

CARVER COUNTY COMMISSIONERS PROCEEDINGS

REGULAR SESSION – March 12, 2024

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on March 12, 2024. Chair Gayle Degler convened the session at 9:02 a.m.

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

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

Fahey moved, Lynch seconded, to approve the minutes of the February 20, 2024, Regular Session. Motion carried unanimously.

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

Approved amendment to the professional services agreement for CSAH 11 project with Alliant Engineering Inc., for final design of a separated trail in the amount of \$39,810, pending finalization of the contract review process.

Resolution #16-24

Awarding of the 2024 County Wide Crack Sealing Project, Carver County Contract 24-091
Project #2401

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

WHEREAS, On Friday, March 1 at 09:00 A.M. at Carver County Public Works, 11360 Highway 212, Cologne, Minnesota, three (3) quotes were received by Carver County Public Works for the 2024 County Wide Crack Sealing Project, said quotes for the responsible bidders are summarized as follows:

Bidder Name	Total Amount	% Over/Under Estimate
<i>Engineer's Estimate</i>	<i>\$166,315.49</i>	
Fahrner Asphalt Sealers	\$287,200.80	72.68%
Kamco, Inc.	\$171,055.50	2.85%
Astech Surface Technologies Corp.	\$436,150.00	162.24%

And WHEREAS, after examination of the quotes by Carver County Public Works, Kamco, Inc. is the successful low responsible quoter.

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 24-091 with Kamco, Inc of Dassel, MN, in the name of the County of Carver for the construction of the 2024 County Wide Crack Sealing Project in accordance with the construction plans and specifications contained in the project manual; and

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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 twenty five thousand dollars (\$25,000) and an increased aggregate project total of all project changes of fifty thousand dollars (\$50,000.00), 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.

Authorized the Chair to sign the 2023 County Feedlot Officer Annual Report and approved submittal of the report to the Minnesota Pollution Control Agency.

Approved Amendment 2 to professional services agreement with WSB & Associates Inc., in the amount of \$49,365 for additional land acquisition services for the Highway 212 Project-Benton Township, pending finalization of the contract review process.

Approved LRDG Agreement Amendment with the Minnesota Pollution Control Agency and authorized the Assistant County Administrator to sign the amendment on behalf of the County, pending final approval through the contract review process.

Approved contract with Boyer Building Corporation for the Baylor Regional Park boardwalk reconstruction project and authorized the Chair to sign upon completion of the contract review process.

Resolution #17-24 Minnesota Green Corps Application

WHEREAS, the Planning & Water Management Department of the Carver County Public Services Division seeks to apply to host an AmeriCorps member from the Minnesota GreenCorps, a program of the Minnesota Pollution Control Agency (MPCA), for the 2024-2025 program year; and

WHEREAS, if the MPCA selects Carver County Planning & Water Management, the organization is committed to implementing the proposed project as described in the host site application, and in accordance with pre-scoped position description; and

WHEREAS, the MPCA requires that Carver County Planning & Water Management enter into a host site agreement with the MPCA that identifies the terms, conditions, roles and responsibilities;

BE IT RESOLVED THAT Carver County through the Public Services Division hereby supports an application and agrees to enter into and sign a host site agreement with the MPCA to carry out the member activities specified therein and to comply with all of the terms, conditions, and matching provisions of the host site agreement and authorizes and directs the Assistant County Administrator, to sign the grant agreement on its behalf.

Approved entering into a grant agreement with the Minnesota Historical Society in the amount of \$48,500 for interpretive planning work for Coney Island of the West and related Parks budget amendment.

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Authorized the issuance of a special use permit to the Waconia Area Chamber of Commerce for the 2024 Paradise Beach Bash allowing the sale of alcohol and extending the park hours to 10:30 p.m.

Authorized the following grant agreements upon completion of the contract review process:

Grant SG-24P4-03-05 for Outreach (Staffing, Programs, Marketing, Equipment,) \$43,000
 Grant SG -24P4 -03-06 For Recreation and Volunteer Specialist (50% of Salary & Benefits) \$43,000.
 Grant SG-24P4-03-04 Parks and Natural Resources Supervisor (50 % of Salary and Benefits) \$50,000

Approved out of state travel for Public Works Operations employee to attend a conference and represent Carver County Public Works.

