



Carver County Board of Commissioners  
 December 19, 2017  
 Regular Session  
 County Board Room  
 Carver County Government Center  
 Human Services Building  
 Chaska, Minnesota

PAGE

4:00 p.m.	1.	<ul style="list-style-type: none"> <li>a) <b>CONVENE</b></li> <li>b) <b>Pledge of allegiance</b></li> <li>c) <b>Public comments</b> - <i>Anyone wishing to address the Board of Commissioners on an item not on the agenda may come forward at this time. Please limit your comments to five minutes.</i></li> <li>d) <b>Introduction of new employee</b>..... 1</li> </ul>	
	2.	Agenda review and adoption	
	3.	Approve minutes of December 7 <sup>th</sup> Budget Public Hearing .....	2-3
	4.	Community Announcements	
4:05 p.m.	5.	<b>CONSENT AGENDA</b>  <i>Connections: Develop strong public partnerships and connect people to services and information</i> 5.1 Final Acceptance and Payment for the 2017 Overlay Projects ..... 4-5 5.2 Microsoft Software License Renewal with SHI ..... 6 5.3 Land Records Scan and Index Project: Amendment #1 ..... 7-8  <i>Communities: Create and maintain safe, healthy and livable communities</i> 5.4 Special Use Event Permit for Cross-County Ski Meets & Practices at Lake Minnewashta Regional Park ..... 9 5.5 Work Out Of Class Designation..... 10 5.6 Request for approval to contract with Stanley Security Solutions ..... 11 5.7 Final Acceptance and Payment for Bridge No. 10J37 Construction Project (SAP 010-599-019)..... 12-13 5.8 Final Acceptance and Payment for 2016 Application of Pavement Markings (Contract 16-235)..... 14-15 5.9 Final Acceptance and Payment for 2017 Application of Pavement Markings (Contract 17-236)..... 16-17 5.10 Final Acceptance and Payment to Mathiowetz Construction Company for CSAH 10 NW Lake Waconia Reconstruction Project (SP 010-610-046) ..... 18-19 5.11 Final Acceptance and Payment to Chard Tiling and Excavating for CSAH 17 & Pleasantview Road Intersection Improvement Project .... 20-21 5.12 Final Acceptance and Payment to Taylor Electric for CSAH 14 Traffic Signal Safety Improvement Project ..... 22-23 5.13 Request for temporary Social Worker II ..... 24 5.14 Contract to expand MEND medical services in County Jail to include mental health..... 25-26 5.15 Resolution to Retain Outside Legal Counsel for Opioid Litigation ..... 27-28	

*Culture: Provide organizational culture fostering accountability to achieve goals and sustain trust/confidence in County government*

- 5.16 Reorganization in Public Works - Program Delivery ..... 29
- 5.17 "Vitals, Licensing, and Permits" Software Agreement ..... 30
- 5.18 Carver County Personnel Policy Manual Updates ..... 31-33

*Finances: Improve the County's financial health and economic profile*

- 5.19 Agency Agreement for Federal Participation in Construction with State of MN (Resolution)..... 34-35
- 5.20 Request for approval to contract with OpenGov for a Budget Builder Solution ..... 36
- 5.21 Review Social Services/Commissioners Warrants ..... NO ATT

- 4:05 p.m. **6. CONNECTIONS: Develop strong public partnerships and connect people to services and information**
  - 6.1 Farm Family of the Year..... 37-38

- 4:15 p.m. **7. GROWTH: Manage the challenges and opportunities resulting from growth and development**
  - 7.1 USS DVL Solar LLC - Large Solar Energy System ..... 39-50

- 5:00 p.m. **8. CULTURE: Provide organizational culture fostering accountability to achieve goals and sustain trust/confidence in County government**
  - 8.1 Resolution Setting 2018 County Attorney and County Sheriff Compensation ..... 51-55
  - 8.2 Resolution Setting 2018 County Commissioner Compensation ..... 56-59

- 5:20 p.m. **9. CONNECTIONS: Develop strong public partnerships and connect people to services and information**
  - 9.1 2018 Legislative Priorities ..... 60-74
  - 9.2 Year in Review ..... 75

5:55 p.m. **ADJOURN REGULAR SESSION**

- 5:55 p.m. **BOARD REPORTS**
  - 1. Chair
  - 2. Board Members
  - 3. Administrator
  - 4. Adjourn

David Hemze  
County Administrator

**UPCOMING MEETINGS**

December 26, 2017 No Board Work Session  
January 2, 2018 9:00 a.m. 2018 Organizational Session

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**New County Employee Introduction**

Primary Originating Division/Dept:  ▼

Meeting Date:

Contact:  Title:

Item Type:  
 ▼

Amount of Time Requested:  minutes

Attachments:  Yes  No

Presenter:  Title:

**Strategic Initiative:**

▼

**BACKGROUND/JUSTIFICATION:**

Introduction of Mr. Austin Eschweiler, the newly hired Recreation & Volunteer Specialist of the Parks Department. Mr. Eschweiler began his service with the County on October 30th of this year and fills the vacancy for this full-time position.

**ACTION REQUESTED:**

Please welcome Mr. Austin Eschweiler, Recreation and Volunteer Specialist, to the Carver County organization.

**FISCAL IMPACT:**  ▼  
*If "Other", specify:*

**FUNDING**

County Dollars =

**FTE IMPACT:**  ▼

**Total**

Insert additional funding source

**Related Financial/FTE Comments:**

none.

*Office use only:*

RBA 2017 - 5053

A public hearing on the proposed 2018 budget was held at the Government Center in Chaska on December 7, 2017. Chair Lynch convened the meeting at 6:02 p.m.

Commissioners present: Tim Lynch, Chair James Ische, Vice Chair, Gayle Degler and Ton Workman.

Commissioners absent: Randy Maluchnik.

Chair Lynch explained the purpose of the meeting was to hold a public hearing to take comments on the 2018 proposed budget and not market values that were set earlier this year. Lynch clarified if there were concerns related to market values, the Assessor's office was open and available to address those issues. He pointed out the purpose of tonight's meeting would be on the proposed taxes to be levied by the County for 2018 and that the Board would be setting the final budget at the December 12th Board meeting.

Workman moved, Degler seconded, to open the public hearing. Motion carried unanimously.

David Hemze, County Administrator, explained he would be giving a high level overview of the proposed budget, followed by public input. He noted the timeline was statutory driven and that setting assessed values was separate from the budget process. He pointed out significant societal impacts that were increasing the budget as well as legislative cost shifts. Hemze reviewed the recommended 3.4% increase and the impact on an average valued home.

He outlined key services provided by the County and a breakdown of dollars spent on those services.

Dave Frischmon, Finance Director, provided a four year summary of tax levy increases and levy adjustments. He noted the additional revenue generated by the increase in the solid waste fee and the cost shift to the Water Management Organization levy. He reviewed 2018 County wide levy adjustments and noted anticipated savings in vacancies, the increase in State Aid and the increase in the road preservation levy to maintain current roads.

Frischmon summarized recommended 2018 staffing changes. He highlighted the 2018 levy strategy and recommended \$2.0 million levy increase due to societal costs and increased costs in providing services. He outlined 2018 capital projects included in budget. He noted the use of turnback funds and year end savings to fund one time projects. Frischmon displayed a list of road projects for the next five years and the year-end savings account over the last four years.

Frischmon reviewed highlights to the long term plan. He indicated road projects funded by the transportation and wheelage taxes would be re-prioritized.

He outlined the 2018 budget schedule and indicated he would be asking for final approval on December 12<sup>th</sup>.

John Siegfried, Chaska, stated he did research on commercial properties in Chaska and raised his concerns on the calculation of taxes. He pointed out property that was valued lower than neighboring property but the proposed taxes were higher. He recognized the Assessor will

evaluate his situation but they needed to ensure property of the same type and valuation are taxed the same. He referenced the per capita data on the State Auditor's website and questioned why the County's per capita was higher than Scott County's. He requested an opportunity to discuss this further with the County Administrator and stated he would follow up with the Assessor's office on the tax calculation.

Workman moved, Degler seconded, to close the public hearing. Motion carried unanimously.

Workman moved, Degler seconded, to adjourn the 2018 budget public hearing at 6:45 p.m. Motion carried unanimously.

David Hemze  
County Administrator

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**  
**Final Acceptance and Payment for the 2017 Overlay Projects**

Primary Originating Division/Dept: <input type="text" value="Public Works - Program Delivery"/>	Meeting Date: <input type="text" value="12/19/2017"/>
Contact: <input type="text" value="Andrew Engel"/> Title: <input type="text" value="Civil Engineer"/>	Item Type: <input type="text" value="Consent"/>
Amount of Time Requested: <input type="text"/> minutes Presenter: <input type="text"/> Title: <input type="text"/>	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
Strategic Initiative: <input type="text" value="Connections: Develop strong public partnerships and connect people to services and information"/>	

**BACKGROUND/JUSTIFICATION:**

The original contract for the project with Asphalt Surface Technologies Corp. (ASTECH) was in the amount of \$973,073.05 for the milling and thin overlaying of CSAH 21 from Highway 7 to the Wright County Line and County Road 123 from Highway 7 to County Road 122, paving of the parking lot at the Public Works Headquarters in Cologne, as well as sheet patching on various County Roads. The total of all work completed by ASTECH is \$937,779.20.

The work of this project was completed during the 2017 construction season and all work is complete.

ASTECH is requesting to finalize the contract with Carver County and release all retainage. County Staff agrees and is requesting that the contract be finalized and that the outstanding work items and remaining retainage be paid in the amount of \$55,579.96.

**ACTION REQUESTED:**

Motion to adopt a resolution accepting all work as complete and authorizing final payment in the amount of \$55,579.96, to Asphalt Surface Technologies Corp. for the 2017 Overlay Projects.

<b>FISCAL IMPACT:</b> <input type="text" value="Included in current budget"/>	<b>FUNDING</b>						
<i>If "Other", specify:</i> <input type="text"/>	<table style="width: 100%;"> <tr> <td><b>County Dollars =</b></td> <td style="text-align: right;"><b>\$22,136.76</b></td> </tr> <tr> <td>CSAH Regular</td> <td style="text-align: right;">\$33,443.20</td> </tr> <tr> <td><b>Total</b></td> <td style="text-align: right;"><b>\$55,579.96</b></td> </tr> </table>	<b>County Dollars =</b>	<b>\$22,136.76</b>	CSAH Regular	\$33,443.20	<b>Total</b>	<b>\$55,579.96</b>
<b>County Dollars =</b>	<b>\$22,136.76</b>						
CSAH Regular	\$33,443.20						
<b>Total</b>	<b>\$55,579.96</b>						
<b>FTE IMPACT:</b> <input type="text" value="None"/>	<input checked="" type="checkbox"/> Insert additional funding source						

Related Financial/FTE Comments:

Office use only:

RBA 2017 - 5136

**BOARD OF COUNTY COMMISSIONERS  
CARVER COUNTY, MINNESOTA**

Date: December 19, 2017

Resolution No: \_\_\_\_\_

Motion by Commissioner: \_\_\_\_\_

Seconded by Commissioner: \_\_\_\_\_

**COUNTY BOARD ACKNOWLEDGMENT  
2017 Overlay Projects  
FINAL PAYMENT**

WHEREAS, the construction of 2017 Overlay Projects 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.

YES

ABSENT

NO

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STATE OF MINNESOTA  
COUNTY OF CARVER

I, Dave Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 19<sup>th</sup> day of December, 2017, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 19<sup>th</sup> day of December, 2017.

\_\_\_\_\_  
Dave Hemze

\_\_\_\_\_  
County Administrator

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Microsoft Software License Renewal with SHI International Corp.**

Primary Originating Division/Dept: <input type="text" value="Public Services - IT"/>	Meeting Date: <input type="text" value="12/19/2017"/>
Contact: <input type="text" value="Lisa Wu"/> Title: <input type="text" value="Manager of Application Service"/>	Item Type: <input type="text" value="Consent"/>
Amount of Time Requested: <input type="text"/> minutes	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Presenter: <input type="text"/> Title: <input type="text"/>	
Strategic Initiative: <input type="text" value="Connections: Develop strong public partnerships and connect people to services and information"/>	

**BACKGROUND/JUSTIFICATION:**

In 2012, the County signed an Enterprise Agreement (EA) with Microsoft for a six-year term that will be up for renewal on January 1, 2018. Microsoft has changed its EA term from six years to three years, making this new agreement for the years 2018 through 2020. The new EA will add Microsoft Cloud offerings and other new products.

SHI International Corp. (SHI) is a software re-seller for Microsoft. The County purchases Microsoft software licences through SHI. SHI will work with the IT Department to renew the Microsoft Enterprise Agreement.

The Microsoft EA includes licenses for Microsoft Office (Word, Excel, PowerPoint, Access, etc.), Operating Systems (PCs and Servers), Exchange (Email), SharePoint (Intranet), and SQL Server (Databases). The new Cloud offerings include online products for Microsoft Office, SharePoint, and Exchange. The EA encompasses most of the Microsoft products the County currently uses.

The cost of the new Microsoft EA will not exceed \$255,000 per year. This new EA is around \$25,000 higher than the previous agreement owing to the additions of the ITSM (Helpdesk ticketing, or IT Service Management) licenses, Microsoft Cloud hosting opportunities, and new Microsoft Management Tools.

**Benefits**

- The same software versions provide a consistent platform across the County. Everyone in the County will be on the same version of Microsoft Office.
- A lower cost per unit for licensed software.
- Maintenance on major Microsoft software is deployed under one agreement.
- Complete flexibility to deploy software products whenever and wherever needed. The County will license the software by user instead of by machine. This change is a significant improvement for the County.
- The cloud environment allows the County to move data from the data center to a hybrid environment, providing potential savings on hardware and staff resources.
- Expands collaborative efforts among County employees by allowing staff members to share documents with greater ease.

**ACTION REQUESTED:**

Motion to renew the Microsoft Enterprise Agreement through SHI International Corp., pending completion of the contract review process.

<b>FISCAL IMPACT:</b> <input type="text" value="Included in current budget"/> If "Other", specify: <input type="text"/>	<b>FUNDING</b> <table style="width: 100%;"> <tr> <td>County Dollars =</td> <td style="text-align: right;"><b>\$255,000.00</b></td> </tr> <tr> <td>2nd &amp; 3rd year</td> <td style="text-align: right;"><b>\$510,000.00</b></td> </tr> <tr> <td><b>Total</b></td> <td style="text-align: right;"><b>\$765,000.00</b></td> </tr> </table> <input checked="" type="checkbox"/> Insert additional funding source	County Dollars =	<b>\$255,000.00</b>	2nd & 3rd year	<b>\$510,000.00</b>	<b>Total</b>	<b>\$765,000.00</b>
County Dollars =	<b>\$255,000.00</b>						
2nd & 3rd year	<b>\$510,000.00</b>						
<b>Total</b>	<b>\$765,000.00</b>						
<b>FTE IMPACT:</b> <input type="text" value="None"/>							

**Related Financial/FTE Comments:**

3-year Agreement - total not to exceed \$765,000 (\$255,000 annually).

*Office use only:*

RBA 2017 - 5147



# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Land Records Scan and Index Project: Amendment #1**

Primary Originating Division/Dept:

Meeting Date:

Contact:  Title:

Item Type:  
Consent

Amount of Time Requested:  minutes

Attachments:  Yes  No

Presenter:  Title:

**Strategic Initiative:**

**BACKGROUND/JUSTIFICATION:**

On 9/5/2017, the County Board approved a \$276,397 contract with TriMin and US Imaging to scan and index approximately 500,000 historical land record documents from 1987 backwards to the beginning of the County in the late 1800's. From Oct 13th thru Oct 25th, US Imaging staff worked on-site 24 hours a day/7 days a week to scan the scan the County's historical land records. As outlined in the attached Schedule B - Amendment #1 11-29-17, actual scanning quantities varied from the initial estimates and the scope of the project was expanded to include Phase 3a Stage 1, Phase 9 & Phase 10. The additional project cost of \$89,727 for Land Records Scan and Index Project: Amendment #1 will be paid for by Recorder Technology Funds.

**ACTION REQUESTED:**

Motion to approve the \$89,727 Land Records Scan and Index Project Amendment #1 to increase the total project cost to \$366,124 subject to approval by the County Attorney's Office and Risk Management.

**FISCAL IMPACT:**

If "Other", specify:

**FUNDING**

<b>County Dollars =</b>	<input type="text" value=""/>
Recorders Tech \$	\$89,727.00
<b>Total</b>	<b>\$89,727.00</b>

**FTE IMPACT:**

Insert additional funding source

**Related Financial/FTE Comments:**

Recorders Tech \$ is a statutory fee collected by the County that is restricted for technology projects related to maintaining Land Records so they are readily available to the public.

Office use only:

RBA 2017 - 5152



November 29, 2017

David Frischmon  
 Carver County  
 600 East 4th Street  
 Chaska, MN 55318

Dear David,

TriMin has partnered with US Imaging on this proposal to index parcel ID's, index Torrens documents, and scan Official Records from Books and Microfiche for Carver County. Since the inception of this project, the scope of the project has changed. Actual scanning quantities have varied from the initial estimate and additional phases have been added to the Official Records Scanning Project.

TriMin agrees to provide the following services specifically identified in this proposal and incorporated herein to Section 4 Services Agreement in the Master Computer Software License Agreement, dated 2/13/15, by reference.

TriMin has updated the following estimate for the Official Records Scanning Project, based on actual scan quantities and additional phases that were added to the project. The quantities for the Official Records Scanning Project reflect the latest counts and estimates, as of 11/29/2017. Invoiced quantities will be actual and may vary from the estimated numbers.

