



# CARVER COUNTY

# minnesota

## Carver County Board of Commissioners March 2, 2021 Regular Session

Under Minnesota Statute 13D.021 the County Board has made a determination that an in-person meeting is not practical or prudent because of a health pandemic and an emergency has been declared under chapter 12.

The physical meeting location (Board Room) is closed because it is not feasible to be open due to the health pandemic. This meeting will be conducted via videoconference due to COVID-19 concerns.

Individuals who wish to provide public comments can do so by email at [admin-contact@co.carver.mn.us](mailto:admin-contact@co.carver.mn.us) or by leaving a voicemail at (952) 361-1516. If you would like to join the videoconference to provide public comments during the meeting please send an e-mail, no later than noon on the Monday prior to the scheduled meeting date, to Carver County Administration at [admin-contact@co.carver.mn.us](mailto:admin-contact@co.carver.mn.us) to receive a Webex invitation.

Public comments that are about an item not on the agenda will be heard during the public comments section of the meeting. Public comments that relate to an item on the agenda will be heard when that agenda item is discussed. Please limit your public comments to five minutes or less.

The meeting will be webcast live  
at: <https://www.youtube.com/user/CarverCountyMN/live>

- 9:00 a.m. 1. a) **CONVENE**
- b) **Pledge of allegiance**
- c) **Public comments submitted via email/voice mail**
- 2. Agenda review and adoption
- 3. Approve minutes of February 16, 2021, Regular Session..... 1-3
- 4. Community Announcements
- 9:05 a.m. 5. **CONSENT AGENDA**
- Communities: Create and maintain safe, healthy and livable communities*
- 5.1 Special Olympics Minnesota - Special Use Permit Request for a Polar Plunge Fundraiser Event ..... 4
- 5.2 Grant Applications to the Metropolitan Council's Equity Grant Program..... 5-10

5.3	Professional Services Agreement with RJM Construction for Construction Management Services .....	11
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*Connections: Develop strong public partnerships and connect people to services and information*

5.4	Application for Tobacco License for E-Cig POD USA LLC dba E-Cig POD.....	12
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*Growth: Manage the challenges and opportunities resulting from growth and development*

5.5	Acceptance of BWSR Watershed-Based Implementation Funding Grant South Fork .....	13-16
5.6	Grant Agreement with the City of Waconia for Bayview Reuse Stormwater Expansion.....	17
5.7	Grant Agreement with the City of Chaska for Lake Grace Ravine Project .....	18
5.8	Joint Powers Agreement with the City of Chaska for the Jonathan Association Gully Project .....	19-20
5.9	Professional Services Agreement with WSB & Associates, Inc. for the Jonathan Carver Parkway Project.....	21
5.10	Right-of-Way Acquisition for the Highway 10 Project - Chaska Creek Area .....	22-25

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

5.11	Abate/Waive 2020 Penalty and Interest for 25.7510010 .....	26
5.12	Review/Social/Commissioners' Warrants.....	NO ATT

9:10 a.m.	<b>6. FINANCES: Improve the County's financial health and economic profile</b>	
	6.1 <b>Public Hearing</b> on CDA's Request for the County's General Obligation Pledge for three CDA's Debt Refundings.....	27-34

9:25 a.m.	<b>7. CONNECTIONS: Develop strong public partnerships and connect people to services and information</b>	
	7.1 Carver County School Network Consortium Agreement .....	35

9:45 a.m.	<b>8. COMMUNITIES: Create and maintain safe, healthy and livable communities</b>	
	8.1 Final Agreements and Authorization to Proceed to Close on HCRRRA Property .....	36-37

10:05 a.m. **ADJOURN REGULAR SESSION**

**WORK SESSION**

10:05 a.m.	<b>A. GROWTH: Manage the challenges and opportunities resulting from growth and development</b>	
	1. Right-of-Way Acquisition for the Highway 92 Project - Interlaken Area ..	38

10:45 a.m.	<b>B. County Administrator Report</b>	
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David Hemze  
County Administrator

## UPCOMING MEETINGS

March 9, 2021	No Meeting
March 16, 2021	9:00 a.m. Board Meeting
March 23, 2021	9:00 a.m. Board Work Session
April 6, 2021	9:00 a.m. Board Meeting
April 13, 2021	No Meeting
April 20, 2021	9:00 a.m. Board Meeting
April 27, 2021	9:00 Board Work Session

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on February 16, 2021. The building remained closed due to the health pandemic but was webcast live. Chair Tim Lynch convened the session at 9:01 a.m.

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

Members absent: None.

Public comments were received from Karen Johnson Leuthner. County Administrator Hemze read the letter into the record that raised her concerns in the handling of the CUP and RF dangers related to the Hollywood Township tower. She indicated she would be forwarding the email to the Hollywood Township Clerk for their March 8<sup>th</sup> agenda.

The following amendment was made to the agenda:

Move 5.10 to 6.2 - Resolutions of Support to Sponsor Local Road Improvement Grant Applications for Townships and Non-State Aid Cities

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

Workman moved, Fahey seconded, to approve the minutes of the February 2, 2021 Regular Session. Motion carried unanimously.

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

Authorized the Parks Department to issue redeemable vouchers for recreation services and products.

Resolution #12-21, 2021 Seasonal Road Restrictions.

Approved an amendment to the Joint Powers Agreement with the City of Chanhassen for the TH 5 Regional Trail project pending finalization of the contract review process.

Re-authorized out of state training for one investigator to travel to Florida to attend the IACIS computer forensic examiner program 4/26/21-5/7/21.

Approved professional services agreement with Granite Ledge Electrical Contractors, Inc., in the amount of \$33,817.10 for traffic signal improvements, pending finalization of the contract review process.

Approved entering into a professional services agreement with HGA Architects for design and construction administration services for the Waterfront Service Center at Waconia Regional Park and authorized the Chair to sign the agreement upon completion of the contract review process.

Approved the professional services agreement with Second Chance Recycling and authorized the Chair to sign the agreement upon completion of the contract review process.

Approved professional services agreement with Erickson Engineering for design services for the Salem Avenue Bridge project, pending finalization of the contract review process.

Resolution #13-21, Support to Submit Local Road Improvement Program Project Application for Trunk Highway 25 and County Road 20 Intersection Improvements.

Resolution #14-21, Support to Submit Local Road Improvement Program Project Application for County Highway 24 Safety and Reconstruction Project.

Approved amendment one to the professional services agreement with Kimley-Horn for the Highway 10 and 24 project pending finalization of the contract review process.

Approved and accepted receipt of the unrestricted grant in the amount of \$5,000 from HealthPartners for use by Health and Human Services, specifically the Child & Family and Income Support departments to develop a program that serves low income families on Medicaid and related HH&S budget amendment.

Authorized the Chair to sign the BWSR Competitive Grant Agreement and contract pending contract review and approved related Public Services budget amendment.

Authorized the Chair to sign the BWSR Watershed Base Implementation Funding grant agreement pending contract review and approved related Public Services budget amendment.

Reviewed February 9, 2021, Community Social Services' actions/Commissioners' warrants in the amount of \$710,760.73 and reviewed February 16, 2021, Community Social Services' actions/Commissioners' warrants in the amount of \$481,138.01.

Motion carried unanimously.

The Board was asked to make a Board appointment to the County Veterans Treatment Court Steering Committee. Mark Metz, County Attorney, clarified the purpose of the committee and explained it was a wide group of people working toward the same goal. Commissioner Udermann expressed his interest in serving.