Approved annual renewal of the consumption and display permit for Marsh Lake Hunting Preserve, Inc.

Approved reorganization in Public Works as outlined including the elimination of a 1.0 FTE Operations Supervisor Transportation and creation of a 1.0 FTE Senior Civil Engineer with the ability to hire at multi-levels based on qualification and related Public Works budget amendment.

Approved utilization of public safety aid funds received from the State of Minnesota to further the expansion of BWC program in the Carver County Jail Facility and purchase of 34 Axon Fleet 3 in car camera systems, approved funds for 40 BWC systems and storage increase through the remainder of the BWC agreement with Axon, June 30, 2026, and approved the transition to the Axon in car camera system to fund a 5-year agreement and related Sheriff's budget amendment.

Approved phased retirement option for current Administration Assistant and related budget amendment.

Contract with Metropolitan Mechanical Contractors pending finalization of the contract review process.

Approved elimination of 1.0 FTE (A13-Administrative Assistant) and creation of a 1.0 FTE (A12-Administrative Representative) and moving the FTE from the HHS Home and Community Base Care Department to the HHS Administrative Services department, Front Desk Unit and related HH&S budget amendment.

Approved eliminating a 1.0 FTE Accounting Supervisor (C43) and creating a 1.0 FTE Finance Manager (C51) within the Finance Department and related budget amendment.

Approved amendment to a professional services agreement with Kennedy & Graven in the amount of \$125,000 for additional legal services pending finalization of the contract review process.

Resolution #18-24

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

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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

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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) 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 41/10 Project

Carver County Public Works No. 178820

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 roadway purposes contains 2,853 sq. ft., more or less.

\$14,800.00

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

\$6,600.00

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

\$1,400.00

Appraisal Fee.

\$1,500.00

Damages to electric dog fence and irrigation system.

\$3,100.00

Settlement Amount: \$27,400.00

Resolution #19-24

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

Needed for the 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

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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

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

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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. 01.0171400

Parcel Number(s): 9 of CARVER COUNTY RIGHT OF WAY PLAT NO. 35

Fee Owners: Warren L. Flusemann Trust

Property Address: No Address Assigned

A portion of the Subject Property being taken in fee simple contains 270,877 SQ FT, more or less.

Amount: \$50,946.00

Temporary easement for construction purposes contains 35,043 SQ FT, more or less.

Amount: \$1,732.00

Appraisal Amount

Amount: \$5,000.00

Premium to Induce Settlement

Amount: \$10,822.00

Settlement Amount: \$68,500.00

Property Tax Identification No. 010170800

Parcel Number(s): 10 of CARVER COUNTY RIGHT OF WAY PLAT NO. 35

Fee Owners: Kimberly Rosauer Gapen

Property Address: 13030 Highway 212, Norwood-Young America, MN 55368

A portion of the Subject Property being taken in fee simple contains 7,139 SQ FT, more or less.

Amount: \$1,984.64

Premium to Induce Settlement

Amount: \$1,315.36

Settlement Amount: \$3,300.00

Property Tax Identification No. 01.0171010

Parcel Number(s): 13 of CARVER COUNTY RIGHT OF WAY PLAT NO. 35

Fee Owners: Warren L. Flusemann Trust

Property Address: No Address Assigned

A portion of the Subject Property being taken in fee simple contains 74,013 SQ FT, more or less.

Amount: \$6,800.00

Temporary easement for construction purposes contains 9,151 SQ FT, more or less.

Amount: \$368.00.00

Appraisal Amount

Amount: \$5,000.00

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Premium to Induce Settlement

Amount: \$ 2,532.00

Settlement Amount: \$ 14,700.00

Property Tax Identification No. 010150100

Parcel Number(s): 27 of CARVER COUNTY RIGHT OF WAY PLAT NO. 35

Fee Owners: Marcia K. Tellers Trust and Kenneth M. Family Trust

Property Address: No Address Assigned

A portion of the Subject Property being taken in fee simple contains 483,162 SQ FT, more or less.

