

CARVER COUNTY COMMISSIONERS PROCEEDINGS

REGULAR SESSION – March 7, 2023

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on March 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.

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

Workman moved, Udermann seconded, to approve the minutes of the February 21, 2023, Regular Session. Motion carried unanimously.

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

Resolution #16-23 2023 Carver County 5 Year Bridge Resolution

WHEREAS, Carver County has reviewed the pertinent data on bridges requiring replacement, rehabilitation, or removal, utilizing bridge safety inspections and information provided by local citizenry and local units of government; and

WHEREAS, Carver County has reviewed the pertinent data on bridges requiring replacement, rehabilitation, or removal, utilizing bridge safety inspections and information provided by local citizenry and local units of government; and

WHEREAS, Carver County has identified those bridges that are high priority and that require replacement, rehabilitation, or removal within the next five years; and

WHEREAS, local roads play an essential role in the overall state transportation system and state support for the replacement and rehabilitation of local bridges continues to be crucial to maintaining the integrity of the local road system and is necessary for the County, Townships, and Cities to program bridge replacements of structures with a Local Bridge Planning Index less than 60; and

WHEREAS, Carver County has determined that the following bridges have or are projected to have a Local Bridge Planning Index less than 60 at the time of replacement which are located on County State Aid Highways, County Highways and Township Roads:

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Program	Bridge	Route	Location	Structurally Deficient/ LPI	Local	Town Bridge	State Bridge Bond	State Aid	Total Cost
2023	N/A	CSAH 51	Benton TWP over Carver Creek	NA - NA			\$ 130,000	\$ 460,000	\$ 590,000
2023	10502	CSAH 41	San Francisco Twp over Silver Creek	Y - 30			\$ 425,000	\$ 975,000	\$ 1,400,000
2023	N/A	Salem Ave	Young America TWP/ Dahlgren TWP over JD 84	NA - NA	\$ 10,000	\$ 340,000			\$ 350,000
2023	N/A	Rose Ave	Watertown TWP over JD 84	NA - NA	\$ 10,000	\$ 340,000			\$ 350,000
			Totals		\$ 20,000	\$ 680,000	\$ 555,000	\$ 1,435,000	\$ 2,690,000
2024	10506	150th Street	Over Bevens Creek	Y - 47	\$ 10,000	\$ 415,000			\$ 425,000
2024	10518	Maplewood Rd	Dahlgren Twp over Bevens Creek	Y - 53	\$ 10,000	\$ 490,000			\$ 500,000
			Totals		\$ 20,000.00	\$ 905,000.00	\$ -	\$ -	\$ 925,000.00
2025	12798	CR 140	Dahlgren TWP Under TC & W RR	NA - 64	\$ 2,300,000		\$ 1,700,000		\$ 4,000,000
			Totals		\$ 2,300,000	\$ -	\$ 1,700,000	\$ -	\$ 4,000,000
2028	12791	CSAH 52	Over Silver Creek	N - 79			\$ 150,000	\$ 300,000	\$ 450,000
2028	10102	CSAH 53	Over Stream	N - 71				\$ 350,000	\$ 350,000
			Totals		\$ -	\$ -	\$ 150,000	\$ 650,000	\$ 800,000

NOW, THEREFORE BE IT RESOLVED that the above listed bridges are a high priority and Carver County intends to replace, rehabilitate, or remove these bridges as soon as possible when funds are available; and

BE IT FURTHER RESOLVED that Carver County does hereby request financial assistance with eligible approach grading, bridge construction and engineering costs on the above listed bridges, as provided by law; and

BE IT FURTHER RESOLVED that Carver County commits that it will proceed with the design and contract documents for these bridges immediately after being notified that funds are available in order to schedule construction.

Resolution #17-23

County Board Acknowledgment Countywide 2022 Pavement Markings (228016) Final Payment

WHEREAS, the construction of the Countywide 2022 Pavement Markings has in all things been completed, and the County Board being fully advised in the premises, now then be it resolved; that we do hereby accept said completed project for and on behalf of the Carver County Public Works Division.

Approved joint powers agreement with the Minnesota Bureau of Criminal Apprehension to conduct joint investigations into major crimes and

Resolution #18-23

Approving the State of Minnesota Joint Powers Agreement with the County of Carver on Behalf of its Sheriff's Office

WHEREAS, the County of Carver on behalf of its Sheriff's Office desires to enter into a Joint Powers Agreement with the State of Minnesota, Department of Public Safety, Bureau

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of Criminal Apprehension to participate in the Minnesota Financial Crimes Task Force (MNFCTF) established to investigate and prosecute identity theft and related financial crimes.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Commissioners, Minnesota as follows:

1. That the State of Minnesota Joint Powers Agreement by and between the State of Minnesota acting through its Department of Public Safety, Bureau of Criminal Apprehension and the County of Carver on behalf of its Sheriff's Office is hereby approved.
2. That the Sheriff, Jason Kamerud, or his or her successor, is designated the Authorized Representative for the Sheriff's Office. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the County's participation in the MNFCTF.
3. That John P. Fahey, the County Board Chair of the County of Carver, and David Hemze, the County Administrator, are authorized to sign the State of Minnesota Joint Powers Agreement.