Degler moved, Lynch moved, to appoint Commissioner Udermann to serve on the Carver County Veterans Treatment Court Steering Committee, with Commissioner Degler as the alternate. Motion carried unanimously.

Lyndon Robgent, Public Works, requested the Board adopt Resolutions of Support to sponsor Local Road Improvement Grant applications for townships and non-state aide cities. He explained the State, through the legislative session, bonded for 75 million in local road improvement grants. He stated this allows cities, township and the County to apply for grants for local roads and identified the proposed County, City and Township projects.

Robgent explained Waconia Township had decided to pull their request. He stated townships or cities below 5,000 population have to get the County to sponsor their application and cities over 5,000 submit their own grants. He indicated the County was not competing for funds and in general

they support communities for their requests. He recommended the Board adopt Resolutions of support for cities and townships below 5,000 population and provide a letter of support for the projects in the Cities of Chanhassen and Waconia. He clarified in general all projects are scored on their merits and the state wants to make sure all agencies have a chance to get funding.

Degler moved, Fahey seconded, to authorize the County Engineer to sign letters of support for City applications to the Local Road Improvement Program and offered the following Resolutions:

Resolution #15-21

Support to Sponsor City of Carver's Local Road Improvement Program Project  
Application for 6<sup>th</sup> Street West Reconstruction

Resolution #16- 21

Support to Sponsor Watertown Township's Local Road Improvement Program Project  
Application for Quarry Avenue.

Resolution #17-21

Support to Sponsor Dahlgren Township's Local Road Improvement Program Project  
Application for Dahlgren Road.

Resolution #18-21

Support to Sponsor Hollywood Township's Local Road Improvement Program Project  
Application for 30<sup>th</sup> Street

On vote taken all voted aye.

Degler moved, Workman seconded, to go into closed session pursuant to Minnesota Statute Section 13D.05 subd. 3(c) to discuss confidential appraisal information related to PID #07.0350110. Motion carried unanimously.

The Board adjourned the closed and Regular Session.

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:**

**Special Olympics Minnesota - Special Use Permit Request for a Polar Plunge Fundraiser Event**

Primary Originating Division/Dept: <u>Public Works - Parks</u>	Meeting Date: <u>3/2/2021</u>
Contact: <u>Samuel Pertz</u> Title: <u></u>	Item Type: <u>Consent</u>
Amount of Time Requested: <u>    </u> minutes	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Presenter: <u>                                    </u> Title: <u>                                    </u>	

**Strategic Initiative:**

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

**BACKGROUND/JUSTIFICATION:**

Special Olympics Minnesota has requested a special use permit for a polar plunge event fundraiser on Saturday, March 20, 2021. By County Ordinance, Chapter 91; special events require issuance of a use permit.

The event has been planned in accordance with current State Executive Order(s) under COVID19 guidelines & safety. The permittee has prepared and submitted a COVID 19 preparedness plan specific to how the event would run at Lake Waconia Regional Park. Registration limits attendance to 250 people. Further, arrival time slots are provided to registrants in order to disperse registrants throughout the event time period, reducing the amount of people on site at any one time.

The County Attorney's Office has reviewed the event and has indicated that the event can proceed as planned to include implementation of the necessary safety precautions for addressing the hole in the ice which is created for the event. The event and safety precautions are also coordinated with the Sheriff's Office. Should snow/ice maintenance be needed, the Parks Department has offered to provide this service at no cost. Appropriate event liability insurance certificates have been received.

The Park Commission heard and reviewed this special use permit request on February 10, 2021. The Commission made a recommendation to advance the permit to the County Board contingent on necessary permits from the City of Waconia and Sheriff Office being obtained which were in progress at that time. Staff with Special Olympics Minnesota are cognizant of the potential for a changing COVID19 landscape, the event operations and respective preparedness plan may need to be amended.

**ACTION REQUESTED:**

Motion to approve the special use permit for Special Olympics Minnesota for the March 20, 2021 polar plunge fundraiser event held at Lake Waconia Regional Park.

**FISCAL IMPACT:** None

*If "Other", specify:*

**FUNDING**

County Dollars =	<b>\$0.00</b>
<b>Total</b>	<b>\$0.00</b>

**FTE IMPACT:** None

Related Financial/FTE Comments:

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Grant Applications to the Metropolitan Council's Equity Grant Program**

Primary Originating Division/Dept: <input type="text" value="Public Works - Parks"/>	Meeting Date: <input type="text" value="3/2/2021"/>
Contact: <input type="text" value="Sam Pertz"/> Title: <input type="text" value="Parks &amp; Recreation 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: <input type="text" value="Communities: Create and maintain safe, healthy, and livable communities"/>	

**BACKGROUND/JUSTIFICATION:**

The Metropolitan Council has developed an Equity Grant Program for Implementing Regional Park Agencies. This grant program is designed to address defined equity disparities that have been identified in past Council work. The Council has designated a portion of its regional parks bonds and park interest earnings to provide financial support to regional park implementing agencies for projects that will strengthen equitable usage of regional parks and trails by all our region's residents, such as across age, race, ethnicity, income, national origin, and ability. To address those goals, through the 2040 Regional Parks Policy Plan, the Council committed to creating a set-aside competitive grant program for capital projects explicitly intended to strengthen equitable usage of the Regional Parks System. Partnerships and engagement are necessary to shape the proposed projects, and as a result of this collaboration the Competitive Equity Grant Program will enhance institutional capacity around equity work across the Regional Parks System and with the Council and individual implementing agencies.

County Staff are requesting authorization to apply for several projects within the scope of the grant parameters. The prioritized projects are listed below and address the equity areas based on age, income and ability. A grant application is proposed for watercraft and other seasonal rental equipment to provide affordable rental equipment opportunities at Lake Waconia Regional Park along with a storage unit for the equipment. Carver County has a high percentage of youth under age 18 and a grant application is proposed for a playground at Lake Waconia Regional Park. To address ADA access to Carver County park facilities, an ADA assessment grant application is proposed. A grant application for a portable climbing wall is proposed to address recreational needs of youth for day camps. Lastly, a grant application for a docking system at Lake Waconia Regional Park is proposed to improve access for all ages and abilities to the waterfront. The attached resolutions outline the goal of each application as well.

Staff will work to further evaluate the projects and then complete the applications by the program deadline of March 15, 2021. Successful applicants will be notified in the Spring of this year, funds will be eligible to be spent towards the grant(s) beginning July 1, 2021 with a 3-year term duration. Grant terms specify that no more than \$400,000 can be awarded to an implementing agency. If the County is successful in the application process, not all the projects below will be funded due to this funding cap.

**Projects/Grant Applications and Estimated Values:**

- Watercraft Rental Service Equipment and Accessory Storage Structure: \$200,000
- ADA Assessment Plans for the Three Regional Park Areas: \$20,000
- Portable Rock-climbing Wall Unit: \$60,000
- Docking system for Lake Waconia Regional Park: \$200,000
- Partial Funding for a Playground Facility at Lake Waconia Regional Park: \$200,000

**ACTION REQUESTED:**

Motion to authorize staff to submit grant applications and adopt resolutions of support for the five projects identified to the Metropolitan Council Parks, Trails and Open Space Division.

