



CARVER COUNTY *minnesota*

Carver County Board of Commissioners May 4, 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 or by leaving a voicemail at (952) 361-1516. Public comments received in writing such as those received by e-mail will be summarized during the meeting and posted on the County website at <https://www.co.carver.mn.us/government/county-board-of-commissioners/county-board-meetings-and-agendas> following the meeting. Voicemail public comments will be played during the meeting. 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 to receive a Webex invitation.

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 April 20, 2021, Regular Session..... 1-3
- 4. Community Announcements
- 9:10 a.m. 5. **CONSENT AGENDA**
- Communities: Create and maintain safe, healthy and livable communities*
- 5.1 Award of Contract for 2021 Pavement Markings - Epoxy Handwork 4
- 5.2 Independent Contractor/Professional Services Agreement (PSA) with The Humanity Alliance to provide nutritious weekend meals to eligible residents impacted with food insecurity due to the pandemic..... 5

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

5.17	Grant Agreement for Lake Waconia Park Land Acquisition Reimbursement	38
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9:10 a.m.	6. COMMUNITIES: Create and maintain safe, healthy and livable communities	
	6.1 Public Hearing - Amendment to County Tobacco Ordinance	39-44
	6.2 Approval of Use Agreement with People Inc. for the Steiner Kelting Mental Wellness Facility	45-46
	6.3 Approve addition of 1.0 Program Supervisor for Crisis Team.....	47-48
	6.4 Reorganization in Public Works Parks & Recreation Department	49-50

9:50 a.m.	7. FINANCES: Improve the County's financial health and economic profile	
	7.1 Convert Finance Department 1.0 Accountant to a 1.0 Accounting Supervisor	51-52

10:05 a.m. **8.** County Administrator Report

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

David Hemze
County Administrator

UPCOMING MEETINGS

May 4, 2021	1:00 p.m. Highway 212 Groundbreaking at Kelly Avenue, North of Highway 212 in Dahlgren Township
May 11, 2021	No Meeting
May 18, 2021	9:00 a.m. Board Meeting
May 27, 2021	9:00 a.m. County Board/Division Director Strategic Planning Meeting
June 1, 2021	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 April 20, 2021. The building remained closed due to the health pandemic but was webcast live. Chair Tim Lynch convened the session at 9:14 a.m.

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

Members absent: None.

Chair Lynch acknowledged they were having difficulties with livestreaming today's meeting but it was being recorded and would be available online. No public comments were received.

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

Workman moved, Udermann seconded, to approve the minutes of the April 6, 2021, Regular Session. Motion carried unanimously.

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

Accepted the Carver County Water Management Organization 2020 Annual Report.

Resolution #44-21, Continuing the Elimination of Direct Discharge Sub-Surface Treatment Systems (SSTS) Program.

Eliminated the 1.0 FTE Adult Mental Health Registered Nurse/Case Manager position following an upcoming retirement on May 26, 2021; created a .6 FTE Registered Nurse position in a new Health Services Nurse Classification following an upcoming retirement on May 26, 2021, and created a 1.0 FTE Social Worker position to provide Adult Mental Health Targeted Case Management and MA billable SUD treatment coordination services following an upcoming retirement on May 26, 2021 and related Health & Human Services budget amendment.

Resolution #45-21, Signal Maintenance Agreement No. 1045459 with the State of Minnesota.

Approved the receipt of Encore Adult Day Services First Quarter 2021 donations.

Resolution #46-21, Awarding of the Highway 140 Bridge Projects Carver County Contract 21-137 PR #148737/148738.

Resolution #47-21 Support and Approval for Submittal of the US Highway 212 Rural Freight Mobility and Safety Project for a Transportation and Infrastructure Priority Project Request.

Approved Proclamation recognizing the Chaska Hawks Girls Basketball Team.

Approved issuing a second location tobacco license to E-Cig POD USA LLC dba E-Cig POD.

Approved the application of renewal of the on-sale liquor license for Parley Lake Winery LLP dba Parley Lake Winery.

Resolution #48-21 Support and Approval for Submittal of the Highway 5 Mobility and Lake Minnewashta Causeway Bridge Project for a Community Project Funding Request and Transportation and Infrastructure Priority Project Request.

Approved the professional services agreement with Northwoods Consulting Partners, Inc., in the amount of \$244,620 using budget stabilization dollars to complete software enhancements in Human Services' Income Support Department.

Reviewed April 13, 2021, Community Social Services' actions/Commissioners' warrants in the amount of \$406,243.26 and reviewed April 20, 2021, Community Social Services' actions/Commissioners' warrants in the amount of \$301,655.87.

Motion carried unanimously.

