

CARVER COUNTY COMMISSIONERS PROCEEDINGS

ORGANIZATIONAL SESSION – January 3, 2023

Commissioners Gayle Degler, John P. Fahey, Tim Lynch, Matt Udermann and Tom Workman met in session this day as required by law for organizational purposes for the year 2023.

The session was called to order by County Administrator, David Hemze, at 9:00 a.m. Administrator Hemze requested nominations for the 2023 Board Chair.

Degler nominated John P. Fahey to serve as Chair of the Board of Commissioners for 2023. Udermann seconded the nomination. Hearing no other nominations, Administrator Hemze closed nominations.

On vote taken to elect John P. Fahey to serve as Chair of the Board of Commissioners for 2023, all voted aye.

Chair Fahey requested nominations for 2023 Vice Chair. Lynch nominated Tom Workman as Vice Chair of the Board of Commissioners for 2023. Udermann seconded the nomination.

On vote taken to elect Tom Workman as Vice Chair for 2023, all voted aye.

The following amendment was made to the agenda:

6.1 Additional advisory Committee applications for Library Board, Park Commission and WMO Board.

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

Hemze requested the Board adopt their 2023 Board Operating Rules. He explained the first proposed amendment would provide the Chair more authority in preparing the draft agenda and the second proposed amendment would provide for the rotation of Chair and Vice chair and delete reimbursement for remote computer access.

Lynch moved, Degler seconded, to the adopt the 2023 Board Operating Rules. The Board agreed to discuss amendments further prior to voting.

Workman moved, Degler seconded, to approve the amendment #1 to the 2023 Board Operating Rules, Section VII. County Board Agenda: A. Preparation and Distribution and C. Consent Agenda. Degler, Fahey, Lynch, Workman voted aye. Udermann voted nay. Motion carried.

Udermann moved, Workman seconded, to approve amendment #2 to the 2023 Board Operating Rules related to the Chair/Vice Chair rotation and deleting remote computer access reimbursement. Following discussion Udermann agreed to separate amendment #2 into two separate motions and withdrew his motion.

CARVER COUNTY COMMISSIONERS PROCEEDINGS

ORGANIZATIONAL SESSION – January 3, 2023

Udermann moved, Workman seconded, to strike “In addition, remote computer access expenses are eligible for cost reimbursement” from Section G. Monthly Expense Allowance. Motion carried unanimously.

Udermann moved, Workman seconded, to approve amendment #2 related to the Chair/Vice Chair rotation under E. Officers. Udermann, Workman voted aye. Degler, Fahey, Lynch voted nay. Motion failed.

Degler moved, Lynch seconded, to approve the 2023 Board Operating Rules as now amended. Motion carried unanimously.

The Board considered their 2023 meeting schedule.

Workman moved, Udermann seconded, to approve the 2023 Board meeting schedule as presented. Motion carried unanimously.

Workman moved, Fahey seconded, to approve the following AMC appointments:

Association of Minnesota Counties Board of Directors	Degler, Alt. Fahey
AMC Environment & Natural Resources Policy Committee	Lynch
AMC General Government Policy Committee	Degler
AMC Health & Human Services Policy Committee	Udermann
AMC Public Safety Policy Committee	Fahey
AMC Transportation Policy Committee	Workman
AMC Voting Delegates	Degler, Fahey, Lynch, Udermann, Workman, David Hemze, Lyndon Robjert, Heather Goodwin

Motion carried unanimously.

Workman moved, Degler seconded, to approve the following Commissioner appointments:

CAP Agency Board of Directors	Degler, Alt. Udermann
Carver County Arts Committee	Udermann & Workman
Carver County CDA	Fahey, Liaison, Alt Udermann
Carver County Leaders	Udermann & Lynch
Community Leaders (Eastern)	Degler, Udermann, Workman, Fahey
County Strategic National Stockpile (SNS) Requestors	Degler, David Hemze, Richard Scott
Courts Committee	Fahey & Degler, Alt Lynch
Fair Board	Lynch, Liaison, Alt. Fahey
Greater MSP Board of Directors	Udermann
Greater MSP Partner Advisory Council	Julie Frick (public) Deborah Everson (private)
Hennepin Carver Workforce Development Board	Udermann, Alt Workman
Historical Society Committee	Workman, Alt. Fahey
Health Insurance LMC	Degler, Alt Udermann

