



# CARVER COUNTY

# minnesota

Carver County Board of Commissioners  
October 8, 2019  
Regular Session  
County Board Room  
Carver County Government Center  
Human Services Building  
Chaska, Minnesota

PAGE

## REGULAR SESSION

9:00 a.m.	1.	a) <b>CONVENE</b>	
		b) <b>Pledge of allegiance</b>	
		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>	
	2.	Agenda review and adoption	
	3.	Approve minutes of October 1, 2019, Regular Session .....	1-2
	4.	Community Announcements	
9:10 a.m.	5.	<b>CONSENT AGENDA</b>	
		<i>Growth: Manage the challenges and opportunities resulting from growth and development</i>	
	5.1	Approval of Settlements for Right of Way for the Highway 50 Project – Bevens Creek Area and Highway 50 Bridge Project .....	3-8
		<i>Communities: Create and maintain safe, healthy and livable communities</i>	
	5.2	Carver County Veterans Court Grant Agreement.....	9
	5.3	ATV-DNR Grant Funds 2019-2021 .....	10
	5.4	Highway 36 Railroad Bridge Repair Project Agreement with Twin Cities and Western Railroad .....	11
	5.5	Award of the Highway 36 Railroad Bridge Repair Project .....	12-14
		<i>Culture: Provide organizational culture fostering accountability to achieve goal and sustain trust/confidence in County government</i>	
	5.6	Environmental Services Restructuring - Phase II .....	15-16
	5.7	Limited Hours on December on December 24, 2019 .....	17
		<i>Finances: Improve the County’s financial health and economic profile</i>	
	5.8	Citizen monetary donation (\$100) to Sheriff’s Office in response to medical call (#19-19088).....	18
	5.9	Review/Social/Commissioners’ Warrants.....	NO ATT

- 9:10 a.m.    **6. GROWTH: Manage the challenges and opportunities resulting from growth and development**
- 6.1    WM. Mueller & Sons, Inc. - Environmental Assessment Worksheet (EAW) for mineral mining expansion ..... 19-34
  - 6.2    Re-Submittal of the 2040 County Comprehensive Plan to the Metropolitan Council ..... 35-38

9:50 a.m.    **ADJOURN REGULAR SESSION**

- 9:50 a.m.    **BOARD REPORTS**
- 1.    Chair
  - 2.    Board Members
  - 3.    Administrator
  - 4.    Adjourn

David Hemze  
County Administrator

**UPCOMING MEETINGS**

- |                   |                         |
|-------------------|-------------------------|
| October 15, 2019  | No Meeting              |
| October 22, 2019  | 9:00 a.m. Work Session  |
| October 29, 2019  | No Meeting              |
| November 5, 2019  | 9:00 a.m. Board Meeting |
| November 12, 2019 | No Meeting              |
| November 19, 2109 | No Meeting              |
| November 26, 2019 | 9:00 a.m. Board Meeting |

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on October 1, 2019. Chair Randy Maluchnik convened the session at 9:05 a.m.

Members present: Randy Maluchnik, Chair, James Ische, Vice Chair, Gayle Degler, Tim Lynch and Tom Workman.

Members absent: None.

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

Lynch moved, Ische seconded, to approve the minutes of the September 17, 2019, Regular Session. Motion carried unanimously.

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

Approved a land purchase agreement with Pattison Sand Company for the Highway 212 project-Benton Township and authorized the Chair and Administrator to sign the agreement.

Resolution #73-19, To Approve the Local Water Management Plans for the City of Victoria.

Adopted Findings of Fact and to issue Order #PZ20190045 for the issuance of an interim use permit, Thomas Derner, Watertown Township.

Resolution #74-19, Approving the Preliminary Plat of Kindred Prairie.

Approved the elimination of a .8 FTE crisis therapist position and creation of two .5 FTE crisis therapist positions and related HH&S budget amendment.

Resolution #75-19, Authorizing Execution of Agreement TZD Toward Zero Deaths Grant 2020.

Authorized the County Engineer, or his designee, to approve supplemental agreement #27 for \$29,000 for the Flying Cloud Drive Reconstruction Project.

Resolution #76-19, Carver County Right of Way Plat No. 29.

Approved the application for renewal of the on and off sale liquor license including Sunday for Hollywood Sports LLC dba Hollywood Sports Complex.

Authorized HH&S acceptance of donations for Encore Adult Day Services.

Approved the following abatements:

30.9510468	Wendy Pohlman
30.6720440	Josh Gerber
65.5520160	Mark Miller

Reviewed September 24, 2019, Community Social Services' actions/Commissioners' warrants in

the amount of \$520,483.75 and reviewed October 1, 2019, Community Social Services' actions/Commissioners' warrants in the amount of \$279,540.97.

Motion carried unanimously.

Ische moved, Degler seconded, to open the public hearing on the draft 2019-2010 CCWMO Water Management Plan update. Motion carried unanimously.

Paul Moline, Planning and Water Management, explained they are asking the Board to approve submittal of the Water Management Plan to the Board of Water Resources for final review. He noted the discussion last week on water quality and what the County would be doing within the next ten years. Moline entered into the record the Affidavit of Publication for the public hearing; updated draft WMO Water Management Plan and the comments received during the public/agency review and response to comments.

Kristen Larson, Water Management, explained the plan is required to be updated every ten years; aligns the plan with the comp plan process and state grant funding favors projects included in an updated plan. She reviewed the planning process that began in 2018. She summarized the contents of the six chapters.

Larson stated the major changes from the 2010 plan included prioritizing waterbodies, high priority wetland restoration sites and untreated urban areas. She pointed out the updated project list and noted they would continue to update the list every two years. Larson added the updated plan focuses on regular evaluation of processes, programs and projects.

She stated the plan was distributed to city staff and engineers and meetings were held with townships. Larson indicated 45 comments were received and as a result, multiple minor changes were made, additional short- and long-term metrics were added to goals and more specific water quality goals were added. She stated the next step was to submit the plan to BWSR for their final review, followed by the County Board adoption in January.

No public testimony was received.

Lynch moved, Ische seconded, to close the public hearing. Motion carried unanimously.

Lynch moved, Ische seconded to submit the draft 2019-2029 update of the CCWMO Water Management Plan to the Minnesota Board of Soil and Water Resources for review and approval. Motion carried unanimously.

Workman moved, Degler seconded, to adjourn the Regular Session at 9:29 a.m. and go into a work session/tour of CDA properties. Motion carried unanimously.

David Hemze  
County Administrator

(These proceedings contain summaries of resolutions/claims reviewed. The full text of the resolutions and claims reviewed are available for public inspection in the office of the county administrator.)

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Approval of Settlements for Right of Way for the Highway 50 Project - Bevens Creek Area and Highway 50 Bridge Project**

Primary Originating Division/Dept: <input type="text" value="Public Works - Program Delivery"/>	Meeting Date: <input type="text" value="10/8/2019"/>
Contact: <input type="text" value="Patrick Lambert"/> Title: <input type="text" value="Senior Right of Way Agent"/>	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 2020 construction season includes the Highway 50 Project - Bevens Creek Area and the Highway 50 Bridge Project from County Highway 41 on the west to Highway 40 on the east. In order to complete the project, additional right of way is needed. Appraisals by a certified appraiser were completed and the County Board approved the making of offers, based on the appraisals, at its September 3, 2019 regular session. The Public Works Director, or agents under his supervision, made offers to the affected property owners based on the appraisals and negotiations then commenced. Settlements with several of the property owners located at PID #'s 04.0340500, 04.0330301 04.0340700, 04.0341010 have been obtained.

**ACTION REQUESTED:**

Motion to adopt a resolution to approve the settlements for right of way acquisition for the Highway 50 Project - Bevens Creek Area and the Highway 50 Bridge Project.