Amended RBA 2019-6328 to allow maximum use of LCTS funds up to \$101,167 for the continued partial support of a 1.0 FTE School-Linked Mental Health Therapist.

. Resolution #19-23

Awarding of the 2023 Pavement Marking Project Carver County Contract 23-086 Project #238016

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, February 16th, at 02:00 P.M. at Carver County Public Works, 11360 Highway 212, Cologne, Minnesota, two (2) bids were received by Carver County Public Works and opened by two (2) representatives of Carver County Public Works for the 2023 Pavement Marking Project, said bids for the responsible bidders are summarized as follows:

Bidder Name	Total Amount	% Over/Under Estimate
<i>Engineer's Estimate</i>	\$226,309.87	
Sir Lines-A-Lot, LLC	\$289,989.55	+28%
Century Fence Company	\$463,362.00	+104%

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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 23-086 with Sir Lines-A-Lot of Edina, MN, in the name of the County of Carver for the construction of the 2023 Pavement Marking 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 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 twenty thousand dollars (\$20,000) and an increased aggregate project total of all project changes of forty-five thousand dollars (\$45,000.00), 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 #20-23

**Authorizing Offers of Just Compensation to Owners for Acquisition of Real Property
Interests Needed for the Highway 40 Project-Belle Plaine 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 shoulder widening and pavement improvements as part of the Highway 40 Project - Belle Plaine Area ("Project"); and

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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 of shoulder widening and pavement improvements as part of the Highway 40 Project - Belle Plaine 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.

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§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 40 – Belle Plaine Area**

Carver County Public Works No. 188844

Property Tax Identification No. 08.0300200**Parcel Number(s): 1**

Fee Owners: Michael F. & Shirley Carney

Property Address: 19780 County Road 40, Belle Plaine, MN 56011

Permanent easement for public right-of-way purposes contains 125,500 sq. ft., more or less;

19,610 sq. ft., after excluding existing easements.

Permanent easement for drainage and utility purposes contains 48,586 sq. ft., more or less.

Temporary easement for construction purposes contains 48,747 sq. ft., more or less.

Property Tax Identification No. 08.0310100**Parcel Number(s): 2**

Fee Owners: Steinkraus J&M Properties, LLC

Property Address: 19760 County Road 40, Belle Plaine, MN 56011

Permanent easement for public right-of-way purposes contains 69,344 sq. ft., more or less; 45,223 sq. ft., after excluding existing easements.

Permanent easement for drainage and utility purposes contains 1,628 sq. ft., more or less.

Temporary easement for construction purposes contains 28,491 sq. ft., more or less.

Property Tax Identification No. 08.0300800**Parcel Number(s): 3**

Fee Owners: Schmidt Acres, LP

Property Address: Vacant Land County Road 40, Belle Plaine, MN 56011

Permanent easement for public right-of-way purposes contains 143,371 sq. ft., more or less;

122,206 sq. ft., after excluding existing easements.

Permanent easement for drainage and utility purposes contains 35,925 sq. ft., more or less.

Temporary easement for construction purposes contains 279,801 sq. ft., more or less.

Property Tax Identification No. 08.0300720**Parcel Number(s): 4**

Fee Owners: Brian S. & Wanda K. Overline

Property Address: 19370 County Road 40, Belle Plaine, MN 56011

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Permanent easement for public right-of-way purposes contains 119,311 sq. ft., more or less;

38,987 sq. ft., after excluding existing easements.

Permanent easement for drainage and utility purposes contains 2,770 sq. ft., more or less.

Temporary easement for construction purposes contains 48,161 sq. ft., more or less.

Property Tax Identification No. 08.0300710

Parcel Number(s): 5

Fee Owners: Stephen L. & Sheila A. Hendricks

Property Address: 19250 County Road 40, Belle Plaine, MN 56011

Permanent easement for public right-of-way purposes contains 12,678 sq. ft., more or less; 2,892 sq. ft., after excluding existing easements.

Permanent easement for drainage and utility purposes contains 640 sq. ft., more or less.

Temporary easement for construction purposes contains 2,764 sq. ft., more or less.

Property Tax Identification No. 08.0301200

Parcel Number(s): 6

Fee Owners: Matthew J. Flykt & Jill K. Hink

Property Address: 19220 County Road 40, Belle Plaine, MN 56011

Permanent easement for public right-of-way purposes contains 9,088 sq. ft., more or less; 0 sq. ft., after excluding existing easements.