David Frischmon, Finance, requested the Board approve an amendment to the Master Computer Software Licensing Agreement with TriMin. He pointed out the number of land and vital records processed each year and the revenue that is brought in from the recording fee. He highlighted the amount of land transaction documents recorded monthly over the last five years and indicated they have been very busy since 2020. He also noted the statutory requirements to turn documents around.

He explained the benefits of the cloud software project and indicated the license fee would be funded through the tech fees. Frischmon stated he received strong references from other counties and the cost was competitive to other software.

Workman moved, Fahey seconded, to approve an amendment to the Master Computer Software License Agreement for TriMin to host their Land Records software program and related budget amendment. Motion carried unanimously.

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

Richard Scott, CHS Administrator, explained he would be reviewing the Community Health Improvement Plan and providing an update on the pandemic and vaccination progress.

He stated covid cases are increasing nationally and highlighted a map showing the average daily cases per 100,000. He reviewed the number of Carver County cases over the last seven days, the cases by month and the current positivity rate for the County.

Scott pointed out vaccinations have increased noting the collaboration with Ridgeview Medical Center, Medical Clinics, local pharmacies and County staff. He stated nearly 92% of residents 65 years old and older have received at least one dose.

Scott recognized the County had been ranked the healthiest County in Minnesota for the ninth consecutive year and the eight healthiest County in the nation. He indicated, on average, the County is one of the healthiest, wealthiest and most educated counties in Minnesota but not everyone yet shares the same story. He noted approximately 11,000 people live at or below the federal poverty

threshold. Scott pointed out the challenges they face and the need to better understand the needs of all residents.

He reviewed the health rankings of the top ten counties. Scott identified the health factors that are considered. Scott explained the Community Health Advisory Team came up with up with four key priority issues that will guide the Community Health Improvement Plan. He reviewed each of the goals and strategies. He indicated the work they have done with collaboration from partners have built a solid foundation. Scott reviewed their mission and primary areas of responsibility. He explained their future focus for this year and 2022 that included continued pandemic response, WIC services and partnerships to address critical health factors.

Scott reviewed Public Health's role in relation to the Department of Health. He thanked the Board for their support with community partnerships.

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

Dave Hemze, Administrator, requested the Board approve reopening Phase III updates. He indicated this could be labeled as a cautious reopening with social distancing and masking to continue. He recognized the License Centers have been challenging and was not recommending completely reopening of the License Centers. He indicated all libraries are open for grab and go services and that has been working well. Hemze stated Board meetings would be open with limited capacity and the option to livestream meetings would continue.

He noted the plan was parallel to what other counties were doing. Hemze stated many employees would continue to telework. He pointed out the licensing backlog at the State and was recommending keeping License Center doors closed to walk ins until the State's backlog is reduced to avoid staff being overwhelmed inside the License Center buildings.

Hemze clarified he would come back before the Board if changes were needed. The Board recognized the frustrations experienced by the public. Hemze acknowledged the License Center and Libraries were their two biggest challenges.

Udermann moved, Degler seconded, to adopt the updated Reopening Phase III plan effective June 1, 2021. Motion carried unanimously.

Workman moved, Udermann seconded, to adjourn the Regular Session at 10:45 a.m. 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:

Award of Contract for 2021 Pavement Markings - Epoxy Handwork

Primary Originating Division/Dept: <input type="text" value="Public Works - Program Delivery"/>	Meeting Date: <input type="text" value="5/4/2021"/>
Contact: <input type="text" value="Dan McCormick"/> Title: <input type="text" value="Traffic Services Supervisor / Tra"/>	Item Type: <input type="text" value="Consent"/>
Amount of Time Requested: <input type="text" value=""/> minutes Presenter: <input type="text" value=""/> Title: <input type="text" value=""/>	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Strategic Initiative: <input type="text" value="Communities: Create and maintain safe, healthy, and livable communities"/>	

BACKGROUND/JUSTIFICATION:

This project includes annual maintenance of pavement markings on highways under County jurisdiction, which is required to maintain and operate public highways to meet standards required by the Minnesota Manual on Uniform Traffic Control Devices (MnMUTCD). This epoxy hand work is for county-wide pavement marking arrows, symbols, and messages. This year's work is Year 3 in a dedicated pavement markings hand work program to ensure that the County is improving its system-wide overall condition index for this pavement marking asset. Each year a certain amount of such work is recommended based on budget, resources, and asset conditions.

Carver County Public Works solicited quotes for the 2021 Application of Transverse Pavement Markings (Epoxy Hand Work Symbols). Four (4) competitive quotes from four local companies were received. The Engineer's Estimate for the subject work was \$68,072.

Engineer's Estimate: \$68,072; Warning Lites: \$83,640; AAA Striping Service: \$59,470; Traffic Marking Service Inc: \$58,065; Sir Lines-A-Lot Line Striping Company: \$55,876.