<b>FISCAL IMPACT:</b> <input type="text" value="Included in current budget"/>	<b>FUNDING</b>
If "Other", specify: <input type="text" value=""/>	<b>County Dollars =</b>
<b>FTE IMPACT:</b> <input type="text" value="None"/>	CSAH Reg. Const. Funds <input type="text" value="\$150,325.00"/>
	<b>Total</b> <input type="text" value="\$150,325.00"/>

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2019 - 6458

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

Date: October 8, 2019  
Motion by Commissioner: \_\_\_\_\_

Resolution No: \_\_\_\_\_  
Seconded by Commissioner: \_\_\_\_\_

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**Resolution Authorizing Settlement of Compensation to Owners for Acquisition of Real Property Interests Needed for the Highway 50-Bevens Creek Area Project and Highway 50 Bridge Project**

WHEREAS, the Board of Commissioners of Carver County is the official governing body of Carver County (“County”); and

WHEREAS, the County, acting by and through its Board of Commissioners, is authorized by law, and pursuant to Minnesota Statutes, § 163.02, subd. 2; §117.012; and § 117.042, to acquire land and other real property interests in Carver County which the County needs for a public use or public purpose; and

WHEREAS, the County proposes to construct highway and related improvements in Carver County for shoulder widening and bridge reconstruction as part of the Highway 50-Bevens Creek Area Project (“Project”); and

WHEREAS, to complete the Project, the County must acquire the real property interests described in Exhibit A, attached hereto, from the Owners of the real property interests identified in said Exhibit A; and

WHEREAS, the County obtained either an appraisal(s) from a licensed real estate appraiser when the estimate of the damages from the County’s proposed acquisitions of the real property interests described in said Exhibit A exceeds \$25,000, or the County obtained a minimum damage acquisition report from a qualified person with appraisal knowledge, in lieu of an appraisal, when the estimate of the damages from the County’s proposed acquisitions of the real property interests described in said Exhibit A is under \$25,000; and

WHEREAS, County must determine and submit an initial written offer of just compensation to the Owners of said needed real property interests covering the full amount of damages caused by the County’s proposed acquisitions; and

WHEREAS, the Owners of said real property interests may obtain an independent appraisal by a qualified appraiser of the real property interests which the County proposes to acquire for the Project; and

WHEREAS, the Owners of said real property interests are entitled to reimbursement for the reasonable costs of the appraisal from the County up to a maximum of the limits stated in Minn. Stat. §117.036, provided the Owner submits to County the information necessary for reimbursement; and

WHEREAS, the Carver County Board of Commissioners authorized the Public Works Division Director or agents under his supervision, to make initial written offers of just compensation to the Owners within the Project from whom property interests are required; and

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

NOW, THEREFORE, BE IT RESOLVED that County's acquisition of the real property interests described in said Exhibit A and the construction of highway and related improvements of shoulder widening and bridge reconstruction as part of the Highway 50-Bevens Creek Area Project constitute a valid public use or public purpose; and

BE IT FURTHER RESOLVED that based upon the estimate of damages from the County's proposed acquisitions of the real property interests described in said Exhibit A which the County obtained either from an appraisal(s) or a minimum damage acquisition report(s) and the negotiations between said Owner(s) and the Public Works Division Director or agents under his supervision, County shall make a payment of compensation to the Owners within the Project from whom the County must acquire needed real property interests, in the amounts as described in said Exhibit A; and

BE IT FURTHER RESOLVED that the Carver County Board of Commissioners hereby authorizes and directs the Carver County Board Chairman and Carver County Administrator to enter into Stipulation of Settlement Agreement with said property owner(s), in the name of the County of Carver for the Project.

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 October 8, 2019, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 8<sup>th</sup> day of October, 2019.

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

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

**EXHIBIT A**

**to**

**Resolution Authorizing Settlement of Compensation to Owners for Acquisition of Real Property Interests**

**Highway 50 Project-Bevens Creek Area and Highway 50 Bridge Project**

Carver County Public Works No. 188845

**Property Tax Identification No. 04.0340500**

**Parcel Number(s): 36**

Fee Owners: Errol R. Stai & Patricia A. Stai

Property Address: 6490 County Road 50, Carver, MN 55315

Permanent easement for public right-of-way purposes contains **40,442 sq. ft.**, more or less;  
**120,597 sq. ft.**, after including existing easements.

Temporary Construction Easement contains **16,806 sq. ft.**, more or less;

Settlement Amount: **\$39,000.00**

**Property Tax Identification No. 04.0330301**

**Parcel Number(s): 43**

Fee Owners: Dale A. Haas

Property Address: 7280 County Road 50, Carver, MN 55315

Permanent easement for public right-of-way purposes contains **6,764 sq. ft.**, more or less;  
**14,974 sq. ft.**, after including existing easements.

Temporary Construction Easement contains **16,806 sq. ft.**, more or less

Settlement Amount: **\$53,650.00**



**Property Tax Identification No. 04.0340700**

**Parcel Number(s): 42**

Fee Owners: Kenneth K. Kee

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

Permanent easement for public right-of-way purposes contains **11,955 sq. ft.**, more or less;  
**35,188 sq. ft.**, after including existing easements.

Settlement Amount: **\$18,600.00**

**Property Tax Identification No. 04.0341010**

**Parcel Number(s): 38**

Fee Owners: Gary D. Lokken

Property Address: 6786 County Road 50, Carver, MN 55315

Permanent easement for public right-of-way purposes contains **5,355 sq. ft.**, more or less;  
**15,927 sq. ft.**, after including existing easements.

Temporary easement for construction purposes contains **3,540 sq. ft.**, more or less.

Settlement Amount: **\$36,300.00**

**Property Tax Identification No. 08.0041200**

**Parcel Number(s): 6**

Fee Owners: Kevin Lebens

Property Address: 7630 Joyce Road, Carver, MN 55315

Temporary easement for construction purposes contains **13,853 sq. ft.**, more or less.

Settlement Amount: **\$2,775.00**

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Carver County Veterans Court Grant Agreement**

Primary Originating Division/Dept: <input type="text" value="Court Services"/>	Meeting Date: <input type="text" value="10/8/2019"/>
Contact: <input type="text" value="Nicole Kuettel"/> Title: <input type="text" value="Office Manager"/>	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:

**BACKGROUND/JUSTIFICATION:**

This grant funds a Veterans Court Coordinator position, as well as some training, drug testing, and other misc expenses. The grant amount is \$47,000 for state FY2019.

**ACTION REQUESTED:**

Motion to approve Veterans Court grant agreement with the First Judicial District.

<b>FISCAL IMPACT:</b> <input type="text" value="Included in current budget"/>	<b>FUNDING</b>
If "Other", specify: <input type="text" value=""/>	County Dollars = <input type="text" value=""/>
<b>FTE IMPACT:</b> <input type="text" value="None"/>	Grant (State of MN) <input type="text" value="\$47,000.00"/>
	<b>Total</b> <input type="text" value="\$47,000.00"/>
	<input checked="" type="checkbox"/> Insert additional funding source

Related Financial/FTE Comments:  
 Program 259 budget lines

*Office use only:*

RBA 2019 - 6449

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**ATV-DNR Grant Funds 2019-2021**

Primary Originating Division/Dept: Sheriff	Meeting Date: 10/8/2019
Contact: George Pufahl      Title: Lieutenant	Item Type: Consent
Amount of Time Requested: [ ] minutes Presenter: [ ]      Title: [ ]	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No

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

**BACKGROUND/JUSTIFICATION:**

This is a 2019-2021 DNR grant. Use for All-Terrain Vehicle and Off Highway Vehicle related training, equipment, education and enforcement.

**ACTION REQUESTED:**

Consent to receive and utilize grant funds awarded to our office.

<b>FISCAL IMPACT:</b> Included in current budget If "Other", specify: [ ]	<b>FUNDING</b> County Dollars = <b>\$0.00</b> Grant \$11,478.00 <b>Total</b> \$11,478.00
<b>FTE IMPACT:</b> None	<input checked="" type="checkbox"/> Insert additional funding source

Related Financial/FTE Comments:  
 201-231-1653-6454 201-231-1653-6332 201-231-1653-6310 201-231-1653-6560

Office use only:  
 RBA 2019 - 6456

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Highway 36 Railroad Bridge Repair Project Agreement with Twin Cities and Western Railroad**

Primary Originating Division/Dept: <input type="text" value="Public Works - Program Delivery"/>	Meeting Date: <input type="text" value="10/8/2019"/>
Contact: <input type="text" value="Andrew Engel"/> Title: <input type="text" value="Engineering 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:

**BACKGROUND/JUSTIFICATION:**

The County and Twin Cities and Western (TC&W) Railroad Company have been involved in discussions dealing with the repair of the Highway 36 bridge. It is the desire of both parties to enter into a written document regarding the repair of the bridge. Ownership of the bridge is unknown and in the past cost have been split evenly between the parties, thus this agreement is for an even split of the repair costs.

**ACTION REQUESTED:**

Motion to approve an agreement with TC&W Railroad Company for the Highway 36 Railroad Project, pending finalization for the contract review process.