Permanent easement for drainage and utility purposes contains 697 sq. ft., more or less.

Temporary easement for construction purposes contains 5,357 sq. ft., more or less.

Property Tax Identification No. 08.0190120

Parcel Number(s): 7

Fee Owners: Erik Loomis

Property Address: 19200 County Road 40, Belle Plaine, MN 56011

Permanent easement for public right-of-way purposes contains 24,416 sq. ft., more or less; 4,169 sq. ft., after excluding existing easements.

Permanent easement for drainage and utility purposes contains 444 sq. ft., more or less.

Temporary easement for construction purposes contains 11,496 sq. ft., more or less.

Property Tax Identification No. 08.0190130

Parcel Number(s): 8

Fee Owners: Glenn A. & Heidi S. Schmidt

Property Address: Vacant Land, County Road 40, Belle Plaine, MN 56011

Permanent easement for public right-of-way purposes contains 117,647 sq. ft., more or less;

36,991 sq. ft., after excluding existing easements.

Permanent easement for drainage and utility purposes contains 10,502 sq. ft., more or less.

Temporary easement for construction purposes contains 33,418 sq. ft., more or less.

Property Tax Identification No. 08.0190100

Parcel Number(s): 9

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Fee Owners: Glenn A. & Heidi S. Schmidt
Property Address: 18980 County Road 40, Belle Plaine, MN 56011
Permanent easement for public right-of-way purposes contains 3,235 sq. ft., more or less;
1,078 sq. ft., after excluding existing easements.
Temporary easement for construction purposes contains 4,291 sq. ft., more or less.

Property Tax Identification No. 08.0190210

Parcel Number(s): 10

Fee Owners: Terry J. & Jennifer M. Schmidt
Property Address: 8860 188th Street, Belle Plaine, MN 56011
Permanent easement for public right-of-way purposes contains 4,069 sq. ft., more or less;
399 sq. ft., after excluding existing easements.
Temporary easement for construction purposes contains 635 sq. ft., more or less.

Property Tax Identification No. 08.0200700

Parcel Number(s): 11

Fee Owners: Stuart H. Eischens
Property Address: 18855 County Road 40, Belle Plaine, MN 56011
Permanent easement for public right-of-way purposes contains 93,736 sq. ft., more or less;
41,732 sq. ft., after excluding existing easements.
Temporary easement for construction purposes contains 34,155 sq. ft., more or less.

Property Tax Identification No. 08.0200400

Parcel Number(s): 12

Fee Owners: Douglas D. Hillstrom
Property Address: 18710 County Road 40, Belle Plaine, MN 56011
Permanent easement for public right-of-way purposes contains 371,930 sq. ft., more or less;
116,523 sq. ft., after excluding existing easements.
Permanent easement for drainage and utility purposes contains 22,975 sq. ft., more or less.
Temporary easement for construction purposes contains 236,510 sq. ft., more or less.

Property Tax Identification No. 08.0200610

Parcel Number(s): 13

Fee Owners: Douglas D. Hillstrom
Property Address: Vacant Land, County Road 40, Belle Plaine, MN 56011
Permanent easement for public right-of-way purposes contains 70,848 sq. ft., more or less;
21,770 sq. ft., after excluding existing easements.
Permanent easement for drainage and utility purposes contains 8,093 sq. ft., more or less.
Temporary easement for construction purposes contains 9,425 sq. ft., more or less.

Property Tax Identification No. 08.0170700

Parcel Number(s): 14

Fee Owners: Douglas D. Hillstrom
Property Address: Vacant Land, County Road 40, Belle Plaine, MN 56011

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Permanent easement for public right-of-way purposes contains **140,051 sq. ft.**, more or less;

45,201 sq. ft., after excluding existing easements.

Permanent easement for drainage and utility purposes contains **7,200 sq. ft.**, more or less.

Temporary easement for construction purposes contains **31,861 sq. ft.**, more or less.

Property Tax Identification No. 08.0171100**Parcel Number(s): 15**

Fee Owners: Douglas D. Hillstrom

Property Address: Vacant Land, County Road 40, Belle Plaine, MN 56011

Permanent easement for public right-of-way purposes contains **5,702 sq. ft.**, more or less;
2,478 sq. ft., after excluding existing easements.

Temporary easement for construction purposes contains **2,069 sq. ft.**, more or less.

Property Tax Identification No. 08.0170110**Parcel Number(s): 16**

Fee Owners: Dean G. & Nancy A. Gavin

Property Address: 17900 County Road 40, Carver, MN 55315

Permanent easement for public right-of-way purposes contains **71,487 sq. ft.**, more or less;
23,096 sq. ft., after excluding existing easements.