CARVER COUNTY COMMISSIONERS PROCEEDINGS

ORGANIZATIONAL SESSION – January 3, 2023

Joint Ditches:	
Joint Ditch #1	Fahey, Udermann, Degler
Joint Ditch #2	Fahey, Degler
Joint Ditch #3A	Fahey
Joint Ditch #4	Fahey, Lynch, Workman
Joint Ditch #5	Fahey, Lynch, Udermann
Joint Ditch #21	Fahey, Lynch, Workman, Degler
Joint Ditch #22	Fahey, Lynch, Udermann
Joint Ditch #24	Fahey, Lynch, Degler
Joint Ditch #28	Fahey
Law Library Board	Degler
Legislative Committee	Fahey & Workman, Alt Udermann
Library Board	Udermann, Liaison
Lower Minnesota River Watershed	Udermann & Degler, Liaisons
MCIT Voting Delegates	David Hemze, Alt Sonja Wolter
MELSA	Udermann
Mental Health Advisory Committee	Lynch, Alt. Udermann
Metro GIS Policy Board	Workman, Alt. Peter Henschel
Metropolitan Emergency Services Board	Degler & Fahey
Metropolitan Emergency Services Executive Board	Degler, Alt Fahey
Metropolitan Emergency Services Radio Technical Operations Committee	Susan Bowler, Alt Deb Paige
Metropolitan Emergency Services 911 Technical Operations	Susan Bowler, Alt Deb Paige
Minnehaha Creek Watershed District	Workman, Liaison, Alt Udermann
Minnesota Counties Computer Consortium	Peter Henschel, Alt David Frischmon, Mary Kay Wahl
Minnesota Extension Committee	Degler & Lynch
Minnesota Inter-County Association	Workman, Second Appt Open
Minnesota Valley Regional Rail Authority	Workman, Alt. Fahey
Mobility Management Board (SmartLink)	Fahey
Mosquito Control District	Degler & Workman
Park Commission	Lynch, Liaison, Alt Udermann
Planning Commission	Fahey, Alt. Lynch
Regional Hauler Licensing Board	Workman, Alt. Lynch
Riley-Purgatory-Bluff Creek Watershed	Workman & Degler, Liaisons
Southwest Corridor Transportation Coalition	Workman & Fahey, Alt. Degler
State CIIS Advisory Committee (SCHSAC)	Richard Scott, Alt Fahey
Suburban County Representatives	Lynch & Workman
Transportation Advisory Board -- TAB	Workman, Alt. Fahey
Water Management Organization Committee	Lynch, Alt. Fahey

The Board considered appointments to advisory committees.

CARVER COUNTY COMMISSIONERS PROCEEDINGS

ORGANIZATIONAL SESSION – January 3, 2023

Udermann moved, Degler seconded, to appoint Megan Bielefeldt to the Arts Committee. Motion carried unanimously.

Lynch moved, Degler seconded, to nominate and appoint Gerald Bruner as the District 4 appointment to the Board of Adjustment. Motion carried unanimously.

Udermann moved to nominate and appoint Kayla Pascoe to serve as the at large appointment on the Board of Adjustment. Following discussion on the commissioner representation, Udermann withdrew his motion

Degler moved, Workman seconded, to nominate and appoint Chad Reisner to serve as the at large appointment on the Board of Adjustment. Degler, Udermann, Workman voted aye. Fahey, Lynch voted nay. Motion carried.

Workman moved, Fahey seconded, to nominate and appoint Jeff Thompson as the District 2 representative on the Board of Adjustment. Motion carried unanimously.

Fahey moved, Lynch seconded, to nominate and appoint Scott Selkin as the District 5 representative on the Board of Adjustment. Motion carried unanimously.