FISCAL IMPACT: <input type="text" value="None"/>	FUNDING
if "Other", specify: <input type="text"/>	County Dollars = <input type="text" value="\$0.00"/>
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 2021 - 7476



# BOARD OF COUNTY COMMISSIONERS CARVER COUNTY, MINNESOTA

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

**WHEREAS**, Carver County is an Implementing Regional Park Agency of the Metropolitan Regional Park System and owns the property of Lake Waconia Regional Park; and  
**WHEREAS**, The Metropolitan Council has a grant program to strengthen equitable usage of the Regional Park System; and  
**WHEREAS**, Carver County is working to increase access to Coney Island of Lake Waconia Regional Park for all ages and abilities; and  
**WHEREAS**, Carver County desires to construct a docking system to aid in access to Coney Island consistent with the Lake Waconia Regional Park Master Plan; and  
**WHEREAS**, Carver County supports an application for grant funding through the Metropolitan Council, Parks & Open Space Division, for costs related to the procurement and installation of docking system; and  
**WHEREAS**, the grant application does not require a local matching amount; and

**NOW, THEREFORE BE IT RESOLVED**, that the Carver County Board of Commissioners hereby approves the application for grant funding through the Metropolitan Council for a docking system to be purchased and installed at Lake Waconia Regional Park.

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 \_\_\_\_\_ day of \_\_\_\_\_, 2021, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
 Dave Hemze County Administrator

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

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

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

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**WHEREAS**, Carver County is an Implementing Regional Park Agency of the Metropolitan Regional Park System and owns the property of Lake Waconia Regional Park; and

**WHEREAS**, The Metropolitan Council has a grant program to strengthen equitable usage of the Regional Park System; and

**WHEREAS**, Carver County has a high percentage of children under age 18; and

**WHEREAS**, Carver County has plans to construct a playground at Lake Waconia Regional Park to provide youth with recreation experiences that enhance confidence, skill building, and social interaction; and

**WHEREAS**, Carver County supports an application for grant funding through the Metropolitan Council, Parks & Open Space Division, to aid in funding a playground facility; and

**WHEREAS**, the grant application does not require local matching funds; and

**NOW, THEREFORE BE IT RESOLVED**, that the Carver County Board of Commissioners hereby approves the application for grant funding through the Metropolitan Council for a portion of the costs to construct a playground facility at Lake Waconia Regional Park.

YES

ABSENT

NO

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STATE OF MINNESOTA  
COUNTY OF CARVER

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Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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

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

# BOARD OF COUNTY COMMISSIONERS CARVER COUNTY, MINNESOTA

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

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

**WHEREAS**, Carver County is an Implementing Regional Park Agency of the Metropolitan Regional Park System and owns the properties of Lake Waconia, Lake Minnewashta and Baylor Regional Parks; and

**WHEREAS**, The Metropolitan Council has a grant program to strengthen equitable usage of the Regional Park System; and

**WHEREAS**, The Metropolitan Council requires Implementing Regional Park Agencies to have current ADA assessments plans on file for each of the park areas.; and

**WHEREAS**, Carver County supports an application for grant funding through the Metropolitan Council, Parks and Open Space Division, to update ADA assessments plans; and

**WHEREAS**, the grant application does not require local matching funds; and

**NOW, THEREFORE BE IT RESOLVED**, that the Carver County Board of Commissioners herby approves the application for grant funding through the Metropolitan Council to obtain funding to perform the work of updating the ADA assessment plans for the regional park areas operated by Carver County.

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 \_\_\_\_\_ day of \_\_\_\_\_, 2021, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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

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

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

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

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

**WHEREAS**, Carver County is an Implementing Regional Park Agency of the Metropolitan Regional Park System; and

**WHEREAS**, The Metropolitan Council has a grant program to strengthen equitable usage of the Regional Park System; and

**WHEREAS**, Carver County has a high percentage of children under age 18; and

**WHEREAS**, Carver County desires to provide youth with recreation experiences that enhance confidence, skill building, and social interaction by purchasing a portable rock-climbing wall and implementing its use; and

**WHEREAS**, Carver County supports an application for grant funding through the Metropolitan Council, Parks & Open Space Division, to purchase a climbing wall; and

**WHEREAS**, the grant application does not require a local match; and

**NOW, THEREFORE BE IT RESOLVED**, that the Carver County Board of Commissioners hereby approves the application for grant funding through the Metropolitan Council for the purchase of a portable rock-climbing wall.

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

STATE OF MINNESOTA  
COUNTY OF CARVER

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Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Dave Hemze County Administrator

# BOARD OF COUNTY COMMISSIONERS CARVER COUNTY, MINNESOTA

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

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

- WHEREAS**, Carver County is an Implementing Regional Park Agency of the Metropolitan Regional Park System; and  
**WHEREAS**, The Metropolitan Council has a grant program to strengthen equitable usage of the Regional Park System; and  
**WHEREAS**, Carver County is developing a waterfront service center at Lake Waconia Regional Park; and  
**WHEREAS**, Carver County is working to satisfy public demand for affordable small watercraft rentals; and  
**WHEREAS**, Carver County supports an application for grant funding through the Metropolitan Council, Parks & Open Space Division, for the costs of purchasing a fleet of small watercraft and construction of accessory structure to store and protect rental equipment; and  
**WHEREAS**, the grant application does not require local matching funds; and

**NOW, THEREFORE BE IT RESOLVED**, that the Carver County Board of Commissioners hereby approves the application for grant funding through the Metropolitan Council for the purchase of a fleet of small watercraft and construction of an accessory structure for Lake Waconia Regional Park.

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 \_\_\_\_\_ day of \_\_\_\_\_, 2021, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Dave Hemze County Administrator

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Professional Services Agreement with RJM Constructon for Construction Management Services**

Primary Originating Division/Dept: <input type="text" value="Public Works - Parks"/>	Meeting Date: <input type="text" value="3/2/2021"/>
Contact: <input type="text" value="Martin Walsh"/> Title: <input type="text" value="Parks and Recreation Director"/>	Item Type: <input type="text" value="Consent"/>
Amount of Time Requested: <input type="text" value=""/> minutes	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Presenter: <input type="text" value=""/> Title: <input type="text" value=""/>	
Strategic Initiative: <input type="text" value="Communities: Create and maintain safe, healthy, and livable communities"/>	

**BACKGROUND/JUSTIFICATION:**

During December 2020 and into January 2021 Carver County completed a public engagement process, meeting virtually with stakeholders, public, a technical advisory group and conducted public survey to help determine a recommended building program for the Waconia Regional Park Waterfront Service Center.

On January 26, 2021 the findings of the public engagement process were shared with the County Board and direction was provided to proceed with consulting and design services for the Waterfront Service Center.

On February 16, Carver County contracted for architect services for the construction of a Waterfront Service Center for Waconia Regional Park.

Additionally, a request for proposal process for construction management services was solicited. Proposals were received on February 10th and subsequently evaluated. The top firms were interviewed by a selection committee consisting of HGA Architect representative, County Facilities Services Manager and Parks Staff. The selection committee has recommended that RJM Construction be awarded the construction administration contract based on project proposal, experience with projects of a similar nature and competitive fee. The contract fee is based on an estimated construction value of \$4,000,000 and on-site supervision at halftime.

**List of Firms Submitting Proposals**

- [CPMI](#)
- [Donlar Construction](#)
- [H & U Construction](#)
- [Kalcon LLC](#)
- [Loeffler Construction](#)
- [PLC Construction Services](#)
- [RJM Construction](#)
- [Stahl](#)
- [Terra Construction](#)

**ACTION REQUESTED:**

Motion to enter into a professional services agreement with RJM Construction for construction management services for the Waterfront Service Center at Waconia Regional Park and authorize the Board Chair to sign the agreement upon completion of the contract review process.