<b>FISCAL IMPACT:</b> <input type="text" value="Included in current budget"/>	<b>FUNDING</b>						
<i>If "Other", specify:</i> <input type="text" value=""/>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;"><b>County Dollars =</b></td> <td style="text-align: right;"><b>\$20,962.50</b></td> </tr> <tr> <td>TC&amp;W Railroad</td> <td style="text-align: right;">\$20,962.50</td> </tr> <tr> <td><b>Total</b></td> <td style="text-align: right;"><b>\$41,925.00</b></td> </tr> </table>	<b>County Dollars =</b>	<b>\$20,962.50</b>	TC&W Railroad	\$20,962.50	<b>Total</b>	<b>\$41,925.00</b>
<b>County Dollars =</b>	<b>\$20,962.50</b>						
TC&W Railroad	\$20,962.50						
<b>Total</b>	<b>\$41,925.00</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 2019 - 6463

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Award of the Highway 36 Railroad Bridge Repair Project**

Primary Originating Division/Dept: <input type="text" value="Public Works - Program Delivery"/>	Meeting Date: <input type="text" value="10/8/2019"/>
Contact: <input type="text" value="Andrew Engel"/> Title: <input type="text" value="Engineering Supervisor"/>	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:

**BACKGROUND/JUSTIFICATION:**

The TC&W Railroad bridge over Highway 36 is in need of repair. Through annual bridge safety inspections it has been made apparent the south east wingwall is moving and in need of repair. Carver County Public Works staff has been monitoring the movement monthly for the last year and has determined immediate repairs are necessary to keep the road open.

Carver County Public Works recieved quotes on October 2, 2019. A total of 3 quotes were recieved. Meyer Contracting \$137,555.00, Veit \$76,075, and Atlas Foundations \$41,925. Staff is recomending the award of the project to the low responsible bidder. TC&W Railroad has concurred in the award to Atlas Foundations and will be paying for half of the cost since Carver County and TC&W Railroad jointly own the bridge crossing.

**ACTION REQUESTED:**

Motion to adopt a resolution to award a construction contract to Atlas Foundation Company of Osseo, Minnesota for the Highway 36 Railroad Project for \$41,925.00, pending finalization of the contract review process.

<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>\$20,962.50</b></td> </tr> <tr> <td>TC&amp;W Railroad</td> <td style="text-align: right;">\$20,962.50</td> </tr> <tr> <td><b>Total</b></td> <td style="text-align: right;"><b>\$41,925.00</b></td> </tr> </table>	<b>County Dollars =</b>	<b>\$20,962.50</b>	TC&W Railroad	\$20,962.50	<b>Total</b>	<b>\$41,925.00</b>
<b>County Dollars =</b>	<b>\$20,962.50</b>						
TC&W Railroad	\$20,962.50						
<b>Total</b>	<b>\$41,925.00</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 2019 - 6464

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

Date: October 8, 2019 Resolution No: \_\_\_\_\_  
Motion by Commissioner: \_\_\_\_\_ Seconded by Commissioner: \_\_\_\_\_

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**Awarding of the Highway 36 Bridge Repair Project, Carver County Contract 19-428**

WHEREAS, The County Engineer has secured and designated funding for this contract in the current fiscal year Road and Bridge budget; and

WHEREAS, On Wednesday, October 2, 2019 at 9:00 a.m. at Carver County Public Works, 11360 Highway 212, Cologne, Minnesota, three (3) quotes were received by Carver County Public Works and opened by two (2) representatives of Carver County Public Works for the Highway 36 Bridge Repair Project, said quotes for the responsible bidders are summarized as follows:

<u>Contractor</u>	<u>Total Bid</u>	<u>Over/Under Engineers Estimate</u>
Atlas Foundation Company	\$41,925.00	-31.27 %
Veit	\$76,075.00	+24.71 %
Meyer Contracting	\$137,555.00	+125.50 %
<i>Engineers Estimate</i>	<i>\$61,000.00</i>	

And WHEREAS, after examination of the quotes by Carver County Public Works, Atlas Foundation Company is the successful low responsible bidder.

NOW THEREFORE, BE IT RESOLVED that the Carver County Board of Commissioners hereby authorizes and directs the Carver County Board Chairman and Carver County Administrator to enter into Carver County Contract 19-428 with Atlas Foundation Company of Osseo, MN, in the name of the County of Carver for the construction of the 2019 County Highway Preservation Program in accordance with the construction plans and specifications contained in the project manual; and

BE IT FURTHER RESOLVED that Carver County Public Works is hereby authorized and directed to return the proposal guaranty to the bidders, except that of the successful low responsible bidder and second and third lowest bidder, which shall be retained until the construction contract has been signed and the performance and payment bonds of the low responsible bidder have been executed; and

BE IT FURTHER RESOLVED that Carver County Engineer, or his designee, is hereby authorized to take actions necessary and to enter into work orders, change orders or supplemental agreements on behalf of Carver County with an amount less than fifteen thousand dollars (\$15,000.00) and an increased aggregate project total of all project changes of thirty thousand dollars (\$30,000.00), when time is of the essence to make contract changes due to unforeseen construction conditions in order to minimize construction delays and to efficiently carry out the planned project improvements.

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 7<sup>th</sup> day of May, 2019, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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

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



# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Environmental Services Restructuring - Phase II**

Primary Originating Division/Dept: <input type="text" value="Public Services - Environ. Svc."/>	Meeting Date: <input type="text" value="10/8/2019"/>
Contact: <input type="text" value="Nick Koltavy"/> Title: <input type="text" value="Asst. County Admin."/>	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 type="radio"/> Yes <input checked="" type="radio"/> No

Strategic Initiative:

**BACKGROUND/JUSTIFICATION:**

In February of 2019, the Environmental Services Department went through a restructuring. As part of that restructuring, a new Environmental Center Supervisor position was created and filled with an internal post and a Senior Environmentalist position was eliminated.

At the same time, the County created an additional temporary supervisor position which was filled on an interim basis. This new structure has improved communication and the flow of work. At this time, the staff recommends a new Government Center Supervisor regular status position be created to replace the temporary supervisor position. This position would be posted internally and a Senior Environmentalist position would be eliminated.

Through the restructure, the total number of employees in the department remains the same. The work is being realigned to improve the department's efficiency and effectiveness. Prior to the restructuring, the Department Manager had 15 direct reports. With the addition of the supervisors, the number of direct reports to employee is at a better level to improve communication and the flow of work.

**ACTION REQUESTED:**

Motion to create a 1.0FTE Environmental Services Government Center Supervisor position and eliminate a 1.0FTE Senior Environmentalist position.

<b>FISCAL IMPACT:</b> <input type="text" value="Budget amendment request form"/>	<b>FUNDING</b>						
If "Other", specify: <input type="text"/>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">County Dollars =</td> <td style="text-align: right;"><b>\$133,056.00</b></td> </tr> <tr> <td>Eliminate Position</td> <td style="text-align: right;">(\$119,943.00)</td> </tr> <tr> <td><b>Total</b></td> <td style="text-align: right;"><b>\$13,113.00</b></td> </tr> </table>	County Dollars =	<b>\$133,056.00</b>	Eliminate Position	(\$119,943.00)	<b>Total</b>	<b>\$13,113.00</b>
County Dollars =	<b>\$133,056.00</b>						
Eliminate Position	(\$119,943.00)						
<b>Total</b>	<b>\$13,113.00</b>						
<b>FTE IMPACT:</b> <input type="text" value="Other staffing change (grade, classification, hours, etc.)"/>	<input checked="" type="checkbox"/> Insert additional funding source						

Related Financial/FTE Comments:  
 The cost of the internal promotion will depend on who receives the position and the increase in pay. It is anticipated that the increase will be around \$13,113 annually. Environmental Services will cover this cost by reducing Professional Services in General Programs (01-123-130-0000-6260).

Office use only:

RBA 2019 - 6451

# Budget Amendment Request Form



To be filled out AFTER RBA submittal

Agenda Item: Environmental Services Restructuring - Phase II

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
Salaries and Wages - 2019	01-123-130-0000-6111	\$2,185.00	Professional Services - 2019	01-123-130-0000-...	\$2,185.00
Salaries and Wages - 2020	01-123-130-0000-6111	\$13,113.00	Professional Services - 2020	01-123-130-0000-...	\$13,113.00
<b>TOTAL</b>		\$15,298.00	<b>TOTAL</b>		\$15,298.00

Reason for Request:

Reduce professional services budget for the remainder of 2019 and for 2020 to fund the additional salary expenses related to restructuring of the Environmental Services department.