Fahey moved, Udermann seconded, to nominate and appoint Molly Kouvumaki to the Community Development Agency. Motion carried unanimously.

Udermann moved, Workman seconded, to nominate and appoint Charles Teh as the District 3 appointment and Tenley Rutledge as the youth representative to the Library Board. Motion carried unanimously.

Lynch moved, Degler seconded, to nominate and appoint Derek Gunderson and Kayla Pascoe to serve on the Mental Health Committee. Motion carried unanimously.

Fahey moved, Degler seconded, to nominate and appoint Patti Dietzel to the Minnesota Extension Committee. Motion carried unanimously.

Udermann moved, Workman seconded, to nominate and appoint Jen Brewington as the District #2 appointment on the Park Commission. Motion carried unanimously.

Fahey moved, Degler seconded, to nominate and appoint Reid Welch to serve as the at large appointment on the Park Commission. Motion carried unanimously.

Lynch moved, Fahey seconded, to nominate and appoint Christine Fenner as the District 4 appointment on the Park Commission. Motion carried unanimously.

Udermann moved, Fahey seconded, to nominate and appoint Steven Dummer as the at large appointment to the Personnel Board of Appeals. Motion carried unanimously.

CARVER COUNTY COMMISSIONERS PROCEEDINGS

ORGANIZATIONAL SESSION – January 3, 2023

Workman moved, Degler seconded, to nominate and appoint Frank Mendez to the Planning Commission. Motion carried unanimously.

Fahey moved, Degler seconded, to nominate and appoint Andrew Steinhagen to the Planning Commission. Motion carried unanimously.

Degler moved, Udermann seconded, to nominate and appoint Jim Boettcher to the WMO Board to represent District 1. Motion carried unanimously.

Udermann moved, Workman seconded, to nominate and appoint Nathan Lindall to serve as the District 3 appointment and Kayla Pasco to serve as the Carver Creek Watershed District representative on the WMO Board. Degler, Fahey, Udermann, Workman voted aye. Lynch voted nay. Motion carried.

Workman moved, Lynch seconded, to approve the minutes of the December 20, 2022, Regular Session. Motion carried unanimously.

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

Authorized the Sheriff's Office acceptance of one year donation of GrayKey Essentials License subscription.

Approved 2023 police contracts with Waconia, Cologne, Norwood Young America and Hamburg and the two additional contract licensed deputy FTEs in the Sheriff's Office and related budget amendment.

Resolution #01-23

Awarding of the Highway 41 Bridge Project Carver County Contract 22-275
Project #158796

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

WHEREAS, On Thursday, December 15th at 10:00 A.M. at Carver County Public Works, 11360 Highway 212, Cologne, Minnesota, six (6) bids were received by Carver County Public Works and opened by two (2) representatives of Carver County Public Works for the Highway 41 Bridge Project, said bids for the responsible bidders are summarized as follows:

Bidder Name	Total Amount	% Estimate	Over/Under
<i>Engineer's Estimate</i>	<i>\$1,568,978.50</i>	-	
S.M. Hentges & Sons, Inc.	\$1,565,831.25	0%	
Redstone Construction, LLC	\$1,595,372.50	2%	

CARVER COUNTY COMMISSIONERS PROCEEDINGS

ORGANIZATIONAL SESSION – January 3, 2023

Robert R. Schroeder Construction, Inc.	\$1,765,787.76	13%
C.S. McCrossan Construction, Inc.	\$2,028,225.70	29%
Structural Specialties Inc.	\$2,072,972.70	32%
Meyer Contracting Inc.	\$2,123,988.38	35%

And WHEREAS, after examination of the bids by Carver County Public Works, S.M. Hentges & Sons, 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 22-575 with S.M. Hentges & Sons, Inc. of Jordan, MN, in the name of the County of Carver for the construction of the Highway 41 Bridge 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 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 fifty thousand dollars (\$50,000) and an increased aggregate project total of all project changes of one hundred fifty thousand dollars (\$150,000.00), 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.