The low responsible bidder is Sir Lines-A-Lot with a total quote of \$55,876, which was below and in line with the Engineer's Estimate and MnDOT industry average bid prices. Staff is recommending award of the work to the low responsible bidder, Sir Lines-A-Lot.

ACTION REQUESTED:

Motion to award and approve a contract with Sir Lines-A-Lot Lines Striping Company for \$55,876 for the 2021 Pavement Markings - Epoxy Hand Work, pending finalization of the contract review process.

FISCAL IMPACT: <input type="text" value="Included in current budget"/>	FUNDING
If "Other", specify: <input type="text" value=""/>	County Dollars = <input type="text" value="\$55,876.00"/>
FTE IMPACT: <input type="text" value="None"/>	Total <input type="text" value="\$55,876.00"/>
<input checked="" type="checkbox"/> Insert additional funding source	

Related Financial/FTE Comments:

Office use only:

RBA 2021 - 7622

Carver County Board of Commissioners

Request for Board Action



Agenda Item:

Independent Contractor/Professional Services Agreement (PSA) with The Humanity Alliance to provide nutritious weekend meals to eligible residents impacted with food insecurity due to the pandemic.

Primary Originating Division/Dept: Health & Human Services

Meeting Date: 5/4/2021

Contact: Heather A. Goodwin Title: Deputy Division Director

Item Type:
Consent

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

During 2020, CARES Act Coronavirus Relief Funds allowed Carver County, with Board approval, to partner with The Humanity Alliance, a local vendor in Carver County, to provide food for those who were suffering from food insecurity due to the pandemic. Causes for food insecurity include job losses/lay-offs when businesses were forced to close or unpaid time because a worker became sick with COVID-19 or had to stay home from work unpaid to care for a family member sick with COVID-19. These circumstances related to the pandemic didn't go away just because CARES Act dollars ended. Carver County continues to see the need to assist the community with food. Carver County again, would like to partner with The Humanity Alliance, to continue to provide meals to community residents in need on the weekends through 09/30/2021. The Humanity Alliance is willing and able to do meal preparation and delivery of weekend meals to elderly, families, and individuals who reside in Carver County and are food insecure due to the pandemic. The dollars will provide an average of six meals each weekend for 764 individuals. Meals are fresh, healthy, culturally appropriate, and ready-to-eat. Food is delivered to each resident's doorstep on Friday each week.

Utilizing the data from the Humanity Alliance, HHS has calculated the following:

\$1.93 per meal X 6 (the average meals per weekend (delivered on Friday)) = \$11.58

X 764 (# of individuals served each weekend) = \$8,847.12

X 39 (# of weekends between 01/01/2021 – 09/30/2021 – end of local PH emergency) = \$345,037.68 total cost to fill the nutrition gap on the weekends related to food insecurity because of pandemic. This proposal was presented to the County Board by Rod Franks, HHS Director, at the 03/23/2021 Board Work Session. Dollars from the County's Budget Stabilization Account (BSA) for this purpose were approved by the County Board on 04/06/2021.

ACTION REQUESTED:

Motion to approve the Independent Contractor/Professional Services Agreement with The Humanity Alliance in the amount of \$345,037.68 using BSA funds to provide nutritious weekend meals to eligible residents impacted by the pandemic through 09/30/2021. The PSA is currently routing through the contract portal and is pending approval.

FISCAL IMPACT: Other

If "Other", specify:

BA done on 4/6, COVID19 BSA use approved

FUNDING

County Dollars =	\$0.00
Approved BSA funds	\$345,037.68
Total	\$345,037.68

FTE IMPACT: None

Related Financial/FTE Comments:

No local tax levy dollars are being requested in order to fulfill this contract. BSA dollars were approved at the 04/06/2021 County Board meeting.

Carver County Board of Commissioners Request for Board Action



Agenda Item:

St. Josephs Catholic Church of Waconia - Walk On Waconia Fundraiser Event

Primary Originating Division/Dept: <u>Public Works - Parks</u>	Meeting Date: <u>5/4/2021</u>
Contact: <u>Sam Pertz</u> Title: _____	Item Type: <u>Consent</u>
Amount of Time Requested: _____ minutes	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Presenter: _____ Title: _____	

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

St. Joseph's Catholic Church in Waconia has requested a special event use permit for their fundraiser on Saturday, May 22, 2021. An alternate inclement weather date is not planned. The permit request includes use of Lake Waconia Regional Park as well as the Dakota Rail Regional Trail between CR92 and CR10. Participants may be walking or running along trails.

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 will function to help keep participants and event personnel safe. Executive Order limits the event to no more than (500) people, which will be achieved by have a participant group of (250) start from one direction and the other (250) from another. Further, the event preparedness plan indicates a metering or timeslots that will limit group size to (50) people or less. This capacity is carried forward in the entire preparedness plan and it applies to water stops and restroom locations.