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**  
**Limited Hours on December 24, 2019**

Primary Originating Division/Dept:  ▼

Meeting Date:

Contact:  Title:

Item Type:  
 ▼

Amount of Time Requested:  minutes

Attachments:  Yes  No

Presenter:  Title:

Strategic Initiative:  
 ▼

**BACKGROUND/JUSTIFICATION:**

The County Board has the authority to set business hours for County services and operations. Christmas Eve occurs on Tuesday, December 24, 2019. Historically, the Board has considered reducing business hours on the 24th to allow employees greater opportunity to meet family, community, and religious commitments.

The action requested is limiting business hours in non-24/7 facilities on December 24, 2019 to 8:00am - Noon, and allowing employees to use PTO, comp time, flex time or voluntary unpaid leave to fill the day; and in specific situations, allow greater flexibility of work hours within the same work week to accommodate the reduction of regular business hours on the 24<sup>th</sup>.

**ACTION REQUESTED:**

Limit business hours in non-24/7 facilities on December 24, 2019 to 8:00am - Noon, and allow employees to use PTO, comp time, flex time or voluntary unpaid leave to fill the day; and in specific situations, allow greater flexibility of work hours within the same work week to accommodate the reduction of regular business hours on the 24<sup>th</sup>.

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

**FUNDING**  
County Dollars =

**FTE IMPACT:**  ▼

**Total**

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2019 - 6459

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Citizen monetary donation (\$100) to Sheriff's Office in response to medical call (#19-19088)**

Primary Originating Division/Dept: Sheriff - Administrative Services	Meeting Date: 10/8/2019
Contact: Tamera Froemming      Title: Admin. Services Manager	Item Type: Consent
Amount of Time Requested:      minutes Presenter:      Title:	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No

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

**BACKGROUND/JUSTIFICATION:**

Board approval for receipt of citizen monetary donation. Citizen had a medical call and was pleased with the help and service she received by 2 Carver County Sheriff Deputies and wanted to show gratitude.

**ACTION REQUESTED:**

Review and approval of citizen donation to Sheriff's Office.

<b>FISCAL IMPACT:</b> Other If "Other", specify: \$100 Revenue	<b>FUNDING</b> County Dollars =				
<b>FTE IMPACT:</b> None	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;"></td> <td style="width: 30%;"></td> </tr> <tr> <td><b>Total</b></td> <td style="text-align: right;">\$0.00</td> </tr> </table>			<b>Total</b>	\$0.00
<b>Total</b>	\$0.00				

Insert additional funding source

**Related Financial/FTE Comments:**

\$100 to be deposited into Sheriff Contingent account #01-201-201-0000-5755

*Office use only:*

RBA 2019 - 6444

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**WM. Mueller & Sons, Inc. - Environmental Assessment Worksheet (EAW) for mineral mining expansion**

Primary Originating Division/Dept: <input type="text" value="Public Services - Land Mgmt."/>	Meeting Date: <input type="text" value="10/8/2019"/>
Contact: <input type="text" value="Jason Mielke"/> Title: <input type="text" value="Land Use Manager"/>	Item Type: <input type="text" value="Regular Session"/>
Amount of Time Requested: <input type="text" value="15"/> minutes Presenter: <input type="text" value="Jason Mielke"/> Title: <input type="text" value="Land Use Manager"/>	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
Strategic Initiative: <input type="text" value="Growth: Manage the challenges and opportunities resulting from growth and development"/>	

**BACKGROUND/JUSTIFICATION:**

File #PZ20190043. On August 6, 2019, the Board authorized the Land Management Senior Planner to sign & distribute the EAW (i.e. WM. Mueller & Sons gravel pit expansion) for the 30-day comment period. The 30-day comment period for the EAW began on August 19, 2019 and ended on September 18, 2019. A decision is required regarding the need for an Environmental Impact Statement (EIS). In making the decision, the Board must determine whether the project has the potential for significant environmental effects. According to the MN Environmental Quality Board (EQB) rules...*the following factors shall be considered: A. type, extent and reversibility of environmental effects; B. cumulative potential effects of related or anticipated future projects; C. the extent to which environmental effects are subject to mitigation by ongoing public regulatory authority; and D. the extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other EISs.*

The responses that were received during the comment period are attached. The consultant for WM. Mueller & Sons, Inc, Sunde Engineering, has provided additional information pertaining to the respondents' questions/concerns. Based on the documentation for this matter, an EIS does not appear to be warranted. If the Board issues a negative declaration for an EIS, the required Interim Use Permit (IUP) process would commence and any necessary conditions or mitigation could be addressed at the public hearing. Sunde Engineering should be in attendance at the October 8th meeting to further address any questions. A draft resolution is attached for the Board's consideration.

**ACTION REQUESTED:**

A motion adopting a resolution providing a negative declaration regarding the need for an Environmental Impact Statement (EIS).

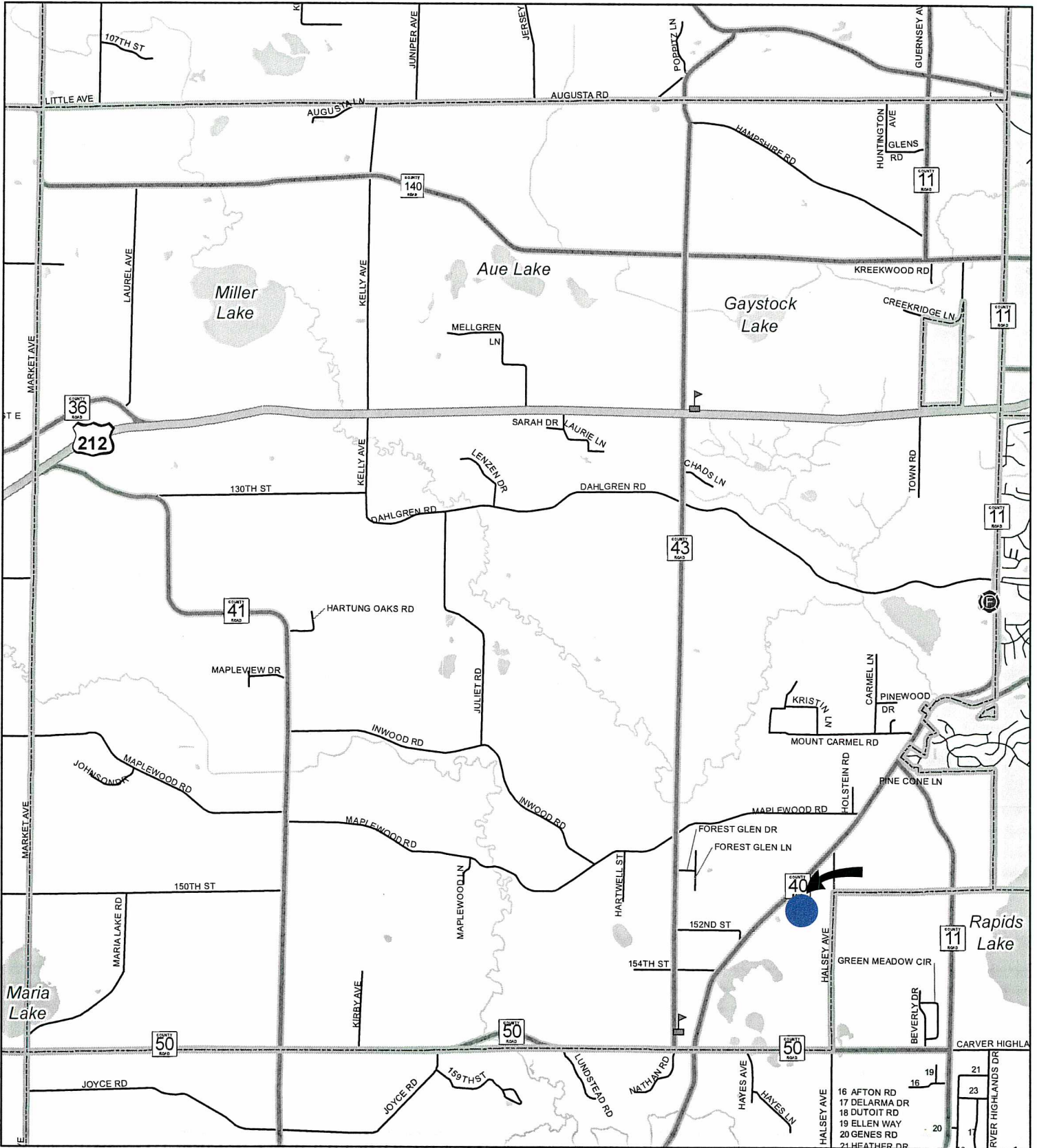
FISCAL IMPACT: <input type="text" value="None"/>	<b>FUNDING</b> County Dollars = <input type="text"/>
If "Other", specify: <input type="text"/>	<input type="text"/>
FTE IMPACT: <input type="text" value="None"/>	Total <input type="text" value="\$0.00"/>
<input checked="" type="checkbox"/> Insert additional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

Related Financial/FTE Comments:

Office use only:

RBA 2019 - 6446

# DAHLGREN TOWNSHIP



This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible for any inaccuracies contained herein.