	Orig. Estimate	Revised Estimate	Variance
Index parcel ID's for 2006-2015 documents	\$9,898.20	\$9,898.20	\$0
Full indexing of 1911-1987 Torrens documents	\$36,685.42	\$36,685.42	\$0
Official Records Scanning Project—Phases 1, 2, 3, 4, 5, 6, 8	\$197,344.68	\$158,036.16	\$39,308.53
Official Records Scanning Project—Phase 7	\$14,469.00	\$78,605.36	-\$64,136.36
Official Records Scanning Project – Phase 3a Stage 1		\$12,558.54	-\$12,558.54
Official Records Scanning Project – Phases 9, 10	\$0	\$52,340.46	-\$52,340.46
TriMin Expanded Import Module and Services	\$18,000.00	\$18,000.00	\$0
Total	\$276,397.30	\$366,124.13	(\$89,726.83)

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Special Use Event Permit for Cross-County Ski Meets & Practices @ Lake Minnewashta Regional Park**

Primary Originating Division/Dept: <input type="text" value="Public Works - Parks"/>	Meeting Date: <input type="text" value="12/19/2017"/>
Contact: <input type="text" value="Sam Pertz"/> Title: <input type="text" value="Parks and Trails Supervisor"/>	Item Type: <input type="text" value="Consent"/>
Amount of Time Requested: <input type="text" value=""/> minutes Presenter: <input type="text" value=""/> Title: <input type="text" value=""/>	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Strategic Initiative: <input type="text" value="Communities: Create and maintain safe, healthy, and livable communities"/>	

**BACKGROUND/JUSTIFICATION:**

The Parks Department is preparing to issue a Special Use Event Permit to the Minnetonka Middle Schools to utilize Lake Minnewashta Regional Park for cross-country ski activities throughout January and February 2018.

By County Ordinance Chapter 91: Use permits shall be required for the exclusive or special use of all or portions of park areas and facilities when they are closed to the public; to conduct certain activities not normally permitted as per conditions of this chapter; for regulation of large group activities, as defined herein, or to reduce or eliminate certain user fees for groups, as defined herein.

The proposed Special Event Use Permit issued recognizes:

- The two middle school teams will use a portion of the ski trails within the park for both daily practice and two non-competitive meets.
- Practices will be daily, Monday - Friday following the school hours. 50-60 people are anticipated to be in the park for each practice. Meets on 1/17/18 and 2/7/18 will be the same timeframe but larger in attendance, 100-125 people each.
- The Parks Department has issued a Special Use Event Permit to this group each year for the last 4 years without issue or concern.
- Use Fees (by means of vehicle permits) are charged to the School for the activities as is consistent with the approved Parks Fee Schedule for 2018.
- Skiers who are not a part of the ski meet are advised of the activity, signage is posted on site, web page and social media.
- The Park Commission has reviewed the Special Use Event Permit details at their meeting on 12/13/17 and has made recommendation to the County Board to approve the request.
- Carver County has been provided the appropriate certificate of insurance for the activities.

**ACTION REQUESTED:**

Authorize issuance of the Special Use Event Permit to Minnetonka Middle Schools for cross-country ski activities at Lake Minnewashta Regional Park.

<b>FISCAL IMPACT:</b> <input type="text" value="Included in current budget"/>	<b>FUNDING</b> County Dollars = <input type="text" value=""/> <input type="text" value=""/>
<i>If "Other", specify:</i> <input type="text" value=""/>	<b>Total</b> <input type="text" value=""/> \$0.00
<b>FTE IMPACT:</b> <input type="text" value="None"/>	<input checked="" type="checkbox"/> Insert additional funding source

Related Financial/FTE Comments:

*Office use only:*

RBA 2017- 5106

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**WORK OUT OF CLASS DESIGNATION**

Primary Originating Division/Dept: Sheriff - Patrol Services

Meeting Date: 12/19/2017

Contact: Paul Tschida  Title: Commander

Item Type:  
Consent

Amount of Time Requested:  minutes

Attachments:  Yes  No

Presenter:  Title:

**Strategic Initiative:**

Communities: Create and maintain safe, healthy, and livable communities

**BACKGROUND/JUSTIFICATION:**

Due to an on-duty injury to an incumbent Sergeant, and the expectation that Sergeant will be out for an extended period continues the vacancy in the sergeant position. On a temporary basis, until the return of the injured Sergeant or April 1, 2018, whichever comes first, we propose to continue to working a deputy out of class as a Sergeant.

**ACTION REQUESTED:**

Approve the request to temporarily work a deputy out of class as a sergeant.

**FISCAL IMPACT:** Included in current budget

If "Other", specify:

**FUNDING**

County Dollars =

**FTE IMPACT:** None

**Total**  \$0.00

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2017 - 5111

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Request for approval to contract with Stanley Security Solutions**

Primary Originating Division/Dept:

Meeting Date:

Contact:  Title:

Item Type:  
Consent

Amount of Time Requested:  minutes  
Presenter:  Title:

Attachments:  Yes  No

**Strategic Initiative:**

**BACKGROUND/JUSTIFICATION:**

The Carver County jail has relay panels that control the interior lights and outlets for such electronics as microwaves and televisions. The relay panels are original to the jail and are starting to fail at a fast pace.

The replacement panels are proprietary to Stanley Security Solutions. To completely replace the system it would cost an estimated \$150,000. Therefore, the staff is recommending to replace only the relay panels and keep the rest of the current system in place. To help reduce the cost of this project, our Carver County master electrician would install the new wiring for these relay panels, which would save the County \$21,000 on this project.

**ACTION REQUESTED:**

Motion to contract with STANLEY SECURITY SOLUTIONS pending completion of the contract review process.

**FISCAL IMPACT:**   
*If "Other", specify:*

**FUNDING**

County Dollars =	<b>\$31,500.00</b>
<b>Total</b>	<b>\$31,500.00</b>

**FTE IMPACT:**

Insert additional funding source

**Related Financial/FTE Comments:**

If approved, the project would be funded by jail revenue.

*Office use only:*

RBA 2017 - 5127

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Final Acceptance and Payment for Bridge No. 10J37 Construction Project (SAP 010-599-019)**

Primary Originating Division/Dept:  ▼

Meeting Date:

Contact:  Title:

Item Type:  
Consent  ▼

Amount of Time Requested:  minutes  
Presenter:  Title:

Attachments:  Yes  No

Strategic Initiative:  
 ▼

**BACKGROUND/JUSTIFICATION:**

Carver County Public Works was the agent for Hollywood Township for the construction of a new box culvert on 42nd Street over Joint Ditch No. 1. The original contract for the project with Landwher Construction, Inc. was in the amount of \$275,555.60 for the construction of Bridge No. 10J37. The total of all work completed by Landwher Construction, Inc. is \$288,129.66.

Most of the work for this project was completed during the 2016 construction season and all work is now complete. Cost overruns on this project are attributed to relocating a drain tile outlet that had a previously unknown location and regrading a section of the road ditch.

Landwher Construction, Inc. is requesting to finalize the contract with Carver County and release all retainage. County staff agrees and is requesting that the contract be finalized and that the outstanding work items and remaining retainage be paid in the amount of \$24,028.67.

**ACTION REQUESTED:**

Motion to adopt a resolution accepting all work as complete and authorizing final payment in the amount of \$24,028.67, to Landwher Construction, Inc. for the construction of Bridge No. 10J37 Construction Project (SAP 010-599-019) in Hollywood Township.

**FISCAL IMPACT:**  ▼

If "Other", specify:

**FTE IMPACT:**  ▼

**FUNDING**

<b>County Dollars =</b>	<input type="text"/>
Town Bridge Funds	\$14,028.67
Hollywood Township	\$10,000.00
<b>Total</b>	<b>\$24,028.67</b>

Insert additional funding source

**Related Financial/FTE Comments:**

A separate JPA was entered into between Hollywood Township and Carver County in regards to the responsibilities of the township to pay for costs not covered by Town Bridge funding.

Office use only:

RBA 2017 - 5128

**BOARD OF COUNTY COMMISSIONERS  
CARVER COUNTY, MINNESOTA**

Date: December 19, 2017

Resolution No: \_\_\_\_\_

Motion by Commissioner: \_\_\_\_\_

Seconded by Commissioner: \_\_\_\_\_

**COUNTY BOARD ACKNOWLEDGMENT  
SAP 010-599-019 (42<sup>nd</sup> Street Bridge Replacement over Joint Ditch 1)  
FINAL PAYMENT**

WHEREAS, the construction Project SAP 010-599-019 (42<sup>nd</sup> Street Bridge Replacement Over Joint Ditch 1) project, 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.

YES

ABSENT

NO

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STATE OF MINNESOTA  
COUNTY OF CARVER

I, Dave Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 19<sup>th</sup> day of December, 2017, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 19<sup>th</sup> day of December, 2017.

\_\_\_\_\_  
Dave Hemze

\_\_\_\_\_  
County Administrator

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Final Acceptance and Payment for 2016 Application of Pavement Markings (Contract 16-235)**

Primary Originating Division/Dept:

Meeting Date:

Contact:  Title:

Item Type:  
Consent

Amount of Time Requested:  minutes  
Presenter:  Title:

Attachments:  Yes  No

**Strategic Initiative:**

Communities: Create and maintain safe, healthy, and livable communities

**BACKGROUND/JUSTIFICATION:**

The original project contract amount was \$415,289.23 for the 2016 Application of Pavement Markings. The total of all work completed by AAA Striping Service Co. is \$ 411,123.56. The work for this project occurred during the 2016 and 2017 construction season and all of the work is complete. Cost additions to the project are attributed to material delays and extra work requested by the County. AAA Striping Service Co. is requesting to finalize the contract with the County and release all retainage. County staff agrees and is requesting the contract to be finalized and that the outstanding work pay items and remaining retainage be paid in the amount of \$50,976.06

**ACTION REQUESTED:**

Motion to adopt a resolution accepting all work as complete and authorizing final payment in the amount of \$50,976.06, to AAA Striping Service Co. for the construction of the 2016 Application of Latex Paint and Epoxy Pavement Markings (Project 168016)

**FISCAL IMPACT:**

If "Other", specify:

**FUNDING**

County Dollars =

**FTE IMPACT:**

**Total**

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2017 - 5135



**BOARD OF COUNTY COMMISSIONERS  
CARVER COUNTY, MINNESOTA**

Date: December 19, 2017

Resolution No: \_\_\_\_\_

Motion by Commissioner: \_\_\_\_\_

Seconded by Commissioner: \_\_\_\_\_

**COUNTY BOARD ACKNOWLEDGMENT  
2016 Application of Pavement Markings  
Project 168016 (Contract 16-235)  
FINAL PAYMENT**

WHEREAS, the construction project 2016 Application of 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.

YES

ABSENT

NO

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STATE OF MINNESOTA  
COUNTY OF CARVER

I, Dave Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 19<sup>th</sup> day of December, 2017, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 19<sup>th</sup> day of December, 2017.

\_\_\_\_\_  
Dave Hemze

\_\_\_\_\_  
County Administrator

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Final Acceptance and Payment for 2017 Application of Pavement Markings (Contract 17-236)**

Primary Originating Division/Dept:  ▼

Meeting Date:

Contact:  Title:

Item Type:  
Consent  ▼

Amount of Time Requested:  minutes

Attachments:  Yes  No

Presenter:  Title:

**Strategic Initiative:**

▼

**BACKGROUND/JUSTIFICATION:**

The original project contract amount was \$249,041.75 for the 2017 Application of Pavement Markings. The total of all work completed by Sir Lines-A-Lot is \$253,082.23.

The work for this project occurred during the 2017 construction season and all of the work is complete. Cost additions to the project are attributed to extra work requested by the County.

Sir Lines-A-Lot is requesting to finalize the contract with the County and release all retainage. County staff agrees and is requesting the contract to be finalized and that the outstanding work pay items and remaining retainage be paid in the amount of \$123,149.70.

**ACTION REQUESTED:**

Motion to adopt a resolution accepting all work as complete and authorizing final payment in the amount of \$123,149.70, to Sir Lines-A-Lot for the construction of 2017 Application of Pavement Markings (Project 178016)

**FISCAL IMPACT:**  ▼

If "Other", specify:

**FUNDING**

County Dollars =

**FTE IMPACT:**  ▼

**Total**

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2017 - 5130

**BOARD OF COUNTY COMMISSIONERS  
CARVER COUNTY, MINNESOTA**

Date: December 19, 2017

Resolution No: \_\_\_\_\_

Motion by Commissioner: \_\_\_\_\_

Seconded by Commissioner: \_\_\_\_\_

**COUNTY BOARD ACKNOWLEDGMENT  
2017 Application of Pavement Markings  
Project 178016 (Contract 17-236)  
FINAL PAYMENT**

WHEREAS, the construction project 2017 Application of 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.

YES

ABSENT

NO

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STATE OF MINNESOTA  
COUNTY OF CARVER

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Dated this 19<sup>th</sup> day of December, 2017.

\_\_\_\_\_  
Dave Hemze

\_\_\_\_\_  
County Administrator

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Final Acceptance and Payment to Mathiowetz Construction Company for CSAH 10 NW Lake Waconia Reconstruction Project ( SP 010-610-046)**

Primary Originating Division/Dept: <input type="text" value="Public Works - Program Delivery"/>	Meeting Date: <input type="text" value="12/19/2017"/>
Contact: <input type="text" value="Scott A. Smith"/> Title: <input type="text" value="Project Engineer"/>	Item Type: <input type="text" value="Consent"/>
Amount of Time Requested: <input type="text" value=""/> minutes Presenter: <input type="text" value=""/> Title: <input type="text" value="Deputy PWD"/>	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
Strategic Initiative: <input type="text" value="Communities: Create and maintain safe, healthy, and livable communities"/>	

**BACKGROUND/JUSTIFICATION:**

The original contract for the CSAH 10 project between CSAH 30 and TH 7 with Mathiowetz Construction Company of Sleepy Eye, MN was in the amount of \$5,565,376.75. The total of all work completed by Mathiowetz Construction Company is \$5,821,494.73.

All work for this project is now complete. Most of the work was completed during the 2015 construction season, with warranty work occurring in 2016 and 2017.

Cost overruns on this project are attributed to the addition of drain pipe under the trail connection, Pavement Incentives and Extra Depth for Bituminous Pavement Removal.

Mathiowetz Construction Company is requesting to finalize the contract with Carver County and release all retainage. County staff agrees and is requesting that the contract be finalized and that the outstanding work items and remaining retainage be paid in the amount of \$29,107.47.

**ACTION REQUESTED:**

Motion to adopt a resolution accepting all work as complete and authorizing final payment in the amount of \$29,107.47 to Mathiowetz Construction Company of Sleepy Eye, MN for the construction of the CSAH 10 NW Lake Waconia Reconstruction Project (Project 138711, SP 010-610-046)

<b>FISCAL IMPACT:</b> <input type="text" value="Included in current budget"/>	<b>FUNDING</b>				
If "Other", specify: <input type="text"/>	<b>County Dollars =</b>				
<b>FTE IMPACT:</b> <input type="text" value="None"/>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">CSAH Regular</td> <td style="width: 30%; text-align: right;">\$29,107.47</td> </tr> <tr> <td><b>Total</b></td> <td style="text-align: right;"><b>\$29,107.47</b></td> </tr> </table>	CSAH Regular	\$29,107.47	<b>Total</b>	<b>\$29,107.47</b>
CSAH Regular	\$29,107.47				
<b>Total</b>	<b>\$29,107.47</b>				

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2017 - 5141

**BOARD OF COUNTY COMMISSIONERS  
CARVER COUNTY, MINNESOTA**

Date: December 19, 2017

Resolution No: \_\_\_\_\_

Motion by Commissioner: \_\_\_\_\_

Seconded by Commissioner: \_\_\_\_\_

**COUNTY BOARD ACKNOWLEDGMENT  
Project 138711 (SAP 010-610-046: CSAH 10 Roadway Construction)  
FINAL PAYMENT**

WHEREAS, the construction Project 138711 (SAP 010-610-046: CSAH 10 Roadway Construction), 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.

YES

ABSENT

NO

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STATE OF MINNESOTA  
COUNTY OF CARVER

I, Dave Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 19<sup>th</sup> day of December, 2017, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 19<sup>th</sup> day of December, 2017.

\_\_\_\_\_  
Dave Hemze

\_\_\_\_\_  
County Administrator

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Final Acceptance and Payment to Chard Tiling and Excavating for CSAH 17 & Pleasantview Road Intersection Improvement Project**

Primary Originating Division/Dept: <input type="text" value="Public Works - Program Delivery"/>	Meeting Date: <input type="text" value="12/19/2017"/>
Contact: <input type="text" value="Scott Smith"/> Title: <input type="text" value="Design Engineer"/>	Item Type: <input type="text" value="Consent"/>
Amount of Time Requested: <input type="text" value=""/> minutes Presenter: <input type="text" value=""/> Title: <input type="text" value=""/>	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No

Strategic Initiative:

**BACKGROUND/JUSTIFICATION:**

The original contract for the the CSAH 17 & Pleasantview Road Intersection Improvement Project was in the amount of \$268,531.10. The total of all work completed by Chard Tiling and Excavating is \$276,520.48.

All work for this project is now complete. Most of the work was completed during the 2016 construction season, with warranty work occurring in 2017.

Cost overruns on this project are attributed to additional traffic control.

Chard Tiling and Excavating is requesting to finalize the contract with Carver County and release all retainage. County staff agrees and is requesting that the contract be finalized and that the outstanding work items and remaining retainage be paid in the amount of \$4,147.81.

**ACTION REQUESTED:**

Motion to adopt a resolution accepting all work as complete and authorizing final payment in the amount of \$4,147.81 to Chard Tiling and Excavating for the construction of the CSAH 17 & Pleasantview Road Intersection Improvement Project (Project 148755, SAP 010-617-023).

<b>FISCAL IMPACT:</b> <input type="text" value="Included in current budget"/> <p><i>If "Other", specify:</i> <input type="text"/></p>	<b>FUNDING</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2"><b>County Dollars =</b></td> </tr> <tr> <td style="width: 70%;">CSAH Municipal</td> <td style="text-align: right;">\$4,147.81</td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td><b>Total</b></td> <td style="text-align: right;"><b>\$4,147.81</b></td> </tr> </table> <input checked="" type="checkbox"/> Insert additional funding source	<b>County Dollars =</b>		CSAH Municipal	\$4,147.81			<b>Total</b>	<b>\$4,147.81</b>
<b>County Dollars =</b>									
CSAH Municipal	\$4,147.81								
<b>Total</b>	<b>\$4,147.81</b>								
<b>FTE IMPACT:</b> <input type="text" value="None"/>									

Related Financial/FTE Comments:

*Office use only:*



# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Final Acceptance and Payment to Taylor Electric for CSAH 14 Traffic Signal Safety Improvement Project**

Primary Originating Division/Dept: <input type="text" value="Public Works - Program Delivery"/>	Meeting Date: <input type="text" value="12/19/2017"/>
Contact: <input type="text" value="Scott Smith"/> Title: <input type="text" value="Design Engineer"/>	Item Type: <input type="text" value="Consent"/>
Amount of Time Requested: <input type="text"/> minutes Presenter: <input type="text"/> Title: <input type="text"/>	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
Strategic Initiative: <input type="text" value="Communities: Create and maintain safe, healthy, and livable communities"/>	

**BACKGROUND/JUSTIFICATION:**

The original contract for the CSAH 14 Traffic Signal Safety Improvement Project was in the amount of \$679,257.95. The total of all work completed by Taylor Electric is \$765,202.30.

