

CARVER COUNTY COMMISSIONERS PROCEEDINGS**REGULAR SESSION – July 11, 2023**

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on July 11, 2023. Chair John P. Fahey convened the session at 9:03 a.m.

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

No public comments were received.

Degler moved, Lynch seconded, to move 6.1 MICA Legislative Update to 7.2 and approve the agenda as amended.

Udermann requested that 5.11 be moved from the consent to the regular agenda for a vote. Degler did not accept the amendment.

Udermann questioned the definition of consent and why an item cannot be removed for further discussion

Mark Metz, Attorney, clarified consent items are generally not controversial and passed by a majority vote. He stated the process is lawful and by the Board Operating Rules a majority vote is required to pull an item and have a further discussion.

On vote taken to approve the agenda as amended, Degler, Fahey, Lynch, Workman voted aye. Udermann voted nay. Motion carried.

Workman moved, Degler seconded, to approve the minutes of the June 27, 2023, Special Session. Motion carried unanimously.

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

Approved contract with SRF Consulting Group, Inc., for \$227,878.090 for design of the Highway 10 resurfacing project, pending finalization of the contract review process.

Authorized the purchase of an E350 Super Duty box truck and related budget amendment.

Contract with Blackstone Contractors LLC in the amount of \$66,345.25 upon completion of the contract review process.

Approved an amended agreement with an allocation of \$100,000 for the Carver County Veterans' Treatment Court FY24 and related HH&S budget amendment.

Approved professional services agreement with Granite Ledge Electrical Contractors, in the amount of \$28,055.00 for traffic signal revisions, pending finalization of the contract review process.

CARVER COUNTY COMMISSIONERS PROCEEDINGS

REGULAR SESSION – July 11, 2023

Professional services agreement with Stonebrook Engineering in the amount of \$51,670 for 2023 bridge safety inspections, pending finalization of the contract review process.

Approved the elimination of one .9 FTE therapist position and creation of one 1.0 FTE therapist position in the Crisis Program, effective 8/14/23.

Authorized HH&S acceptance of Sauer Foundation grant funds and approved signing the related agreement to explore developing a Family/Community Resource Center in Carver County and related HH&S budget amendment.

Resolution #45-23

Awarding of the Highway 11 Resurfacing Project Contract, Carver County Contract 23-309, Project #'s 218910/228967

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, June 27th, at 10:00 A.M. at Carver County Public Works, 11360 Highway 212, Cologne, Minnesota, three (3) bids were received by Carver County Public Works and opened by two (2) representatives of Carver County Public Works for the Highway 11 Resurfacing Project, said bids for the responsible bidders are summarized as follows:

Bidder Name	Total Amount	% Over/Under Estimate
<i>Engineer's Estimate</i>	<i>\$1,019,844.49</i>	
S.M. Hentges & Son, Inc.	\$899,942.50	-12%
Valley Paving Inc.	\$913,529.64	-10%
GMH ASPHALT CORPORATION	\$1,002,799.91	-2%

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 23-309 with S.M. Hentges & Sons, Inc. of Jordan, MN, in the name of the County of Carver for the construction of the Highway 11 Resurfacing 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

CARVER COUNTY COMMISSIONERS PROCEEDINGS

REGULAR SESSION – July 11, 2023

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 thirty-five thousand dollars (\$35,000) and an increased aggregate project total of all project changes of sixty-five thousand dollars (\$65,000.00), 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.

Approved joint powers agreement with the City of Waconia for the Highway 10/Waconia Parkway Intersection Project and additional related work, pending finalization of the contract review process.

Approved the 2023-2024 AFSCME Assistant County Attorneys Bargaining Unit Collective Bargaining Agreement and related budget amendment.

Approved the following staffing changes in the Facilities Department: eliminate 1.0 FTE Facilities Maintenance Lead and 1.0 FTE custodian; add 1.0 FTE Maintenance Supervisor, 1.0 FTE Custodial and Maintenance Assistant and 0.16 FTE for STOC and related budget amendment.

Contract with Valley Rich to bore a new section of the Public Works force line pending the contract review process.

Approved amendment to the professional services agreement for Highway 41/10 project with SRF Consulting Group for preliminary design of a trail from Park Ridge Drive to Ravoux Road in the amount of \$115,597.00, pending finalization of the contract review process.

Resolution #46-23

State of MN Agreement 1052648, Joint Powers Agreement for Preliminary Engineering

BE IT 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 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 Carver 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

CARVER COUNTY COMMISSIONERS PROCEEDINGS

REGULAR SESSION – July 11, 2023

Transportation Agency Agreement 1052648 for Professional and Technical Services,” a copy of which said agreement was before the County Board and which is made a part hereof by reference.

Adopted the Findings of Fact and issue Order #PZ20230025 for the issuance of a conditional use permit, Loren and Susan Kohls, Watertown Township.

Adopted Findings of Fact and issue Order #PZ20230021 for the issuance of a conditional use permit, Joe White (B.H. Aggregate Services), Hollywood Township.