Permanent easement for drainage and utility purposes contains **8,416 sq. ft.**, more or less.

Temporary easement for construction purposes contains **9,569 sq. ft.**, more or less.

Property Tax Identification No. 08.8550050**Parcel Number(s): 17**

Fee Owners: Roxanne E. Pieper Intervivos Revocable Trust

Property Address: Vacant Land, County Road 40, Carver, MN 55315

Permanent easement for public right-of-way purposes contains **18,651 sq. ft.**, more or less;

Permanent easement for drainage and utility purposes contains **13,084 sq. ft.**, more or less.

Temporary easement for construction purposes contains **12,749 sq. ft.**, more or less.

Property Tax Identification No. 08.0160700**Parcel Number(s): 18**

Fee Owners: Butler Brothers Partnership, LLP

Property Address: 17665 County Road 40, Carver, MN 55315

Permanent easement for public right-of-way purposes contains **63,027sq. ft.**, more or less;
21,456 sq. ft., after excluding existing easements.

Permanent easement for drainage and utility purposes contains **3,325 sq. ft.**, more or less.

Temporary easement for construction purposes contains **21,229 sq. ft.**, more or less.

Property Tax Identification No. 08.0170520**Parcel Number(s): 19**

Fee Owners: Kenneth L. & Kum Cha Sieber

Property Address: 17600 County Road 40, Carver, MN 55315

Permanent easement for public right-of-way purposes contains **12,868 sq. ft.**, more or less;

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4,363 sq. ft., after excluding existing easements.

Permanent easement for drainage and utility purposes contains 1,171 sq. ft., more or less.

Temporary easement for construction purposes contains 5,202 sq. ft., more or less.

Property Tax Identification No. 08.0170510

Parcel Number(s): 20

Fee Owners: Mark D. & Aleata M. Dauwalter

Property Address: 17590 County Road 40, Carver, MN 55315

**Permanent easement for public right-of-way purposes contains 15,715 sq. ft., more or less;
5,379 sq. ft., after excluding existing easements.**

Permanent easement for drainage and utility purposes contains 4,413 sq. ft., more or less.

Temporary easement for construction purposes contains 5,588 sq. ft., more or less.

Property Tax Identification No. 08.8230010

Parcel Number(s): 21

Fee Owners: Madison Marie Nelson, Karen Jean King, & Mitchell Jamison

Property Address: 17580 County Road 40, Carver, MN 55315

Permanent easement for drainage and utility purposes contains 5,384 sq. ft., more or less.

Temporary easement for construction purposes contains 2,087 sq. ft., more or less.

Property Tax Identification No. 08.0161400

Parcel Number(s): 22

Fee Owners: Charles Swanson

Property Address: 17465 County Road 40, Carver, MN 55315

**Permanent easement for public right-of-way purposes contains 23,731 sq. ft., more or less;
7,423 sq. ft., after excluding existing easements.**

Permanent easement for drainage and utility purposes contains 1,013 sq. ft., more or less.

Temporary easement for construction purposes contains 20,891 sq. ft., more or less.

Property Tax Identification No. 08.0170400

Parcel Number(s): 23

Fee Owners: Butler Brothers Partnership, LP

Property Address: Vacant Land, County Road 40, Carver, MN 55315

**Permanent easement for public right-of-way purposes contains 70,337 sq. ft., more or less;
23,019 sq. ft., after excluding existing easements.**

Permanent easement for drainage and utility purposes contains 1,050 sq. ft., more or less.

Temporary easement for construction purposes contains 18,748 sq. ft., more or less.

Property Tax Identification No. 08.8550040

Parcel Number(s): 24

Fee Owners: James S. Odegaard & Molly C. Odegaard

Property Address: 18127 County Road 40, Carver, MN 55315

**Permanent easement for public right-of-way purposes contains 14,766 sq. ft., more or less;
14,766 sq. ft., after excluding existing easements.**

Permanent easement for drainage and utility purposes contains 1,475 sq. ft., more or less.

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Temporary easement for construction purposes contains 9,071 sq. ft., more or less.

Property Tax Identification No. 08.0170100**Parcel Number(s): 25**

Fee Owners: Lars E. & Darcy R. Akerberg

Property Address: 17835 County Road 40, Carver, MN 55315

Permanent easement for public right-of-way purposes contains 10,842 sq. ft., more or less; 3,808 sq. ft., after excluding existing easements.

Permanent easement for drainage and utility purposes contains 3,026 sq. ft., more or less.

Temporary easement for construction purposes contains 4,479 sq. ft., more or less.