Event coordinators are cognizant of the potential for a changing COVID19 guidelines, the event operations and respective preparedness plan may need to be amended. This event also utilizes County ROW throughout sections of the event route(s). Required permits have been coordinated and obtained through the Public Works Highway Transportation Department.

By County Ordinance, Chapter 91; special events require issuance of a use permit. Appropriate event liability insurance certificates have been requested and will be received prior to the issuance of the permit. The Park Commission recommended approval of issuing the permit at its April 14, 2021 regular meeting contingent on the completion of all required permitting items.

ACTION REQUESTED:

Motion to approve the special event use permit for St. Joseph's Catholic Church for the May 22, 2021 Walk On Waconia event.

FISCAL IMPACT: None

If "Other", specify:

FTE IMPACT: None

FUNDING

County Dollars =	\$0.00
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<input style="width: 100%;" type="text"/>	
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Total	\$0.00
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Related Financial/FTE Comments:

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Donation for AIS Youth Program

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 County aquatic invasive species (AIS) program, staff have developed a new education packet with the purpose of educating youth on what AIS are, identifying specific plants and animals, and to show them how to inspect their boat to prevent the spread. To incentivize this, the packet contains an inspection log for youth to keep a record of their boat inspections and a chance to earn a gift card prize after documenting five boat inspections (with photos). Cabin Fever is the only bait shop in Carver County and has donated twenty \$10 gift cards as a partner in the program.

As this is a new part of the AIS youth program, the popularity or interest is unknown. If more than 20 participant logs are returned, the AIS program has additional education funds set aside to cover more gift card purchases at a smaller amount of \$5 (\$100 total is estimated). AIS Watercraft inspectors handing out the packet will be instructed to verbally let families/youth know that although the packet states \$5 gift card, the first 20 youth participants who turn in their log will receive a \$10 gift card.

ACTION REQUESTED:

Motion to accept the donation from Cabin Fever (\$200 in gift cards), and

Motion to approve distribution of \$5 gift cards to youth participants .

FISCAL IMPACT:

If "Other", specify:

FTE IMPACT:

FUNDING

County Dollars =

AIS state aid education fu	\$100.00
Cabin Fever donation	\$200.00
Total	\$300.00

Insert additional funding source

Related Financial/FTE Comments:

AIS State Aid funds are included in the current budget and include education program funds.

Office use only:

RBA 2021 - 7631

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Railroad Crossing Replacement Agreement No. 2021-4 on Highway 10 with Twin Cities and Western Railroad

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 and TC&W Railroad have been involved in discussions dealing with the replacement of the railroad/highway grade crossing surface on Highway 10 between the City of Waconia and Chaska. It is the desire of both parties to enter into a written agreement regarding the replacement of said railroad/highway grade crossing surface. Most of the work on this project will be completed by TC&W RR staff and crews. Carver County's only involvement in the project is traffic control, pavement removal and final patching of the pavement approaches to the RR crossing surface. TC&W owns the property where the crossing exists and where the project will occur. Carver County's road easement is over TC&W's property. Carver County is reimbursing TC&W Railroad for the railroad crossing materials similar to past practice on other similar agreements.

ACTION REQUESTED:

Motion to approve an agreement with TC & W RAILROAD COMPANY for the railroad crossing replacement at Highway 10, pending finalization of the contract review process.

FISCAL IMPACT:

If "Other", specify:

FTE IMPACT:

FUNDING

County Dollars =	\$43,140.22
TC & W Railroad	\$36,774.12
Total	\$79,914.34

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2021 - 7633

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Phase III Reopening Plan addition of Prep Adventure summer treatment program and staffing clarification.

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:

Prep Adventure is a summer treatment program for children with significant social and emotional challenges. This program has been helping children experience success and emotional growth over the summer for many years. This year due to COVID-19, the program will serve 30-35 children, ages 8-13. Children will be divided into small groups of 5 to 6. The program will be held outside at Minnewashta Park, in accordance with the Parks approved reopening plans. Prep Adventure will run from 9-12 noon Monday thru Thursday for six weeks starting June 21st. All participants will social distance and wear masks, as well as adhere to CDC/MDH/School COVID-19 guidance. All household family members of participants over age 16 will also be offered COVID-19 vaccinations.

Additionally, the HHS Director to be able to determine minimum in-person and client facing staffing levels for HHS Division for Phase III reopening in order to meet organizational and client needs.

ACTION REQUESTED:

Motion to approve addition of the summer 2021 Prep Adventure program and staffing clarification to Phase III reopening plan.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT:

Total \$0.00

Insert additional funding source

Related Financial/FTE Comments:

Funding for this program is included in current budget. This program also generates earned revenue for services provided. No additional funding is necessary.

