easement for drainage and utility purposes contains 4,573 SQ FT, more or less.

Amount: \$4,044.00

Temporary easement for construction purposes contains 328,068 SQ FT, more or less.

Amount: \$54,829.00

Severance:

Amount: \$29,334.00

Impacts to Improvements:

Amount: \$366,992.00

Reduction to fee simple acquisition for Construction Work In Kind:

Amount: (\$307,820.00)

Settlement Amount: \$827,972.00

Property Tax Identification No. 010180400

Parcel Number(s): 52 of CARVER COUNTY RIGHT OF WAY PLAT NO. 35

Fee Owners: Clarence J. Stender, Jr.

Property Address: 14325 Highway 212, Norwood-Young America, MN 55368

A portion of the Subject Property being taken in fee simple contains 210,231 more or less.

Amount: \$ 23,026.50

Temporary easement for construction purposes contains 84,272 SQ FT, more or less.

Amount: \$ 4,179.00

Impacts to Improvements:

Amount: \$ 18,675.00

Premium to Induce Settlement

Amount: \$ 12,119.50

Settlement Amount: \$58,000.00

Approved amendment to the professional services agreement for the Highway 41/10 Project with SRF Consulting Group for \$39,236.00, pending finalization of the contract review process.

Approved the acceptance and use of the two rebates received in the form of two debit cards worth \$35 each for the purchase of K-9 items normally purchased.

Reviewed February 13, 2024, Community Social Services' actions/Commissioners' warrants in the amount of \$562,064.94 and reviewed February 20, 2024, Community Social Services' actions/Commissioners' warrants in the amount of \$388,327.07.

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Motion carried unanimously.

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

Martin Walsh, Parks, requested the Rail Authority adopt a Resolution to authorize written offers of compensation to impacted property owners related to the bridge over Crane Creek. He explained inspections reported significant decay and identified the location of the bridge. Walsh pointed out the difficulties in accessing the location and the need for access and easement to make repairs.

Lynch offered the following Resolution, seconded by Fahey:

Resolution CCRRA #01-24
Authorizing Offers of Just Compensation to Owners for
Acquisition of Real Property Interests Needed for Repair and Improvements to
Bridge R0631 over Crane Creek on Dakota Rail Regional Trail in
Camden Township

WHEREAS, the Carver County Board of Commissioners (“Board”) is the official governing body of the Carver County Regional Railroad Authority, a political subdivision and municipal corporation of Minnesota, (“CCRRA”); and

WHEREAS, the CCRRA, acting by and through its Board, is authorized by law, and pursuant to Minnesota Statute § 398A.04, subds. 1(2), and 4 and Minnesota Statutes Chapter 117 to acquire real and personal property interests from private property owners within and outside its taxing jurisdiction which the CCRRA needs for a public use or public purpose; and

WHEREAS, the CCRRA must repair and make related improvements to Bridge R0631 over Crane Creek for the Dakota Rail Regional Trail in Camden Township, Minnesota (“Project”); and

WHEREAS, to complete the Project, the CCRRA must acquire the real property interests from the owners of said real property interests, (“Owners”), both as described in Exhibit A, attached hereto, and incorporated herein; and

WHEREAS, the CCRRA obtained an appraisal report from a licensed and qualified real estate appraiser which estimated of the total value of the damages caused to the Owners by CCRRA’s proposed acquisitions of the real property interests in Exhibit A for the Project; and

WHEREAS, the CCRRA must submit an initial written offer of just compensation to the Owners for the full amount of damages caused to the Owners by the CCRRA’s proposed acquisitions; and

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

WHEREAS, the Owners are entitled to reimbursement for the reasonable costs of the appraisal from the CCRRA up to a maximum of the limits stated in Minnesota Statutes § 117.036, provided the Owners submit the information necessary for reimbursement, to the CCRRA.

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NOW, THEREFORE, BE IT RESOLVED that the Project and the CCRRA's acquisition of the real property interests described in Exhibit A constitute a valid public use or public purpose; and

BE IT FURTHER RESOLVED that based upon the estimate of damages from a licensed real estate appraiser for the CCRRA's proposed acquisitions of the real property interests described in said Exhibit A for the Project, the Public Works Division Director, or agents under his supervision, shall be entitled to make an initial written offer of just compensation to the Owners; 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 CCRRA's proposed acquisition of the real property interests described in Exhibit A for the Project, and that, upon the Owners providing to County a copy of that appraisal report and evidence that the Owners paid for the cost of that report, the CCRRA shall reimburse Owners for the cost of Owners' independent appraisal report, subject to the limits stated in Minnesota Statute §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 Minnesota Statute §117.036.

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

Bridge R0631 over Crane Creek on the Dakota Rail Regional Trail Project

Property Tax Identification No.020011200

Parcel Number(s): 1

Fee Owners: Debbie Mathews & Luann J. Priebe

Property Address: 1245 185th Street, Bergen Township, MN 55345

Permanent easement for public access purposes contains 5,851 sq. ft., more or less.

Temporary easement for construction purposes contains 42,512 sq. ft., more or less.

On vote taken, all voted aye.

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

Kristen Hack, Employee Relations, requested the Board approve the County Administrator's 2023 annual performance evaluation. She pointed out the previous closed session held to discuss the Administrator's 2023 performance. Hack summarized their discussions and recommended action to approve an overall rating of outstanding. The Board recognized his strong leadership, high level of expertise and the County's future challenges.

Lynch moved, Fahey seconded, to approve an overall rating of outstanding for County Administrator Hemze's 2023 performance. Motion carried unanimously.

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Workman moved, Lynch seconded, to adjourn the Regular Session at 9:46 a.m. Motion carried unanimously.

Dave Hemze
County Administrator

ATTEST:


County Administrator


Chair