All work for this project is now complete. Most of the work was completed during the 2016 construction season, with warranty work occurring in 2017.

Cost overruns on this project are attributed to additional signal loop adjustments necessary for the proper operation of the signal system as well as work necessary to adjust grades on bluff Creek to allow ADA compliance on the pedestrian crossing.

Taylor Electric is requesting to finalize the contract with Carver County and release all retainage. County staff agrees and is requesting that the contract be finalized and that the outstanding work items and remaining retainage be paid in the amount of \$39,757.32.

**ACTION REQUESTED:**

Motion to adopt a resolution accepting all work as complete and authorizing final payment in the amount of \$39,757.32 to Taylor Electric for the construction of the CSAH 14 Traffic Signal Safety Improvement Project (Project 148754, SP 010-030-007).

<b>FISCAL IMPACT:</b> <input type="text" value="Included in current budget"/>	<b>FUNDING</b>						
If "Other", specify: <input type="text"/>	<b>County Dollars =</b>						
<b>FTE IMPACT:</b> <input type="text" value="None"/>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">CSAH Municipal</td> <td style="width: 30%; text-align: right;">\$39,757.32</td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td><b>Total</b></td> <td style="text-align: right;"><b>\$39,757.32</b></td> </tr> </table>	CSAH Municipal	\$39,757.32			<b>Total</b>	<b>\$39,757.32</b>
CSAH Municipal	\$39,757.32						
<b>Total</b>	<b>\$39,757.32</b>						
<input checked="" type="checkbox"/> Insert additional funding source							

Related Financial/FTE Comments:

Office use only:

RBA 2017 - 5143



**BOARD OF COUNTY COMMISSIONERS  
CARVER COUNTY, MINNESOTA**

Date: December 19, 2017

Resolution No: \_\_\_\_\_

Motion by Commissioner: \_\_\_\_\_

Seconded by Commissioner: \_\_\_\_\_

**COUNTY BOARD ACKNOWLEDGMENT  
Project 148754 SP 010-030-007 CSAH 14 Traffic Signal Safety Improvements  
FINAL PAYMENT**

WHEREAS, the construction Project 148754 SP 010-030-007 CSAH 14 Traffic Signal Safety Improvements, 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.

YES	ABSENT	NO
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

STATE OF MINNESOTA  
COUNTY OF CARVER

I, Dave Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 19<sup>th</sup> day of December, 2017, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 19<sup>th</sup> day of December, 2017.

\_\_\_\_\_  
Dave Hemze

\_\_\_\_\_  
County Administrator

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**  
**Request for Temporary Social Worker II**

Primary Originating Division/Dept: <input type="text" value="Health &amp; Human Services"/>	Meeting Date: <input type="text" value="12/19/2017"/>
Contact: <input type="text" value="Rod Franks"/> Title: <input type="text" value="HHS Director"/>	Item Type: Consent <input type="text" value=""/>
Amount of Time Requested: <input type="text" value=""/> minutes Presenter: <input type="text" value=""/> Title: <input type="text" value=""/>	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Strategic Initiative: <input type="text" value="Communities: Create and maintain safe, healthy, and livable communities"/>	

**BACKGROUND/JUSTIFICATION:**

Request is for authorization to hire a temporary Social Worker II to back-fill in the case of an extended leave of absence. Additional information regarding the length of leave is forthcoming, and this temporary staffing plan would be placed into effect only if the situation is determined by HHS management and Employee Relations to require additional staffing support to sustain critical workload, dependent upon duration of leave required once status is determined. The Division wishes to be prepared to move forward with a temporary staffing plan if necessary.

**ACTION REQUESTED:**

Motion to approve a temporary SW-II to backfill for leave only if required.

<b>FISCAL IMPACT:</b> <input type="text" value="Included in current budget"/>	<b>FUNDING</b>						
<i>If "Other", specify:</i> <input type="text"/>	<table style="width: 100%;"> <tr> <td style="width: 70%;">County Dollars =</td> <td style="width: 30%; text-align: right;"><b>\$16,000.00</b></td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td><b>Total</b></td> <td style="text-align: right;"><b>\$16,000.00</b></td> </tr> </table>	County Dollars =	<b>\$16,000.00</b>			<b>Total</b>	<b>\$16,000.00</b>
County Dollars =	<b>\$16,000.00</b>						
<b>Total</b>	<b>\$16,000.00</b>						
<b>FTE IMPACT:</b> <input type="text" value="None"/>	<input checked="" type="checkbox"/> Insert additional funding source						

**Related Financial/FTE Comments:**

Funding for this temporary position will come from vacancy savings. No additional County levy dollars are required. The request for use of vacancy savings in this situation is based upon the safety-sensitive and critical areas of work involved, necessitating additional coverage should an extended leave of absence be required.

*Office use only:*

RBA 2017 - 5146

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Contract to expand MEND medical services in County Jail to include mental health.**

Primary Originating Division/Dept:

Meeting Date:

Contact:  Title:

Item Type:  
Consent

Amount of Time Requested:  minutes

Attachments:  Yes  No

Presenter:  Title:

**Strategic Initiative:**

**BACKGROUND/JUSTIFICATION:**

MEND is currently contracted to provide nursing services in the Carver County Jail. Carver County Health and Human Services, in partnership with the Carver County Sheriff's department seeks to amend this contract to include providing jail mental health services. MEND will provide a mental health specialist, which will be a licensed mental health professional, on an as needed basis, which will be a total of 24 hours per week. No less than 12 hours per week will be in-person, on site services with the remaining hours being done by telemedicine. MEND will also provide all support/nursing needs in order to complete the mental health visits, either in-person or by telemedicine.

The total annual cost of these additional contracted services will be \$70,600. Funds for these services that will be provided in 2018 will be rolled over from one time excess jail revenues in 2017. If the contract is continued beyond 2018, the cost of the contracted services will be included as part of the ongoing HHS budget starting in 2019 and beyond. No additional County levy dollars are required.

**ACTION REQUESTED:**

Motion to approve Jail Mental Health Services contract amendment with MEND pending final contract approval.

**FISCAL IMPACT:**

If "Other", specify:

**FUNDING**

County Dollars =

**FTE IMPACT:**

**Total**

Insert additional funding source

**Related Financial/FTE Comments:**

One time excess jail revenue from 2017 will be rolled over and used to fund these services in 2018 which will be the first year for the contract amendment. No additional County levy dollars required.

Office use only:

RBA 2017 - 5150

# Budget Amendment Request Form



To be filled out AFTER RBA submittal

**Agenda Item:** Contract to expand MEND medical services in County Jail to include mental health.

Department:

Meeting Date:

Fund:

- 01 - General
- 02 - Reserve
- 03 - Public Works
- 11 - CSS
- 15 - CCRRA
- 30 - Building CIP
- 32 - Road/Bridge CIP
- 34 - Parks & Trails
- 35 - Debt Service

Requested By:

DEBIT			CREDIT		
Description of Accounts	Acct #	Amount	Description of Accounts	Acct #	Amount
Professional & Tech Fees	11-480-702-0000-6260	\$70,600.00	Inmate Boarding- 2017	01-201-235.5530	\$70,600.00
<b>TOTAL</b>		\$70,600.00	<b>TOTAL</b>		\$70,600.00

Reason for Request:

Utilize favorable 2017 inmate boarding revenues to cover the 2018 contract with MEND to provide mental health services in the Jail.

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Resolution to Retain Outside Legal Counsel for Opioid Litigation**

Primary Originating Division/Dept: <u>Attorney</u>	Meeting Date: <u>12/19/2017</u>
Contact: <u>Mark Metz</u> Title: _____	Item Type: <u>Consent</u>
Amount of Time Requested: _____ minutes	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
Presenter: _____ Title: _____	

**Strategic Initiative:**

Communities: Create and maintain safe, healthy, and livable communities

**BACKGROUND/JUSTIFICATION:**

State and local governments around the United States have been grappling with the opioid epidemic for several years, as the rates of heroin and opioid addiction, overdoses, and deaths have steadily increased. In 2016, there were 153 accidental opiate-related deaths in Minnesota, compared with 97 in 2015. In addition to traditional government responses, numerous cities, counties, and states around the country have sued the companies who were responsible for either manufacturing prescription opioids or distributing those opioids to pharmacies.

Several Minnesota counties and cities are now considering whether to commence similar litigation against the opioid drug manufacturers and/or distributors. In fact, on November 30, 2017, a number of Minnesota County Attorneys (Hennepin, Ramsey, Dakota, Washington, St. Louis) announced at a press conference that their respective counties will be suing the companies that make and distribute opioids. It is expected that various other Minnesota Counties will be filing similar lawsuits in the near future.

The Carver County Board has determined that it would be in the best interest of the county to pursue litigation relating to the opioid crisis.

Minnesota Statutes §388.09 authorizes the County Board of Commissioners (“Board”) to employ an attorney to assist the county attorney, to appear for the county or any county officer in any action in which the county or officer in an official capacity is a party, to advise the Board or its members in relation to the action, or in relation to any other matter affecting the interests of the county.

**ACTION REQUESTED:**

Motion to authorize County Attorney Mark Metz to enter into a retainer agreement with outside legal counsel for purposes of pursuing litigation related to the opioid crisis.

**FISCAL IMPACT:** None

*If "Other", specify:*

**FUNDING**

County Dollars =	<input style="width: 100%; height: 20px;" type="text"/>
	<input style="width: 100%; height: 20px;" type="text"/>
<b>Total</b>	<b>\$0.00</b>

**FTE IMPACT:** None

Related Financial/FTE Comments:

**RESOLUTION**

**AUTHORIZING RETAINER WITH OUTSIDE COUNSEL FOR OPIOID  
LITIGATION**

**WHEREAS**, Minnesota Statute §388.09 authorizes the County Board of Commissioners (“Board”) to employ an attorney to assist the county attorney, to appear for the county or any county officer in any action in which the county or officer in an official capacity is a party, to advise the board or its members in relation to the action, or in relation to any other matter affecting the interests of the county;

**WHEREAS**, the Board has determined that it would be in the best interest of the county to pursue litigation relating to the opioid crisis; and

**WHEREAS**, the Board has considered the County Attorney’s recommendation to retain outside counsel for this matter.

**NOW, THEREFORE, BE IT RESOLVED** that the Board shall employ the law firms of **Lockridge Grindal Nauen P.L.L.P., Gustafson Gluek P.L.L.C., and J.F. Henderson Law P.L.L.C.** (collectively referred to herein as “Counsel”) to assist the county attorney and/or appear for the county and its officers with respect to litigation relating to the opioid crisis.

**BE IT FURTHER RESOLVED** that the County Attorney is authorized to enter into a retainer agreement with Counsel for purposes of pursuing litigation related to the opioid crisis.

**Adopted by the County Board of Commissioners this 19<sup>th</sup> day of December, 2017.**

\_\_\_\_\_  
Chair, County Board of Commissioners

**ATTEST:** \_\_\_\_\_

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**  
**Reorganization in Public Works - Program Delivery**

Primary Originating Division/Dept: <input type="text" value="Public Works - Program Delivery"/>	Meeting Date: <input type="text" value="12/19/2017"/>
Contact: <input type="text" value="Darin Mielke"/> Title: <input type="text" value="Deputy County Engineer"/>	Item Type: <input type="text" value="Consent"/>
Amount of Time Requested: <input type="text" value=""/> minutes Presenter: <input type="text" value=""/> Title: <input type="text" value="Deputy County Engineer"/>	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Strategic Initiative: <input type="text" value="Culture: Provide organizational culture fostering accountability to achieve goals &amp; sustain public trust/confidence in County government"/>	

**BACKGROUND/JUSTIFICATION:**

Public Works - Program Delivery has had a vacancy in the Program Delivery Manager position since December 2016. We recently advertised the position for the third time. The department is having difficulty in obtaining applicants with the necessary experience and qualifications to fill this vacant position at the full-time schedule desired.

At this time, staff recommends that the Board authorize Public Works to change the 1.0 FTE Program Delivery Manager (Grade C51) position to a 0.4 FTE Program Delivery Manager position (Grade C51) to assess potential to fill this role at fewer hours. Public Works staff are working on related reorganizational changes which will be brought to the county board in the near future once the details have been finalized, as this change does not fully meet the long term needs of the department.

**ACTION REQUESTED:**

Approve a reorganization in Public Works to change the 1.0 FTE Program Delivery Manager to a 0.4 FTE Program Delivery Manager.

<b>FISCAL IMPACT:</b> <input type="text" value="Other"/> <i>If "Other", specify:</i> <input type="text" value="Part of PW Reorganization"/>	<b>FUNDING</b> <table style="width: 100%;"> <tr> <td><b>County Dollars =</b></td> <td style="text-align: right;"><b>\$0.00</b></td> </tr> <tr> <td>Reorg</td> <td style="text-align: right;">(\$70,784.00)</td> </tr> <tr> <td><b>Total</b></td> <td style="text-align: right;"><b>(\$70,784.00)</b></td> </tr> </table>	<b>County Dollars =</b>	<b>\$0.00</b>	Reorg	(\$70,784.00)	<b>Total</b>	<b>(\$70,784.00)</b>
<b>County Dollars =</b>	<b>\$0.00</b>						
Reorg	(\$70,784.00)						
<b>Total</b>	<b>(\$70,784.00)</b>						
<b>FTE IMPACT:</b> <input type="text" value="Decrease budgeted staff"/>	<input checked="" type="checkbox"/> Insert additional funding source						

**Related Financial/FTE Comments:**

The reduction from a 1.0 FTE Program Delivery Manager to a 0.40 FTE Program Delivery Manager creates \$70,784 in savings. This will be used in further reorganizational changes that will be brought to the County Board at a future date.

*Office use only:*

RBA 2017 - 5113

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**  
"Vitals, Licensing, and Permits" Software Agreement

Primary Originating Division/Dept: <input type="text" value="Property &amp; Financial Services"/>	Meeting Date: <input type="text" value="12/19/2017"/>
Contact: <input type="text" value="David Frischmon"/> Title: <input type="text"/>	Item Type: <input type="text" value="Consent"/>
Amount of Time Requested: <input type="text"/> minutes Presenter: <input type="text"/> Title: <input type="text"/>	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
Strategic Initiative: <input type="text" value="Connections: Develop strong public partnerships and connect people to services and information"/>	

**BACKGROUND/JUSTIFICATION:**

Our current Marriage License software program is at the end of its expected useful life and needs to be replaced. County staff solicited written proposals to replace the Marriage License software program from the current vendor, TriMin, and West Central Index ("WCI") which has recently partnered with Scott County to build a new "Vitals, Licensing, and Permits" software program. Scott County and Washington County are both using the new WCI program and provided outstanding reviews. The WCI program costs less plus has more features like automated Tobacco and Licensing processing compared to the TriMin program - see attached Summary Proposal for more details. Thus, county staff recommends purchasing WCI's "Vitals, Licensing, and Permits" software program.

**ACTION REQUESTED:**

Motion to approve software agreement with WCI for their "Vitals, Licensing, and Permits" software program subject to approval by the County Attorney's Office and Risk Management.

<b>FISCAL IMPACT:</b> <input type="text" value="Included in current budget"/>	<b>FUNDING</b>						
If "Other", specify: <input type="text"/>	<table style="width: 100%;"> <tr> <td style="width: 70%;">County Dollars =</td> <td style="width: 30%; text-align: right;"><b>\$40,000.00</b></td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td><b>Total</b></td> <td style="text-align: right;"><b>\$40,000.00</b></td> </tr> </table>	County Dollars =	<b>\$40,000.00</b>			<b>Total</b>	<b>\$40,000.00</b>
County Dollars =	<b>\$40,000.00</b>						
<b>Total</b>	<b>\$40,000.00</b>						
<b>FTE IMPACT:</b> <input type="text" value="None"/>	<input checked="" type="checkbox"/> Insert additional funding source						

**Related Financial/FTE Comments:**

One-time installation = \$20K + Annual Maintenance agreement \$4K \* 5 years = \$20K Total 5 year cost = \$40K

Office use only:

RBA 2017 - 5149



# Carver County Board of Commissioners Request for Board Action



## Agenda Item:

### Carver County Personnel Policy Manual Updates

Primary Originating Division/Dept: Employee Relations

Meeting Date: 12/19/2017

Contact: Kerie Anderka

Title: Employee Relations Division ...

Item Type:

Consent

Amount of Time Requested:      minutes

Attachments:  Yes  No

Presenter:                     

Title:                     

Strategic Initiative:

Culture: Provide organizational culture fostering accountability to achieve goals & sustain public trust/confidence in County government

## BACKGROUND/JUSTIFICATION:

Employee Relations is recommending updates to certain County Personnel Policies in support of County efforts to develop positive and productive workplace culture including policies, performance-based pay, job opportunities, and benefits that attract and retain an excellent workforce; reflecting support for employee and family health and wellness; and cognizant of our commitment to deliver efficient and effective public service throughout our community. The following County policies have recently undergone review and updating by Employee Relations, with highlights and commentary regarding the recommended revisions included below. Employee Relations recommends the County Board adopt current and updated versions of all policies, and personnel policy manual sections, listed below.

### Personnel Policy, Purpose Statement, Application Section, and Definitions

Update language in these sections to reflect current County intentions, and clarify statement regarding the County's recognition of protected classes, provision of equal employment opportunity, and protection from discrimination and harassment. Update these sections to conform with current position titles and terminology related to the recently implemented classification and compensation study. Reflect County values recognizing and supporting respect, equal opportunity, and the dignity and intrinsic value of each individual employed by the County and with whom we interact.

### Personnel Policy, Section B-1, Equal Employment Opportunity

Update to conform with recognized protected class language in accordance with current County practice and approach; and incorporate reporting procedure for concerns or potential violations.

### Personnel Policy, Section B-14, Performance Management

Update policy with current terminology and practice related to the County's performance management and performance evaluation process. Prior performance rating referred to in policy as "meets expectations" should be updated to "successful." Incorporate performance data appeal process, outlining a method to address concerns if an evaluation is thought to be inaccurate or incomplete. Remove reference to non-bargaining pay-for-performance within this policy, as this is more appropriately addressed in Personnel Policy, Section C-2, Compensation Plan.