<b>FISCAL IMPACT:</b> <input type="text" value="Included in current budget"/> <i>If "Other", specify:</i> <input type="text"/>	<b>FUNDING</b> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">County Dollars =</td> <td style="width: 30%; text-align: right;">\$0.00</td> </tr> <tr> <td>Park CIP Reserves</td> <td style="text-align: right;">\$112,122.50</td> </tr> <tr> <td>State Bonds</td> <td style="text-align: right;">\$112,122.50</td> </tr> <tr> <td><b>Total</b></td> <td style="text-align: right;"><b>\$224,245.00</b></td> </tr> </table> <input checked="" type="checkbox"/> Insert additional funding source	County Dollars =	\$0.00	Park CIP Reserves	\$112,122.50	State Bonds	\$112,122.50	<b>Total</b>	<b>\$224,245.00</b>
County Dollars =	\$0.00								
Park CIP Reserves	\$112,122.50								
State Bonds	\$112,122.50								
<b>Total</b>	<b>\$224,245.00</b>								
<b>FTE IMPACT:</b> <input type="text" value="None"/>									

**Related Financial/FTE Comments:**

Park CIP (Fund #34) reserves/fund balance will be used to cash flow the up front costs related to the Waterfront Service Center until the County's funding source for the 50/50 match with the State Bonds are identified and approved by the County Board. Actual construction value for the building may increase slightly as other soft costs for the building are better defined and come in under budget. If it is determined that additional funding is available, a contract amendment with RJM construction reflecting added construction value would be requested.

*Office use only:*

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Application for Tobacco License for E-Cig POD USA LLC dba E-Cig POD**

Primary Originating Division/Dept: <input type="text" value="Property &amp; Financial Services"/>	Meeting Date: <input type="text" value="3/2/2021"/>
Contact: <input type="text" value="Heather Perkins"/> Title: <input type="text" value="Election &amp; Licensing Specialist"/>	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:**

E-Cig POD USA LLC dba E-Cig POD has applied for a Tobacco License in Carver County and is in compliance with the Carver County Tobacco Ordinance. The owner is requesting the Carver County Board of Commissioners approval to sell tobacco products. This business is a new name and ownership to a previous business in the same location. It was previously E-Cig Store of Shakopee LLC. The address of the business is 8971 Crossroads Blvd Suite 140, Chanhassen MN 55317.

**ACTION REQUESTED:**

Approval of the Carver County Board to issue a tobacco license to E-Cig POD USA LLC dba E-Cig POD.

<b>FISCAL IMPACT:</b> <input type="text" value="None"/>	<b>FUNDING</b>
<i>If "Other", specify:</i> <input type="text"/>	<b>County Dollars =</b> <input type="text"/>
<b>FTE IMPACT:</b> <input type="text" value="None"/>	<b>Total</b> <input type="text" value="\$0.00"/>

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2021 - 7471

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Acceptance of BWSR Watershed-Based Implementation Funding Grant\_South Fork**

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 state Board of Water & Soil Resources (BWSR) is distributing State Clean Water Funds (CWF) funds to the Carver County Water Management Organization (CCWMO) and other watershed districts in the County for the FY2021 period. BWSR established a process to allocate funds within the Metro Area based upon watersheds and local government units that have an approved water plan with BWSR.

The funds have now been allocated and the County has received a draft grant agreement from BWSR to accept the watershed-based funding grant (for the CCWMO portion). The attached memo has additional information on the funding process and the proposed projects. The County staff recommends that the Board approve receipt of the grant and authorize the Board Chair to sign the grant program agreement.

**ACTION REQUESTED:**

Motion to authorize the chair to sign the BWSR Watershed-Based Implementation Funding Grant Agreement pending contract review.

**FISCAL IMPACT:**

If "Other", specify:

**FTE IMPACT:**

**FUNDING**

<b>County Dollars =</b>	<input type="text" value=""/>
BWSR	\$90,000.00
CCWMO Match	\$20,000.00
<b>Total</b>	<b>\$110,000.00</b>

Insert additional funding source

**Related Financial/FTE Comments:**

Acceptance of the Grant Agreement requires a Match. The matching funds are part of the 2021 CCWMO Levy (\$20,000).

*Office use only:*

RBA 2021 - 7461





**Carver County Water Management Organization**

**Planning and Water Mgmt Dept**  
 Government Center – Administration Building  
 600 East 4<sup>th</sup> Street  
 Chaska, Minnesota 55318  
 Phone: (952)361-1820  
 Fax: (952)361-1828  
[www.co.carver.mn.us/water](http://www.co.carver.mn.us/water)

**Memo**

**To:** County Commissioners, Dave Hemze  
**From:** Paul Moline, Carver County Water Management Organization  
**Date:** February 16, 2021  
**Re:** BWSR Clean Water Fund Agreement – South Fork Crow River  
**cc:** Nick Koltavy, Assistant County Administrator

Enclosures: none

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Background

The state Board of Water & Soil Resources (BWSR) changed the process for distributing State Clean Water Legacy (CWL) funds to the Carver County Water Management Organization (CCWMO) and other watershed districts for the FY 2021 period. Previously, the CCWMO would compete with all other watersheds in the state for annual CWL grants. For the next fiscal cycle, BWSR is allocating funds directly to large Metro Watersheds to implement eligible projects. This is part of the State’s One Watershed One Plan Program. The Program allocates a set fund amount to each metro watershed and relied on a collaborative group to determine which projects are funded by the allocation. The larger metro watershed identified as the South Fork Crow Watershed was allocated \$330,063 for FY 2021.

Process

Staff members representing two Water Management Organizations (Pioneer Sarah Creek, and Carver County), two Municipalities (City of Medina and the City of Watertown) and two Soil and Water Conservation Districts (Hennepin County and Carver SWCD) recommended that funds be split based upon a ranking criteria approved by all voting members of this group and submitted a project list to BWSR. Funding was allocated as follows:

CCWMO	2 Projects	\$90,000.00
CARVER SWCD	1 Project	\$60,000.00
PIONEER SARAH CREEK WMO	3 Project	\$180,063.00
<b>TOTAL</b>	<b>6 Projects</b>	<b>\$330,063.00</b>

At this time, staff is recommending that the grant agreements be approved by the Board to begin implementing the projects with the CCWMO allocated CWF funds.

Projects

Watertown Streambank Restoration Feasibility Study and Implementation

This project will complete a feasibility study identifying streambank areas along the South Fork Crow River through the City of Watertown that are failing, identifies cost benefits, and rank potential projects. Any remaining funds will be used to begin design on the top identified projects. Total funding from BSWR is \$50,000 with an additional \$10,000 in CCWMO Levy Funding as match.

#### Turf to Native Program

The goal of the program will be to reach out to LGUs and County Parks Division on parcels that have large maintained turf grassed areas or agricultural land and convert to those areas to native prairie. BWSR will be funding \$40,000 of this program with an addition \$10,000 from CCWMO Levy Funds as a match. With this budget, it is estimated that we can convert roughly 8 acres to a native prairie with 2 to 3 years of maintenance included to help establish the native plantings. Research has shown that by converting this amount of area to a native prairie, infiltration rates increase by 0.6 inches per hour resulting in a stormwater volume reduction of 2,540,000 gallons, reduction of 4.9 pounds of phosphorus, and 1,700 pounds of sediment removed per acre of converted turf grass.