Property Tax Identification No. 08.0170120**Parcel Number(s): 26**

Fee Owners: Lars E. & Darcy R. Akerberg

Property Address: Vacant Land, County Road 40, Carver, MN 55315

Permanent easement for public right-of-way purposes contains 68,755 sq. ft., more or less; 23,894 sq. ft., after excluding existing easements.

Permanent easement for drainage and utility purposes contains 12,769 sq. ft., more or less.

Temporary easement for construction purposes contains 13,007 sq. ft., more or less.

Property Tax Identification No. 08.0200300**Parcel Number(s): 27**

Fee Owners: Sever Peterson Family Trust & Bert and Bonnie Notermann

Property Address: Vacant Land, County Road 40, Carver, MN 55315

Permanent easement for public right-of-way purposes contains 88,647 sq. ft., more or less; 31,028 sq. ft., after excluding existing easements.

Permanent easement for drainage and utility purposes contains 13,859 sq. ft., more or less.

Temporary easement for construction purposes contains 14,754 sq. ft., more or less.

Property Tax Identification No. 08.0290100**Parcel Number(s): 28**

Fee Owners: WM Mueller & Sons, Inc.

Property Address: 19141 County Road 40, Carver, MN 55315

Permanent easement for public right-of-way purposes contains 5,517 sq. ft., more or less; 1,439 sq. ft., after excluding existing easements.

Permanent easement for drainage and utility purposes contains 1,530 sq. ft., more or less.

Temporary easement for construction purposes contains 1,157 sq. ft., more or less.

Property Tax Identification No. 08.0300100**Parcel Number(s): 30**

Fee Owners: Amelia R. Berry

Property Address: 19205 County Road 40, Belle Plaine, MN 56011

Permanent easement for public right-of-way purposes contains 2,879 sq. ft., more or less; 915 sq. ft., after excluding existing easements.

Permanent easement for drainage and utility purposes contains 1,167 sq. ft., more or less.

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Temporary easement for construction purposes contains **2,304 sq. ft.**, more or less.

Property Tax Identification No. 08.0300700

Parcel Number(s): 31

Fee Owners: CLC Development, Inc.

Property Address: 19363 County Road 40, Belle Plaine, MN 56011

Permanent easement for public right-of-way purposes contains **228,594 sq. ft.**, more or less;

85,853 sq. ft., after excluding existing easements.

Permanent easement for drainage and utility purposes contains **34,009 sq. ft.**, more or less.

Temporary easement for construction purposes contains **93,812 sq. ft.**, more or less.

Property Tax Identification No. 08.0300500

Parcel Number(s): 32

Fee Owners: Thomas L. Chard

Property Address: 19365 County Road 40, Belle Plaine, MN 56011

Temporary easement for construction purposes contains **10,469 sq. ft.**, more or less.

Property Tax Identification No. 08.0300730

Parcel Number(s): 33

Fee Owners: Daniel L. & Megan M. Chard

Property Address: 19355 County Road 40, Belle Plaine, MN 56011

Temporary easement for construction purposes contains **33,882 sq. ft.**, more or less.

Property Tax Identification No. 08.0300900

Parcel Number(s): 35

Fee Owners: John M. Siegfried

Property Address: Vacant Land, County Road 40, Belle Plaine, MN 56011

Property Tax Identification No. 08.0200605

Parcel Number(s): 36

Fee Owners: Anne M. Keenan

Property Address: Vacant Land, County Road 40, Belle Plaine, MN 56011

Permanent easement for public right-of-way purposes contains **72,822 sq. ft.**, more or less;
23,401 sq. ft., after excluding existing easements.

Permanent easement for drainage and utility purposes contains **8,503 sq. ft.**, more or less.

Temporary easement for construction purposes contains **3,344 sq. ft.**, more or less.

Resolution #21-23

Approving the Preliminary Plat of Mithaven Estates

WHEREAS, the following application for a Preliminary Plat (Revision) has been submitted and accepted:

CARVER COUNTY COMMISSIONERS PROCEEDINGS**REGULAR SESSION – March 7, 2023****FILE:** PP-PZ20210047**OWNER:** Mithaven LLC**APPLICANT:** Ted Holsten**SITE ADDRESS:** 15XXX Halsey Avenue, 55315**PURSUANT TO:** County Code, Chapter 151 & 152, Section(s) 152.078**LEGAL DESCRIPTION:** See attached Exhibit "A"**PARCELS #:** 08-036-0640

WHEREAS, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meetings of February 21, 2023, and forwarded to the Carver County Board of Commissioners for action; and

WHEREAS, the County Board has reviewed the recommendations and proposed conditions put forward by the Planning Commission after the public hearings on the matter and concurs with the findings, recommendations and conditions of the Planning Commission; and

WHEREAS, the plat substantially meets the requirements of applicable county ordinances except where noted by Planning Commission Resolution No. 23-01 and the areas of deficiency can be addressed through conditions placed on the preliminary plat that must be complied with prior to acceptance of the Final Plat.