### Personnel Policy, Section B-16, Lactation Support

The Lactation Support policy updates reflect changes and improvements to County Lactation Support practices and activities. In partnership with Carver County Public Health, additional lactation spaces have been created at various County work locations, improvements have been made to existing spaces; and employee and supervisor communications, preparations, and awareness of and access to related resources has been increased. To better assist families with meeting their infant feeding goals, the County is taking steps to becoming a Minnesota Department of Health designated Breastfeeding Friendly

Workplace, which is a distinguished recognition for organizations committed to this essential Public Health priority. Increased support of breastfeeding among families also has substantial organizational benefits in areas of employee recruitment and retention, health care and organizational cost savings, and community leadership.

Personnel Policy, Section C-2, Compensation Plan:

Update policy provisions in accordance with newly adopted classification and compensation study guidelines and approach, and align with current compensation practice. Address the conflict between the market study salary ranges identified as appropriate for County job classifications through the compensation and classification study, and the Minnesota Governor's Salary Cap applied to local government entities. A portion of the salary ranges in line with current market pay for certain County roles remain unavailable to Carver County employees, due to Minnesota Governor's Salary Cap limitations. This detracts from the County's objectives related to pay-for-performance, and may reduce incentive to achieve and maintain high level performance when there is no corresponding reward available. While the impact on Carver County salary ranges is limited at this time, it is anticipated that the Governor's Salary Cap will affect additional classifications as competitive market rates increase over time. There are a number of concerns raised when the County is unable to provide competitive market based salaries for critical classifications within our organization. In keeping with many suburban and metro area counties that have addressed this issue, the updated policy applicable to non-bargaining employees, states that an employee's total salary shall not exceed the County's performance pay salary range maximum for the applicable classification. If an employee's total compensation exceeds the Local Government Salary Cap, the amount of total compensation exceeding the cap shall be deposited into a Post-Employment Health Care Savings Plan. The estimated 2018 cost for this change is nominal. This policy update is recommended as an important effort to attract and retain quality staff into the future.

Personnel Policy, Section C-3, Severance Compensation

Remove obsolete sections of this policy including information addressing County employees separating employment prior to 9/27/2010.

Personnel Policy, Section D-1, Holidays

Remove obsolete sections of this policy including information that was only applicable prior to 9/27/2010.

Personnel Policy, Section D-2, Vacation & Paid Time Off (PTO)

Eliminate obsolete sections of this policy related to vacation time. The County presently provides Paid Time Off (PTO) which replaced the former sick and vacation time program. Eliminate obsolete sections addressing conversion from sick/vacation program to PTO. This policy also outlines the PTO cash-out program which applies to non-bargaining employees. Recommended updates include matching the PTO cash-out for non-bargaining employees to that of represented management employees, increasing the PTO cash-out maximum to 56 hours, from the prior maximum of 40 hours. This provides an alternative to forfeiture, for non-bargaining employees who are unable to utilize their accrued PTO. The estimated increased cost to implement this change for non-bargaining employees is around \$11,900.

Personnel Policy, Section D-3, Sick Leave

Eliminate this policy in its entirety due to being obsolete. This has been replaced by the County's Paid Time Off (PTO) policy, which can be found in Section D-2 of the County Personnel Policy Manual.

Personnel Policy, Section D-4, Leaves of Absence

Employee Relations recommends updating this personnel policy to provide funeral leave for non-bargaining employees, the same as is currently provided for represented employees per union contracts. Leave with pay, not deducted from PTO, to a maximum of two days shall be granted upon the occasion of the death of an employee's current spouse, child or step-child, parent or current parent-in-law.

Personnel Policy, Section D-5, Family Medical Leave Act (FMLA) & Minnesota Parental Leave

Current Carver County policy addressing FMLA permits employees to "elect to retain up to 40 hours of PTO or sick leave prior to converting to an unpaid leave." To maintain consistency with the County's collective bargaining agreements, Employee Relations recommends eliminating the option to hold back PTO during a leave of absence. Employee Relations advises that employees should utilize their available paid leave, prior to converting to an *unpaid* leave of absence. Situations involving employees with a serious medical condition are always evaluated on a case by case basis by Employee Relations, and employees with a serious medical condition may be offered additional unpaid leave of absence as appropriate to the situation.

Personnel Policy, Section E-5, Employee Discipline & Discharge

Clarify that the first level of formal disciplinary action, verbal warnings, are documented in writing and maintained in the employee's personnel file, consistent with current County practice. The County must maintain record of the final disposition of disciplinary action including verbal warnings, and the appropriate place to maintain this information is in the employee's personnel file. Recommended policy updates conform policy language to County practice in this area.

**ACTION REQUESTED:**

Motion to adopt Carver County Personnel Policy updates as recommended by the Employee Relations Division, for the County policies indicated above.

**FISCAL IMPACT:** Included in current budget

*If "Other", specify:*

**FUNDING**

County Dollars =

**FTE IMPACT:** None

**Total**

Related Financial/FTE Comments:

*Office use only:*

RBA 2017 - 5155

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Agency Agreement for Federal Participation in Construction with State of MN (Resolution)**

Primary Originating Division/Dept:  ▼

Meeting Date:

Contact:  Title:

Item Type:  
Consent  ▼

Amount of Time Requested:  minutes

Attachments:  Yes  No

Presenter:  Title:

**Strategic Initiative:**

▼

**BACKGROUND/JUSTIFICATION:**

This agency agreement between the County and MnDOT allows for MnDOT to act as the County's agent in accepting federal aid. This agreement is intended to cover all federally funded projects that the County is awarded funds for until revisions are needed to the agreement. MnDOT does not anticipate that the requirements in Section 18.4 will apply to Carver County, but the language is required by federal law and must be included in all federally funded project agreement as of October 1, 2010.

**ACTION REQUESTED:**

Adopt a resolution to approve Agency Agreement for Federal Participation in Construction with State of MN, pending finalization of the contract review process.

**FISCAL IMPACT:**  ▼

*If "Other", specify:*

**FUNDING**

County Dollars =

**FTE IMPACT:**  ▼

**Total**  \$0.00

Insert additional funding source

Related Financial/FTE Comments:

*Office use only:*

RBA 2017 - 5140

**BOARD OF COUNTY COMMISSIONERS  
CARVER COUNTY, MINNESOTA**

Date: December 19, 2017

Resolution No: \_\_\_\_\_

Motion by Commissioner: \_\_\_\_\_

Seconded by Commissioner: \_\_\_\_\_

**STATE OF MINNESOTA AND COUNTY OF CARVER  
AGENCY AGREEMENT FOR FEDERAL PARTICIPATION IN CONSTRUCTION**

IT IS RESOLVED, that pursuant to Minnesota Stat. Sec. 161.36, the Commissioner of Transportation be appointed as Agent of Carver County to accept as its agent, federal aid funds which may be made available for eligible transportation related projects.

BE IT FURTHER RESOLVED, the County Board Chair and the County Administrator are hereby authorized and directed for and on behalf of the County to execute and enter into an agreement with the Commissioner of Transportation prescribing the terms and conditions of said federal aid participation as set forth and contained in "Minnesota Department of Transportation Agency Agreement No. 1030010", a copy of which said agreement was before the County Board and which is made a part hereof by reference.

YES

ABSENT

NO

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STATE OF MINNESOTA  
COUNTY OF CARVER

I, Dave Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 19th day of December 2017, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 19<sup>th</sup> day of December, 2017.

\_\_\_\_\_  
Dave Hemze

\_\_\_\_\_  
County Administrator

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**  
**Request for approval to contract with OpenGov for a Budget Builder Solution**

Primary Originating Division/Dept: <input type="text" value="Property &amp; Financial Services"/>	Meeting Date: <input type="text" value="12/19/2017"/>
Contact: <input type="text" value="Mary Kaye Wahl"/> Title: <input type="text" value="Assistant Financial Services Dire"/>	Item Type: <input type="text" value="Consent"/>
Amount of Time Requested: <input type="text" value=""/> minutes Presenter: <input type="text" value=""/> Title: <input type="text" value=""/>	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Strategic Initiative: <input type="text" value="Finances: Improve the County's financial health and economic profile"/>	

**BACKGROUND/JUSTIFICATION:**  
 This contract is to purchase OpenGov's Budget Builder solution and supporting solutions (platform, reporting & analysis, budget book, & personnel cost forecasting) to streamline the budget process for both Finance and all Divisions. This solution will also provide reporting capabilities that IFS (County's financial system) doesn't provide. This will be a five year SAAS agreement totaling \$254,832.02, which includes implementation. See the fiscal comments related to the yearly cost breakout.

**ACTION REQUESTED:**  
 Motion to contract with OpenGov pending finalization of the contract review process.

<b>FISCAL IMPACT:</b> <input type="text" value="Included in current budget"/> <p><i>If "Other", specify:</i> <input type="text"/></p>	<b>FUNDING</b> <b>County Dollars =</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 80%;">2018 (incl implementatio</td><td style="text-align: right;">\$57,309.94</td></tr> <tr><td>2019 (incl implementatio</td><td style="text-align: right;">\$52,005.52</td></tr> <tr><td>2020</td><td style="text-align: right;">\$48,505.52</td></tr> <tr><td>2021</td><td style="text-align: right;">\$48,505.52</td></tr> <tr><td>2022</td><td style="text-align: right;">\$48,505.52</td></tr> <tr><td><b>Total</b></td><td style="text-align: right;"><b>\$254,832.02</b></td></tr> </table> <input checked="" type="checkbox"/> Insert additional funding source	2018 (incl implementatio	\$57,309.94	2019 (incl implementatio	\$52,005.52	2020	\$48,505.52	2021	\$48,505.52	2022	\$48,505.52	<b>Total</b>	<b>\$254,832.02</b>
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2019 (incl implementatio	\$52,005.52												
2020	\$48,505.52												
2021	\$48,505.52												
2022	\$48,505.52												
<b>Total</b>	<b>\$254,832.02</b>												
<b>FTE IMPACT:</b> <input type="text" value="None"/>													
<b>Related Financial/FTE Comments:</b> 3/15/2018- \$57,309.94 (includes \$12k implementation costs) 3/15/2019-\$52,005.52 (includes \$3,500 implementation costs) 3/15/2020-\$48,505.52 3/15/2021-\$48,505.52 3/15/2022-\$48,505.52													

*Office use only:*  
 RBA 2017 - 5151

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**  
**Farm Family of the Year**

Primary Originating Division/Dept:

Meeting Date:

Contact:  Title:

Item Type:

Amount of Time Requested:  minutes  
Presenter:  Title:

Attachments:  Yes  No

Strategic Initiative:

**BACKGROUND/JUSTIFICATION:**

The Farm Family Recognition Program has existed for over two decades and honors farm families from throughout Minnesota for their contributions to the agriculture industry and their local communities. All of the honored farm families have made significant contributions to Minnesota agriculture and their communities.

This year, the Carver County Extension Committee is honored to recognize the Hedtke Family. Curt and Joni, along with their son Chris and his wife Kristen, milk 70 grade and registered Holsteins in a tie-stall barn. They raise all of their own replacement heifers and farm 250 acres of corn and alfalfa for feed. As the attached bio highlights, the Hedtke family is also very active in their community.

**ACTION REQUESTED:**

Welcome and congratulate the Hedtke Family.

**FISCAL IMPACT:**

*If "Other", specify:*

**FUNDING**

County Dollars =

**FTE IMPACT:**

**Total**

Insert additional funding source

Related Financial/FTE Comments:

*Office use only:*

RBA 2017 - 5082

## Minnesota Farm Families of the Year

Home

Families by Year ▾

Families by County

Press Release

2017 Event Details ▾

2018 Farm Family Form

### Curt and Joni Hedtke Family

Carver County

2017

Curt's family farm was started in 1902. Curt and Joni purchased their own farm in 1983. Curt's dad, and brother, John, milked cows on the home farm until 1999. Since his dad passed away a year later, Curt has been farming the home farm, his and Joni's farm, and some rented land. After graduating from Ridgewater College in 2008 the Hedtkes' son, Chris, began farming in partnership with his parents.

Curt and Joni, along with Chris and his wife, Kirsten, milk 70 grade and registered Holsteins in a tie-stall barn; they raise all of their own replacement heifers and farm 250 acres of corn and alfalfa for feed.

Curt and Chris take care of all the daily farm operations. Joni handles most all of the financial records and works at UFC Farm Supply in Waconia. Kirsten works at Park Nicollet in St. Louis Park. Chris and Kirsten have two daughters, Maddie and Hallie. Curt and Joni have a daughter, Amanda, who along with her husband, Adam Hastings, has two sons: Jack and Max.

Curt currently serves on the Carver County 4-H Dairy Committee and works closely with the 4-H Dairy Show. Joni served on the county dairy princess committee and is a member of the Zion Lutheran Choir. Chris is a board member of the Carver County Holstein Association, a delegate for Minnesota Select Sires and a member of the Watertown-Mayer FFA Alumni. Kirsten is on the advisory council for the Watertown-Mayer Early Childhood Family Education Program.



Click the image to view a high-quality copy of the photo



# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**USS DVL Solar LLC - Large Solar Energy System**

Primary Originating Division/Dept:

Meeting Date:

Contact:  Title:

Item Type:

Amount of Time Requested:  minutes

Attachments:  Yes  No

Presenter:  Title:

**Strategic Initiative:**

**BACKGROUND/JUSTIFICATION:**

File #PZ20170023. The Planning Commission has recommended approval of a Conditional Use Permit (CUP) for USS DVL Solar LLC (US Solar - David Watts) for a Large Solar Energy System (Community Solar Garden) of up to one Megawatt (1MW). The proposed site is owned by Donald Vanderlinde and is located in Section 36 of Waconia Township. The solar development would be located on approximately 8-9 acres (currently tillable soils) of the 75.83 acre parcel. The remaining acreage would consist of agriculture production land and the existing farmstead.

The applicant submitted supplemental information at the Planning Commission hearing in an effort to address questions and concerns, including: 1) the proposed \$25,000 decommissioning surety; 2) questions on the environmental impact of the materials; 3) ordinance requirements; 4) property values; 5) stray voltage questions; 6) compatibility with the neighborhood and Comprehensive Plan; 7) fencing details; and 8) updated site plans to address setbacks and other concerns. The applicant's updated site plans are attached, illustrating an increase in the original setback distance from a neighboring residence, from approximately 76 feet to 705 feet.

The Planning Commission Resolution of approval is attached.

The Waconia Town Board reviewed the request and recommended denial.

A brief memo is also attached for the Board's reference, highlighting Section 152.251 of the Zoning Code (Required Findings), which sets forth the findings that must be stated when approving or denying a CUP application.

**ACTION REQUESTED:**

Motion to direct the staff to prepare an Order for the Board's consideration in the January 2, 2018 Board Meeting. The staff asks that the Board's motion indicate whether the Order should approve or deny the application for a CUP.

**FISCAL IMPACT:**

If "Other", specify:

**FUNDING**

County Dollars =

**FTE IMPACT:**

**Total**

Insert additional funding source

Related Financial/FTE Comments:



**COUNTY OF CARVER  
PLANNING COMMISSION RESOLUTION**

**FILE #: PZ20170023**

**RESOLUTION #: 17-14**

**WHEREAS**, the following application for a Conditional Use Permit has been submitted and accepted:

**FILE #:** PZ20170023

**APPLICANT:** David Watts (United States Solar Corporation, USS DVL Solar LLC)

**OWNER:** Donald Vanderlinde

**SITE ADDRESS:** 10235 Hwy 284, Waconia Township

**PERMIT TYPE:** Renewable Energy – Large SES

**PURSUANT TO:** County Code, Section 152.039 (B)(2)(b)  
and 152.052

**LEGAL DESCRIPTION:** See attached Exhibit "A"

**PARCEL #:** 09-036-0500

**WHEREAS**, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meetings of October 17, 2017 and November 21, 2017; and,

**WHEREAS**, the Carver County Planning Commission finds as follows:

1. The subject property (approximately 75.83 acres) is owned by Donald Vanderline and is located in the W half of the NW ¼ of Section 36, Waconia Township. The proposed request is located on approximately 8-9 acres of the 75.83 acre parcel consisting of production land located in the Agricultural Zoning District and the CCWMO – Carver Creek watershed.
2. The Planning Commission continued the public hearing from the October 17, 2017 meeting to the November 21, 2017 meeting to allow for additional review and discussion regarding, but not limited to, screening, decommissioning, and operational plan proposed location. On July 25, 2017, the Carver County Land Management Department received an e-mail from US Solar LL requesting the application be heard at the October 17, 2017 Planning Commission meeting. The applicant has provided a waiver to the 60 day law.
3. The applicant, US Solar, USS DVL Solar LLC (David Watts), is requesting to construct, operate (by lease), and maintain up to a one (1) Mega- Watt (MW) Community Solar Garden (CSG) as a Renewable Energy (Large – Solar Energy System) – Conditional Use Permit (CUP) on the subject parcel. The request is being proposed as part of Xcel Energy’s Community Solar Garden Program, which was established by the State of Minnesota in 2013. The Energy contract with Xcel Energy for this program is for a minimum of 25 years.
4. The proposed request is considered a Large Solar Energy System (LSES) based on the fact that the current (DC) rate capacity exceeds 100 kilowatts and would produce energy that would be added to Xcel Energy’s existing grid system. A Large SES requires a CUP pursuant to Section 152.039 and 152.052 of the Zoning Code. The applicant has stated that they have modified the proposed site plan to meet the current zoning code requirements.
5. The Carver County Board of Commissioners approved an ordinance amendment to Zoning Code section, 152.039 Renewable Energy, on July 11, 2017. The applicant’s complete application was submitted and accepted to the Carver County Land Management Department on July 10, 2017, therefore; the application would be reviewed against the previous ordinance standards.
6. The 2030 Carver County Comprehensive Plan identifies a land use summary table (similar to all township land use

tables), which was required by the Metropolitan Council. It is for informational purposes only and it is not a land use policy. Policy LU-19 under the Agricultural Policy Area states that “certain other uses of land may be necessary or appropriate in the policy area”. Policy LU-16 under the Agricultural Policy Area states that “undue restrictions on solar access and renewable energy should be avoided”. The use of agricultural land is temporary in nature and the impervious areas would be minimal. The amount of long term agriculture land utilized for the large SES is small in relation to the total acreage of the Xcel Energy service area. These factors are compatible with the 2030 Comprehensive Plan.