Resolution #02-23

To Support Funding for Community Supervision

Endorsing the efforts of the Community Supervision Work Group and urging the legislature to pass a new funding formula and significant appropriation during the 2023 legislative session.

WHEREAS, community supervision is a fundamental part of the criminal justice system in Minnesota and funding sufficient to ensure effective services is vital to public safety in all communities across the state; and

WHEREAS, community supervision includes services such as probation, supervised

CARVER COUNTY COMMISSIONERS PROCEEDINGS

ORGANIZATIONAL SESSION – January 3, 2023

release, and intensive supervised release; and

WHEREAS, Minnesota's counties provide essential community supervision services both as mandated by M.S. Chapter 244.19 and also as delegated by the Department of Corrections under M.S. Chapter 401; and

WHEREAS, when the Legislature decided that community supervision was best delivered through a state-county partnership, it stated a clear intent that the state would provide significant funding to the counties for the operation of local programs; and

WHEREAS, over the past 20 years, Minnesota has become the state with the lowest level of corrections funding in the nation because the Legislature has not upheld its promise to provide adequate state resources to support community supervision; and

WHEREAS, the Legislature's failure to adequately fund community supervision has increased local property taxes on residents and businesses; and,

WHEREAS, a revised community supervision funding formula is necessary to ensure that all communities in Minnesota have enough state funding to provide a consistent standard for effective, evidence-based community supervision services, regardless of local capacity to pay; and

WHEREAS, the Association of Minnesota Counties assembled the Community Supervision Work Group including county leaders and experts in community supervision from all three supervision delivery systems to study the needs of community supervision departments statewide and develop a single funding formula that is transparent, needs based, and equitable among county and state supervision providers; and,

WHEREAS, the Community Supervision Workgroup has taken up its charge to convene stakeholders across the three probation delivery systems to oversee a study to create a unified recommendation for an equitable and adequate funding formula and appropriation; and,

WHEREAS, the Board of Directors of the Association of Minnesota Counties that represents the diverse interests of Minnesota's 87 counties, voted to support a new funding formula that provides counties with the resources needed to keep communities safe; now, therefore,

BE IT RESOLVED, the Carver County Board of Commissioners endorses the efforts of the Community Supervision Work Group and urges the Legislature to pass a new funding formula and significant appropriation during the 2023 legislative session.

Resolution #03-23

Agreement No. 10459182 to Accept Grant Funds from the
Minnesota Department of Transportation

CARVER COUNTY COMMISSIONERS PROCEEDINGS

ORGANIZATIONAL SESSION – January 3, 2023

WHEREAS, Carver County has applied to the Commissioner of Transportation for a grant from the Minnesota State Transportation Fund for construction of Bridge No. 10556 (SAP 010-641-006); and

WHEREAS, the Commissioner of Transportation has given notice that funding for this project is available; and

WHEREAS, the amount of the grant has been determined to be \$481,136.25 by reason of the lowest responsible bid;

NOW THEREFORE, be it resolved that Carver County does hereby agree to the terms and conditions of the grant consistent with Minnesota Statutes, section 174.50, and will pay any additional amount by which the cost exceeds the estimate, and will return to the Minnesota State Transportation Fund any amount appropriated for the bridge but not required. The proper county officers are authorized to execute a grant agreement and any amendments thereto with the Commissioner of Transportation concerning the above-referenced grant.

Professional services agreement with OldCastle Infrastructure for box culvert production of the Highway 51 Bridge Project, pending finalization of the contract review process.

Approved STOC funding to hire two temporary Child & Family Social Workers for up to 67 days each in 2023 starting in mid-January and related HH&S budget amendment.

Approved agreement with Karpel Computer Systems, Inc. for the Prosecutor licensed software, including professional support services, pending completion of the contract review process.

Authorized HH&S acceptance of donations as outlined.

Contract with Minnesota Occupational Health.

Approved amendment no. 2 to Joint Powers Agreement No. 1045437 with the State of Minnesota for professional and technical services for the Highway 212 Project-Benton Township, pending finalization of the contract review process.

Adopted Findings of Fact and issued Order #PZ20220046 for the issuance of a Conditional Use Permit, Mark Eklo, Waconia Township.