# Budget Amendment Request Form



To be filled out AFTER RBA submittal

**Agenda Item:** Acceptance of BWSR Watershed-Based Implementation Funding Grant South Fork

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		
Description of Accounts	Acct #	Amount
Professional & Tech. Fees for Services	01-123-124-0428-6260	\$40,000.00
Professional & Tech. Fees for Services	01-123-124-0429-6260	\$50,000.00
<b>TOTAL</b>		\$90,000.00

CREDIT		
Description of Accounts	Acct #	Amount
State Grant - BWSR WBIF	01-123-124-0428-...	\$40,000.00
State Grant - BWSR WBIF	01-123-124-0429-...	\$50,000.00
<b>TOTAL</b>		\$90,000.00

Reason for Request:

Addition of revenue and expense budget amounts for the FY21 Clean Water Grant (South Fork Crow River projects).

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Grant Agreement with the City of Waconia for Bayview Reuse Stormwater Expansion**

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 state Board of Water & Soil Resources (BWSR) distributed State Clean Water Funds (CWF) funds to the Carver County Water Management Organization (CCWMO) for the FY2021 period. The County Board accepted a competitive grant for work to be done in partnership with the City of Waconia at the Feb 16, 2021 meeting.

The City of Waconia will be completing work to fulfill the grant obligations for the expansion of Bayview Elementary Stormwater Reuse System. The system is a series of underground tanks that capture runoff from 1st Street and the parking lot of elementary school and uses that water to irrigate athletic fields at the school. This project will two more storage tanks and add additional pretreatment to reduce the amount of sediment going into the tanks. The grant agreement with the City of Waconia is for the payment of these services. The CCWMO will act as the fiscal agent and provide matching funds for the BWSR Grant that funds part of the project. The County staff recommends that the Board approve the grant agreement.

**ACTION REQUESTED:**

Motion to authorize the chair to sign the grant agreement with the City of Waconia pending finalization of the contract review process.

**FISCAL IMPACT:**

If "Other", specify:

**FTE IMPACT:**

**FUNDING**

<b>County Dollars =</b>	<input type="text" value=""/>
BWSR Grant	\$150,000.00
CCWMO Levy Funds	\$25,000.00
<b>Total</b>	<b>\$175,000.00</b>

Insert additional funding source

**Related Financial/FTE Comments:**

CCWMO match funds are included in current budget

*Office use only:*

RBA 2021 - 7463

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Grant Agreement with the City of Chaska for Lake Grace Ravine Project**

Primary Originating Division/Dept:

Meeting Date:

Contact:  Title:

Item Type:

Amount of Time Requested:  minutes

Attachments:  Yes  No

Presenter:  Title:

**Strategic Initiative:**

**BACKGROUND/JUSTIFICATION:**

As part of the State Board of Water and Soil Resources FY 2018 Watershed Based Grant, Carver County Water Management Organization is partnering with the City of Chaska to complete a project that will restore an eroded ravine into Lake Grace. Stormwater running overland from the existing developed area has eroded a section of a ravine flowing to Lake Grace. In addition to the erosion of the ravine, a stormwater pipe failed and caused a sink hole 4 feet by 4 feet wide to open next to a city trail. This project will fix the stormwater pipe, add a sump to collect more sediment prior to discharging to the lake, regrade a hill to direct stormwater to the new storm pipe, and regrade and vegetate the ravine going to the lake.

The City of Chaska will be completing this work and the grant agreement with the City is for the payment of these services. The CCWMO will act as the fiscal agent and provide matching funds for the BWSR Grant that funds part of this project. The County staff recommends that the Board approve the grant agreement.

**ACTION REQUESTED:**

Motion to authorize the chair to sign the grant agreement with the City of Chaska pending finalization of the contract review process.

**FISCAL IMPACT:**

If "Other", specify:

**FTE IMPACT:**

**FUNDING**

<b>County Dollars =</b>	<input type="text" value=""/>
BWSR Grant Funds	\$69,175.25
CCWMO Levy Funds	\$22,350.75
<b>Total</b>	<b>\$91,526.00</b>

Insert additional funding source

**Related Financial/FTE Comments:**

CCWMO match funds included in current budget

*Office use only:*

RBA 2021 - 7465

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Joint Powers Agreement with the City of Chaska for the Jonathan Association Gully Project**

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 Water Management Organization (CCWMO) is working to restore an eroded gully in a cooperative effort with the City of Chaska and the Jonathan Association. The erosion has been exacerbated by stormwater runoff from City of Chaska roads and a Jonathan Assoc. parking lot and as a result contributes sediment load to East Creek. CCWMO Staff will work with a third party engineering firm currently under contract to provide construction plan sets, bidding oversight, and construction oversight. The City of Chaska will reimburse up to \$80,550.80 in costs associated with the engineering and construction costs. Future contracts will be brought to the Board for approval that outlines the Jonathan Association \$35,000 contribution as well as the construction contract of the project. This JPA outlines how the City of Chaska will reimburse the CCWMO for this work.

**ACTION REQUESTED:**

Motion to authorize the chair to sign with the City of Chaska pending finalization of the contract review process.

**FISCAL IMPACT:**

If "Other", specify:

**FTE IMPACT:**

**FUNDING**

<b>County Dollars =</b>	<input type="text" value=""/>
City of Chaska	\$80,550.80
<b>Total</b>	<b>\$80,550.80</b>

Insert additional funding source

**Related Financial/FTE Comments:**

City of Chaska will pay the CCWMO for work to complete the Jonathan Association Gully Project. The Jonathan Association will be contributing \$35,000 to this project under a separate contract, and the CCWMO will contribute staff time.

Office use only:

RBA 2021 - 7470

# Budget Amendment Request Form



To be filled out AFTER RBA submittal

Agenda Item: Acceptance of JPA with the CITY OF CHASKA

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
- 16 - CCWMO

Requested By:

DEBIT		
Description of Accounts	Acct #	Amount
Professional & Tech. Fees for Services	16-0-157-0434-6260	\$80,551.00
<b>TOTAL</b>		\$80,551.00

CREDIT		
Description of Accounts	Acct #	Amount
Local Funding	16-0-157-0434-52...	\$80,551.00
<b>TOTAL</b>		\$80,551.00

Reason for Request:

Increase WMO budget for the Jonathan Gully project expenses and the related revenue to be received from City of Chaska per the Joint Powers Agreement.

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Professional Services Agreement with WSB & Associates, Inc. for the Jonathan Carver Parkway Project**

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 and the City of Carver are reconstructing Johnathon Carver Parkway (Highway 11) between Highway 61 and 4th Street in the City of Carver during the 2021 construction season. The construction contract has been awarded to Eureka Construction and work is scheduled to begin at the end of March and be completed by the middle of November. Public Works staff is performing the majority of the construction inspection and administration, however, needs assistance with material testing services.

This contract is for on call material testing including but not limited to soils, concrete, and bituminous testing. The testing will be performed on an as needed not to exceed basis. Proposals were solicited from four material testing firms, with WSB being the lowest cost. WSB previously performed the corridor study, preliminary and final design as well the geotechnical investigation for the project.

**ACTION REQUESTED:**

Motion to approve a professional services agreement with WSB & Associates, Inc. for the Jonathan Carver Parkway Project, pending finalization of the contract review process.