7. The applicant has noted in their operational plan “cover letter” (dated: July 8, 2017) that USS DVL Solar LLC has submitted application on behalf of United States Solar Corporation (“US Solar”), a small business headquartered out of Minneapolis and responsible for coordinating all projects including development, permits, finance, construction, management, insurance, maintenance, monitoring, and customer service.
8. The applicant has indicated the site was selected due to its solar resource, physical characteristics (limited grading, no impact to wetlands, neighbors, and soils), proximity and access to high-value 3-phase distribution facilities (on project-side of Hwy 284), applicable zoning and permit requirements, and willingness of the landowner. Donald Vanderlinde has entered into a minimum 25 year lease agreement with USS DVL Solar LLC.
9. The applicant is proposing to construct and operate up to a one (1) mega-watt (MW) solar garden on the site. The major equipment components of the solar array include the solar modules, inverters, and racking. The panels would be on single-axis trackers, which rotate from east to west and will be a maximum of 10 feet in height and do not require concrete foundations therefore; are easily removed during decommissioning. The energy produced on the site would be fed to 40 inverters installed throughout the site, which would be enclosed and meet all applicable codes and standards. From the inverters, energy would be transferred to the interconnection location on the west side of the project area through underground, medium-voltage cable, to the proposed new utility pole location within an Xcel Energy easement area to the west of the proposed operational area. The exact panel, array, inverter and electrical interconnection configuration and dimensions may change based on the actual equipment and manufacturer selection however, the ultimate panel/fencing locations must remain within the approved site plan.
10. According to the applicant, no substantial grading or filling is being proposed in the design of the solar array with the exception of a 15-foot wide unpaved access road. The proposed solar racking is noted to accommodate the existing terrain allowing for maintenance of the existing drainage and runoff patterns, minimizing the impact to surrounding lands. Any/all grading will be pursuant to the final engineering design and building permit submittal.
11. During construction the hours of operation are proposed to be 7:00 a.m. – 7:00 p.m. Monday through Friday (weekends if needed). After construction, the CSG would operate 24 hours a day, 365 days a year. Site operations (energy productivity) would be monitored remotely with equipment determined and approved by Xcel Energy. There would be no daily traffic after completion of construction although, one (1) quarterly site visit (one vehicle with two authorized employees) will take place to perform routine maintenance. During the first few years of operations, a landscape maintenance crew would visit the site monthly, during the growing season, to ensure landscaping is growing and managed efficiently.
12. USS DVL Solar LLC is proposing to drive piles (metal posts) into the ground to support the single-axis tracker racking system. The applicant has noted the piled will be installed with noise mitigating, vibrating piles that are anchored into the ground based on structural analysis which also facilitate decommissioning as they do not require cement foundations and are easily removed. The Carver County Zoning Code includes a standard which requires foundation posts to be installed using noise mitigating equipment such as a vibrating post driver or any other noise reduction method as may be stipulated by the CUP, with which the applicant would need to comply.
13. The surrounding land uses consist of agriculture, and several homesteads within a half mile of the project. At the October 17, 2017 Planning Commission meeting, the applicant presented an amended site plan moving the operational area to the south on the proposed parcel. It appears the closest resident is approximately 705 feet from the operational area; and the nearest feedlot, the Vanderline’s, is located approximately 300 feet from the operational area. Landscape screening (cardinal dogwoods) has been proposed on the west and north sides of the operational area. The applicant is

proposing a farm field style fencing, without barbed wire, not to exceed eight (8) feet in height around the perimeter of the operational area for security measures.

14. Xcel Energy has conducted and completed an engineering cost estimate and provided an Interconnection Agreement, dated June 20, 2017. Xcel Energy provides the study results to inform the applicant of the engineering indicative cost estimate, where they are located in the interconnection queue, and to identify the maximum generation capacity (in MW) which can be accommodated at the site location. The interconnection location, located to the west of the operational area, would be constructed pursuant to Xcel Energy's standards and would also require a minimum of three (3) utility poles (at the interconnect point).
15. US DVL Solar LLC would take on the responsibility and costs of the decommissioning of the site at the end of the operational life of the CSG as noted in the lease between the property owner and US Solar LLC. Decommissioning would commence after twelve (12) months of non-operation. The project site would be restored to pre-construction conditions after removal of the structures and restoration of soil and vegetation. Fencing would be removed and recycled, the access will be reclaimed and soils replaced where needed. The site could be restored to productive farmland. USS DVL Solar LLC would be responsible for all costs and would supply a \$15,000 decommissioning fund available to the landowner as well as the County as a letter of credit or escrow if USS DVL Solar LLC is unable or unwilling to commence decommissioning. The applicant has spelled out the decommissioning process in their operational plan (dated: July 8, 2017) and in the supplemental information (dated: November 13, 2017) including a salvage value and decommissioning budget. The applicants have indicated in their submitted supplemental statement (dated: November 13, 2017) that they would post \$25,000 to the decommissioning fund. The operational plan and supplemental information appears to satisfy the decommissioning standard.
16. The applicant's operational plan includes acknowledgement of the public's concerns regarding stray voltage and provides additional informational materials. The applicant has also provided additional stray voltage information in their supplemental statement (dated: November 13, 2017) including a letter from Westwood Engineering Electrical Engineering Manager. A condition of this permit should be that any stray voltage would be remediated within 30 days of detection and verification, and all test results would be sent to Carver County for reference and made publicly available.
17. The applicant has provided contact information for any maintenance and operation questions or concerns in their operational plan (dated: July 8, 2017). The applicant would need to provide a more detailed emergency response plan as well as contractor details pertaining to drainage, weed maintenance, screening, site maintenance, stray voltage, etc. It is understood that many of the subcontractor details are not addressed until a solar company and Xcel Energy have reached the final design plan phase for a project. The applicant would be required to submit (to the Carver County Land Management Department) the list of emergency contacts (during the construction phase) with an emergency plan prior to the issuance of any building permits. Updated contacts for post construction would be required to be submitted within 30 days of the issuance of the Building Permit Certificate of Occupancy (C.O.). The applicant would be required to provide signage with referenced contact information to be placed on the security fencing at this entrance to the operational area. All signage posted on site would be in compliance with Chapter 154 – Sign Regulations. Internal signage is required for labeling of electrical equipment to provide safety and support good practices.
18. The applicant has completed a preliminary drainage plan although, a full drainage report would be completed as part of the Stormwater and Pollution Prevention Plan (SWPPP) permit to be reviewed by the CCWMO as part of their stormwater management standards. A condition should be placed on the permit request which states, "The permittee shall be responsible for the maintenance and/or replacement of any/all drain tile servicing this site (if problems occur) for the duration of the CUP".
19. The Carver County Planning and Water Management Department (CCWMO) and Carver Soil & Water Conservation District (SWCD) would be reviewing the project with respect to the County Water Rules (Chapter 153), and for site stabilization requirements and Best Management Practices (BMP's). The applicant would be required to comply with any/all permitting requirements. As part of their formal review, they will also:
  - a. Review project plans to ensure that there are no upstream or downstream impacts caused by the project;

- b. Review project plans to ensure that existing drain tile servicing the site has been identified and will be avoided during construction. Or, if any changes to the site's existing natural and subsurface drainage system are proposed, review changes to ensure that the proposed drainage system has the same capacity as the existing system;
  - c. Review proposed erosion and sediment control BMP's to ensure the site will be managed in a way that prevents offsite erosion or deposit of sediment during construction and is permanently stabilized following construction;
  - d. Review other items as needed to demonstrate compliance with County Water Rules (Chapter 153);
  - e. Collect a surety of \$1,000 per acre up to a maximum of \$50,000 to ensure for faithful performance of the approved plans and to finance any necessary remedial work. The surety shall be held until the following conditions are met (additional conditions may be added during review):
    - i. The project is complete;
    - ii. The site has been re-vegetated (90% vegetative cover across the site, 100% vegetative cover with no signs of erosion in areas of concentrated flows);
    - iii. All erosion and sediment control measures have been removed.
20. The applicant has committed to using pollinator-friendly and native grasses underneath the solar panels and in the surrounding areas. The vegetation would be chosen to reduce stormwater runoff, expand habitat for pollinators, and preserve and improve soils to enhance the surrounding agricultural activity. USS DVL LLC would control weeds and maintenance throughout the life of the project. Final implementation of the seeding plan shall be subject to review/recommendations by the CCWMO. USS DVL LLC would ensure ground cover at the site is maintained and mowed.
21. USS DVL LLC has proposed, on their updated site plan (dated October 17, 2017), access to the site via State Hwy 284. The access road would be approximately 15 feet wide with approximately four – eight inches of aggregate material. The applicant would be required to secure and access permit from the road authority (MnDOT).
22. Carver County Public Works has been notified of the request and commented that 102<sup>nd</sup> Street is proposed as a future minor arterial (Co Rd 10) which would require a 110 foot setback from the center of the road. The City of Waconia was also notified, but no comments have been received as of this writing.
23. The applicant has indicated that they are committed to meeting Minnesota state requirements for liability insurance coverage. In their July 8, 2017 operational plan, they identify the insurance coverage requirements. The state guidelines require the Permittee to maintain a comprehensive public liability insurance policy which is written by an insurance carrier and must be authorized by law.
24. The Waconia Town Board reviewed the request during their October 9, 2017, Town Board meeting and recommended denial of the request with the following concerns:
- Incompatibility with the neighborhood and the proximity to adjacent house and roadway.
  - Proximity to future City growth and incompatibility with the Comprehensive plan.
  - Location in regard to future improvements to 102<sup>nd</sup> Street to Co Rd 10.
- The Waconia Town Board also reviewed the request (updated site plan dated: 10/17/2017) at their October 23, 2017, Town Board Meeting and recommended denial of the request siting:
- Lack of access approval.
  - Underestimated decommissioning cost.
  - Inappropriate location for a large commercial business.
  - Insufficient screening.

**THEREFORE, BE IT RESOLVED** THAT The Carver County Planning Commission hereby recommends the issuance of Conditional Use Permit #PZ20170023 for a Large SES - Community Solar Garden on the land described in Exhibit "A" of the permit application. The Planning Commission further recommends that the following conditions be attached to the permit:

1. The permit is subject to Compliance Review. The permit allows for a community solar garden on the subject 75± acre property (approx. 8-9± acre operational area) and it is not transferable to another parcel and/or another area of the parcel subject to the permit. Upon notice to the Carver County Land Management Department, the permit, including all rights and obligations therein, may be assigned, in whole or in part, to any Permittee affiliate and any party with experience owning and operating energy generation facilities. Any other proposed change in facility ownership shall be cause for the permit to be reviewed by the Carver County Land Management Department for a determination as to whether an application for an amendment or similar consideration is necessary, and any such proposed owners and/or operators of the solar site are encouraged to contact Land Management as early on in the timeline of the proposed change as possible.
2. Permittee shall operate in accordance with the submitted CSG Application (submittal date: July 10, 2017) and Supporting Documentation (dated: July 8, 2017 and November 13, 2017) and Site Plan(s) (dated: November 7, 2017). These plans shall be considered a requirement of this permit. The CSG shall be installed and maintained in accordance with Section 152.039 including; noise mitigation, decommissioning, and screening.
3. All structures used in conjunction with the facility shall meet the applicable requirements of the Carver County Zoning Code and State Building Code. Any required building permits must be obtained prior to construction.
4. The permit is subject to any/all MnDOT (or appropriate road authority) standards pertaining to access requirements. The appropriate permit(s) shall be obtained before any work commences within the road right-of-way.
5. Any grading and/or filling activity on the property shall be completed in accordance with the Carver County Water Management Rules and the Wetland Conservation Act (WCA), if applicable. Any and all site improvements shall be completed pursuant to Chapter 153 – Water Resource Management. Stormwater Management review and approvals are required prior to the issuance of construction and/or building permits.
6. The Permittee shall be responsible for the maintenance, replacement, and/or abandonment of any/all drain tile servicing this site for the duration of the CUP. The Permittee shall work with the landowner to determine if replacement or abandonment is necessary for the any drain tile (if problems occur).
7. The vegetative cover shall be implemented in accordance with the operational plan and supplemental information (dated: July 8, 2017 and November 13, 2017), which shall be considered a requirement of this permit. The project shall be planned and developed in a way that is beneficial to pollinators – meeting or exceeding the statewide standard for pollinator-friendly solar for the area specified in the operational/site plan(s). The Permittee shall be responsible for maintaining any/all vegetative ground cover for the duration of the CUP. Final implementation of the plan(s) shall be subject to the CCWMO review and approval. Landscape screening plants shall be chosen as a native vegetation as recommended by the DNR or landscape professional.
8. Permittee shall comply at all times with the County standards as detailed in Chapter 152 – Zoning Code and Chapter 154 – Sign Regulations.
9. Pursuant to the operational plan (dated: July 8, 2017 and November 13, 2017), USS DVL Solar LLC shall construct the facility according to the National Electrical Safety Code standards. Any stray voltage will be remediated within 30 days of detection and verification. Results of any stray voltage data collection shall be submitted to Carver County Land Management Department.
10. Decommissioning of the solar facility shall be implemented in accordance with the Decommissioning Plan process (date: July 8, 2017 and November 13, 2017) at the end of the life of the community solar garden. The Permittee shall be responsible for all of the decommissioning costs and will list Carver County as having access to the security, escrow, or letter of credit in the event decommissioning is required. The Permittee & Property Owner shall maintain this agreement for the duration of the solar energy array. The Permittee shall also provide the list of contractors including name(s), addresses and telephone numbers to Land Management Department for the decommissioning and reclamation once the essential service is no longer in use.

11. The Permittee shall provide the Carver County Land Management Department with the Operation & Maintenance agreement documenting the emergency/response plan containing contact name(s), addresses, and telephone number(s) for the responsible party(s) as it pertains to drainage, weed maintenance, screening, site maintenance, stray voltage, etc. The list of contacts shall also be posted/identified by a placard sign at the site with the contact name(s), addresses, and telephone number(s). The completed (construction) emergency/response plan shall be submitted to the Land Management Department prior to the issuance of any building permit(s), and/or prior to beginning any construction activities on the subject parcel, as well as an emergency plan (post-construction) listing contacts for the on-going maintenance/operations after construction is completed. This plan shall be submitted within 30-days of receiving the Building Permit Certificate of Occupancy (C.O.).
12. No later than the date that construction of the solar facility begins; the Permittee (including all Permittee affiliates) shall name Carver County as an additional insured on all policies of liability insurance. The Permittee shall annually file with the Carver County Land Management Department a certificate evidencing coverage. The certificate shall provide that the County must be given thirty (30) days written notice of the cancellation of insurance.
13. No later than the date that construction of the solar facility begins, the Permittee (including all Permittee affiliates) shall submit a copy of Worker's Compensation Insurance to the Carver County Land Management Department.

**ADOPTED** by the Carver County Planning Commission this 21<sup>st</sup> day of November, 2017.

DocuSigned by:

*Jim Burns*

C49E5600A5C3414...

Jim Burns

Planning Commission Chair

12/8/2017 | 7:42:50 AM PST



# Exhibit C



**LEGEND**

- SINGLE AXIS TRACKER
- POWER STATION - (1) 480V 2000A PANELBOARD, (1) MV TRANSFORMER, (1) DAS, (1) WEATHER STATION
- (E) XCEL ENERGY OVERHEAD POLES
- (N) UTILITY POLES
- 15' WIDE SITE ACCESS ROAD
- LANDSCAPE BUFFER
- U.G. MEDIUM VOLTAGE CABLE
- OVERHEAD MEDIUM VOLTAGE CABLE
- PROJECT SITE SECURITY FENCE
- PROPERTY LINE
- STRUCTURE SETBACK
- EXISTING WETLANDS (NW1)
- TOP OF PERMANENT BASIN

**SYSTEM SPECIFICATIONS**

SYSTEM SIZE DC	1,425.60 kW
SYSTEM SIZE AC	1,000.00 kW
DC/AC RATIO	1.4256
MODULE RATING	330 W
TOTAL MODULE QTY	4320
TOTAL NO. TRACKER RACKS	60
TILT ANGLE	0°
INTER-ROW SPACING	12.0'
PITCH	18.4'
GCR	34.8%
AREA OCCUPIED	8.81 Ac

- GENERAL NOTES**
- INSTALLATION TO COMPLY WITH NEC 2014 ARTICLE 690 AND ALL APPLICABLE LOCAL, STATE AND NATIONAL CODES OR REGULATIONS.
  - EQUIPMENT SHALL BE LABELED PER NEC 690 AND XCEL ENERGY REGULATIONS.
  - 15' ACCESS ROADS SHALL BE DESIGNED TO ACCOMMODATE ALL CONSTRUCTION, OPERATIONS, MAINTENANCE, AND UTILITY TRAFFIC THROUGHOUT THE SITE.
  - DIMENSIONS TO PROPERTY LINES AND EXISTING FEATURES ARE APPROXIMATE PENDING SURVEY.

## Westwood

Phone (952) 937-5150 7699 Anagram Drive  
 Fax (952) 937-5822 Eden Prairie, MN 55344  
 Toll Free (888) 937-5150 westwoodps.com  
 Westwood Professional Services, Inc.

Designed: MDO  
 Checked: KMP  
 Drawn: MDO

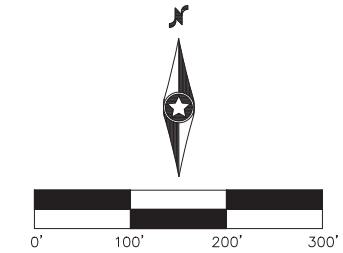
Record Drawing by/date:

Revisions

DATE	DESCRIPTION

Prepared for:

100 N 6th St #218c  
 Minneapolis, MN 55403



**USS DVL Solar LLC**  
 Carver County, Minnesota  
 10289 102nd St.  
 Waconia, MN 55387

PV Site Plan

Not for Construction

Date: 11/07/17

Sheet: C.100



**LEGEND**

	SINGLE AXIS TRACKER
	POWER STATION - (1) 480V 2000A PANELBOARD, (1) MV TRANSFORMER, (1) DAS, (1) WEATHER STATION
	(E) XCEL ENERGY OVERHEAD POLES
	(N) UTILITY POLES
	15' WIDE SITE ACCESS ROAD
	U.G. MEDIUM VOLTAGE CABLE
	OVERHEAD MEDIUM VOLTAGE CABLE
	PROJECT SITE SECURITY FENCE
	PROPERTY LINE
	STRUCTURE SETBACK
	SILT FENCE
	FIBER ROLL
	EXISTING WETLANDS (NWI)
	DRAINAGE AREA BOUNDARY
	FLOW DIRECTION ARROWS
	TOP OF PERMANENT BASIN

# Westwood

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 Fax (952) 937-5822 Eden Prairie, MN 55344  
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 Westwood Professional Services, Inc.