August 27, 2019

Jason Mielke, Senior Planner  
Carver County Land Management  
600 E 4<sup>th</sup> St  
Chaska, MN 55318-2101

RE: Lundquist Mine Expansion, Dahlgren Township, Carver County EAW

Dear Mr. Mielke:

I appreciate being given the opportunity to comment on the above listed project. This office recommends that a qualified archaeologist conduct a survey to determine if the project could damage unrecorded archaeological sites. Although no archaeological site is currently recorded within the proposed project area, it is situated adjacent to an unnamed lake to the southwest. Because of this the southwestern segment of the project area has a moderate to high potential for containing previously unrecorded archaeological sites.

The Minnesota Historical Society maintains a list of qualified archaeologists at:  
<http://www.mnhs.org/preservation/directory>.

Please contact me if you have any questions or concerns.

Sincerely,

Jennifer Tworzyanski  
Assistant to the State Archaeologist  
Kellogg Center  
328 West Kellogg Blvd  
St Paul, MN 55102  
651.201.2265  
[jennifer.tworzyanski@state.mn.us](mailto:jennifer.tworzyanski@state.mn.us)

September 9, 2019

Jason Mielke  
Senior Planner  
Carver County Land Management  
600 East 4<sup>th</sup> Street  
Chaska, MN 55318-2101

Re: Lundquist Mine Expansion Environmental Assessment Worksheet

Dear Jason Mielke:

Thank you for the opportunity to review and comment on the Environmental Assessment Worksheet (EAW) for Lundquist Mine Expansion project (Project) in Dahlgren Township, Carver County, Minnesota. The Project consists of the expansion of an existing sand and gravel mine. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility or other interests, the MPCA staff has the following comments for your consideration.

**Permits and Approvals Required (Item 8)**

This section indicates that a Clean Water Act (CWA) Section 404 Permit from the U.S. Army Corps of Engineers (USACE) for project related wetland impacts may be necessary. Please be aware that if a USACE Section 404 Individual Permit is required for any project activity, then an MPCA CWA Section 401 Water Quality Certification must also be obtained as part of the permitting process. The Section 401 Water Quality Certification ensures that the activity will comply with the state water quality standards. Any conditions required within the MPCA 401 Certificate are then incorporated into the USACE 404 Permit. You can find additional information about the MPCA's 401 Certification process at <https://www.pca.state.mn.us/water/clean-water-act-section-401-water-quality-certifications>. For further information about the 401 Water Quality Certification process, please contact Bill Wilde at 651-757-2825 or [William.wilde@state.mn.us](mailto:William.wilde@state.mn.us).

We appreciate the opportunity to review this Project. Please provide your specific responses to our comments and notice of decision on the need for an Environmental Impact Statement. Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the Project for the purpose of pending or future permit action(s) by the MPCA. Ultimately, it is the responsibility of the Project proposer to secure any required permits and to comply with any requisite permit conditions. If you have any questions concerning our review of this EAW, please contact me by email at [Karen.kromar@state.mn.us](mailto:Karen.kromar@state.mn.us) or by telephone at 651-757-2508.

Sincerely,



Karen Kromar  
Project Manager  
Environmental Review Unit  
Resource Management and Assistance Division

KK:bt

cc: Dan Card, MPCA, St. Paul  
Bill Wilde, MPCA, St. Paul  
Suzanne Hanson, MPCA, Duluth







September 11, 2019

Mr. Jason Mielke  
Carver County Land Management  
600 East 4<sup>th</sup> Street  
Chaska, MN 55318-2101

RE: EAW – Lundquist Mine Expansion  
T115 R24 S35 NE, Dahlgren Twp, Carver County  
SHPO Number: 2019-2328

Dear Mr. Mielke:

Thank you for providing this office with a copy of the Environmental Assessment Worksheet (EAW) for the above-referenced project.

According to documentation provided in the EAW, the proposed project calls for the expansion of an existing sand and gravel mine in Dahlgren Township, Carver County.

According to our records, the proposed mine expansion is located to the east of King Oscar's Settlement, a historic property which is listed in the National Register of Historic Places. This property is a complex of church and parish buildings established in 1853 which are associated with early Swedish Lutheran settlement in Minneosta. Provided that the expanded mining activities are confined to the areas as shown in the EAW, we have determined that the proposed mine expansion will have no adverse impacts on the historic property.

However, due to the nature and location of the proposed project, we recommend that a Phase I archaeological survey be completed. The survey must meet the requirements of the Secretary of the Interior's Standards for Identification and Evaluation, and should include an evaluation of National Register eligibility for any properties that are identified. For a list of consultants who have expressed an interest in undertaking such surveys, please visit the website [preservationdirectory.mnhs.org](http://preservationdirectory.mnhs.org), and select "Archaeologists" in the "Search by Specialties" box.

We will reconsider the need for survey if the project area can be documented as previously surveyed or disturbed. Any previous survey work must meet contemporary standards. **Note:** plowed areas and right-of-way are not automatically considered disturbed. Archaeological sites can remain intact beneath the plow zone and in undisturbed portions of the right-of-way.

Please note that this comment letter does not address the requirements of Section 106 of the National Historic Preservation Act of 1966 and 36 CFR § 800. If this project is considered for federal financial assistance, or requires a federal permit or license, then review and consultation with our office will need to be initiated by the lead federal agency. Be advised that comments and recommendations provided by our office for this state-level review may differ from findings and determinations made by the federal agency as part of review and consultation under Section 106.

If you have any questions regarding our review of this project, please contact Kelly Gragg-Johnson, Environmental Review Specialist, at (651) 201-3285 or [kelly.graggjohnson@state.mn.us](mailto:kelly.graggjohnson@state.mn.us).

Sincerely,

Sarah J. Beimers  
Environmental Review Program Manager



September 17, 2019

Jason Mielke  
600 East 4<sup>th</sup> Street  
Chaska, MN 55318

RE: Lundquist Mine Expansion EAW

Dear Jason Mielke,

The Minnesota Department of Natural Resources (DNR) has reviewed the Environmental Assessment Worksheet (EAW) for the Lundquist Mine Expansion, located in Dahlgren Township, Carver County. Regarding matters for which the DNR has regulatory responsibility or other interests, we offer the following comments for your consideration.

- **Water Appropriations:** As noted in the EAW, a DNR Water Appropriation Permit will be required. Such a permit will need to be acquired for the appropriation of water, including wash water, in the Lundquist Mine. The actual mining of the pit using a backhoe will not require a DNR Water Appropriation Permit. DNR Water Appropriation Permits are required whenever more than 10,000 gallons of water per day, or one million gallons of water per year, are pumped from a Water of the State. The proposed volume for the new DNR Water Appropriation Permit should be for the entire volume of water that is pumped (not the estimated volume of water consumed). This equates to approximately 1.1 million gallons of water per day (page 15). Any questions related to water appropriations permitting, please contact DNR Appropriation Hydrologist Joe Richter ([joe.richter@state.mn.us](mailto:joe.richter@state.mn.us)).
- **Unknown wells:** It is possible that unknown wells exist on the site. Unknown wells should be sealed in accordance with the Rules of the Minnesota Department of Health.
- **Fish, wildlife, rare resources:** We appreciate the commitment to using wildlife friendly erosion control in order to minimize potential impacts to gophersnakes and other small wildlife. If any gopher snakes are observed, please report the observations to the [DNR non-game specialist](https://www.dnr.state.mn.us/eco/nongame/central.html) (<https://www.dnr.state.mn.us/eco/nongame/central.html>).

We recommend that any berms, or any temporarily vegetated areas are planted with a seed mix that is comprised of native species that includes a diverse mix of blooming species that can benefit pollinators and other wildlife. For any areas that are not returned to agricultural production after reclamation, we recommend that that native, pollinator seed mixes be utilized in these areas as well. This can not only provide habitat for wildlife, but help stabilize soil, and create a visual buffer for the project. The Board of Soil and Water Resources website has helpful information on this topic and local seed companies can assist in developing an appropriate pollinator seed mix for the area.

