

CARVER COUNTY COMMISSIONERS PROCEEDINGS

REGULAR SESSION – February 7, 2023

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on February 7, 2023. Chair John P. Fahey convened the session at 9:00 a.m.

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

Members absent: None.

No public comments were received.

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

Udermann moved, Workman, to approve the minutes of the January 17, 2023, Regular Session. Motion carried unanimously.

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

Approved staff recommendations for 2023 city and township waste reduction and recycling grants.

Resolution #07-23

Authorizing Settlement of Compensation to Owners for Loss of Trees and Potential Trespass Litigation Related to the Highway 50 Bevens Creek Area 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 constructed highway and related improvements in Carver County for shoulder widening and bridge reconstruction as part of the Highway 50-Bevens Creek Area Project ("Project"); and

WHEREAS, during construction, additional trees, not within the construction limits were removed and trespass onto the property occurred.

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

OW, THEREFORE, BE IT RESOLVED that based upon negotiations with the property owner, a settlement has been reached to compensate him for the lost additional trees and satisfy a potential trespass claim.

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

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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 50 Project-Bevens Creek Area

Carver County Public Works No. 188845

Property Tax Identification No. 04.0340700

Parcel Number(s): 9

Fee Owners: Kenneth K. Kec

Property Address: 7150 County Road 50, Carver, MN 55315

Negotiated settlement for loss of trees and potential trespass litigation

Settlement Amount: \$6,500.00

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

Resolution #08-23

Authorizing Settlement of Compensation to Owners for Acquisition of Real Property Interests Needed for US 212 Project-Dahlgren 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 expansion to a four-lane highway as part of the US 212 Project – Dahlgren 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

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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 Expanding the roadway to 4 lanes as part of the US 212 Project - Dahlgren 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

US 212 Project – Dahlgren Township

Carver County Public Works No. 178825

Property Tax Identification No. 04.0160600

Fee Owners: Char A. Jeurissen, Single, Mark A. Johnson, husband of Jennifer L. Johnson and Jennifer L. Johnson, wife of Mark A. Johnson

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Property Address: 7215 Highway 212, Chaska MN 55318
 Settlement Amount: \$425,000.00
 Permanent Right of Way in Fee Simple Interest: 8,263 sq. ft. more or less
 Amount: \$38,000.00
 Temporary Construction Easement: 9,650 sq. ft. more or less
 Amount: \$2,400.00
 Damages to Crops
 \$65,300.00
 Severance Damages
 \$319,300.00

Resolution #09-23

Awarding of the 2023 County Wide Pavement Marking Safety Project Carver County contract
 23-020 Project #218895

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 20th at 02:00 P.M. at Carver County Public Works, 11360 Highway 212, Cologne, Minnesota, four (4) bids were received by Carver County Public Works and opened by two (2) representatives of Carver County Public Works for the 2023 County wide Pavement Marking Safety Project, said bids for the responsible bidders are summarized as follows:

Bidder Name	Total Amount	% Over/Under Estimate
<i>Engineer's Estimate</i>	<i>\$992,281.38</i>	
Sir Lines-A-Lot, LLC	\$676,834.19	-32%
Warning Lites of Minnesota	\$852,305.25	-14%
Traffic Marking Service, Inc.	\$923,640.35	-7%
Century Fence Company	\$958,612.86	-3%

And WHEREAS, after examination of the bids by Carver County Public Works, Sir Lines-A-Lot 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 23-020 with Sir Lines-A-Lot of Edina, MN, in the name of the County of Carver for the construction of the 2023 County wide Pavement Marking Safety 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

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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 thirty five thousand dollars (\$35,000) and an increased aggregate project total of all project changes of seventy thousand dollars (\$70,000.00), 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.

Professional service agreement with Love Inc., for diaper/wipe distribution with a not to exceed amount of \$100,000 for the period beginning with the Board's approval through February 28, 2025.

Resolution #10-23

Agreement between Carver County and the State of Minnesota

IT IS RESOLVED that Carver County enter into Mn/DOT Agreement No. 1052507 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for payment by the State to the County for the use of County State Aid Highway No. 36 as a detour route during the construction to be performed upon, along and adjacent to Trunk Highway No. 212 from 0.135 miles west of County State Aid Highway No. 36 (west leg) to 0.7 miles east of County State Aid Highway No. 36 (east leg) under State Project No. 1013-101 (T.H. 212=012).