**FISCAL IMPACT:**

If "Other", specify:

**FTE IMPACT:**

**FUNDING**

<b>County Dollars =</b>	
CSAH Regular Constructio	\$73,340.00
City of Carver	\$32,950.00
<b>Total</b>	<b>\$106,290.00</b>

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2021 - 7456



# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Right-of-Way Acquisition for the Highway 10 Project - Chaska Creek Area**

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 Highway 10 Project - Chaska Creek Area, is currently in the concept design phase and is planned for construction in the County Road and Bridge CIP for 2026. Acquisition of real property interests is needed for the project including from Westbrook Community Church, on the southwest corner of Highway 10 and Highway 11 (PID #07.0350110). Westbrook has expressed interest in the County acquiring the right of way needed from their property. An appraisal performed by a certified appraiser was completed and a review of said appraisal was conducted by the County's Senior Right of Way Agent.

**ACTION REQUESTED:**

Adopt a resolution to make an offer for right-of-way acquisition based on an appraisal completed by a certified appraiser related to PID #07.0350110 for the Highway 10 Project - Chaska Creek Area.

**FISCAL IMPACT:**

If "Other", specify:

**FUNDING**

County Dollars =

**FTE IMPACT:**

**Total**

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2021 - 7466

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

Date: March 2, 2021  
Motion by Commissioner: \_\_\_\_\_

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

---

**Resolution Authorizing Offers of Just Compensation to Owners for Acquisition of Real Property Interests Needed for the Highway 10 Project – Chaska Creek Area**

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

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

WHEREAS, the County proposes to construct highway and related improvements in Carver County for a Highway 10 Project – Chaska Creek Area (“Project”); and

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that County’s acquisition of the real property interests described in said Exhibit A and the construction of highway and related improvements as part of the Highway 10 Project – Chaska Creek Area constitute a valid public use or public purpose; and

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

BE IT FURTHER RESOLVED that the Public Works Division Director or agents under his supervision, shall reimburse the Owners of said real property interests for an independent appraisal of damages from a licensed real estate appraiser to estimate the full amount of damages which will be caused to Owners by the County's proposed acquisition of the real property interests described in said Exhibit A, and that, upon the Owners providing to County a copy of that appraisal report, evidence of the cost of that report, and evidence of payment of that amount to the appraiser, County shall reimburse Owners for the cost of Owners' independent appraisal report, subject to the limits stated in Minn. Stat. §117.036. In lieu of said independent appraisal of damages, the Public Works Division Director or agents under his supervision, may offer in addition to the initial written offer to property Owners, an amount up to said limits in Minn. Stat. §117.036.

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 March 2nd, 2021 now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 2nd day of March 2021

---

Dave Hemze
County Administrator

**Exhibit A**

**to**

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

**Highway 10 Project – Chaska Creek Area**

Carver County Public Works No. 148760

**Property Tax Identification No. 07.0350110**

**Parcel Number(s): N/A**

Fee Owners: Westbrook Community Church

Property Address: 10900 Jonathan Carver Parkway, Laketown Township MN 55315

Permanent Right-of-Way for Roadway purposes contains 5.20 acres, more or less.

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Abate/Waive 2020 Penalty and Interest for 25.7510010**

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 County Board approved Property Tax Abatement Policy delegates abating i.e. waiving late tax payment penalties in the current year to the County Auditor and County Treasurer. However, County Board approval is required to waive penalties and interest from prior year late tax payments.

James Weber of Two S Properties Inc. has submitted an Application for Abatement of Penalty and Interest for 2020 due to two checks being lost in the mail. He has supplied proof from USPS that they were mailed prior to the 10/15/20 due date. The total amount to abate is \$12,939.18 (\$11,076.34 penalty and \$1,862.84 interest). The Auditor and Treasurer recommend approval of the abatement of the 2020 penalty and interest. All backup documents are kept in the Auditor's office.

**ACTION REQUESTED:**

Motion to approve the write off of 2020 penalty and interest on parcel 25.7510010.

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

**FUNDING**

County Dollars =   
   
**Total**

**FTE IMPACT:**

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2021 - 7449

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Public Hearing on CDA's Request for the County's General Obligation Pledge for three CDA's Debt Refundings**

Primary Originating Division/Dept: <input type="text" value="Property &amp; Financial Services"/>	Meeting Date: <input type="text" value="3/2/2021"/>
Contact: <input type="text" value="David Frischmon"/> Title: <input type="text" value="Property and Finance Director"/>	Item Type: <input type="text" value="Regular Session"/>
Amount of Time Requested: <input type="text" value="15"/> minutes Presenter: <input type="text" value="David Frischmon"/> Title: <input type="text"/>	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
Strategic Initiative: <input type="text" value="Finances: Improve the County's financial health and economic profile"/>	

**BACKGROUND/JUSTIFICATION:**

As presented during the Feb. 23rd, 2021 Board workshop, the CDA is requesting the County's General Obligation pledge to the CDA's three bond refundings to lower the CDA's interest rate from approximately 3% to 1% which will decrease the CDA's annual interest costs by approximately \$139,000. The Windstone project was funded by a HUD loan which the County's has not previously pledged their General Obligation so a Public Hearing is statutorily required. The County has previously pledged their General Obligation to the Waybury and Town Centre bonds so a Public Hearing is not required.

**ACTION REQUESTED:**

Open Public Hearing

Take public comments

Close Public Hearing

Motion to adopt the three attached resolutions to pledge the County's General Obligation to the CDA's 2021ABC debt refundings.

<b>FISCAL IMPACT:</b> <input type="text" value="Other"/> <p><i>If "Other", specify:</i> <input type="text" value="see comments below"/></p>	<b>FUNDING</b> County Dollars = <input type="text"/> <input type="text"/> <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:**

County out-of-pocket costs will be reimbursed by CDA. The County's General Obligation pledge to the CDA's is not expected to have any impact on the County "AAA" credit rating which was first assigned to a 2009 County-backed CDA bond issue for a housing project in Norwood Young America.

*Office use only:*

RBA 2021 - 7480

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

DATE: March 2, 2021

RESOLUTION NO. \_\_\_\_\_

MOTION BY COMMISSIONER:

SECONDED BY COMMISSIONER:

---

**Approving the pledge by the Carver County Community Development Agency of the full faith and credit of Carver County to housing development bonds to be issued by the CDA**

WHEREAS, the Carver County Community Development Agency (the "CDA"), is authorized to issue bonds backed by revenues of a housing development project and by the full faith and credit of Carver County (the "County") to refund bonds issued by the CDA to finance a qualified housing development project, following approval by the County of the principal amount of the bonds; and

WHEREAS, the CDA has previously issued its Governmental Housing Revenue Bonds (GNMA Collateralized Mortgage Loan-Jonathan Acres Apartments Project), Series 1998A, in the original principal amount of \$3,475,000 (the "Series 1998A Bonds"), for the purpose of financing the acquisition and rehabilitation by the CDA of the Jonathan Acres apartment facility located in the City of Chaska, Minnesota, now known as Windstone Townhomes (the "Windstone Facility"); and

WHEREAS, in 2010, the Windstone Facility was transferred by the CDA to Jonathan Acres LLC, a Minnesota limited liability company created by the CDA pursuant to Minnesota Statutes, Section 469.012, Subd. 2j, in which the CDA is the sole member (the "LLC"); and

WHEREAS, the Series 1998A Bonds were refunded by the proceeds of a first mortgage loan made by Oak Grove Commercial Mortgage, LLC to the LLC in the original principal amount of \$3,475,000 (the "2010 Note"); and

