

CARVER COUNTY COMMISSIONERS PROCEEDINGS

REGULAR SESSION – June 13, 2023

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on June 13, 2023. Chair John P. Fahey convened the session at 9:01 a.m.

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

Members absent: Tim Lynch.

Senator Gruenhagen appeared before the Board to give his legislative overview. He pointed out they did pass a bonding bill that carried critical projects for Carver County and noted they did not pass the bill until additional funding was secured for nursing homes. He indicated another bonding bill will be a top priority for next year. He believed they went overboard on spending that would have negative consequences. He recognized funding was needed but wants and desires need to be taken into consideration.

He shared his frustrations with specific bills that had passed and potential effects on counties. He noted there were a few bright spots but believed economically they went in the wrong direction. Gruenhagen stated, although they wanted full tax repeal on Social Security, they got partial appeal.

The Board thanked him for attending today's meeting and for his service.

No public comments were received.

The following amendment was made to the agenda:
Move consent item 5.7 to 7.3 - Contract with Rink Management Services Corporation - Lifeguard Services for Lake Waconia Regional Park

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

Workman moved, Fahey seconded, to approve the minutes of the May 16, 2023, Regular Session. Motion carried unanimously.

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

Approved joint powers agreement with City of Chanhassen for the Highway 101 and Highway 17 resurfacing projects, pending finalization of the contract review process.

Approved the HH&S Child and Family Department's acceptance of donations to the Foster Care program.

Approved eliminating 0.8 FTE Public Health Nurse position and adding 1.0 FTE Public Health Nurse position.

CARVER COUNTY COMMISSIONERS PROCEEDINGS
REGULAR SESSION – June 13, 2023

Approved professional services agreement with WGH Group LLC/Goosebaster for jail medical director.

Approved professional services agreement with LeVander Gillen and Miller PA for \$80,000 for legal services for the Highway 5 Project-Arboretum Area, pending finalization of the contract review process.

Approved a professional services agreement with LeVander Gillen and Miller PA for legal services for the Highway 18 Project.

Approved the contract amendment with Minnetonka Public Schools for the reduction of lifeguard service for the summer of 2023.

Resolution #42-23

**Authorizing Settlement of Compensation to Owners for Acquisition of Real Property
Interests Needed for the Highway 50 Project-West Hamburg 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 pavement improvements as part of the Highway 50 Project – West Hamburg Area ("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

CARVER COUNTY COMMISSIONERS PROCEEDINGS

REGULAR SESSION – June 13, 2023

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 pavement improvements as part of the Highway 50 Project – West Hamburg 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) 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 50 Project – West Hamburg Area
Carver County Public Works No. 218909

CARVER COUNTY COMMISSIONERS PROCEEDINGS

REGULAR SESSION – June 13, 2023

Property Tax Identification No. 11.0300200

Parcel Number(s): NA

Fee Owners: Patricia J. Mackenthun

Property Address: 18970 County Road 50, Hamburg, MN 55339

Permanent easement for public right-of-way purposes contains 1,008 sq. ft., more or less; 315 sq. ft., after excluding existing easements.

\$70.00

Appraisal fee

\$530.00

Settlement Amount: \$600.00

Property Tax Identification No. 11.0310400

Parcel Number(s): NA

Fee Owners: Thalmann Seeds Inc.

Property Address: Vacant Land, County Road 50, Hamburg, MN 55339

Permanent easement for public right-of-way purposes contains 3,110 sq. ft., more or less; 1,064 sq. ft., after excluding existing easements.

\$234.00

Temporary Easement for construction purposes contains 1,659 sq. ft., more or less.

\$30.00

Appraisal Fee

\$1,036.00

Settlement Amount: \$1,300.00

Contract with Minnesota Department of Corrections for the Sentencing to Service (STS) program in Carver County for State FY 24-25.

Contract Amendment No. 1 with Affinitech, Inc., upon completion of the contract review process.

Approved the Carver County Veterans Treatment Court Grant Agreement FY24.

Accepted the State of Minnesota appropriation in the amount of \$338,773 and approving hiring six STOC positions for the IIIS Income Support Department and related HH&S budget amendment.

Approved issuing tobacco licensee to the following, subject to the receipt of all required paperwork, licensing fee paid, signed affidavit and all delinquent taxes are paid:

License #10-513, Good Time Liquors

License #10-515, Holiday Station stores, Inc dba Holiday Station store #199

License #10-523, Mid-County Coop dba Holiday Stationstore #3577

License #10-526, R E Smith Oil & Tire Co, Inc.