IT IS FURTHER RESOLVED that the County Board Chair and the County Administrator are authorized to execute the Agreement and any amendments to the Agreement.

Resolution #11-23

Minnesota GreenCorps Support and authorized the Assistant County Administrator to Sign the host site agreement

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 2023-2024 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

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provisions of the host site agreement and authorizes and directs Nick Koktavy, Assistant County Administrator, to sign the grant agreement on its behalf.

Contract with NorthStar Regional for certified recovery specialist services.

Approved creating a 0.5 FTE Senior Health Services professional position and related HH&S budget amendment.

Approved hiring one STOC Administrative Support position for HH&S utilizing MDH Covid 19 response grant funds and related HH&S budget amendment.

Authorized HH&S acceptance of donations to Encore program.

Approved the appointment of Lauren Salvato to the Lower Minnesota Watershed District Board of Managers.

Approved issuing a charitable gambling license to Chaska Snow Hawks to conduct a raffle to be held on March 4, 2023.

Approved charitable gambling application for Watertown Rod and Gun Club to conduct a raffle and bingo on April 22, 2023.

Resolution #12-23

Support and Authorization for an Application to United States Department of Transportation (USDOT) for a FY23 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 FY23 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant to regionally significant infrastructure projects; and

WHEREAS, in the 2021 Infrastructure Investment and Jobs Acts, the US congress allocated \$1.5 billion for the 2023 RAISE program to fund projects that improve safety, economic strength and global competitiveness, equity, and climate and sustainability consistent with DOT'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

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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 receiving over \$100 million in investments that will result in forty new jobs and increase to 700,000 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.; and,

NOW THEREFORE BE IT RESOLVED, that the Carver County Board of Commissioners hereby supports and approves a 2023 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.

Approved the 2023-2024 Teamsters Detention Sergeants and Emergency Communications Supervisors Unit Collective Bargaining Agreement and related budget amendment.

Approved acceptance of 31 new AED's provided by the Helmsely First Responder Program and related Sheriff's budget amendment.

Approved agreement between Carver County and Hennepin County to board Hennepin County inmates during a scheduled facility maintenance project.

Authorized acceptance of \$63,201 from the Carver County Veterans Council which will be used towards the purchase of a bus and related budget amendment.

Reviewed January 24, 2023, Community Social Services' actions/Commissioners' warrants in the amount of \$1,412,728.4; reviewed January 31, 2023, Community Social Services' actions/Commissioners' warrants in the amount of \$360,762.85 and reviewed February 7, 2023, Community Social Services' actions/Commissioners' warrants in the amount of \$256,102.81.

Motion carried unanimously.

Darin Mielke, Public Works, appeared before the Board for a project status update on Highway 212. He stated Phase I in Dahlgren Township was essentially complete, with Phase II mostly in Benton Township. He pointed out key reasons to undertake the project that included the number of crashes and the severity of them. Mielke highlighted proposed improvements on the corridor. He identified funding sources for Phase I and Phase II. Mielke stated they are trying to get additional funding for the Bongards interchange. Mielke shared a fly through video of the project and noted these would be posted on the County's website.

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He pointed out potential access changes to the Public Works Headquarters site and noted high level space planning efforts would also be taking place in the future. Mielke reviewed the next steps for Phase II and indicated a meeting with landowners would occur in March. He indicated they anticipated construction to occur mid 2024 to 2026.

Chair Fahey thanked Mielke for the update.

Kerie Anderka, Employee Relations, requested the Board approve a separation agreement.

Workman moved, Degler seconded, to approve the settlement agreement between Carver County and AFSMCE Council 65 representing Jonathon Nibbe, not to exceed \$34,804.78 for 2023 cost. Degler, Fahey, Lynch, Workman voted aye. Udermann voted nay. Motion carried.

Degler moved, Lynch seconded, to go into closed session at 9:55 a.m. as provided by Statutes to discuss County Administrator Hemze's annual performance evaluation. Motion carried unanimously.

The Board adjourned the closed and Regular session at 10:35 a.m.

Dave Hemze
County Administrator

ATTEST:


County Administrator


Chair