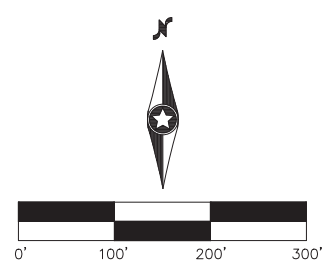
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**Checked:** KMP  
**Drawn:** MDO

**Record Drawing by/date:**

Revision #	DATE	DESCRIPTION

Prepared for:

100 N 6th St #218c  
 Minneapolis, MN 55403



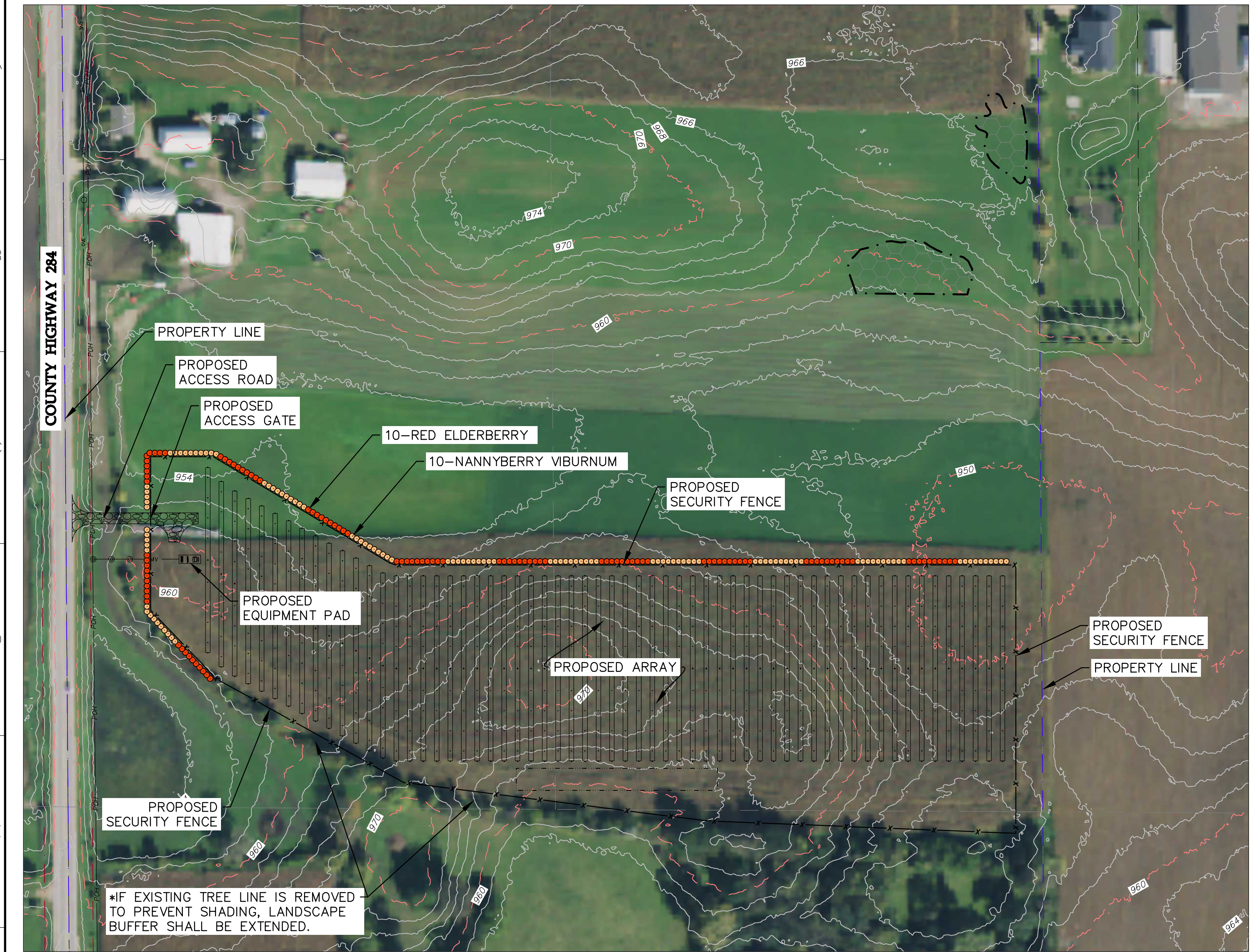
**USS DVL Solar LLC**  
 Carver County, Minnesota  
 10289 102nd St.  
 Waconia, MN 55387

## Site Hydrology

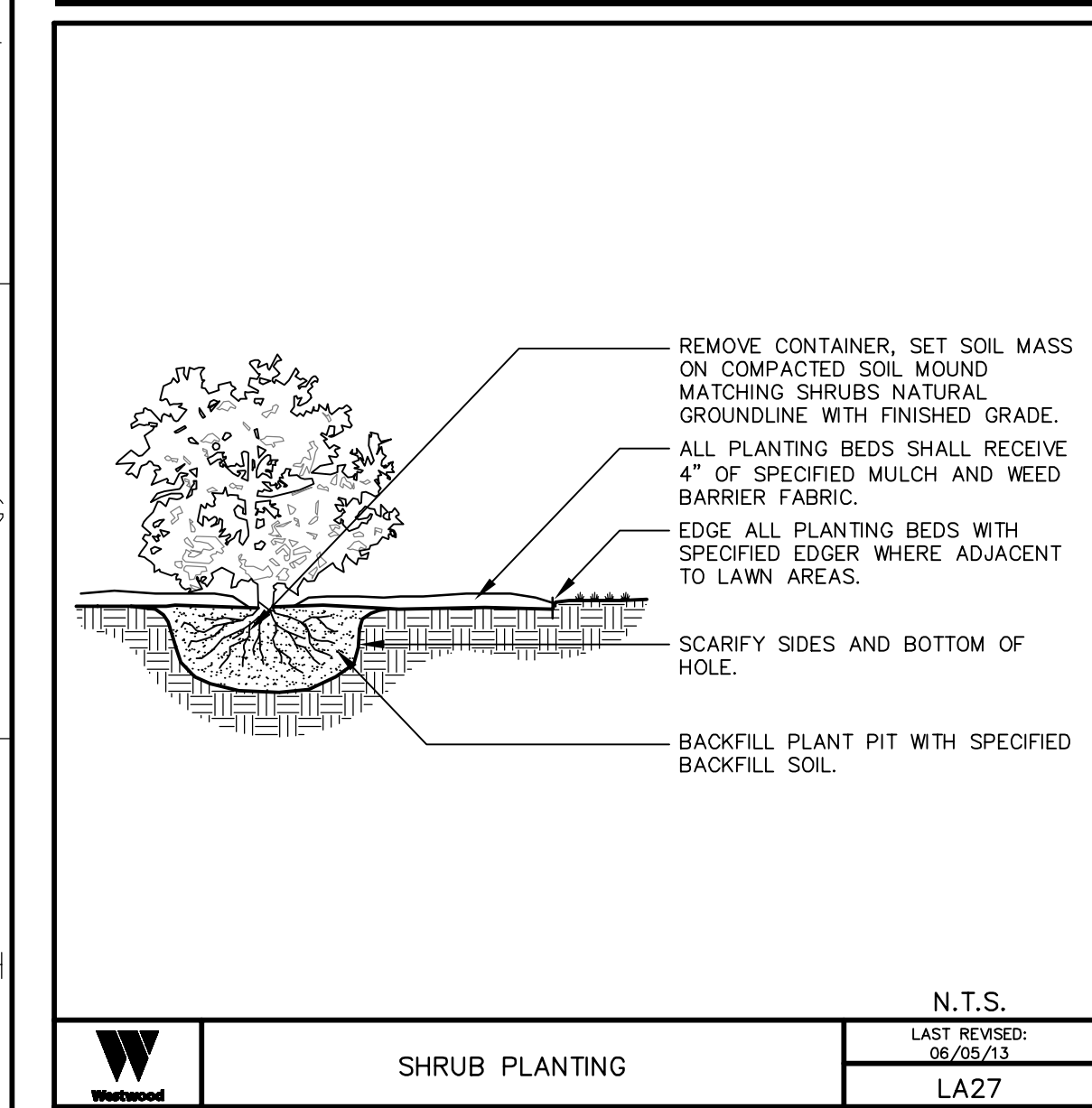
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Date: 11/07/17

Sheet: C.103



**Planting Details**

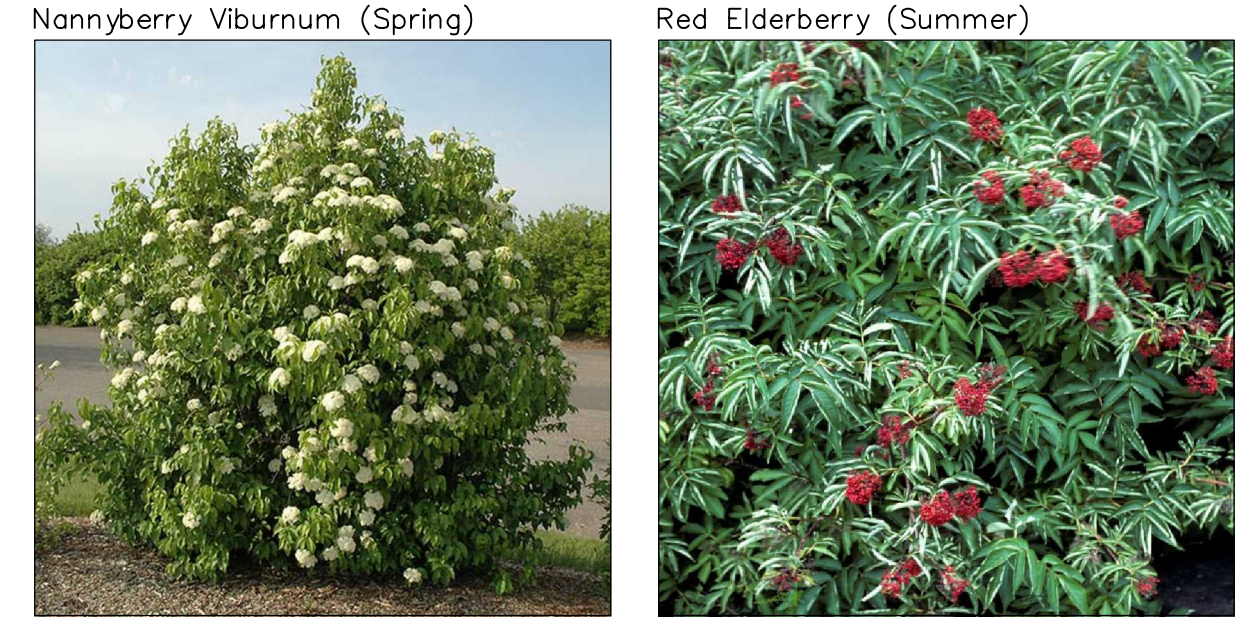


**Buffer Planting Schedule**

KEY	QTY.	COMMON/BOTANICAL NAME	SIZE	SPACING O.C.	MATURE HEIGHT
○●	110	Nannyberry Viburnum / Viburnum lentago	#5 CONT.	7'-0" O.C. TYP.	10'-20'
●●	110	Red Elderberry / Sambucus racemosa	#5 CONT.	7'-0" O.C. TYP.	10'-12'

NOTE: QUANTITIES ON PLAN SUPERSEDE LIST QUANTITIES IN THE EVENT OF A DISCREPANCY.

**Buffer Planting Materials**



**Planting Notes**

- CONTRACTOR SHALL CONTACT GOPHER "ONE CALL" (651-454-0002 or 800-252-1166) TO VERIFY LOCATIONS OF ALL UNDERGROUND UTILITIES PRIOR TO INSTALLATION OF ANY PLANTS OR LANDSCAPE MATERIAL.
- ACTUAL LOCATION OF PLANT MATERIAL IS SUBJECT TO FIELD AND SITE CONDITIONS.
- NO PLANTING WILL BE INSTALLED UNTIL ALL GRADING AND CONSTRUCTION HAS BEEN COMPLETED IN THE IMMEDIATE AREA.
- ALL SUBSTITUTIONS MUST BE APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO SUBMISSION OF ANY BID AND/OR QUOTE BY THE LANDSCAPE CONTRACTOR.
- CONTRACTOR SHALL PROVIDE ONE YEAR GUARANTEE OF ALL PLANT MATERIALS. THE GUARANTEE BEGINS ON THE DATE OF THE LANDSCAPE ARCHITECT'S OR OWNER'S WRITTEN ACCEPTANCE OF THE INITIAL PLANTING. REPLACEMENT PLANT MATERIAL SHALL HAVE A ONE YEAR GUARANTEE COMMENCING UPON PLANTING.
- ALL PLANTS TO BE SPECIMEN GRADE, MINNESOTA-GROWN AND/OR HARDY. SPECIMEN GRADE SHALL ADHERE TO, BUT IS NOT LIMITED BY, THE FOLLOWING STANDARDS:  
 ALL PLANTS SHALL BE FREE FROM DISEASE, PESTS, WOUNDS, SCARS, ETC.  
 ALL PLANTS SHALL BE FREE FROM NOTICEABLE GAPS, HOLES, OR DEFORMITIES.  
 ALL PLANTS SHALL BE FREE FROM BROKEN OR DEAD BRANCHES.  
 ALL PLANTS SHALL HAVE HEAVY, HEALTHY BRANCHING AND LEAFING.  
 CONIFEROUS TREES SHALL HAVE AN ESTABLISHED MAIN LEADER AND A HEIGHT TO WIDTH RATIO OF NO LESS THAN 5:3.
- PLANTS TO MEET AMERICAN STANDARD FOR NURSERY STOCK (ANSI Z601-2004 OR MOST CURRENT VERSION) REQUIREMENTS FOR SIZE AND TYPE SPECIFIED.
- PLANTS TO BE INSTALLED AS PER MNLA & ANSI STANDARD PLANTING PRACTICES.
- PLANTS SHALL BE IMMEDIATELY PLANTED UPON ARRIVAL AT SITE. PROPERLY HEEL-IN MATERIALS IF NECESSARY; TEMPORARY ONLY.
- PRIOR TO PLANTING, FIELD VERIFY THAT THE ROOT COLLAR/ROOT FLAIR IS LOCATED AT THE TOP OF THE BALLED & BURLAP TREE. IF THIS IS NOT THE CASE, SOIL SHALL BE REMOVED DOWN TO THE ROOT COLLAR/ROOT FLAIR. WHEN THE BALLED & BURLAP TREE IS PLANTED, THE ROOT COLLAR/ROOT FLAIR SHALL BE EVEN OR SLIGHTLY ABOVE FINISHED GRADE.
- REMOVE POT ON POTTED PLANTS; SPLIT AND BREAK APART PEAT POTS.
- PRUNE PLANTS AS NECESSARY - PER STANDARD NURSERY PRACTICE AND TO CORRECT POOR BRANCHING OF EXISTING AND PROPOSED TREES.
- THE NEED FOR SOIL AMENDMENTS SHALL BE DETERMINED UPON SITE SOIL CONDITIONS PRIOR TO PLANTING. LANDSCAPE CONTRACTOR SHALL NOTIFY LANDSCAPE ARCHITECT FOR THE NEED OF ANY SOIL AMENDMENTS.
- BACKFILL SOIL AND TOPSOIL TO ADHERE TO MN/DOT STANDARD SPECIFICATION 3877 (COMMON TOPSOIL BORROW) AND TO BE EXISTING TOP SOIL FROM SITE FREE OF ROOTS, ROCKS LARGER THAN ONE INCH, SUBSOIL DEBRIS, AND LARGE WEEDS UNLESS SPECIFIED OTHERWISE. MINIMUM 12" DEPTH TOPSOIL FOR TREE, SHRUBS, AND PERENNIALS.
- PROVIDE MULCH FOR ALL TREE AND SHRUB PLANTINGS PER DETAIL. MULCH TO BE SHREDDED HARDWOOD AND FREE OF DELETERIOUS MATERIAL. MULCH 3' DIAMETER RING AROUND ALL TREES AND SHRUBS TO A DEPTH OF 4". KEEP MULCH OFF TRUNK.
- CONTRACTOR SHALL PROVIDE NECESSARY WATERING OF PLANT MATERIALS UNTIL THE PLANT IS FULLY ESTABLISHED OR IRRIGATION SYSTEM IS OPERATIONAL. OWNER WILL NOT PROVIDE WATER FOR CONTRACTOR.
- REPAIR, REPLACE, OR PROVIDE SOD/SEED AS REQUIRED FOR ANY ROADWAY BOULEVARD AREAS ADJACENT TO THE SITE DISTURBED DURING CONSTRUCTION.
- REPAIR ALL DAMAGE TO PROPERTY FROM PLANTING OPERATIONS AT NO COST TO OWNER.