1. Mithaven, LLC was issued Conditional Use Permit (CUP) #PZ20210028 to create three (3) residential parcels pursuant to the additional density provision (Section 152.078 C – High Amenity) of the Carver County Zoning Code. On August 17, 2021, a preliminary plat for Mithaven Estates was approved by the Carver County Planning Commission; however, on January 21, 2023, the applicant submitted a revised preliminary plat with the three lots reconfigured. With the approval of the CUP, the applicant is now requesting an amended approval of the Preliminary Plat "Mithaven Estates" Subdivision. The request would consist of three residential lots (Lots 1-3, Block 1) for single-family homes.
2. The proposed platted area consists of approximately 11 acres located in the Southwest Quarter (SW¼) of Section 36, San Francisco Township. The property consists of wooded and wooded area with native grasses not in agricultural production. It is located in the Agricultural Zoning District and the CCWMO (Carver Creek and Bevens Creek watersheds). CUP #PZ20210028 was issued June 1, 2021, to create three (3) high amenity lots pursuant to Section 152.078 of the Carver County Zoning Code. The reconfiguration of the plat no longer requires a township road to be constructed, as all three proposed lots would have access on Halsey Avenue, a township road.
3. Copies of the revised preliminary plat (dated 1/21/23) have been sent to the San Francisco Township Clerk (Heidi Schmidt), Carver County Planning & Water Management (Kristen Larson and Paul Moline), Carver County Soil & Water

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Conservation District (SWCD), Carver County Environmental Services (Jacob McLain and Lori Brinkman), Eastern Carver County Schools District 112, Northern Natural Gas, and CenterPoint Energy. The County Environmental Services Department and Carver Planning & Water Management Department submitted comments for the public hearing.

4. The high amenity lots are laid out in such a manner that there are no more than four (4) homes per quarter-quarter as permitted by the density regulations of the Carver County Zoning Code. The residential lot sizes range from 2.89 acres to 4.51 acres. Each lot has a defined building site (i.e. minimum of a 1-acre building site) that conforms to code requirements, and any home constructed within the site would meet the zoning setback requirements. Prior to submitting a building permit application for a new house, the Permittee shall identify the lowest floor elevation to document an emergency overflow for stormwater. Said homes shall be set to allow for positive drainage on the property.
5. The preliminary plat shows 10-foot utility & drainage easements around each of the three (3) lots. An appropriate drainage easement would be provided for wetlands as part of the final plat. No obstructions shall be permitted in any of the drainage and/or utility easements. The covenants should address the preservation of the drainage easements and that no obstructions shall be permitted within those areas.
6. The draft covenants, as required by Conditional Use Permit #PZ20210028, have been submitted with the application and would need to be reviewed and approved by the County Attorney's office prior to final plat approval. The covenants shall address the preservation of the drainage and/or utility easements and that no obstructions shall be permitted within those areas. The required covenants shall address that each lot would be reviewed in the field prior to issuance of any building permits. The covenants shall be filed with the final plat and include minimum requirements as identified in the CUP.
7. The Carver County Environmental Services Department received an updated report from a licensed Subsurface Septic Treatment System (SSTS) professional identifying the primary and alternate SSTS locations on the three (3) amenity lots. The report (dated: December 12, 2022) described soil boring logs, and the primary/alternate septic locations were identified on a survey for each individual lot. On January 6, 2023, Lori Brinkman, Environmentalist II, reviewed and approved the indicated primary and alternate SSTS locations for each parcel. At the time of application for a new home on each lot, an SSTS design would need to be submitted, reviewed, and approved by the Carver County Environmental Services Department. All SSTS system locations would need to be fenced off prior to any land alteration on the building sites.
8. The revised plat eliminated the need for a Township Road to be constructed, as all lots are configured to allow access on Halscy Avenue. Therefore, there is no

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development contract. All three lots will need to have access location approved by the San Francisco Town Board via driveway permits prior to building permit approvals.