WHEREAS, the CDA proposes to issue its housing development bonds in the maximum principal amount of \$3,150,000 (the "Series 2021A Bonds") pursuant to an Indenture of Trust (the "Indenture") to be entered into between the CDA and U.S. Bank National Association (the "Trustee") to refinance the 2010 Note; and

WHEREAS, the Windstone Facility constitutes a "qualified housing development project" within the meaning of Minnesota Statutes, Section 469.034, Subd. 2; and

WHEREAS, the CDA has determined that it is in the best interest of the public health, safety and welfare that it issue the Series 2021A Bonds, and that it pledge the full faith and credit of the County to the 2021A Bonds; and

WHEREAS, there has been presented to this Board forms of the Indenture and a Continuing Disclosure Certificate to be entered into in connection with the issuance of the Series 2021A Bonds; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF CARVER COUNTY, MINNESOTA as follows:

1. That the County hereby approves the issuance of, and pledge by the CDA of the full faith and credit of Carver County to, the Series 2021A Bonds for the purposes described above.
2. That the County hereby approves the pledge by the CDA of Revenues and Extraordinary Revenues as provided in the Indenture.
3. That the Chair and County Administrator are authorized to execute the Indenture in acceptance thereof and to execute the Continuing Disclosure Certificate in substantially the forms on file, but with such changes as the Chair and County Administrator may approve.
4. That Commissioners, officers and staff of the County are authorized and directed to execute and deliver such other documents and certificates as are necessary or convenient to provide for the issuance of the 2021A Bonds.

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 \_\_\_ day of \_\_\_\_\_, 2021, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

---

David Hemze, County Administrator

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

DATE: March 2, 2021

RESOLUTION NO. \_\_\_\_\_

MOTION BY COMMISSIONER:

SECONDED BY COMMISSIONER:

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**Approving the pledge by the Carver County Community Development Agency of the full faith and credit of Carver County to housing development refunding bonds to be issued by the CDA for Town Centre Project**

WHEREAS, the Carver County Community Development Agency (the "CDA"), is authorized to issue bonds backed by revenues of a housing development project and by the full faith and credit of Carver County (the "County") to refund bonds issued by the CDA to finance a qualified housing development project, following approval by the County of the principal amount of the bonds; and

WHEREAS, the CDA issued its Governmental Development Refunding Bonds (Carver County Unlimited Tax General Obligation-Town Centre Apartments Project) Series 2011A (the "Series 2011A Bonds") pursuant to an Indenture of Trust dated November 1, 2002 (the "Original Indenture") between the CDA and U.S. Bank National Association (the "Trustee"), as amended by a Supplemental Indenture of Trust dated as of December 1, 2011 (the "First Supplemental Indenture") to provide financing for a multifamily rental housing facility in the City of Waconia (the "City") known as Town Centre Apartments (the "Town Centre Facility"); and

WHEREAS, the County pledged its full faith and credit to the payment of principal and interest on the Series 2011A Bonds; and

WHEREAS, the CDA proposes to issue its housing development refunding bonds in the maximum principal amount of \$4,495,000 (the "Series 2021B Bonds") as Additional Bonds under the Original Indenture pursuant to a Second Supplemental Indenture of Trust (the "Second Supplemental Indenture") to be entered into between the CDA and the Trustee (a) to refund the Series 2011 Bonds; and

WHEREAS, the Town Centre Facility constitutes a "qualified housing development project" within the meaning of Minnesota Statutes, Section 469.034, Subd. 2; and

WHEREAS, the CDA has determined that it is in the best interest of the public health, safety and welfare that it issue the Series 2021B Bonds, and that it pledge the full faith and credit of the County to the 2021B Bonds; and

WHEREAS, the CDA will pledge the full faith and credit of the City to reimburse the County for any payment of debt service on up to \$3,000,000 in principal amount of the Series 2021B Bonds; and

WHEREAS, there has been presented to this Board forms of the Second Supplemental Indenture and a Continuing Disclosure Certificate to be entered into in connection with the issuance of the Series 2021B Bonds; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF CARVER COUNTY, MINNESOTA as follows:

1. That the County hereby approves the issuance of, and pledge by the CDA of the full faith and credit of Carver County to, the Series 2021B Bonds for the purposes described above.
2. That the County hereby approves the pledge by the CDA of Town Centre Facility revenues and other sources as provided in the Original Indenture and Second Supplemental Indenture.
3. That the Chair and County Administrator are authorized to execute the Second Supplemental Indenture in acceptance thereof and to execute the Continuing Disclosure Certificate in substantially the forms on file, but with such changes as the Chair and County Administrator may approve.
4. That Commissioners, officers and staff of the County are authorized and directed to execute and deliver such other documents and certificates as are necessary or convenient to provide for the issuance of the 2021B Bonds.

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

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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 2nd day of March 2021, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

\_\_\_\_\_  
David Hemze, County Administrator

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

DATE: March 2, 2021

RESOLUTION NO. \_\_\_\_\_

MOTION BY COMMISSIONER:

SECONDED BY COMMISSIONER:

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**Approving the pledge by the Carver County Community Development Agency of the full faith and credit of Carver County to housing development bonds to be issued by the CDA for Waybury Project**

WHEREAS, the Carver County Community Development Agency (the "CDA"), is authorized to issue bonds backed by revenues of a housing development project and by the full faith and credit of Carver County (the "County") to refund bonds issued by the CDA to finance a qualified housing development project, following approval by the County of the principal amount of the bonds; and

WHEREAS, the CDA issued its Governmental Development Bonds (Carver County Unlimited Tax General Obligation-Waybury Apartments Project) Series 2011C (the "Series 2011C Bonds") pursuant to an Indenture of Trust dated December 1, 2011 (the "Original Indenture") between the CDA and U.S. Bank National Association (the "Trustee") to provide financing for a multifamily rental housing facility known as Waybury Apartments (the "Waybury Facility"); and

WHEREAS, the County pledged its full faith and credit to the payment of principal and interest on the Series 2011C Bonds; and

WHEREAS, the CDA proposes to issue its housing development bonds in the maximum principal amount of not to exceed \$1,480,000 (the "Series 2021C Bonds") as Additional Bonds under the Original Indenture pursuant to a Second Supplemental Indenture of Trust (the "Second Supplemental Indenture") to be entered into between the CDA and the Trustee (a) to refund the Series 2011 Bonds; and

WHEREAS, the Waybury Facility constitutes a "qualified housing development project" within the meaning of Minnesota Statutes, Section 469.034, Subd. 2; and

WHEREAS, the CDA has determined that it is in the best interest of the public health, safety and welfare that it issue the Series 2021C Bonds, and that it pledge the full faith and credit of the County to the 2021C Bonds; and

WHEREAS, there has been presented to this Board forms of the Second Supplemental Indenture and a Continuing Disclosure Certificate to be entered into in connection with the issuance of the Series 2021C Bonds; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF CARVER COUNTY, MINNESOTA as follows:

1. That the County hereby approves the issuance of, and pledge by the CDA of the full faith and credit of Carver County to, the Series 2021C Bonds for the purposes described above.
2. That the County hereby approves the pledge by the CDA of Facility revenues and other sources as provided in the Original Indenture and Second Supplemental Indenture.
3. That the Chair and County Administrator are authorized to execute the Second Supplemental Indenture in acceptance thereof and to execute the Continuing Disclosure Certificate in substantially the forms on file, but with such changes as the Chair and County Administrator may approve.
4. That Commissioners, officers and staff of the County are authorized and directed to execute and deliver such other documents and certificates as are necessary or convenient to provide for the issuance of the 2021C Bonds.