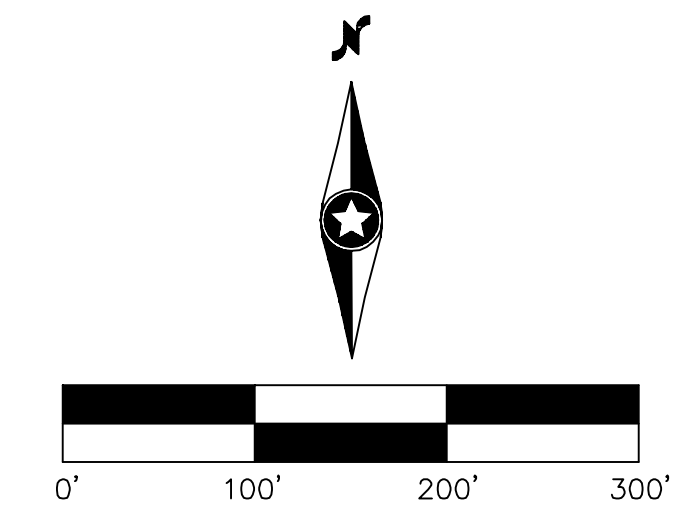
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 Drawn: \_\_\_\_\_ NTM

Record Drawing by/date: \_\_\_\_\_

Revisions #	DATE	DESCRIPTION

Prepared for:

100 N 6th St #218c  
 Minneapolis, MN 55403



**USS DVL Solar LLC**  
 Carver County, Minnesota  
 10289 102nd St.  
 Waconia, MN 55387

Preliminary Landscape Plan

Not for Construction

Date: 11/03/17  
 Sheet: C.500

**COUNTY OF CARVER**  
**PUBLIC SERVICES DIVISION**  
*Department of Land Management*

December 8, 2017

**TO:** Carver County Board of Commissioners  
**FROM:** The Land Management Department  
**SUBJECT:** Application for a Conditional Use Permit (Renewable Energy – Large SES)

**FILE #:** PZ20170023

**APPLICANT:** David Watts (United States Solar Corporation, USS DVL Solar LLC)

**OWNER:** Donald Vanderlinde

**SITE ADDRESS:** 10235 Hwy 284, Waconia Township

**PERMIT TYPE:** Renewable Energy – Large SES

**PURSUANT TO:** County Code, Section 152.039 (B)(2)(b)  
and 152.052

**PARCEL #:** 09-036-0500

Section 152.251 of the Zoning Code addresses the ten required findings, which must be considered by the Board in making the decision to approve or deny a CUP, as follows:

**§ 152.251 REQUIRED FINDINGS.**

An order for the issuance of a CUP or IUP can be adopted only if all of the following are found as fact. Any conditions imposed by the permit or actions required as part of the order shall be considered in making findings:

- (A) The conditional or interim use is permitted as a permitted conditional or interim use within the zoning district, and meets all requirements of this chapter and any other county, regional, state, or federal laws, ordinances, rules or regulations.
- (B) The conditional or interim use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
- (C) The establishment of a conditional or interim use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
- (D) The effects of the proposed use will not be detrimental to the health, safety and welfare of Carver County or to the occupants of the immediate neighborhood.
- (E) That adequate utilities, access roads, drainage and other facilities have been or are being provided.
- (F) That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use if these measures are applicable.
- (G) That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance if these measures are applicable.
- (H) The use or development conforms to the County Comprehensive Plan.
- (I) The use or development is compatible with the land uses in the neighborhood.
- (J) A public hearing was held pursuant to § [152.285](#) and M.S. § 394.26, as it may be amended from time to time.

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**  
Resolution Setting 2018 County Attorney and County Sheriff Compensation

Primary Originating Division/Dept: <input type="text" value="Employee Relations"/>	Meeting Date: <input type="text" value="12/19/2017"/>
Contact: <input type="text" value="Kerie Anderka"/> Title: <input type="text" value="Employee Relations Division Dir"/>	Item Type: <input type="text" value="Regular Session"/>
Amount of Time Requested: <input type="text" value="10"/> minutes	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
Presenter: <input type="text" value="Kerie Anderka"/> Title: <input type="text" value="Employee Relations Division Dir"/>	
Strategic Initiative: <input type="text" value="Culture: Provide organizational culture fostering accountability to achieve goals &amp; sustain public trust/confidence in County government"/>	

**BACKGROUND/JUSTIFICATION:**

The County Board has the authority to set compensation, including salary and benefits, for elected County officials including the County Attorney and the County Sheriff. Minnesota law requires that the Board set the salaries of these elected officials with regard for the responsibilities and duties of office, as well as the elected official's experience, qualifications and performance. In addition, court rulings indicate that Commissioners are responsible to ensure the salaries are in line with similarly situated counties in the state. The attached Resolution addresses the 2018 compensation for these two elected officials.

County Attorney Metz's 2017 salary is set at \$162,491 and Sheriff Olson's 2017 salary is \$150,142. Market data is attached for both the County Sheriff and County Attorney positions, reflecting the current year (2017) data. It is anticipated that the metro counties cited for comparison purposes will also be increasing salaries for 2018.

The County's settled collective bargaining agreements established a 2017 pay-for-performance and general adjustment increase pattern. Excluding the impact of market adjustments specifically related to the classification and compensation study, the average actual salary increase for Carver County employees for 2017 was approximately 4.00%. The County has negotiated a similar performance-based increase and general adjustment pattern for 2018. For employees who have not yet reached the target rate for their classification, their performance based increase percentage is calculated on the target rate of their assigned salary range. Carver County's approach with regard to compensation and the pay-for-performance program has been to provide competitive pay and reward top talent and employee initiative.

The Board may wish to consider following an approach similar to countywide employee salary adjustments, when setting the 2018 salaries for the County Sheriff and County Attorney. For example, the Board could increase these elected officials' salaries by approximately 4.00% calculated on the metro (2017) average salary amount for each role. Following this approach, an increase of approximately \$6,200 for the County Sheriff, and an increase of approximately \$6,700 for the County Attorney could be applied to the 2017 annual salaries. The resulting 2018 annual salaries would be \$156,342 for Sheriff Olson and \$169,191 for County Attorney Metz.

The salary increases suggested above would also recognize the high performance of these elected officials. These leaders have demonstrated excellence in service and commitment to the Carver County community, as well as in their work reaching across our State and beyond.

The action requested is to adopt the Resolution defining the 2018 compensation for the County Sheriff and for the County Attorney; and providing both with the same cafeteria benefits as other County employees.

**ACTION REQUESTED:**

Motion to adopt the Resolution setting the 2018 compensation for the County Sheriff and for the County Attorney; and providing both with the same cafeteria benefits as other County employees.

<b>FISCAL IMPACT:</b> <input type="text" value="Included in current budget"/> <i>If "Other", specify:</i> <input type="text"/>	<b>FUNDING</b> County Dollars = <input type="text"/>
<b>FTE IMPACT:</b> <input type="text" value="None"/>	Total <input type="text" value="\$0.00"/>
<input checked="" type="checkbox"/> Insert additional funding source	

**Related Financial/FTE Comments:**  
The total cost is dependent on final salary amounts approved by the Board. The proposed 2018 budget allocates funding for County Sheriff and County Attorney salary increases. The budgeted amounts are sufficient to cover the recommended increases.

County Attorney	Dakota County	Anoka County	Washington County	Scott County	Hennepin County	Ramsey County	Carver County	AVERAGE SALARY (Excluding Carver)
2012 Base Salary	\$160,330	\$141,000	\$131,840	\$128,000			\$120,000	\$140,293
2013 Base Salary	\$163,004	\$141,000	\$135,795	\$138,432			\$127,000	\$144,558
2014 Base Salary	\$165,500	\$143,811	\$142,590	\$145,590			\$135,000	\$149,373
2015 Base Salary	\$170,283	\$154,999	\$149,720	\$146,728			\$143,000	\$155,433
2016 Base Salary	\$170,623	\$155,000	\$154,960	\$154,501	\$173,254	\$166,608	\$152,000	\$162,491
2017 Base Salary	\$176,595	\$155,000	\$159,609	\$158,146	\$177,585	\$170,940	\$162,491	\$166,313
Start Date of Incumbent *	1987	2011	2011	2015	2007	2011	2011	

County Sheriff	Dakota County	Anoka County	Washington County	Scott County	Hennepin County	Ramsey County	Carver County	AVERAGE SALARY (Excluding Carver)
2012 Base Salary	\$132,700	\$128,500	\$132,600	\$117,872			\$120,000	\$127,918
2013 Base Salary	\$136,735	\$132,555	\$135,795	\$121,408			\$127,000	\$131,623
2014 Base Salary	\$139,600	\$137,342	\$142,590	\$128,692			\$132,000	\$137,056
2015 Base Salary	\$137,284	\$140,102	\$149,720	\$137,886			\$137,000	\$141,248
2016 Base Salary	\$144,986	\$142,903	\$154,960	\$141,027	\$165,002	\$151,972	\$142,000	\$150,142
2017 Base Salary	\$150,061	\$147,191	\$149,394	\$146,212	\$169,127	\$155,924	\$150,142	\$152,985
Start Date of Incumbent *	2015	2011	2017	2017	2007	2017	2011	

# BOARD OF COUNTY COMMISSIONERS CARVER COUNTY, MINNESOTA

## Resolution: 2018 County Attorney and County Sheriff Compensation & Benefits

DATE \_\_\_\_\_ RESOLUTION NO. \_\_\_\_\_  
 MOTION BY COMMISSIONER \_\_\_\_\_ SECONDED BY COMMISSIONER \_\_\_\_\_

**WHEREAS**, the Carver County Board of Commissioners has the authority to establish and revise compensation (salary and benefits) for elected staff; and

**WHEREAS**, the Carver County Board of Commissioners intends to provide 2018 elected staff salaries; and

**WHEREAS**, the Carver County Board of Commissioners intends to provide 2018 insurance benefits for elected staff within the established cafeteria system;

**THEREFORE, BE IT RESOLVED**, Carver County shall provide elected staff with the following compensation in 2018:

- A. The County Sheriff's 2017 salary shall be increased by \$6,200 for 2018, from \$150,142 to \$156,342.
- B. The County Attorney's 2017 salary shall be increased by \$6,700 for 2018, from \$162,491 to \$169,191.
- C. Insurance benefits for the County Attorney and County Sheriff shall be provided through the cafeteria plan, and include the following insurance benefits: life insurance (employee \$50,000.00 life and \$100,000 AD&D, spouse \$2,000.00, and child \$1,000.00); and single dental insurance. Additionally, these elected officials shall receive a monthly cafeteria contribution amount based on their health insurance elections: waiver, \$150.00; single \$690.00; employee + child(ren) \$850.00; employee + spouse \$1,175; or family, \$1,450.00 throughout 2018, to use toward all elective benefits, and/or additional cash compensation.
- D. The County shall also provide elected officials selecting HRA Plan health insurance with a 2018 contribution to the Health Reimbursement Arrangement VEBA Trust of \$750.00 for those with single insurance, or \$1,500.00 for those with employee + child(ren), employee + spouse, or family insurance. The County shall provide elected officials selecting HSA Plan health insurance with a 2018 contribution of \$1,100.00 for those with single insurance; and \$2,000.00 for those with employee + child(ren), employee + spouse, or family insurance.

**BE IT FURTHER RESOLVED**, that the County reserves the right to make additional adjustments to elected official compensation (salary or benefits) by amendment to the Carver County Personnel Policies or future Board Actions.

YES	ABSENT	NO
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____



STATE OF MINNESOTA  
COUNTY OF CARVER

I, David Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 19<sup>th</sup> day of December, 2017, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this \_\_\_\_\_ day of December, 2017

\_\_\_\_\_  
County Administrator

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**  
Resolution Setting 2018 County Commissioner Compensation

Primary Originating Division/Dept: <input type="text" value="Employee Relations"/>	Meeting Date: <input type="text" value="12/19/2017"/>
Contact: <input type="text" value="Kerie Anderka"/> Title: <input type="text" value="Employee Relations Division Di"/>	Item Type: <input type="text" value="Regular Session"/>
Amount of Time Requested: <input type="text" value=""/> minutes	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
Presenter: <input type="text" value="Kerie Anderka"/> Title: <input type="text" value="Employee Relations Division Dire"/>	
Strategic Initiative: <input type="text" value="Culture: Provide organizational culture fostering accountability to achieve goals &amp; sustain public trust/confidence in County government"/>	

**BACKGROUND/JUSTIFICATION:**

The County Board has the authority to set compensation, including salary and benefits, for the County Commissioners.

Several factors should be considered in setting Commissioner salaries, including market rates and internal salary history and patterns. Market information is attached, listing Carver County Commissioners' current annual salary which is set at \$62,064 in comparison to the metro county average of \$76,202. The attached market data reflects the current year (2017) data. It is anticipated that the metro counties cited for comparison purposes will also be increasing salaries for 2018.

The County's settled collective bargaining agreements established a 2017 pay-for-performance and general adjustment increase pattern. Excluding the impact of market adjustments specifically related to the classification and compensation study, the average actual salary increase for Carver County employees for 2017 was approximately 4.00%. The County has negotiated a similar performance-based increase and general adjustment pattern for 2018. For employees who have not yet reached the target rate for their classification, their performance based increase percentage is calculated on the target rate of their assigned salary range. Carver County's approach with regard to compensation and the pay-for-performance program has been to provide competitive pay and reward top talent and employee initiative.

When setting Commissioner salaries for 2018, the Board may wish to consider following an approach similar to countywide employee salary adjustments. For example, the Board could increase commissioner salaries by approximately 4.00% calculated on the metro (2017) average salary amount. Following this approach, an increase of approximately \$3,100 would be recommended. The resulting Carver County Commissioner 2018 annual salary would be \$65,164.

The Resolution provides annual salaries to be set by the Board; cafeteria benefits at the same rate as other employees; and expense allowances of \$615.00 for the Chair, \$540.00 for the Vice-Chair, and \$515.00 for the other Commissioners.

The action requested is to adopt the Resolution establishing Carver County Commissioner salaries for 2018; and setting monthly expense allowances of \$615.00 for the Chair, \$540.00 for the Vice-Chair and \$515.00 for the others; and providing benefits consistent with other County employees.

**ACTION REQUESTED:**

Motion to adopt the Resolution setting the County Commissioner 2018 annual salaries; setting monthly expense allowances of \$615.00 for the Chair, \$540.00 for the Vice-Chair and \$515.00 for the others; and providing benefits consistent with other County employees.

<b>FISCAL IMPACT:</b> <input type="text" value="Included in current budget"/>	<b>FUNDING</b> County Dollars = <input type="text" value=""/> <input type="text" value=""/>
If "Other", specify: <input type="text" value=""/>	Total <input type="text" value="\$0.00"/>
<b>FTE IMPACT:</b> <input type="text" value="None"/>	<input checked="" type="checkbox"/> Insert additional funding source

**Related Financial/FTE Comments:**

The total cost is dependent on final salary amounts approved by the Board. The proposed 2018 budget allocates funding for Commissioner salary increases. The budgeted amounts are sufficient to cover the recommended increases.

County Commissioners	Dakota County	Anoka County	Washington County	Scott County	Hennepin County	Ramsey County	Carver County	AVERAGE SALARY (Excluding Carver)
2012 Base Salary	\$66,400	\$59,945	\$52,713	\$47,480			\$43,346	\$56,635
2013 Base Salary	\$68,000	\$59,945	\$52,713	\$48,904			\$44,105	\$57,391
2014 Base Salary	\$70,100	\$61,144	\$52,713	\$50,860			\$45,428	\$58,704
2015 Base Salary	\$72,300	\$60,015	\$52,713	\$57,346			\$46,564	\$60,594
2016 Base Salary	\$74,830	\$63,614	\$52,713	\$57,919	\$108,093	\$87,884	\$48,564	\$74,176
2017 Base Salary	\$77,450	\$65,522	\$52,713	\$59,930	\$110,796	\$90,801	\$62,064	\$76,202

# BOARD OF COUNTY COMMISSIONERS CARVER COUNTY, MINNESOTA

## Resolution: 2018 County Commissioner Compensation & Benefits

DATE \_\_\_\_\_ RESOLUTION NO. \_\_\_\_\_  
 MOTION BY COMMISSIONER \_\_\_\_\_ SECONDED BY COMMISSIONER \_\_\_\_\_

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**WHEREAS**, the Carver County Board of Commissioners has the authority to establish and revise compensation (salary and benefits) for County Commissioners; and

**WHEREAS**, the Carver County Board of Commissioners intends to provide 2018 County Commissioner salaries; and

**WHEREAS**, the Carver County Board of Commissioners intends to provide 2018 insurance benefits for Commissioners within the established cafeteria system;

**THEREFORE, BE IT RESOLVED**, Carver County shall provide County Commissioners with the following compensation in 2018:

- A. The County Commissioner 2017 annual salary amount shall be increased by \$3,100 for 2018, from \$62,064 to \$65,164.
- B. County Commissioner monthly expense allowances shall be set at \$715.00 for the Board Chair, \$640.00 for the Vice-Chair and \$615.00 for the others.
- C. Insurance benefits for the County Commissioners shall be provided through the cafeteria plan, and include the following insurance benefits: life insurance (employee \$50,000.00 life and \$100,000 AD&D, spouse \$2,000.00, and child \$1,000.00); and single dental insurance. Additionally, the Commissioners shall receive a monthly cafeteria amount based on their health insurance elections: waiver, \$150.00; single \$690.00; employee + child(ren) \$850.00; employee + spouse \$1,175; or family, \$1,450.00 throughout 2018, to use toward all elective benefits, and/or additional cash compensation.
- D. The County shall provide County Commissioners selecting HRA Plan health insurance with a 2018 contribution to the Health Reimbursement Arrangement VEBA Trust of \$750.00 for those with single insurance, or \$1,500.00 for those with employee + child(ren), employee + spouse, or family insurance. The County shall provide Commissioners selecting HSA Plan health insurance with a 2018 contribution of \$1,100.00 for those with single insurance; and \$2,000.00 for those with employee + child(ren), employee + spouse, or family insurance.

**BE IT FURTHER RESOLVED**, that the County reserves the right to make additional adjustments to Commissioner compensation (salary or benefits) by amendment to the Carver County Personnel Policies or future Board Actions.

YES	ABSENT	NO
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

STATE OF MINNESOTA  
COUNTY OF CARVER

I, David Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 19<sup>th</sup> day of December, 2017, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this \_\_\_\_\_ day of December, 2017

\_\_\_\_\_  
County Administrator

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**  
**2018 Legislative Priorities**

Primary Originating Division/Dept: Administration (County)

Meeting Date: 12/19/2017

Contact: David Hemze  Title: County Administrator

Item Type:  
Regular Session

Amount of Time Requested: 15  minutes

Attachments:  Yes  No

Presenter: David Hemze  Title: County Administrator

Strategic Initiative:  
Connections: Develop strong public partnerships and connect people to services and information

**BACKGROUND/JUSTIFICATION:**

Carver County legislative priorities are objectives that the County is seeking state legislative assistance to accomplish. Carver County Division Directors submitted recommendations for 2018 legislative priorities. The Carver County legislative committee reviewed the priorities. The proposed 2018 priorities are attached and will be presented at the meeting.

The Carver County legislative committee will be working with the County Administrator to guide the County's legislative efforts during the 2018 session. In addition, Carver County contracts with Scott County for legislative services. Carver County will host a breakfast in January to discuss these priorities with local legislators.

**ACTION REQUESTED:**

Motion to approve Carver County's 2018 legislative priorities.

**FISCAL IMPACT:** None

*If "Other", specify:*

**FUNDING**

County Dollars =

**FTE IMPACT:** None

**Total**  \$0.00

Insert additional funding source

Related Financial/FTE Comments:

*Office use only:*

RBA 2017 - 5144



# 2018 Legislative Platform

*Item numbering is not a priority listing*

**Top priorities:**

1. Improve the Eminent Domain Appraisal Process for Property Owners
2. Fully Transfer Sales Tax on Auto Parts to Transportation
3. Provide State Bonding for Highway 101
4. Lake Waconia Regional Park Development
5. Capital Improvement Funding for Regional Parks
6. Support Child Protection Services
7. Require DHS to Work with Counties to Create Efficiencies in the MnCHOICES Assessment and Sunset Cost Shift
8. Increase Access and Targeted Funding for the Basic Sliding Fee (BSF) Child Care Assistance Program
9. Support Minnesota Eligibility Technology System (METS)
10. Metropolitan Governance Reform



## **Issue #1: Improve the Eminent Domain Appraisal Process for Property Owners**

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### **Background**

Carver County requests revisions to Chapter 117, Eminent Domain, to mitigate the unintended consequences of the legislation which provides procedures, definition, remedies and limitations for condemning authorities when exercising the power of eminent domain for public use or public purpose.