License #10-566, Schonknecht, Inc. dba Lisa's Place

CARVER COUNTY COMMISSIONERS PROCEEDINGS

REGULAR SESSION – June 13, 2023

License #10-578, Kwik Trip, Inc dba Kwik Trip #402
 License #10-594, Holiday Stationstores, Inc dba Holiday Stationstore #360
 License #10-596 Champlin 2005 LLC dba Cub Foods #1644
 License #10-604, Holiday Stationstores, Inc. dba Holiday Stationstore #371
 License #10-605, Walgreen Co. dba Walgreens #09728
 License #10-611, Last Call Too dba Last Call
 License #10-613, Casey's Retail Company dba Casey's General Store #2655
 License #10-624, JDK Liquors, DBA MGM Wine & Spirits+
 License #10-627, Kwik Trip, Inc. dba Kwik Trip #492
 License #10-628, Walgreen Co dba Walgreens #12434
 License #10-633, Northern Tier Retail LLC dba SuperAmerica #4366
 License #10-634, GMB Enterprise, LLC dba Inn Town Wine & Spirits
 License #10-637, Fleet and Farm of Green Bay, dba Fleet Farm Fuel
 License #10-638, Family Dollar
 License #10-643, Northern Tier Retail, LLC dba Speedway #4095
 License #10-646, MLNG LLC dba The Vintage
 License #10-648, Kwik Trip, Inc., dba Kwik Trip #854
 License #10-649, Churchills Quality Cigars & Gifts
 License #10-652, Minnesota Fine Wine & Spirits, LLC dba Total Wine & More
 License #10-655, Casey's Retail Company dba Casey's General Store #3591
 License #10-656, Big Stick's LLC
 License # 10-657, Greenleaf Tobacco & E Cigs dba Greenleaf Tobacco
 License # 10-658, Yayin Gado I, LLC dba Top Ten Liquors
 License # 10-660, Brian Charles Bar LLC dba Dog House Bar
 License # 10-661, FILLMEUP LLC dba FILLMEUP
 License # 10-662, FILLMEUP LLC dba FILLMEUP
 License #10-665, Tobacco & Vapes
 License #10-667, Hamsa LLC
 License #10-668, Kwik Trip, Inc., dba Kwik Trip #1095
 License #10-671, ECig POD USA LLC
 License #10-672, One Stop Station Two Chanhassen LLC
 License #10-673, Deer Run Golf Club

Approved out of state conference and travel for additional library staff member to attend the 2023 American Library Association Conference June 22-27, 2023, in Chicago, Illinois.

Authorized Employee Relations to update the County's Holiday Policy in the Personnel Policy Manual to add Juneteenth effective in 2023 and add a provision that provides a floating holiday in years when a holiday would be observed on the same day as another designated holiday.

Approved the temporary hiring of a STOC-professional level support position for Public Works and related Public Works budget amendment.

CARVER COUNTY COMMISSIONERS PROCEEDINGS

REGULAR SESSION – June 13, 2023

Adopted the Findings of Fact and issue Order #PZ20230022 for the issuance of a Conditional Use Permit, Mitchell Jamison, San Francisco Township.

Approved Amendment No. 2 to professional services agreement for program management services with Bolton and Menk, Inc. for additional services needed through 2023 for \$227,060 pending finalization of the contract review process.

Approved professional services agreement with TKDA for \$160,382 for design services for the Highway 11/14 Roundabout, pending finalization of the contract review process.

Authorized the Chair to sign the contract with Bituminous Roadways, Inc., pending finalization of the contract review process.

Authorized the Sheriff's Office Dive Team acceptance of donations from the City of Shakopee Lions Club, Carver Lions and Chanhassen Lions and related budget amendment.

Resolution #43-23, Performance Measurement Program, 2023 Report

WHEREAS, Benefits to Carver County for participation in the Minnesota Council on Local Results and Innovation's comprehensive performance measurement program are outlined in MS 6.91 and include eligibility for a reimbursement as set by State statute; and

WHEREAS, the Council on Local Results and Innovation developed a Performance Measurement Program that is voluntary for counties and cities to participate in; and

WHEREAS, Any county participating in the comprehensive performance measurement program is also exempt from levy limits for taxes, if levy limits are in effect; and

WHEREAS, The County Board has adopted and implemented at least 10 of the performance measures, as developed by the Council on Local Results and Innovation, and a system to use this information to help plan, budget, manage and evaluate programs and processes for optimal future outcomes; and

NOW, THEREFORE, BE IT RESOLVED, Carver County will continue to report the results of the performance measures to its citizenry by the end of the year through posting on the county's website.

BE IT FINALLY RESOLVED, Carver County will submit to the Office of the State Auditor the actual results of the performance measures adopted by the County

Authorized the County Administrator and Chair to sign an agreement between PaintCare and Carver County, pending approval through the contract review process.

Reviewed May 23, 2023, Community Social Services' actions/Commissioners' warrants in

CARVER COUNTY COMMISSIONERS PROCEEDINGS

REGULAR SESSION – June 13, 2023

the amount of \$464,619.61; reviewed May 30, 2023, Community Social Services' actions/Commissioners' warrants in the amount of \$212,915.01; reviewed June 6, 2023 Community Social Services' actions/Commissioners' warrants in the amount of \$210,318.27 and reviewed June 13, 2023 Community Social Services' actions/Commissioners' warrants in the amount of \$317,168.33.

Motion carried unanimously.