On behalf of the DNR, thank you for consideration of these comments.

Sincerely,

/s/Rebecca Horton  
Region Environmental Assessment Ecologist



September 17, 2019

Mr. Jason Mielke  
Carver County Land Management  
600 East 4th Street  
Chaska, MN 55318-2101



RE: Lundquist Mine Expansion  
Environmental Assessment Worksheet (EAW)  
Dahlgren Township, Carver County, Minnesota  
Metropolitan Council District 4, Deb Barber  
Metropolitan Council Review File No. 22339-1

Dear Mr. Mielke:

The Metropolitan Council (Council) received the Environmental Assessment Worksheet (EAW) for the proposed Lundquist Mine Expansion (Project) on August 13, 2019. WM. Mueller & Sons (WMS), Inc. currently operates an aggregate mining operation between County Road 40 and Halsey Road in Dahlgren Township initially permitted for operation by Carver County in 2003. The Project is a proposed expansion of the mine site to approximately 103 acres and revision of operations, phasing, and reclamation plans for the facility. Council staff review finds that the EAW is complete and accurate with respect to regional concerns and does not raise major issues of consistency with Council policies. An EIS is not necessary for regional purposes. The following comments are offered for your consideration.

**Item 9 – Land Use** (Raya Esmaeili, 651-602-1616 and Colin Kelly, 651-602-1361)

The EAW is consistent with the City of Carver's proposed 2040 Comprehensive Plan future land use. The site is within City of Carver's identified growth area within the orderly annexation area of Dahlgren Township. The proposed 2040 Plan designates the area as Low Density Residential. Both the Carver County and City of Carver's 2040 Comprehensive Plans are currently under review by the Metropolitan Council, which is acknowledged in the EAW. Please note that as long as the Council has not yet found the City of Carver's 2040 Plan complete for review, the future land use of this site can change. Council staff encourage the RGU to continue to coordinate with the City of Carver.

There are no existing regional park or trail units in the vicinity of the project site. The Minnesota River Bluffs LRT Extension Regional Trail Search Corridor is approximately 1.0 mile to the northeast of the project site. The Minnesota River Bluff and Ravines Regional Park Search Area is approximately 1.5 miles southeast of the project site. The EAW acknowledges the proximity to the Minnesota Valley National Wildlife Refuge, approximately 1.0 mile to the east of the project site. Council staff do not foresee the proposed project as having an adverse impact on the Regional Park System.



**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, ST. PAUL DISTRICT  
180 FIFTH STREET EAST, SUITE 700  
ST. PAUL, MN 55101-1678

September 20, 2019

Regulatory File No. MVP-2019-01777-MMW

Carver County Land Management  
c/o: Mr. Jason Mielke  
600 East 4th Street  
Chaska, Minnesota 55318



Dear Mr. Mielke,

This letter is in response to the Environmental Assessment Worksheet (EAW) for the Lundquist Mine Expansion. This letter contains our initial comments on this project for your consideration. The purpose of this letter is to inform you that based on the EAW for the project referenced above a Department of the Army (DA) permit may be required for your proposed activity. In lieu of a specific response, please consider the following general information concerning our regulatory program that may apply to the proposed project.

If the proposal involves activity in navigable waters of the United States, it may be subject to the Corps of Engineers' jurisdiction under Section 10 of the Rivers and Harbors Act of 1899 (Section 10). Section 10 prohibits the construction, excavation, or deposition of materials in, over, or under navigable waters of the United States, or any work that would affect the course, location, condition, or capacity of those waters, unless the work has been authorized by a Department of the Army permit.

If the proposal involves discharge of dredged or fill material into waters of the United States, it may be subject to the Corps of Engineers' jurisdiction under Section 404 of the Clean Water Act (CWA Section 404). Waters of the United States include navigable waters, their tributaries, and adjacent wetlands (33 CFR § 328.3). CWA Section 301(a) prohibits discharges of dredged or fill material into waters of the United States, unless the work has been authorized by a Department of the Army permit under Section 404. Information about the Corps permitting process can be obtained online at <http://www.mvp.usace.army.mil/regulatory>.

The Corps evaluation of a Section 10 and/or a Section 404 permit application involves multiple analyses, including (1) evaluating the proposal's impacts in accordance with the National Environmental Policy Act (NEPA) (33 CFR part 325), (2) determining whether the proposal is contrary to the public interest (33 CFR § 320.4), and (3) in the case of a Section 404 permit, determining whether the proposal complies with the Section 404(b)(1) Guidelines (Guidelines) (40 CFR part 230).

If the proposal requires a Section 404 permit application, the Guidelines specifically require that "no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences" (40 CFR § 230.10(a)). Time and money spent on the proposal prior to applying for a Section 404 permit cannot be factored into the Corps' decision whether there is a less damaging practicable alternative to the proposal.



Regulatory Branch (File No. MVP-2019-01777-MMW)

If an application for a Corps permit has not yet been submitted, the project proposer may request a pre-application consultation meeting with the Corps to obtain information regarding the data, studies or other information that will be necessary for the permit evaluation process. A pre-application consultation meeting is strongly recommended if the proposal has substantial impacts to waters of the United States, or if it is a large or controversial project.

If you have any questions, please contact me in our St. Paul office at (651) 290-5355 or [Mariah.M.Weitzenkamp@usace.army.mil](mailto:Mariah.M.Weitzenkamp@usace.army.mil). In any correspondence or inquiries, please refer to the Regulatory file number shown above.

Sincerely,

Mariah Weitzenkamp  
Project Manager

cc:  
Kirsten Pauly, WM. Mueller and Sons, Incorporated

**CARVER COUNTY LAND MANAGEMENT**  
**Carver County, MN**

**RECORD OF DECISION**

**FINDINGS OF FACT, CONCLUSIONS, and CARVER COUNTY RESOLUTION No. \_\_\_\_\_**

DATE: October 8, 2019

RE: Determination of Need for an Environmental Impact Statement (EIS)

PROJECT: Lundquist Mine Expansion, Dahlgren Township, Carver County, Minnesota

**FINDINGS OF FACT**

1. Pursuant to Minnesota Rules for Environmental Review of Nonmetallic Mineral Mining projects, 4410.4300, Subpart 12, Carver County Land Management, acting as the Responsible Governmental Unit (RGU) has prepared the mandatory Environmental Assessment Worksheet (EAW) for the Proposed Lundquist Mine Expansion, Dahlgren Township, Carver County (Project).
2. The EAW is incorporated by reference in this Record of Decision
3. As indicated in the EAW, the Project is an expansion of a current mining operation located on a 103-acre ± parcel of property in Dahlgren Township, Minnesota.
4. The Carver County Board authorized the submittal of the EAW to the Minnesota Environmental Quality Board (EQB) August 6, 2019.
5. A press release announcing the availability of the EAW for public review and comment, including a description of the Project was sent to the Chaska Herald, on August 22, 2019.
6. The EAW was filed with the EQB and notice of its availability for public review and comment was published in the EQB Monitor on August 19, 2019. A copy of the EAW was sent to all persons on the EQB Distribution List. The EAW was also made available at the Chaska Library and on Carver County's website.
7. The 30-day public review and comment period for the EAW began on August 19, 2019 and ended September 18, 2019.
8. During the 30-day public review and comment period, the RGU received comment letters from six (6) different regulatory agencies. Two (2) of the comments were after the close of the comment period; however, were still considered in the Findings of Fact.
  - A. Minnesota State Archaeologist - September 5, 2019
  - B. Minnesota Pollution Control Agency - September 9, 2019
  - C. Minnesota State Historic Preservation Office - September 11, 2019
  - D. Minnesota Department of Natural Resources - September 17, 2019
  - E. Metropolitan Council - September 20, 2019
  - F. U.S. Army Corps of Engineers - September 20, 2019

The written comments received, including those received after the close of the comment period, are presented below with an RGU response following each comment. Regulatory agency comments and RGU responses are formatted with reference to item 8 of this Record of Decision.

### **State Archaeologist**

**8a-1 Comment:** This office recommends that a qualified archaeologist conduct a survey to determine if the project could damage unrecorded archaeological sites. Although no archaeological site is currently recorded within the proposed project area, it is situated adjacent to an unnamed lake to the southwest. Because of this the southwestern segment of the project area has a moderate to high potential for containing previously unrecorded archaeological sites.

**8a-1 Response:** A Phase 1 archeological survey will be conducted over the site. As a condition of the County Interim Use Permit, no expansion of mining area will be allowed until the survey is completed and the results are submitted to the State Archaeologist and the State Historic Preservation Office. The Proposer will follow the recommendations of the Phase I archeological survey.