Resolution #04-23

State of Minnesota and County of Carver

Agency Agreement for Federal Participation in Construction

IT IS RESOLVED, that pursuant to Minnesota Stat. Sec. 161.36, the Commissioner of Transportation be appointed as Agent of Carver County to accept as its agent, federal aid funds

CARVER COUNTY COMMISSIONERS PROCEEDINGS

ORGANIZATIONAL SESSION – January 3, 2023

which may be made available for eligible transportation related projects.

BE IT FURTHER RESOLVED, the County Board Chair and the County Administrator are hereby authorized and directed for and on behalf of the County to execute and enter into an agreement with the Commissioner of Transportation prescribing the terms and conditions of said federal aid participation as set forth and contained in "Minnesota Department of Transportation Agency Agreement No. 1052167, a copy of which said agreement was before the County Board and which is made a part hereof by reference.

Reviewed December 27, 2022, Community Social Services' actions/Commissioners' warrants in the amount of \$569,860.43 and reviewed January 3, 2023, Community Social Services' actions/Commissioners' warrants in the amount of \$192,152.99.

Motion carried unanimously.

Lyndon Robjcnt, Public Works, requested the Board adopt a Resolution to award the contract for the Highway 20/25 intersection project.

Neil Heinonen, engineering manager, identified the project location. He explained the project would correct site lines, improve intersection alignment, include dedicated turn lanes and add lighting. He reviewed project schedule and detours. Heinonen stated eleven bids were received and outlined project funding.

Degler offered the following Resolution, seconded by Fahcy:

Resolution #05-23
Awarding of the 20-25 Intersection Project
Carver County Contract 22-574 Project #198866

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, December 13th at 02:00 P.M. at Carver County Public Works, 11360 Highway 212, Cologne, Minnesota, eleven (11) bids were received by Carver County Public Works and opened by two (2) representatives of Carver County Public Works for the Highway 20-25 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>\$2,254,519.10</i>	
Mathiowetz Construction Company	\$1,982,679.72	-12%
Eureka Construction, Inc.	\$2,181,392.46	-3%
Minger Construction Co. Inc.	\$2,230,000.00	-1%

CARVER COUNTY COMMISSIONERS PROCEEDINGS

ORGANIZATIONAL SESSION – January 3, 2023

S.M. Hentges & Son, Inc.	\$2,259,924.09	0%
Midwest Contracting, I.I.C	\$2,282,513.40	1%
Valley Paving Inc.	\$2,295,622.86	2%
Meyer Contracting Inc.	\$2,355,008.96	4%
New Look Contracting, Inc.	\$2,463,951.50	9%
Landwehr Construction, Inc.	\$2,788,628.70	24%
Ramsey Companies	\$3,151,139.12	40%
R & R Excavating, Inc.	\$3,190,641.85	42%

And WHEREAS, after examination of the bids by Carver County Public Works, Mathiowetz Construction Company 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 22-574 with Mathiowetz Construction Company of Sleepy Eye, MN, in the name of the County of Carver for the construction of the Highway 20 & 25 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 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 seventy five thousand dollars (\$75,000) and an increased aggregate project total of all project changes of two hundred thousand dollars (\$200,000.00), 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.

On vote taken, Degler, Fahey, Udermann, Workman voted aye. Lynch abstained due to a conflict of interest.

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

Workman moved, Degler seconded, to appoint John P. Fahey as Chair, Tom Workman as Vice Chair and Matt Udermann as Secretary/Treasurer of the Carver County Regional Rail

CARVER COUNTY COMMISSIONERS PROCEEDINGS
ORGANIZATIONAL SESSION – January 3, 2023

Authority. Motion carried unanimously.

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

Dave Hemze, Administrator, noted Senator Klobuchar would be visiting Carver County on Thursday to discuss upcoming projects in the County.

Workman moved, Lynch seconded, to adjourn the Regular Session at 10:33 a.m. Motion carried unanimously.

Dave Hemze
County Administrator

ATTEST:


County Administrator


Chair