The 2006 revisions to the eminent domain law has resulted in a significant cost increase to taxpayers related to attorney fees and interest payments incurred by agencies implementing public transportation improvements which has put an unreasonable and unintended burden on transportation funding. It has also prevented public authorities from responding with a new, higher offer to legitimate issues raised by owners' appraisal in a timely manner that avoids the owner incurring unnecessary or additional litigation costs. Wholesale rewrites or challenges will likely be unsuccessful given the political sensitivity with the law. However, discussion and controversy remains in several areas including: attorney's fees, owner appraisals, land commissioner qualifications, response to offers, and timing and schedules. The modest changes proposed below would give condemning authorities a chance to respond to new information that may come to light in the owner's appraisal, possibly totally avoiding the need to acquire the property through the exercise of eminent domain authority.

### **Requested Position**

Carver County recommends changing the deadline for an owner to provide their appraisal from 5 to 45 days before the Commissioners Hearing. The Condemning Authority shall then have 30 days from the receipt of the Owner's appraisal to provide the Owner a revised last written offer. The County also recommends revising Section 117.195 to determine the annual interest on award based on the secondary market yield of one year United States Treasury bill rounded to the nearest one percent.





## **Issue #2: Fully Transfer Sales Tax on Auto Parts to Transportation**

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### **Background**

The 2017 Legislature instituted a new policy of transferring general funds to transportation. The revenue comes from the proceeds from the sales tax on auto parts. However, only \$63M was transferred instead of a possible \$307M. For Carver County, we get about \$300K per year. If 100% of sales tax on auto parts were dedicated to transportation we would receive about \$1M per year. We urge the transfer to be fully implemented.

### **Requested Position**

Carver County urges the Legislature to fully transfer the proceeds from the sales tax on auto parts to transportation.



## **Issue #3: Provide State Bonding for Highway 101**

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### **Background**

Carver County partnered with the City of Chanhassen and the Minnesota Department of Transportation to complete preliminary engineering plans, environmental documentation and an official right of way map to reconstruct Highway 101 between Flying Cloud Drive and Pioneer Trail. This 1.1 mile section of Highway 101 is the last piece to be improved from the Scott County border to Highway 5 in Chanhassen.

The highway is currently a two-lane rural section roadway with a number of safety deficiencies, including steep grades, sharp curves, severe undulations and inadequate sight distances resulting in numerous blind intersections. Records from the Minnesota Department of Transportation show the last time this section of State Highway 101 was reconstructed was in 1949. “Run off the road” and “loss of control” type crashes are prevalent along the corridor. The roadway has a 13% grade going down the bluff which causes frequent closures in the winter. The corridor crashes and severity rates are two times greater than those experienced on other rural section two-lane roadways in the Metropolitan area. Growth in the region is anticipated to increase traffic on Highway 101 from 5,000 trips per day to as high as 23,000 trips per day by 2030. Currently, the Minnesota River Bluffs LRT is at grade crossing at Highway 101. The trail approaches to Highway 101 are very steep and do not meet any trail design standards.

The City of Chanhassen has submitted a bonding request for \$9 million to complete design, acquire right of way and construct the new highway. This will leverage \$22.7 million in state and local funds to complete the project. The roadway will be turned back to Carver County once complete which will eliminate all future maintenance responsibilities for MnDOT. The project will be eligible for State Turnback funds; however there aren’t enough funds available due to a significant backlog of projects in the Metro area. Carver County has included Highway 101 in the County Transportation Tax Plan and will provide up to \$1 million to get the project fully funded.

### **Requested Position**

Carver County requests the legislature provide \$9 million in state bonding to complete Highway 101 from Flying Cloud Drive to Pioneer Trail in 2021 or provide additional funding to the State Turnback account to accelerate the turn back process for this highway.



## **Issue #4: Lake Waconia Regional Park Development**

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### **Background**

Lake Waconia Regional Park is 160 acres, minimally developed park in the Metropolitan area. It is on the second largest lake in the Twin Cities area and is planned to provide regional recreation opportunities for this area of the state.

MN Statute 473.147 provided legislation to create Open Space System Policy Plan and in part reads “The policy plan shall identify generally the areas which should be acquired by a public agency to provide a system of regional recreation open space comprising park district, county and municipal facilities which, together with state facilities, reasonably will meet the outdoor recreation needs of the people of the metropolitan area...”

Land has been assembled for Lake Waconia Regional Park. Financial resources available through traditional funding of the Metropolitan Regional Park system allocated by formula to Carver County are insufficient to reasonably develop facilities and meet the outdoor recreation needs of the people of the metropolitan area.

### **Benefits**

- Delivers recreation services for an underserved area of the state
- Utilizes the investment in land
- Provides a regional destination
- Provides health, social, economic benefits

### **Requested Position**

Carver County requests \$5.57 million in state bonds to be matched with \$5.57 million of County funds to implement the master plan for Lake Waconia Regional Park.



## **Issue #5: Capital Improvement Funding for Regional Parks**

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### **Background**

The 2018-19 portion of the Metropolitan Council's Regional Park Capital Improvement Plan (CIP) is based on the issuance of up to \$15 million of Metropolitan Council bonds to provide a 40% match to a 2018 State bond request of \$22.605 million. This results in a 2018-19 CIP total of \$37.605 million.

### **Requested Position**

Carver County supports legislation which provides up to \$37.605 million for the Regional Park CIP for 2018-19. \$22.605 million of State Bonds to be matched with \$15 million of Metropolitan Council bonds for a combined total of \$37.605 million for the Regional Parks System.

*Note: The above requested position is consistent with the current request by the Metropolitan Council. Implementing Regional Park Agencies often support another request after the proposed budget is announced.*



## Issue #6: Support Child Protection Services

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### **Background**

Child abuse and neglect have an impact far beyond any isolated event. Children who have been abused or neglected are at greater risk of poor mental and physical health, educational problems and other problems that carry over into their adult lives. It is critical that we achieve local both and statewide results in keeping our children safe and families intact.

Recent challenges to child protection services led DHS and the Legislature to commit to a review of the entire system. Governor Dayton appointed a “Child Abuse Task Force,” comprised of state and county experts, law enforcement, physicians, judges and advocates. The 2015 Legislature addressed a number of the Task Force recommendations and appropriated to counties \$44 million per biennium; however, those dollars are restricted for county human services staffing only. However, the Legislature failed to provide funding for out-of-home placement costs, which have increased significantly throughout the state. In Carver County the 2018 out-of-home placement budget has increased \$617,000 over the 2017 budget. This has placed a significant burden on local taxpayers.

In addition, counties have other expenses and investments related to the provision of services to families in the child protection system and achieving child protection performance measures and outcomes. Counties need greater flexibility to invest in a continuum of services and resources to produce the desired outcomes for children, to include actual costs for, not only social services, but also costs related to county attorneys, sheriffs, legal representation, courts, etc.

In addition, the 2015 legislation included a 10% withhold for each county that is contingent on monthly face-to-face visits by child protection workers, as well as a second 10% withhold for face-to-face visits by case managers. While we do not object to being held to performance standards, it should be conducted in a uniform and consistent manner. This methodology already exists under the Performance Management System for Human Services (Minn. Stat. §§ 402A.12; 402A.18), which has a functioning process that involves counties, DHS and stakeholders. Carver County would prefer to be managed through that system and have the same remediation and fiscal sanctions process as has been already been approved by DHS and codified in Minnesota statutes.

In 2005, \$25 million in annual cuts to state grants to counties through the Children and Community Services Act (CCSA) were made permanent. In 2011, CCSA was further cut by \$11 million annually and renamed the Vulnerable Children and Adults Act (VCAA) with both child and adult mental health services withdrawn from this source of funding. Despite the 2015 legislation, counties have not been made whole from previous cuts.

### **Requested Position**

DRAFT

Carver County urges the Legislature to provide the funding and flexibility needed to maintain the safety of children. A process for the permanent adequate funding to better support child protection, including out-of-home placement costs, needs to be implemented that does not place an undue burden on local taxpayers. An emphasis should be placed on funding for services that effectively produce intended outcomes for clients and allow for county flexibility and compensation for actual costs. Investment in the VCAA should be restored to at least the pre-2005 level.



## **Issue #7: Require DHS to work with Counties to create efficiencies in the MnCHOICES assessment and sunset cost shift**

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### **Background**

Despite a significant budget surplus, the 2017 HHS bill included a county share for MnCHOICES, which generates savings to the state of \$19.3 million in FY18-19 and \$22.3 million in FY20-21. The provision included in the final bill, originally intended to streamline assessments, is now a direct cost shift to counties without any requirement for program improvement. As is the case with all cost shifts from the state to counties, this will result in increased property taxes to our residents and throughout the state.

The new legislation shifts 15.7% of the nonfederal cost to counties through June 30, 2019, and then increases the share to 18.1% on July 1, 2019. In 2018, this cost shift will result in the loss of \$242,000 for Carver County.

DHS is required to work with counties to modify the assessment tool to:

- reduce assessment times;
- modify the application and assessment policies to create efficiencies while ensuring federal compliance;
- implement policy changes to reduce the frequency and depth of the assessment and reassessments; and
- evaluate alternative payment methods.

### **Requested Position**

Carver County urges the Legislature to require DHS to work with Counties and use cost shift funds to streamline and improve the MnCHOICES assessment tool/process to create greater efficiencies and cost effectiveness.

1. Establish a workgroup of County and DHS staff to develop recommendations to improve the cost effectiveness of the MnCHOICES assessment.

Funds from the cost shift to Counties should be used to resource and fund improvements to the MnCHOICES assessment, including technical and infrastructure improvements.

2. Sunset the cost shift on or before 2021.

DHS needs to be held accountable to use this funding for its intended purpose. Once the efficiencies are created and put into effect, with no additional net cost to counties, the cost shift funds should no longer be needed by DHS. If adequate efficiencies are not gained by 2021, counties should not continue to be held liable, and the cost shift should be restored and counties made whole.



## **Issue #8: Increase Access and Targeted Funding for the Basic Sliding Fee (BSF) Child Care Assistance Program**

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### **Background**

Early childhood care and education has many benefits, including:

- an economic development for businesses and communities;
- an education and school readiness program for children;
- a work support program for parents; and
- a child welfare program devoted to preventing both physical and developmental harm to children.

Insufficient targeted funding is available to assist low-income families in securing quality child care. The 2003 Legislature cut state child care funding by \$86 million, which included a 50% decrease in the amount of state assistance available to the BSF Child Care Program. In addition, eligibility requirements were dramatically tightened from 250% of FPG to 175% of FPG. Because of the cuts, the average number of families served by the BSF Child Care Program continues to decline. When child care is unaffordable or unavailable, parents stay out of the workforce and our local public assistance rolls increase.

Counties receive an annual allocation for the BSF Child Care Program. Once a family is determined eligible, they remain on the program as long as they are eligible and need care. DHS reviews the use of BSF allocations by county on a quarterly basis. The program is so complex and cumbersome that counties experience extreme difficulty in tracking their expenditures and moving families off the waiting list. This has resulted in underspending of BSF funds for many years. As of November 2017, Carver County had 31 families on the wait list for assistance.

Although current law allows DHS to reallocate unexpended or unencumbered money among other counties who have expended their full allocation, and allow counties to expend up to 10% of their allocation in the subsequent allocation period, in 2013, the state actually booked \$5 million in savings due to underspending – even though, at that time, more than 5,000 families remained on the waiting list. In 2015, no funds were left unspent; however, because all overspending is the responsibility of the local agency, counties that spent more than their allocated funds were required to find the additional funds within their own budgets, resulting in the unplanned use of more than \$1.9 million in local property tax dollars. This is problematic for many counties who continuously overspend BSF funds.

As illustrated, because the funding and administration of BSF is so complex, the result is much unpredictability that can result in wild swings between overspending and underspending. A comprehensive statewide approach to early childhood care and education will maximize the benefits obtained from each dollar spent. Because the program is so difficult to manage, we support the State taking over the fiscal management of the BSF funds and waitlists. This could potentially be paid for by reducing the amount allocated to each county for the administration of the program and, in turn, create an administrative unit at DHS.



DRAFT

Finally, DHS, through its Office of the Inspector General, recently uncovered \$1 million in fraud – involving only four child care centers. With families waiting for child care assistance, dollars recovered as a result of fraudulent activity should be reinvested into BSF child care.

**Requested Position**

Carver County urges the Legislature to increase funding for the Basic Sliding Fee (BSF) Child Care Program to meet actual need. We further support the State of Minnesota taking over the fiscal management of the BSF funds and waitlist. Further, dollars recovered as a result of fraud should be reinvested into the BSF child care program.



## Issue #9: Support Minnesota Eligibility Technology System (METS)

### **Background**

Past administrations and legislatures have taken advantage of the latitude afforded under the federal Affordable Care Act to expand eligibility for Medical Assistance (MA). An estimated 250,000 additional clients have been added to caseloads as a result of these actions state wide. In Carver County we have seen an increase of 2,795 additional Health Care cases. The Department of Human Services promised that a replacement for the legacy MAXIS computer system, historically used to manage eligibility determinations and enrollment, would ultimately reduce staffing needs. That new system (METS) has never fulfilled that promise. Manual work-arounds that literally require hours of financial workers' time, just to reestablish eligibility for a client or family member who has undergone a life-circumstance-change, are routine. Counties have borne the burden of processing this new caseload. With the expanded caseload, counties added hundreds of financial workers to meet the new demand. As of 2017, the projected cost of these staffing increases will exceed \$27 million statewide, resulting in a substantial burden for county taxpayers. Carver County has had to add 8 new Financial Workers since 2013 to handle this increased work load. This translates to additional annual cost to the county of approximately \$312,000. METS needs substantial improvements so that county staff can effectively and efficiently manage MA for the more than 1 million Minnesota enrollees and to make needed changes in a prompt and accurate manner.

Compounding the additional burden that has been placed on counties by the concurrent increase in MA caseload and the gross inadequacies of METS is 2015 legislation that required periodic data matching (PDM) to identify recipients who do not meet eligibility criteria for MA. The data matching must occur at least once during a recipient's 12-month eligibility period. The state is estimated to save \$25.8 million in FY16-17 and \$138.3 million in FY18-19 from data matching - while counties will receive grants of \$1.3 million for FY16-17 and \$4.4 million for FY18-19 for their additional workload. The state savings exceed the inadequate financial assistance provided to counties for this new duty by 31 times!

### **Requested Position**

The Carver County Board of Commissioners urges the Legislature appropriate at least the current level of funding (\$5.8 million per year) for the FY17-18 biennium to be used to improve efficiencies in the METS system. This state investment would bring in approximately \$50 million in matching funds (a 90% federal match) for each year. Finally, PDM should be repealed until METS is a fully functional system.



## Issue #10: Metropolitan Governance Reform

### **Background**

A coalition of local governments throughout the metropolitan area has joined together to develop a position statement and a set of principles for improving metropolitan governance in the Twin Cities. The Coalition supports the need for regional planning, collaboration and coordination, but seeks to expand local government representation on the Metropolitan Council.

Cities in Carver County that have formally adopted this position include Chanhassen, Chaska, Cologne, Hamburg, Mayer, New Germany, Norwood Young America, Watertown, and Victoria. Other metropolitan local governments formally supporting this position include Andover, Anoka County, Bethel, Blaine, Coates, Columbus, Centerville, Crystal, Dakota County, Elko New Market, Farmington, Forest Lake, Greenwood, Ham Lake, Hampton, Jordan, Lino Lakes, Loretto, Mendota Heights, Mound, New Prague, Nowthen, Oak Grove, Plymouth, Prior Lake, St. Francis, Scott County, and Shakopee. And this list is growing as we continue to discuss this critical issue with others.

The Coalition's objectives for its collective effort to improved governance are:

1. To articulate a vision of responsive and effective metropolitan governance—as represented by a Statement of Belief and Principles for Reform of the Metropolitan Council.
2. To align local government interests behind a reform effort—through formation of a broad coalition of metropolitan Cities and Counties —and a common position.
3. To be prepared for any efforts—legislative and otherwise—to reform the governance structure and functioning of the Metropolitan Council.

The Metropolitan Council, due to its taxing and policy authority, should be accountable to a regional constituency of those impacted by its decisions. It should not operate as a state agency – as it does in its current form – answerable to only one person, the Governor.

### **Requested Position**

Carver County supports changes to legislation which follow the below principles for Metropolitan Council Reform. Specific legislation is currently being drafting by the local government coalition and will be provided at a later date.

1. A majority of the members of the Metropolitan Council shall be elected officials, appointed from cities and counties within the region.
2. Metropolitan cities shall directly control the appointment process for city representatives to the Metropolitan Council.
3. Metropolitan counties shall directly appoint their own representatives to the Metropolitan Council.
4. The terms of office for any Metropolitan Council members appointed by the Governor shall be staggered and not coterminous with the Governor.

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5. Membership on the Metropolitan Council shall include representation from every metropolitan county government.
6. The Metropolitan Council shall represent the entire region, therefore voting shall be structured based on population and incorporate a system of checks and balances.

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**  
**Year in Review**

Primary Originating Division/Dept: Administration (County)

Meeting Date: 12/19/2017

Contact: Nick Kuktavy  Title: Deputy Director

Item Type:  
Regular Session

Amount of Time Requested: 10  minutes

Attachments:  Yes  No

Presenter: Tim Lynch  Title: Board Chair

Strategic Initiative:  
Connections: Develop strong public partnerships and connect people to services and information

**BACKGROUND/JUSTIFICATION:**

Carver County Board Chair Tim Lynch will highlight Carver County accomplishments and events in 2017.

**ACTION REQUESTED:**

No action required

**FISCAL IMPACT:** None   
*If "Other", specify:*

**FUNDING**

County Dollars =

**FTE IMPACT:** None

**Total**  \$0.00

Insert additional funding source

Related Financial/FTE Comments:

*Office use only:*

RBA 2017 - 5103