Office use only:

RBA 2021 - 7637

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Maintenance Access Agreement with the City of Watertown for Stormwater Ponds

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 City of Watertown and Carver County have been project partners on the Watertown Wetland Restoration Project over the past several years. The project is nearly complete, and the County is now eligible to claim partial wetland bank credits once final land transfers have occurred. The City and County entered into a joint powers agreement (JPA) for this project on July 11, 2017. This JPA included terms for land transfers from the City of Watertown to Carver County as well as a trail easement that Carver County will grant to the City of Watertown. During the final drafting of legal documents, a separate trail easement and drainage and utility easement documents were drafted, which is different than what was included in the approved JPA. Both of the easement documents meet the intent of the JPA terms and staff recommend approval.

Also, as part of the land transfers, the City of Watertown desires to have access across land that will all be owned by Carver County for stormwater pond maintenance purposes. The stormwater ponds have only one access point, and the city has determined that a second access is needed to efficiently perform periodic maintenance and clean out of the ponds once every 20 years. This maintenance access agreement contains the terms of the use of County owned property for these purposes, which will be limited to winter frozen conditions. The City of Watertown has approved of this agreement and staff are recommending approval by the County Board. The access route is shown on the attached drawing.

ACTION REQUESTED:

Motion to approve a Maintenance Access Agreement for stormwater pond maintenance and granting of a Permanent Trail Easement and Drainage and Utility Easement to the City of Watertown for the Watertown Wetland Restoration Project, pending finalization of the contract review process.

FISCAL IMPACT:

FUNDING

If "Other", specify:

County Dollars =

FTE IMPACT:

Total

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2021 - 7024

Carver County Board of Commissioners Request for Board Action



Agenda Item:
Encore Donation Received

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:

Amount of Time Requested: minutes
Presenter: Title:

Attachments: Yes No

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

Encore received an unexpected donation on 4/12/21 in the amount of \$2,000.00. Weis Builders has been a supporter of Encore for a few years, and this is by far the most generous donation - completed in partnership as a matching funds arrangement the employer has with employees. Encore will use these funds for continued program enrichment.

ACTION REQUESTED:

Approve receipt of donation.

FISCAL IMPACT:
If "Other", specify:

FUNDING

County Dollars =

Total

FTE IMPACT:

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2021 - 7602

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Reappointment of County Engineer

Primary Originating Division/Dept: Administration (County)

Meeting Date: 5/4/2021

Contact: Dave Hemze Title: County Administrator

Item Type:
Consent

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

Minnesota Statutes requires the reappointment of the County Engineer to be made in May of the year in which the term expires.

ACTION REQUESTED:

Reappoint Lyndon Colebrook-Robjent as the Carver County Engineer to a four year term expiring December 31, 2025.

FISCAL IMPACT: None

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT: Other staffing change (grade, classification, hours, etc.)

Total \$0.00

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2021 - 7588

Carver County Board of Commissioners

Request for Board Action



Agenda Item:

Joint Powers Agreement with the State of Minnesota for Professional and Technical Services for the Highway 212 Project - Benton Township

Primary Originating Division/Dept: Public Works - Program Delivery

Contact: Darin Mielke Title: Assistant Public Works Direct...

Amount of Time Requested: minutes

Presenter: Title:

Meeting Date: 5/4/2021

Item Type: Consent

Attachments: Yes No

Strategic Initiative:
Growth: Manage the challenges and opportunities resulting from growth and development

BACKGROUND/JUSTIFICATION:

Carver County, MnDOT and the Southwest Corridor Transportation Coalition have been working together to improve Highway 212 between the Cities of Carver and Norwood Young America for many years. Carver County has led or assisted in many activities along the corridor in the last decade. Construction is starting on the Highway 212 Project - Dahlgren Township phase, which will expand Highway 212 to 4 lanes between the Cities of Carver and Cologne. The Dahlgren Township segment is anticipated to start construction in May 2021 with completion by the fall of 2022.

Work continues by Carver County Public Works on the Highway 212 Project - Benton Township phase with the goal to construct safety improvements as necessary along this corridor and eventually complete the expansion of the last remaining 2-lane segment to 4-lanes between the City of Norwood Young America and the City of Cologne. Carver County and MnDOT completed a concept design in 2020 for the Highway 212 Project – Benton Township phase, which includes the future 4-lane expansion from the City of Cologne through the City of Norwood Young America. Carver County and MnDOT are proposing to enter into a joint powers agreement for the preliminary design, geotechnical investigation, environmental documentation, preliminary right of way acquisition work, and public engagement to further prepare the project for external grant funding sources and construction. This work will be paid for by MnDOT Trunk Highway Bond funding that the state legislature appropriated to several projects throughout the state in the last legislative session.