Resolution #47-23 Approving the Final Plat of Mishaven Estates

WHEREAS, the preliminary plat has been submitted and approved by the County Board of Commissioners by Resolution No. 21-23, adopted March 7, 2023; and

WHEREAS, the final plat of MISTHAVEN ESTATES has been prepared and submitted for consideration; and

WHEREAS, the Carver County Planning Commission, by Resolution No. 23-01, waived any additional review of the final plat if no significant changes were made from the preliminary plat it approved; and

WHEREAS, the final plat conforms to the approved preliminary plat (#PZ20210047); and

WHEREAS, the County Board has reviewed the final plat and accompanying documents and finds as follows:

1. The final plat of MISTHAVEN ESTATES meets all the requirements of County Board Resolution No. 21-23.
2. The County Surveyor has reviewed the information pertaining to the Certificate of Title (dated: April 3, 2023) and determined that Misthaven LLC is the fee owner of the subject property to be platted.
3. The Assistant County Attorney, in consultation with the Land Management Department and Planning & Water Department, has reviewed the Declaration of Restrictive Covenants, which contain all items required by the March 7, 2023, Board of Commissioners' Resolution #21-23, and Conditional Use Permit #PZ20210028.
4. The final plat conforms to the requirements of Chapter 151 (Subdivisions), Chapter 152 (Zoning), Chapter 153 (Water Resource Management, all of the Carver County Code, and Conditional Use Permit #PZ20210028.
5. The San Francisco Town Board has approved the final plat (dated: June 19, 2023).
6. The County Surveyor has approved the final plat (dated: June 21, 2023).

THEREFORE, BE IT RESOLVED THAT THE Carver County Board of Commissioners hereby approves the final plat of MISTHAVEN ESTATES.

CARVER COUNTY COMMISSIONERS PROCEEDINGS

REGULAR SESSION – July 11, 2023

BE IT FURTHER RESOLVED THAT THE Carver County Board of Commissioners hereby authorizes the Board Chair to sign the plat mylar.

Authorized the issuance of a Certificate of Zoning Compliance (#A20230116) for the August 25-26, 2023, Youth and Amateur Rodeo event weekend.

Contract with Stantec Consulting Services, Inc., pending completion of the contract review process.

Approved abatement of tax due to exempt classification for 25.0910050.

Authorized the Sheriff's Office Dive Team acceptance of \$1,850 donation from VFW Post 4046 and related budget amendment.

Reviewed July 4, 2023, Community Social Services' actions/Commissioners' warrants in the amount of \$538,719.65 and reviewed July 11, 2023, Community Social Services' actions/Commissioners' warrants in the amount of \$469,810.48.

Udermann stated he could not support the funding source for the collective bargaining agreement and would be voting against it.

On vote taken on the consent agenda, Degler, Fahey, Lynch, Workman voted aye. Udermann voted nay. Motion carried

Representative Bobbi Harder appeared before the Board for a legislative recap. She pointed out it was a challenging year with the number of bills introduced. She noted the impacts this would have on residents and counties and challenges for elected officials on County and City levels. She explained they started the year with nearly an 18 billion surplus and ended up with a 10 million tax increase. Representative Harder highlighted the increases in taxes that will impact the residents she serves and will affect communities and citizens.

She explained they were able to get funding for nursing homes that were struggling but they were unable to get full repeal of social security taxes. She recognized if the counties are mandated to do something, there should be funding from the State to cover the costs.

Representative Harder suggested there may be some future claw backs and there could be at time when funding shortfalls would have to be dealt with.

The Board thanked her for today's visit, for the work she did and asked for her continued help.

Dave Hemze, Administrator, requested the Board approve an appointment to the Metropolitan Council Governance Task Force. He noted one of their legislative priorities has been to revise the Met Council structure and the legislature created this Task Force.

CARVER COUNTY COMMISSIONERS PROCEEDINGSREGULAR SESSION – July 11, 2023

He explained one member of the Task Force will be appointed by AMC with AMC creating a “Kitchen Cabinet” to include one member from each of the counties not represented by AMC’s appointment.

Workman agreed to volunteer for the appointment.

Workman moved, Lynch seconded, to appoint Tom Workman to the AMC Metropolitan Governance Task Force “Kitchen Cabinet”. Motion carried unanimously.

Hemze requested the Board approve the County’s 2023-2024 Strategic Plan. He explained the plan is updated each year and was reviewed back in June with the Board. Hemze stated the vision and mission remain the same and goals were tied strategic initiatives. He indicated the accomplishments were updated, with tasks being added and what they would be doing in the future. Hemze highlighted examples of accomplishments.

The Board discussed elevating two or three tasks and removing tourism from the list of CDA tasks under item #6. The Board recognized the lack of funding to adequately address tourism, who might take tourism on in the future and the impacts of economic development. The importance of coordinating the County’s strategic plan with the CDA’s strategic plan was recognized and the need to have a work session with the CDA in the future was acknowledged.

Fahey moved, Lynch seconded, to approve the strategic plan as presented with item number six to eliminate the “tourism destination” verbiage under task number two and the word “tourism” under task number four. Degler, Fahey, Lynch, Workman voted aye. Udermann voted nay. Motion carried.

Matt Massman, MICA Executive Director, appeared before the Board for a 2023 end of session legislative briefing. He recognized the mandated work that counties are required to do and not fully funded by the State. He pointed out a significant amount of legislation and additional resources passed for County government. Massman explained increases in County program, public safety and local housing aid, as well as the one time increase in property tax refunds.

Steve Novak, Nancy Silesky, and Carli Stark, MICA liaisons, reviewed legislative changes in the areas of transportation, health and human services and public safety.

The Board thanked MICA for the update.

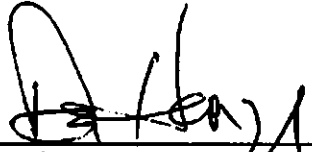
Udermann moved, Degler seconded, to go into closed session to determine the asking price, review confidential appraisal data and to consider offers for the sale of real property at 12404 Kelly Avenue, Cologne. Motion carried unanimously.

CARVER COUNTY COMMISSIONERS PROCEEDINGS**REGULAR SESSION – July 11, 2023**

The Board adjourned the closed and Regular Session at 11:40 a.m.

Dave Hemze
County Administrator

ATTEST:


County Administrator


Chair