### **Minnesota Pollution Control Agency (MPCA)**

**8b-1 Comment:** Permits and Approvals Required (Item 8)

This section indicates that a Clean Water Act (CWA) Section 404 Permit from the U.S. Army Corps of Engineers (USACE) for project related wetland impacts may be necessary. Please be aware that if a USACE Section 404 Individual Permit is required for any project activity, then an MPCA CWA Section 401 Water Quality Certification must also be obtained as part of the permitting process. The Section 401 Water Quality Certification ensures that the activity will comply with the state water quality standards. Any conditions required within the MPCA 401 Certificate are then incorporated into the USCACE 404 Permit.

**8b-1 Response:** Thank you for the comment. Based on an approved wetland delineation, it has been determined that a Section 404 Permit will not be required for the Project.

### **Minnesota State Historic Preservation Office (SHPO)**

**8a-1 Comment:** According to our records, the proposed mine expansion is located to the east of King Oscar's Settlement, a historic property which is listed in the National Register of Historic Places. This property is a complex of church and parish buildings established in 1853 which are associated with early Swedish Lutheran settlement in Minnesota. Provided that the expanded mining activities are confined to the areas shown in the EAW, we have determined that the proposed mine expansion will have no adverse impacts on the historic property.

**8a-1 Response:** Comment noted

**8a-2 Comment:** However, due to the nature and location of the proposed project, we recommend that a Phase I archaeological survey be completed. The survey must meet the requirements of the Secretary of the Interior's Standards for Identification and Evaluation, and should include an evaluation of National Register eligibility for any properties that are identified.

8a-2 Response: A Phase 1 archeological survey will be conducted over the site. As a condition of the County Interim Use Permit, no expansion of mining area will be allowed until the survey is completed and the results are submitted to SHPO. The Proposer will follow the recommendations of the Phase I archeological survey.

8a-3 Comment: Please note that this comment letter does not address the requirements of Section 106 of the National Historic Preservation Act of 1966 and 36 CFR § 800. If this project is considered for federal financial assistance, or requires a federal permit or license, then review and consultation with our office will need to be initiated by the lead federal agency. Be advised that comments and recommendations provided by our office for this state-level review may differ from findings and determinations made by the federal agency as part of review and consultation under Section 106.

8a-3 Response: Comment noted.

### **Minnesota Department of Natural Resources**

8b-1 Comment: **Water Appropriations:** As noted in the EAW, a DNR Water Appropriation Permit will be required. Such a permit will need to be acquired for the appropriation of water, including wash water, in the Lundquist Mine. The actual mining of the pit using a backhoe will not require a DNR Water Appropriation Permit. DNR Water Appropriation Permits are required whenever more than 10,000 gallons of water per day, or one million gallons of water per year, are pumped from a Water of the State. The proposed volume for the new DNR Water Appropriation Permit should be for the entire volume of water that is pumped (not the estimated volume of water consumed). This equates to approximately 1.1 million gallons of water per day (page 15). Any questions related to water appropriations permitting, please contact DNR Appropriation Hydrologist Joe Richter ([joe.richter@state.mn.us](mailto:joe.richter@state.mn.us)).

8b-1 Response: The project proposer will obtain a Water Appropriation Permit prior to conducting aggregate washing activity.

8b-2 Comment: **Unknown wells:** It is possible that unknown wells exist on the site. Unknown wells should be sealed in accordance with the Rules of the Minnesota Department of Health.

8b-2 Response: If previously unknown wells are encountered during the mine operation, they will be sealed in accordance with the Rules of the Minnesota Department of Health.

8b-3 Comment: **Fish, wildlife, rare resources:** We appreciate the commitment to using wildlife friendly erosion control in order to minimize potential impacts to gopher snakes and other small wildlife. If any gopher snakes are observed, please report the observations to the DNR non-game specialist (<https://www.dnr.state.mn.us/eco/nongame/central.html>).

8b-3 Response: If any gopher snakes are observed, the observations will be reported as requested.

8b-4 Comment: We recommend that any berms, or any temporarily vegetated areas are planted with a seed mix that is comprised of native species that includes a diverse mix of blooming species that can benefit pollinators and other wildlife. For any areas that are not returned to agricultural production after reclamation, we recommend that that native, pollinator seed mixes be utilized in these areas as well. This can not only provide habitat for wildlife, but help stabilize soil, and create a visual buffer for the project. The Board of Soil and Water Resources website has helpful information on this topic and local seed companies can assist in developing an appropriate pollinator seed mix for the area.



8b-4 Response: The proposer will work with the Carver County Water Management Organization with respect to temporary seed mixes and those used in areas of the Site that are not returned to agricultural production as part of the erosion control and stormwater permit required for the Project. Reclaimed areas not returned to agricultural production will be planted with a native seed mix. The seed mix will contain both grasses and forbes.

### **Metropolitan Council**

#### **8c-1 Comment: Item 9 – Land Use**

The EAW is consistent with the City of Carver’s proposed 2040 Comprehensive Plan future land use. The site is within City of Carver’s identified growth area within the orderly annexation area of Dahlgren Township. The proposed 2040 Plan designates the area as Low Density Residential. Both the Carver County and City of Carver’s 2040 Comprehensive Plans are currently under review by the Metropolitan Council, which is acknowledged in the EAW. Please note that as long as the Council has not yet found the City of Carver’s 2040 Plan complete for review, the future land use of this site can change. Council staff encourage the RGU to continue to coordinate with the City of Carver.

8c-1 Response: Comment noted.

8c-2 Comment: There are no existing regional park or trail units in the vicinity of the project site. The Minnesota River Bluffs LRT Extension Regional Trail Search Corridor is approximately 1.0 mile to the east of the project site. Council staff do not foresee the proposed project as having and adverse impact on the Regional Park System.

8c-2 Response: Comment noted.

### **U.S. Army Corps of Engineers (ACOE)**

8d-1 Comment: The ACOE provided general information regarding their regulatory program and noted that a permit may be needed if the project includes activity in, over, or under navigable waters of the United States, or any work that would affect the course, location, condition, or capacity of those waters, unless the work has been authorized by a Department of the Army permit.

8d-1 Response: The Project does not involve activity (construction, excavation, or deposition of materials) in, over, or under navigable waters of the United States, or any work that would affect the course, location, condition, or capacity of those waters.

8d-2 Comment: If the proposal involves discharge of dredged or fill material into waters of the United States, it may be subject to the Corps of Engineers’ jurisdiction under Section 404 of the Clean Water Act (CWA Section 404). Waters of the United States include navigable waters, their tributaries, and adjacent wetlands (33 CFR § 328.3). CWA Section 301(a) prohibits discharges of dredged or fill material into waters of the United States, unless the work has been authorized by a Department of the Army permit under Section 404. Information about the Corps permitting process can be obtained online at <http://www.mvp.usace.army.mil/regulatory>.

8d-2 Response: The Project does not involve discharge of dredged or fill material into waters of the United States.

9. The following permits and approvals will be required for the Project.

- A. Minnesota Pollution Control Agency: NPDES General Permit for Nonmetallic Mineral Mining and Associated Activities (Stormwater)

- B. Minnesota Pollution Control Agency: Nonmetallic General Processing Air Permit
  - C. Minnesota Department of Natural Resources: Water Appropriations Permit (required prior to conducting aggregate washing operations on site)
  - D. Carver County: Chapter 152 Zoning Code - Interim Use Permit (Mining)
  - E. Carver County Water Management Organization (CCWMO): Erosion Control and Stormwater Permit
10. Carver County evaluated the project's potential for significant environmental effects and the need for an Environmental Impact Statement (EIS) based on the criteria for evaluation included in MN Rule 4410.1700, Subpart 7:
- A. Type, extent, and reversibility of environmental effects.
  - B. Cumulative potential effects of related or anticipated future projects.
  - C. The extent to which environmental effects are subject to mitigation by ongoing public regulatory authority; and
  - D. The extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other EISs.
11. The County finds the following for each of the criteria:
- A. The EAW and agency comments have identified the potential environmental effects of the project.
  - B. The EAW included an analysis of the cumulative potential effects of related and anticipated future projects.
  - C. The potential environmental effects of the project are subject to mitigation by ongoing public regulatory authority, including the permits required for the project listed in item 9, and the conditions that may be required by the County's Interim Use Permit.
  - D. Item D. is not applicable to this project.