Carver County and MnDOT staff plan to amend this agreement in the future when final design begins in about a year.

ACTION REQUESTED:

Motion to adopt a resolution to approve Joint Powers Agreement No. 1045437 with the State of Minnesota for Professional and Technical Services for the Highway 212 Project - Benton Township, pending finalization of the contract review process.

FISCAL IMPACT: Included in current budget

If "Other", specify:

FTE IMPACT: None

FUNDING

County Dollars =	<input type="text"/>
Trunk Highway Bond F...	\$976,334.32
Total	\$976,334.32

Related Financial/FTE Comments:

Office use only:
RBA 2021 - 7619

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

Date: May 4, 2021

Resolution No: _____

Motion by Commissioner: _____

Seconded by Commissioner: _____

**JOINT POWERS AGREEMENT NO. 1045437
WITH
STATE OF MINNESOTA
FOR
PROFESSIONAL & TECHNICAL SERVICES – TH 212
(COLOGNE TO NORWOOD YOUNG AMERICA)**

BE IT RESOLVED that the County of Carver enter into an agreement with the State of Minnesota for the following services:

Trunk Highway (TH) 212 from CSAH 34 in Norwood Young America to CSAH 36 in Cologne in Carver County; Professional and Technical Services (Predesign/Environmental work to expand TH 212 from two lanes to four lanes) (SP 1013-77)

BE IT FURTHER RESOLVED that the County Board Chair is hereby authorized to execute the agreement, and thereby assume for and on behalf of the County all or the contractual obligations contained therein.

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 4th day of May, 2021, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 4th day of May, 2021.

Dave Hemze County Administrator

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Approval of the City of Carver Local Water Management Plan

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

Carver County is the water management authority (Carver County Water Management Organization-CCWMO) for the area of the County not under jurisdiction by a watershed district. State statute requires local government units within the watershed to prepare a local water management plan (LWMP) that complies with the CCWMO Plan and the general requirements of Minnesota Statutes 103B.235 and Minnesota Rules Chapter 8410. Approval of the local water management plan by the CCWMO is required under MN Statute 103B.235.

A portion of the City of Carver is in the CCWMO (other portion is in the Lower MN Watershed District) and therefore must meet the requirements of the CCWMO Watershed Management Plan. The City has submitted a draft LWMP to the CCWMO for review, and a final LWMP for consideration for approval. The plan provides a guide for the City and includes an inventory of land and water resources, identifies major issues, goals and policy objectives, an implementation plan, and charts administrative and funding procedures to enact the plan including partnering with the CCWMO.

Staff have reviewed the City of Carver LWMP and found that it complies with the CCWMO's current plan and with state statute and rules. The City of Carver and the CCWMO also are in the process of developing a memorandum of understanding regarding shared implementation of educational and other plan priorities.

ACTION REQUESTED:

Motion to adopt a resolution approving the City of Carver 2020 Local Water Management Plan.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT:

Total

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2021 - 7626



BOARD OF COUNTY COMMISSIONERS CARVER COUNTY, MINNESOTA

Date: May 4, 2021

Resolution No.: _____

Motion by Commissioner: _____

Seconded by Commissioner: _____

A Resolution to Approve the Local Water Management Plan for the City of Carver

WHEREAS, Under Minnesota Statute 103B.211 to 255, Carver County is the water management authority (Carver County Water Management Organization-CCWMO) for the area of the County not under jurisdiction by a watershed district, and;

WHEREAS, the CCWMO updated the Water Management Plan in 2020 which meets the requirements defined in MN statute 103B.231 - Surface Water Planning, and MN Statute 103B.255 and;

WHEREAS, MN state statute 103B.235 Local water management plans (LWMP's) requires that local government units having land use planning and regulatory responsibility for territory within the watershed shall prepare or cause to be prepared a local water management plan, capital improvement program, and official controls as necessary to bring local water management into conformance with the CCWMO Plan within two years of the adoption of the WMO Plan. Local Plans must meet the requirements of the CCWMO Comprehensive Water Resources Management Plan (WMO Plan) as well as the general requirements of Minnesota Statutes 103B.235 and Minnesota Rules Chapter 8410, and;

WHEREAS, a portion of the City of Carver is in the CCWMO and therefore must meet the requirements of the CCWMO Watershed Management Plan, and;

WHEREAS, the City of Carver has submitted a draft plan to the CCWMO for review, and a final plan for approval consideration;

WHEREAS, the City of Carver and the CCWMO will develop a memorandum of understanding regarding shared implementation of educational and other plan priorities;

THEREFORE, BE IT RESOLVED, THAT the Carver County Board of Commissioners hereby approves the Local Water Management Plan for the City of Carver with the conditional understanding that

- 1) The City will update project lists and priorities within the timeframes listed in the plans and will provide this information to the CCWMO.
- 2) CCWMO approval of the LMWP does not constitute approval of the funding requests listed in the plan as these will be evaluated and approved separately;
- 3) The City has not requested any delegation of authority in this plan and through this approval the CCWMO is not granting any such delegation.