9. The property has been analyzed by a professional wetland delineator to determine if wetlands exist. A singular pocket wetland is present on the site, within proposed Lot 3, and an additional wetland is present to the southwest of the proposed plat. The Notice of Decision and TEP Findings concur with the findings of the professional delineator hired by the applicant. Appropriate easements for drainage/utilities have been included on the plat. Avoidance of the delineated wetland has been incorporated into the development.
10. The approximate 11-acre plat is located within the Carver County Water Management Organization (CCWMO) jurisdiction. Stormwater management, wetland buffers, and erosion control measures would need to be addressed pursuant to Chapter 153 of the County Code (i.e. Water Management Rules). A combined erosion and sediment control and stormwater permit from the CCWMO would be required if the cumulative impervious surface constructed on all lots (drive, house pad, garage, other outbuildings, etc.) is greater than 1-acre. An erosion and sediment control permit from the CCWMO would be required if lots are constructed at the same time and the total disturbed area for all lots is greater than 1-acre. Additional information on stormwater and erosion and sediment control permits (requirements, application, guidance documents) is available on the County's website.
11. The Carver SWCD would review the project with regard to the CCWMO standards. All lots shall be reviewed for erosion/sediment control measures during the building permit process. The Carver SWCD would also be involved in the review and approval of the plans as they relate to the Water Rules, Wetland Conservation Act (WCA), and the Stormwater Pollution Prevention Plan (SWPPP), if applicable.
12. The San Francisco Town Board reviewed and recommended approval of the Misthaven Estates Preliminary Plat Revision during their September 23, 2022, meeting. The Town Board commented "all driveways will need township permits".
13. The County Board has considered all the factors required by Section 152.251 of the Carver County Code and finds that all are either true in this case or can be mitigated by conditions placed on the preliminary plat.

THEREFORE, BE IT RESOLVED, THAT the Carver County Board of Commissioners hereby approves the revised Preliminary Plat of Misthaven Estates for the land described on the preliminary plat, and with the following conditions attached to the preliminary plat approval:

1. Three (3) high amenity lots are permitted. The property shall be platted in accordance with M.S. Chapter 505, Carver County Zoning Subdivision Code 151, and the Carver County Zoning Code 152.

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2. The layout of the final plat must substantially conform to the revised preliminary plat. Any significant departure from the preliminary plat must be approved by the Planning Commission before final plat consideration. As part of the preliminary plat approval, each lot shall document a suitable one (1) acre building site including a house location and primary & alternate septic site locations. All conditions of CUP #PZ20210028 shall be satisfied prior to the recording of the final plat.
3. Prior to final plat consideration by the County Board, the Assistant County Attorney shall review and approve the covenants and County Surveyor shall review and approve any title work. The covenants shall address at least the following:
 - A. A covenant must clearly state the building eligibility status for each parcel in the development. The keeping of animals, with the exception of dogs, cats and similar animals kept as household pets, is prohibited on any lot in the residential area.
 - B. A covenant stating that the area is rural, and that commercial agriculture and other rural land use activities shall likely be occurring in the area. A notification must be provided regarding “odors, dirt, dust, noises, long hours of operation and other factors associated with agriculture and feedlot activities”. Complaints relating to these activities shall be considered unwarranted so long as such activities are being conducted in accordance with existing standards. A condition clearly stating and restricting the use of the land in the agricultural area to agriculture and to certain conditional uses listed in the “A” district.
 - C. If the home sites include any environmentally sensitive land, then restrictions must be placed in the covenants addressing: clear cutting of land, vegetation removal, plus the development and implementation of an erosion control plan to control erosion during and after building construction.
 - D. A covenant must be added requiring that the alternative sewer site must be preserved for a future sewer site. No buildings can be erected on the alternative site and no trees can be planted on the site. Heavy equipment must be kept off the site. If the lot owner must build on the site, he shall have to submit percolation tests and soil borings for another site before any building permit shall be issued.
 - E. The covenants shall address the preservation of the drainage and/or utility easements and that no obstructions shall be permitted within those areas. The plat indicates the outside boundary of the delineated wetlands, which impacts all proposed lots. The required covenants shall address that each lot will be reviewed in the field prior to issuance of any building permits. The required covenants shall address the concerns of possible drainage of an existing delineated wetland located in the woods and open field area; therefore, no vegetative removal within

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the drainage easement area shall be allowed.

- F. A covenant stating that all lots shall meet the standards of the Carver County Water Management Rules - Chapter 153, Section 153.11, additional review by CCWMO may apply.
- 4. The above-required Covenants shall become part of the plat approval.
- 5. Each lot must be reviewed in the field prior to the issuance of any building permit and/or SSTS permit. All septic system locations (i.e. primary & alternate) shall be marked and protected (rope, fencing, etc.) to prohibit any disturbance to those areas. Furthermore, prior to the commencement of any construction related activity, the primary and alternate septic locations for each lot shall be protected.
- 6. Each lot shall be reviewed and approved by CCWMO pursuant to Chapter 153 of the Zoning Code. Specific details for each lot must be submitted to the CCWMO for approval prior to issuance of building permit(s) on individual lots.
- 7. The driveways for each lot shall conform to the Carver County Land Management Department, CCWMO, and WCA requirements. The applicant shall comply with any and/or all requirements established by the appropriate road authorities (San Francisco Township). An access permit for each driveway from Halsey Avenue must be obtained from San Francisco Township (or appropriate road authority) prior to issuance of new home building permit(s).
- 8. Prior to submitting a building permit application for a new house, the Permittee shall identify the lowest floor elevation to document an emergency overflow for stormwater. Said homes shall be set to allow for positive drainage on the property.
- 9. As per Section 151.163 of the Carver County Code, all utility facilities are to be located underground. The access and drainage ways will be designed so that public utilities can be installed at a later date.