Representative Rehm presented her legislative recap to the Board. She noted her committee appointments and was eager to work with other committees to bring back dollars to the County. She stated people moved to the County because it has great schools and noted bills passed to assist with educational funding. She stated she carried the bill for funding libraries and the #112 transportation bill that was passed. Rehm pointed out the \$20 million for Highway 5 improvements and \$10 million for Highway 18 improvements that were passed.

She reviewed bills passed related to the City Square West redevelopment project in Chaska, funding for public safety, food access program, climate energy bill, e-bike program and the designation of the Prince Rogers Memorial Highway. Rehm stated they got a lot done and had a list of items she wanted to work on next year.

The Board thanked her for the update and for supporting the 82nd Street and Highway 5 improvements.

Tony Albright, County lobbyist, stated the 2023 legislative session was profound in terms of new programs and the growth of the budget. He highlighted priorities put forth by Carver County and items pertinent to the County. He noted the family leave bill that was passed and the obligation shared between the employer and employee. Albright stated there will be more to come on the greenhouse gas provisions in relation to the Highway 5 and 18 projects.

He pointed out the tax rebates that would go to individuals and the child tax credits. He suggested there could be some reprise of the bills that were passed into law next year. Because of the complexities, he stated there would be work to be done on the policy side to bring clarity to some of the issues. He noted reform of the Met Council also did not happen.

Albright recognized the money that went into this budget and appropriated was based upon one time money from the three various Federal stimulus packages and no longer available to this legislature in the future. He suggested there could be trouble on the horizon with regard to the economics globally and how they might impact the federal budget as well as the state budgets. He added they may be moving toward a tenuous 2024-2025 budget.

The Board thanked Albright for the work he did for the County and previous updates he gave to the Legislative Committee.

CARVER COUNTY COMMISSIONERS PROCEEDINGS

REGULAR SESSION – June 13, 2023

Martin Walsh, Parks, requested the Board approve amendments to contracts with HGA Architects and RJM Construction for construction administration and management of the waterfront service center. He pointed out the March 28th work session with the Board to update them on progress and the substantial delay in receiving a permit from the MN Department of Labor and Industry due to an extensive backlog of projects that extended the construction period.

Workman moved, Degler seconded, to approve amendment No. 3 to the professional service agreement with HGA Architects for construction administration at the Waconia Regional Park and authorize the Chair to sign. Motion carried unanimously.

Fahey moved, Degler seconded, to approve Amendment No. 2 to the professional services agreement with RJM Construction for construction management services at the Waconia Regional Park and authorized the Chair to sign. Motion carried unanimously.

Walsh requested the Board approve a contract with Rink Management Services for lifeguard services at Lake Waconia Regional Park. He pointed out the shortage of lifeguards Statewide and explained their current vendor notified them in May they would not be able to fully provide the services included in their current contract. He indicated staff worked to find another provider and they were recommending to contract with Rink Management provided they can provide adequate insurance coverage. He noted the ongoing communications related to insurance and stated, if they are not able to provide the required insurance coverage, they would probably go with an unguarded beach for the season.

Degler moved, Udermann seconded, to approve contract with Rink Management Services Corporation pending finalization of the contract review process. Motion carried unanimously.

Dave Hemze, Administrator, suggested that staff be given some flexibility to either make the contract prorated or for an added amount for the additional insurance.

Walsh requested the Board approve an agreement for Park and Trail visioning and strategic investment and planning. He noted the previous work session on the park system assets and operations.

Lance Bernard, HKGI, stated the purpose of the study is to facilitate a strategic conversation around what the vision is for the park system and what does the park system look like over the next five to ten years. He stated they would be looking for Board input and identified the study approach they would use over the next five to six months. Bernard stated there would be flexibility in how they push out the survey and will request further input from the Board.

Udermann moved, Workman seconded, to approve a professional services agreement with HKGI in the amount of \$46,250 for park and trail visioning and strategic investment

CARVER COUNTY COMMISSIONERS PROCEEDINGS
REGULAR SESSION – June 13, 2023

planning pending finalization of the contract review process. Motion carried unanimously.

Degler moved, Fahey seconded, to recess as the County Board and convene as the Carver County Community Health Board. Motion carried unanimously.

Richard Scott, Public Health, appeared before the Board for a semi annual update as required by Statute. He reviewed County residents hospitalized and deaths related to Covid over the last three years and pointed out the importance of vaccinations to prevent covid.

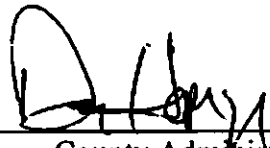
He stated the County continues to grow and diversity is increasing as well. Scott reviewed the County's ranking in the areas of health outcomes and health behaviors. Scott stated they continue to struggle in the area of clinical care and physical environment.

Scott pointed out the community health assessment they would be doing in the future. He identified future plans and their focus for next year would be "Telling the Story". He explained the County's challenges and opportunities included the increased population, pandemic recovery, opioid settlements and programs, and the continuation of the communities of belonging.

The Board thanked Dr. Scott for the update.

Workman moved, Degler seconded, to adjourn as the Community Health Board and as the County Board of Commissioners. Motion carried unanimously.

Dave Hemze
County Administrator

ATTEST: 
County Administrator


Chair