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

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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 2nd day of March 2021, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

\_\_\_\_\_  
David Hemze, County Administrator

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Carver County School Network Consortium Agreement**

Primary Originating Division/Dept: <input type="text" value="Public Services - IT"/>	Meeting Date: <input type="text" value="3/2/2021"/>
Contact: <input type="text" value="Randy Lehs"/> Title: <input type="text" value="CarverLink Manager"/>	Item Type: <input type="text" value="Regular Session"/>
Amount of Time Requested: <input type="text" value="10"/> minutes Presenter: <input type="text" value="Randy Lehs"/> Title: <input type="text" value="CarverLink Manager"/>	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No

Strategic Initiative:

**BACKGROUND/JUSTIFICATION:**

The Carver County Schools Network (CCSN) Consortium service agreement with CarverLink (Carver County Fiber Network) ends June 30, 2021, so the CCSN released an RFP on December 29, 2020 requesting bids for dark and lit fiber services that included internet bandwidth for their next contract term. CCSN is a consortium of all seven public school districts in Carver County. CarverLink was awarded the bid on February 11, 2021 with a five year agreement, with the option to extend the agreement for two additional two year terms. The service agreement allows the CCSN to increase services with CarverLink throughout the term of the agreement, with initial service starting at a cost of \$307,968.00 annually for leased dark fiber connectivity to 38 facilities/locations and 10GB of internet bandwidth.

**ACTION REQUESTED:**

Motion to approve the service agreement for leased dark fiber and internet services provided by CarverLink to the Carver County Schools Network (CCSN) Consortium based on CarverLink being awarded the bid to provide such services to the CCSN.

<b>FISCAL IMPACT:</b> <input type="text" value="Included in current budget"/>	<b>FUNDING</b>
If "Other", specify: <input type="text"/>	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:  
 Revenue of \$307,968 for the first year of the agreement. Additional revenue for the remainder of the five year agreement is based on any additional services requested by CCSN beyond base rate of \$307,968.

Office use only:

RBA 2021 - 7452

# Carver County Board of Commissioners Request for Board Action



## Agenda Item:

### Final Agreements and Authorization to Proceed to Close on HCRRA Property

Primary Originating Division/Dept: <u>Public Works - Parks</u>	Meeting Date: <u>3/2/2021</u>
Contact: <u>Martin Walsh</u> Title: <u>Parks and Recreation Director</u>	Item Type: <u>Regular Session</u>
Amount of Time Requested: <u>15</u> minutes	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Presenter: _____ Title: <u>Martin Walsh</u>	

#### Strategic Initiative:

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

#### BACKGROUND/JUSTIFICATION:

In June of 2014, a section of the Southwest Light Rail Transit Line (SLRT) /Minnesota River Bluffs Regional Trail (MN RB RT) between Bluff Creek Drive and the east county line was closed due to a slope failure after heavy rains. Hennepin County Regional Rail Authority (HCRRA) owns approximately 3 miles of the Southern LRT/MN RB RT within the boundary of Carver County, that includes the area with the slope failure.

In January of 2019, HCRRA and Carver County entered a Purchase and Acceptance and Sale and Donation Agreement for the conveyance of an approximately 3-mile portion of the Southern LRT Corridor/ the Minnesota River Bluffs Regional Trail located in Carver County ("Trail"), from HCRRA to Carver County. The terms of the agreement included:

- Purchase Price \$5,840,000
- Seller Donation \$4,140,000
- Balance of Purchase Price \$1,700,000
- Sixty-day Physical Inspection Period
- MnDOT Mortgage Agreement
- Assignment Agreement (Leases, Licenses, Other Property Rights)
- Donative Bill of Sale

Carver County was awarded \$1,700,000 in grant agreement SG-11404 from the Metropolitan Council, effective June 26,2019, for the acquisition of the property from HCRRA. Carver County is to acquire ownership and possession of the property after HCRRA has repaired the slope failure and addressed other land stewardship needs associated with the property.

HCRRA began slope repair work August 2020 and has issued Carver County a notice of substantial completion on January 22, 2021 triggering the sixty-day Physical Inspection Period of the work.

The Purchase and Acceptance and Sale and Donation Agreement includes that the parties will execute the MnDOT Agreement which breaks out a proportionate share of a MnDOT mortgage on the area to be acquired by Carver County but does not trigger repayment of that mortgage from the sale of property. Additionally, the Purchase and Acceptance and Sale and Donation Agreement provides that the parties will execute an Assignment Agreement, thereby transferring other rights such as leases and licenses to Carver County.

Further, while the project to repair the slope failure is substantially complete, the contract for this work is with HCRRA. It is proposed that Carver County would be assigned rights to the contract documents, site access, permits and other documents necessary to ensure the final delivery through the warranty period of the project.

Steps to complete the agreement with HCRRA:

- Perform Physical Inspection of Property
- Execute the MnDOT Agreement at closing
- Complete Assignment Agreement in regard to other property obligations and rights
- Complete Assignment Agreement for construction contract, permitting and other project documents.
- Schedule closing date
- Execute Donative Bill of Sale (at closing)
- Pay HCRRA \$1,700,000

**ACTION REQUESTED:**

, Motion:

- Authorize County Administrator and Board Chair to execute the MnDOT Agreement.
- Authorize County Administrator and Board Chair to execute Assignment Agreement for property rights.
- Authorize County Administrator and Board Chair to execute Assignment Agreement for contract, permitting and other documents related to the repair of the slope failure.
- Authorize County Administrator and Board Chair to sign Donative Bill of Sale.
- Authorize staff to proceed to closing and execute closing documents.

**FISCAL IMPACT:** None

*If "Other", specify:*

**FTE IMPACT:** None

**FUNDING**

County Dollars =

Metropolitan Council G...

\$1,700,000.00

**Total**

\$1,700,000.00

Related Financial/FTE Comments:

*Office use only:*

RBA 2021.. 7478



# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Right-of-Way Acquisition for the Highway 92 Project - Interlaken Area**

Primary Originating Division/Dept:

Meeting Date:

Contact:  Title:

Item Type:

Amount of Time Requested:  minutes

Attachments:  Yes  No

Presenter: Lyndon Robjent, Darin Mielke Title:

**Strategic Initiative:**

**BACKGROUND/JUSTIFICATION:**

The Highway 92 Project - Interlaken Area, is currently in the concept design phase, however no construction is included in the County Road and Bridge capital improvement plan. Acquisition of real property interests is needed for this future project including land from the owners at PID #070191700 and 070193000. The property owners have expressed interest in entering into an agreement that would include a land exchange of equivalent valued land with the County that would preserve the needed right of way for future Highway 92 and adding area to county owned property (PID #750181000).

Public Works staff would like to discuss the potential property land exchange and acquisition process prior to proceeding ahead with negotiations with the property owners.

**ACTION REQUESTED:**

Public Works staff will present and discuss land exchange information related to PID #070191700 and 070193000.

**FISCAL IMPACT:**

*If "Other", specify:*

**FUNDING**

County Dollars =

**FTE IMPACT:**

**Total**

Insert additional funding source

Related Financial/FTE Comments:

*Office use only:*

RBA 2021 - 7479