**CONCLUSIONS**

- 1. Carver County has fulfilled all applicable procedural requirements of law and rule regarding the determination of need for an Environmental Impact Statement (EIS) for William Mueller and Sons proposed Lundquist Mine Expansion, Dahlgren Township, Carver County Minnesota.
- 2. Pursuant to Minnesota Rules Part 4410.1700, Subparts 6 and 7, the proposed project has been evaluated by the public, agencies, and Carver County (RGU) to determine potential environmental effects. Based on the findings and record in this matter, the Carver County Board finds that the proposed Lundquist Mine Expansion does not have the potential for significant environmental effects. The Carver County Boards Resolution No. \_\_\_\_\_ declaring a negative need for an Environmental Impact Statement is ATTACHED to this Record of Decision.
- 3. Pursuant to Minnesota Rules Part 4410.1700, Subpart 5, a copy of the RGU Record of Decision will be provided, within 5 days, to all person on the MEQB Distribution List, to persons commenting, and to persons who requested a copy. The Record of Decision will also be made available on the Carver County website.

**Name and Title of Signer:**

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**Jason Mielke**  
**Land Use Manager**  
**Carver County Land Management**

**October 8, 2018**

# BOARD OF COUNTY COMMISSIONERS CARVER COUNTY, MINNESOTA

DATE: \_\_\_\_\_ RESOLUTION #: \_\_\_\_\_

MOTION BY COMMISSIONER: \_\_\_\_\_ SECONDED BY COMMISSIONER: \_\_\_\_\_

## RESOLUTION FOR A NEGATIVE DECLARATION REGARDING THE NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED EXPANSION OF THE EXISTING WM. MUELLER & SONS, INC. MINING OPERATION – LUNDQUIST MINE

**WHEREAS**, Carver County is the Regulatory Government Unit (RGU) in the preparation of the Environmental Assessment Worksheet (EAW) submitted by WM. Mueller & Sons, Inc. for an approximate 103-acre expansion of an existing sand & gravel mining operation located in Section 35 of Dahlgren Township (T115, R24); and

**WHEREAS**, said EAW was approved for distribution by the County Board of Commissioners on August 6, 2019; and

**WHEREAS**, a copy of the EAW has been submitted to all public agencies on the EAW distribution list, published in the Environmental Quality Board (EQB) Monitor on August 19, 2019, all of which were prepared and completed in accordance with applicable State laws, rules, and regulations; and

**WHEREAS**, the 30-day comment period regarding the EAW concluded on September 18, 2019, with six regulatory agencies commenting; and

**WHEREAS**, Carver County has considered the comments that were received and has completed a Record of Decision supporting the declaration of negative need, including responses to the commenting regulatory agencies; and

**WHEREAS**, Carver County has considered the type, extent, and reversibility of environmental effects and finds as follows:

1. Based on the submitted comments, there were no lingering environmental issues or questions that would warrant an Environmental Impact Statement (EIS).
2. Effects and other issues related to the proposal can be adequately addressed during the Planning Commission hearing and Interim Use Permit process, by means through conditions and/or stipulations of approval.
3. There is no potential for significant environmental effects.

**NOW, THEREFORE, BE IT RESOLVED**, THAT the Carver County Board of Commissioners hereby concludes that an Environmental Impact Statement is not warranted.

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

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 8<sup>th</sup> day of October, 2019, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Re-Submittal of the 2040 County Comprehensive Plan to the Metropolitan Council**

Primary Originating Division/Dept:

Meeting Date:

Contact:  Title:

Item Type:

Amount of Time Requested:  minutes

Attachments:  Yes  No

Presenter:  Title:

**Strategic Initiative:**

**BACKGROUND/JUSTIFICATION:**

The Carver County 2040 Comprehensive Plan is an update of the 2030 Comprehensive Plan adopted in 2010. On May 30, 2019 staff submitted Carver County's 2040 Comprehensive Plan (plan) to the Metropolitan Council for review. Staff received a letter from the Metropolitan Council stating that the plan is incomplete and outlining revisions or additions which are required for the plan to be deemed complete. County staff anticipated receiving an incomplete letter, as most local governments have received one or more. Since that time, staff have been working with the Metropolitan Council on required revisions to the plan.

A memo summarizing changes made to the plan is attached. Copies of the proposed 2040 Comprehensive Plan are available for viewing online at [www.co.carver.mn.us/2040plan](http://www.co.carver.mn.us/2040plan). Hardcopies can be requested by contacting Adriana Atcheson at [aatcheson@co.carver.mn.us](mailto:aatcheson@co.carver.mn.us) or 952.361.1829.

Staff is recommending submission of the revised Carver County 2040 Comprehensive Plan to the Metropolitan Council for review.

**ACTION REQUESTED:**

Motion to authorize staff to submit the revised Carver County 2040 Comprehensive Plan to the Metropolitan Council for review.

**FISCAL IMPACT:**

If "Other", specify:

**FUNDING**

County Dollars =

**FTE IMPACT:**

**Total**

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2019 - 6428

## Memo

**To:** Carver County Board of Commissioners  
**Thru:** Paul Moline, Nick Koktavy, David Hemze  
**From:** Adriana Atcheson, Planning & Water Management  
**Date:** September 27, 2019  
**Re:** 2040 Comprehensive Plan – Resubmittal  
**CC:** Jason Mielke, Lyndon Robjent

Enclosures: none

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### Action Requested

Authorize staff to resubmit Carver County's 2040 Comprehensive Plan to the Metropolitan Council for review.

### Background

On May 30, 2019 staff submitted Carver County's 2040 Comprehensive Plan (plan) to the Metropolitan Council for review. Staff have since received a letter from the Metropolitan Council stating that the plan is incomplete and outlining revisions or additions which are required for the plan to be deemed complete. County staff anticipated receiving an incomplete letter, as most local governments have received one or more.

### Required Changes/Additions

Several sections of the plan were found to be incomplete, but most only required small additions or changes. Below is an overview of the required changes/additions:

- **Laketown Township**
  - **Wastewater** - additional information about Laketown Township's sanitary sewer system and community septic sewer system was added. This included information about inflow and infiltration (I/I) in the township and private sanitary sewer systems. Forecasts for the township were also broken down into areas served by the Metropolitan Disposal System, and Community and Subsurface Sewage Treatment Systems.
  - **Forecasts** – Previously the Metropolitan Council's population forecast for Laketown Township in 2040 was 0. However, they have updated their forecasts for the township to better reflect current annexation timelines of the adjacent cities. As a result, forecasts throughout the plan were updated to include these new estimates for Laketown Township.

- **Land Use**
  - Growth areas on various maps were updated to be consistent with the most recent versions of the cities' 2040 Comprehensive Plans.
  - Minor wording updates to align with the Metropolitan Council's community designations.
  - Addition of another use table which matches the existing land use map. The previous table matched only the future land use map.
- **Surface Water Management**
  - Draft CCWMO Watershed Plan added as an appendix.
  - Language in the Township Chapters about adopting the CCWMO Watershed Plan clarified to more clearly identify what version of the Watershed Plan is being referred to, and that the Carver County Board of Commissioners adopts the plan.
- **Regional Parks and Trails**
  - Minor updates to language and maps to be consistent with the 2040 Regional Parks Policy Plan.
- **Transportation**
  - Updated Laketown Township socioeconomic projections were added to the Traffic Analysis Zone (TAZ) Socioeconomic Tables. Various transportation maps were updated with these new projections. This change facilitates socioeconomic data shifts from the City of Waconia to include Laketown Townships' existence in 2040.
  - Future Network Changes with Potential Jurisdictional Transfers map was updated. A segment of existing County State-Aid Highway (CSAH) 24 between CSAH 10 and the future arterial connection between CSAH 24 and CSAH 20 were added to Future City/Township designation for Future Network Changes. This jurisdictional transfer would be dependent on construction of a new north-south bypass connection from CSAH 10 to CSAH 20 also depicted in this figure.
  - On the Existing and Planned On or Off-Road Bike Facilities map shoulder widening project data content and regional trail designations data content we updated. The Existing Destination State Trail category was added.

Copies of the updated 2040 Comprehensive Plan are available to view online at [www.co.carver.mn.us/2040plan](http://www.co.carver.mn.us/2040plan).

### **Next Steps**

If authorized to do so by the County Board of Commissioners, staff will submit the revised 2040 Comprehensive Plan to the Metropolitan Council for review. The Metropolitan Council has 15 business days to determine completeness, and 120 calendar days to complete their review. After the Plan is approved by the Metropolitan Council staff will bring it back to the County Board of Commissioners for adoption.