Amount: \$ 107,089.50

Temporary easement for construction purposes contains 54,522 SQ FT, more or less.

Amount: \$2,706.00

Premium to Induce Settlement

Amount: \$ 120,204.50

Settlement Amount: \$ 230,000.00

Property Tax Identification No. 01.0151220

Parcel Number(s): 28 of CARVER COUNTY RIGHT OF WAY PLAT NO. 35

Fee Owners: Almeda Rose Guethling Trust

Property Address: No Address Assigned

Temporary easement for construction purposes contains 1,123 SQ FT, more or less.

Amount: \$500.00

Premium to Induce Settlement

Amount: \$ 500.00

Settlement Amount: \$ 1,000.00

Property Tax Identification No. 01.0180100

Parcel Number(s): 54 of CARVER COUNTY RIGHT OF WAY PLAT NO. 35

Fee Owners: Security Bank & Trust, Felix T. Angamarca Quizhpi and Maria C. Lazo Loja

Property Address: 14105 Hwy. 212, Norwood-Young America, MN 55368

A portion of the Subject Property being taken in fee simple contains 21,719 SQ FT, more or less.

Amount: \$3,002.00

Temporary easement for construction purposes contains 17,986 SQ FT, more or less.

Amount: \$1,606.00

Impacts to Improvements:

Amount: \$2,700.00

Premium to Induce Settlement

Amount: \$ 15,192.00

Settlement Amount: \$ 22,500.00

Adopted the Findings of Fact and issued Order #PZ20240003 for the issuance of a Conditional Use Permit, Michael Brose, Laketown Township.

Resolution #20-24

Vacating a Public Drainage and Utility Easement Over and Across a Part of Land Within Lot 5,
Block 1 of the Oak Lake Estates Subdivision

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WHEREAS, Michael F Gould and Pamela J Gould (“Owners”) own the property located at 10935 Oak Shore Trail (“Subject Property”) as legally described and visually depicted in Exhibit A, and;

WHEREAS, the Owners have expanded the subject property’s size to accommodate a single-family dwelling and associated sub-surface sewage treatment system (SSTS); and

WHEREAS, it has determined that the proposed SSTS system’s suitable location is bisected by the drainage and utility easement dedicated for public use as legally described and visually depicted in Exhibit B (“Easement Vacation Area”) when the property was platted as Lot 5, Block 1 in the Oak Lake Estates subdivision; and

WHEREAS, Carver County staff have reviewed and approved the easement vacation request and exhibits; and

WHEREAS, the Carver County Board of Commissioners reviewed the proposed easement vacation request and exhibits; and

WHEREAS, the Carver County Board of Commissioners believes that the benefit to the owner to vacate the existing drainage and utility easement in the Easement Area outweighs the public interest in retaining it; and

WHEREAS, the Carver County Board of Commissioners has determined that the vacation would be in the public interest; and

NOW, THEREFORE BE IT RESOLVED, by the Carver County Board of Commissioners that the drainage and utility easement legally described and visually depicted in the Easement Exhibit B is vacated.

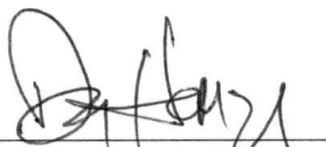
Reviewed February 27, 2024, Community Social Services’ actions/Commissioners’ warrants in the amount of \$627,024.44; reviewed March 5, 2024, Community Social Services’ actions/Commissioners’ warrants in the amount of \$171,553.45 and reviewed March 12, 2024, Community Social Services’ actions/Commissioners’ warrants in the amount of \$196,916.89.

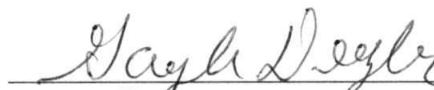
Motion carried unanimously.

Workman moved, Udermann seconded, to adjourn the Regular Session at 9:21 a.m. Motion carried unanimously. .

David Hemze
County Administrator

ATTEST:


County Administrator


Chair