Reviewed February 28, 2023, Community Social Services' actions/Commissioners' warrants in the amount of 341,474.94 and reviewed March 7, 2023, Community Social Services' actions/Commissioners' warrants in the amount of \$ 247,572.53.

Motion carried unanimously.

Dave Hemze, Administrator, introduced the County's lobbyist, Tony Albright, and indicated Albright would be giving a legislative update.

Albright explained they were at the midpoint of the first year of the biennium and pointed out the frenetic pace of the legislature. He noted the number of bills already introduced in

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the House and the additional bills anticipated. He acknowledged the objectives and legislative priorities of the County and updated the Board in the areas of transportation bonding, parks and trail funding, redistricting dollars, Met Council reform as well as the budget surplus. Albright noted the status of the 18 and 82nd Street funding request and believed Rep. Hornstein and Sen. Dibble understood the importance of this request. He indicated they would continue to ask for the full funding, but similar requests were being made by other entities.

The Board thanked Albright for the update and asked him to contact them if additional support was needed for the County's priorities. Albright agreed to keep them updated on the County's issues.

Marty Walsh, Parks, requested the Board adopt a Resolution to support Scott County's RAISE grant application to construct a pedestrian bridge over the Minnesota River. He reviewed the Minnesota River Bluffs Regional Trail Master Plan, the connection to local cities and Scott County. He explained Scott County's project included construction of two miles of trail corridor, river bank stabilization and four bridges. Walsh stated this was a large project with an anticipated \$24M overall cost. He identified the cost split of bridge #4 between the counties, the grant funds received and projected cost share per county. Walsh pointed out potential County funding sources and other funding demands. Walsh clarified at this point Scott County was asking for support for their grant request and a joint powers agreement would need to be put together to specify the County's obligations.

Workman recognized Scott County's lack of support for Highway 5 funding, the lack of an identified funding source and indicated he could not support the request.

Fahey offered the following Resolution, seconded by Degler:

Resolution #22-23
Support for Scott County's Rebuilding American Infrastructure with
Sustainability and Equity (RAISE) Grant Application to Construct a
Pedestrian Bridge over the Minnesota River

WHEREAS, the counties of Carver and Scott partnered to purchase and now own abandoned Union Pacific Railroad Company corridor property for future transportation purposes; and

WHEREAS, the counties of Carver and Scott have jointly prepared a regional trail master plan for the former railroad corridor; and

WHEREAS, Scott County is applying for Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Application to construct the Merriam Junction Trail Segment including the bridge over the Minnesota River and county line on the former railroad corridor; and

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WHEREAS, Scott County has requested a resolution of support for the RAISE Grant Application;

NOW THEREFORE, be it resolved that Carver County does hereby support Scott County's 2023 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Application.

On vote taken, Degler, Fahey, Lynch, Udermann voted aye. Workman voted nay.

Kristin Hack, Employee Relations, requested the Board approve the Administrator's 2022 annual performance review and noted the closed session previously held. She summarized his performance, accomplishments and an overall performance rating of outstanding.

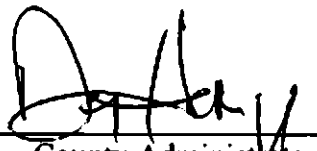
Udermann affirmed Hemze being one of the best administrators in the state and his efforts on behalf of Carver County. Udermann also put forth an expectation that 2023 administrator review include an established target (non retirement) turnover rate lower than current trend as well as establishing a lead indicator metric for overall organizational health (with a preference for an employee engagement score and/or survey). Udermann also put forth an expectation the organization's performance ratings reflect true performance (not inflated or deflated ratings) with likely need for recalibrating expectations of managers when issuing these ratings at all levels of the organization.

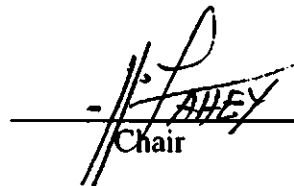
Degler moved, Lynch seconded, to approval an overall rating of outstanding for County Administrator Hemze's 2022 performance. Motion carried unanimously.

Degler moved, Lynch seconded, to adjourn the Regular Session at 10:14 a.m. and go into a work session with Public Services to discuss the Shakopee Mdewakanton Sioux Community Organics Recycling Facility. Motion carried unanimously.

Dave Hemze
County Administrator

ATTEST:


County Administrator


Chair