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 4th day of May, 2021, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 4th day of May, 2021

David Hemze
County Administrator

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Request for approval to contract with WSB Associates, Inc.

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 South Fork Crow River Watershed-Based Implementation Funding Grant that was approved by the Board on March 2, 2021, this project will complete a feasibility study reviewing locations along the South Fork Crow River within the City of Watertown that are failing. The study will pull together all these sites and rank them based upon the amount of erosion that is occurring, potential impacts to infrastructure, and the potential for massive failure.

A Requests for Quotes was prepared to find the right engineering firm that would complete this feasibility study. The RFQ was sent out to eight engineering firms, four of which returned proposals. WSB Associates, Inc was the low bid at \$28,371. Emmons and Olivier Resources, Inc was the second low bid at \$33,966. Bolton and Menk, Inc. had a bid of \$36,780. SRF Consulting was the highest at \$49,210.

WSB Associates was chosen as the low bid and the willingness to work with both CCWMO Staff and Carver SWCD Staff to keep costs low and allow for remaining funds to be used on a engineering for construction for a site identified within the study.

ACTION REQUESTED:

Motion to authorize the chair to sign the contract with WSB Associates, Inc. to complete the Watertown Streambank Feasibility Study pending contract review.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =	<input type="text" value=""/>
BWSR Grant	\$32,626.65
Total	\$32,626.65

FTE IMPACT:

Insert additional funding source

Related Financial/FTE Comments:

State grant will pay \$28,371 plus an addition 15% Contingency of \$4,255.65 for a total of \$32,626.65 of the work completed by WSB.

Office use only:

RBA 2021 - 7627

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Michael Formanek - Request for a Home Extended Business Accessory Use

Primary Originating Division/Dept: <input type="text" value="Public Services - Land Mgmt."/>	Meeting Date: <input type="text" value="5/4/2021"/>
Contact: <input type="text" value="Jason Mielke"/> Title: <input type="text" value="Land Use Manager"/>	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="Growth: Manage the challenges and opportunities resulting from growth and development"/>	

BACKGROUND/JUSTIFICATION:

File #PZ20210009. On April 20, 2021, the Planning Commission recommended approval of Michael Formanek's Conditional Use Permit (CUP) for a Home Extended Business Accessory Use (i.e. irrigation & snow removal business), on his 5.04-acre parcel located in Section 16, Waconia Township. The property is improved with a single-family dwelling with an attached garage, and a detached 40' x 60' accessory structure.

Mr. Formanek is requesting authorization to utilize the existing detached accessory structure for the storage of irrigation supplies. The proposed business activity would be conducted from approximately 50% of the 40' x 60' structure. A 20' x 40' concrete pad, north of the existing building, would be used for temporary outside storage when supplies are delivered and for seasonal snow removal equipment. Because the accessory structure would be used for business purposes, it would be required to meet all applicable MN State Building Code standards.

The primary hours of operation would be 6:00AM – 6:00PM, and varying hours during the winter months due to the nature of snow removal services. The operation would include maximum of four full-time employees and consists of two (2) business related trucks, which generates an average of two business trips per day. No customers would visit the site and no wholesale activity would be allowed.

The Carver County Public Works Department has reviewed and supports the request.

The Carver County Environmental Services Department has reviewed the request and stated no Subsurface Sewage Treatment System (SSTS) related concerns have been identified.

The Waconia Town Board support the request.

ACTION REQUESTED:

A motion to adopt Findings of Fact and issue Order #PZ20210009 for the issuance of a Conditional Use Permit.

FISCAL IMPACT: <input type="text" value="None"/>	FUNDING
If "Other", specify: <input type="text"/>	County Dollars = <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:

COUNTY OF CARVER
PLANNING COMMISSION RESOLUTION

FILE #: PZ20210009

RESOLUTION #: 21-04

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

FILE #: PZ20210009

OWNERS: Michael & Kathy Formaneck

APPLICANT: Michael Formaneck

SITE ADDRESS: 12260 County Road 32, 55387

PERMIT TYPE: Home Extended Business Accessory Use

PURSUANT TO: Carver County Code: Section 152.079 (C)(9)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 09-016-1510

WHEREAS, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meeting of April 20, 2020; and,

WHEREAS, the Carver County Planning Commission finds as follows:

1. Mike & Kathy Formaneck own approximately 5.04 acres located in part of the Southwest Quarter (SW¼) of the Southeast Quarter (SE¼) of Section 16, Waconia Township. The property is improved with a single-family dwelling with an attached garage, and a detached accessory structure. The parcel is located in the Agricultural Zoning District and CCWMO (Carver Creek watershed).
2. The applicant is requesting a Conditional Use Permit for a Home Extended Business Accessory Use (HEBAU) to operate an irrigation and snow removal business pursuant to Section 152.079 (C)(9) of the Carver County Zoning Code.
3. The applicant is requesting a Conditional Use Permit for a Home Extended Business Accessory Use to operate an Irrigation and Snow Removal Business pursuant to 152.079 (C)(9).
4. On April 7, 2021, the Carver County Board of Adjustment approved Variance #PZ20210008 which allowed the applicant to reduce the required separation distance between a Home Extended Business Accessory Use and a neighboring residential structure from 500 feet to approximately 330 feet. The approval allows the applicant to submit the conditional use permit request.
5. The operational plan (dated: 02/10/2021) appears to meet the minimum requirements for a Home Extended Business Accessory Use. The applicant is requesting approval to operate an irrigation and snow removal business in the agricultural zoned district. The business generally operates between the hours of 6:00AM and 6:00PM. The proposed business would operate from an existing 40' x 60' detached accessory structure, which would be used for the storage of irrigation supplies. A 20' x 40' concrete pad, north of the existing building, would be used for temporary outside storage when supplies are delivered and for seasonal snow removal equipment. The applicant has stated that no customers visit the site and he does not sell wholesale goods to the public. Currently the applicant has a maximum of four full-time employees. The business generates an average of two trips per day. The applicant stated that two company vehicles would be stored onsite, in addition to their personal vehicles. The business also has two pieces of large equipment that would be stored on the subject parcel (2014 CAT skid steer and a 2011 John Deere tractor). No business signage is being proposed as part of the operation.

6. On April 1, 2020, the Carver County Board of Adjustment approved Variance #PZ20200010 which allowed the applicant a reduced setback of approximate 340 feet between a Home Extended Business Accessory Use and the closest adjacent residential house. The required distance is 500 feet from the nearest corner of the Home Extended Business Accessory Use to the residential home's nearest corner. The applicant's building would be approximately 160 feet from the nearest residence.
7. On February 12, 2021, the applicant was sent a 60-day Extension Notice pursuant to Minnesota Statute 15.99 which states, that the County may extend the timeline by providing written notice of the extension to the applicant. It also states that the notification must state the reasons for the extension and its anticipated length, which may not exceed the additional 60 days unless approved by the applicant. In February of 2021, the applicants submitted requests for a variance and a CUP at the same time. Due to the County's required public hearing notification regulations, the applicants did not meet the February deadline for the Board of Adjustment; therefore, the extension option was exercised to allow the variance to be heard prior to the CUP being reviewed by the Planning Commission.
8. The property is improved with a single-family dwelling with an attached garage, and one accessory structure. The proposed business activity would be conducted from approximately 50% of the existing 40' x 60' structure. The applicant would also utilize an existing 20' x 40' concrete pad for deliveries and temporary outside storage. Because the accessory structure would be used for business purposes, it would be required to meet all applicable MN State Building Code standards.
9. Prior to commencing operations, the accessory building utilized for the proposed business would be required to be inspected by the County's Building Official, for compliance with the MN State Building Code. If deficiencies are identified, the permittee would then be required to apply for the necessary permits to bring the structure into compliance.
10. The existing 20' x 40' concert pad to be utilized for temporary outside storage would be screened from the view of the public road by the existing 40' x 60' accessory structure. The adjacent property to the west of the subject parcel is also a commercial use and has established a berm with vegetative plantings. The applicant has not provided any plans for screening due to the limited outside storage needs.
11. On March 31, 2021, this request was reviewed by Angie Stenson, a Senior Transportation Planner, and Darin Mielke, the Deputy County Engineer. Ms. Stenson and Mr. Mielke stated there were no comments or concerns from Public Works, related to this request. They also stated that if the CUP were approved, a Change in Use Access Permit would not be required.
12. On April 2, 2021, this request was reviewed by Joe Enfield, a Senior Environmentalist with Carver County. Mr. Enfield stated that there are no septic related concerns on the subject parcel at this time.
13. On April 5, 2021, staff received an email from Dustin Benz, the neighbor southeast (12235 County Road 32) of the subject parcel. Mr. Benz stated that fully supports the applicant's request.
14. The Waconia Town Board reviewed this request and recommended approval of the application during their January 19, 2021, Town Board meeting. The Town Board did not request any conditions to be included with their recommendation.
15. The Planning Commission has considered all the factors required by Section 152.251 of the Carver County Code and finds that all are either true in this case or can be mitigated by conditions placed on the permit.

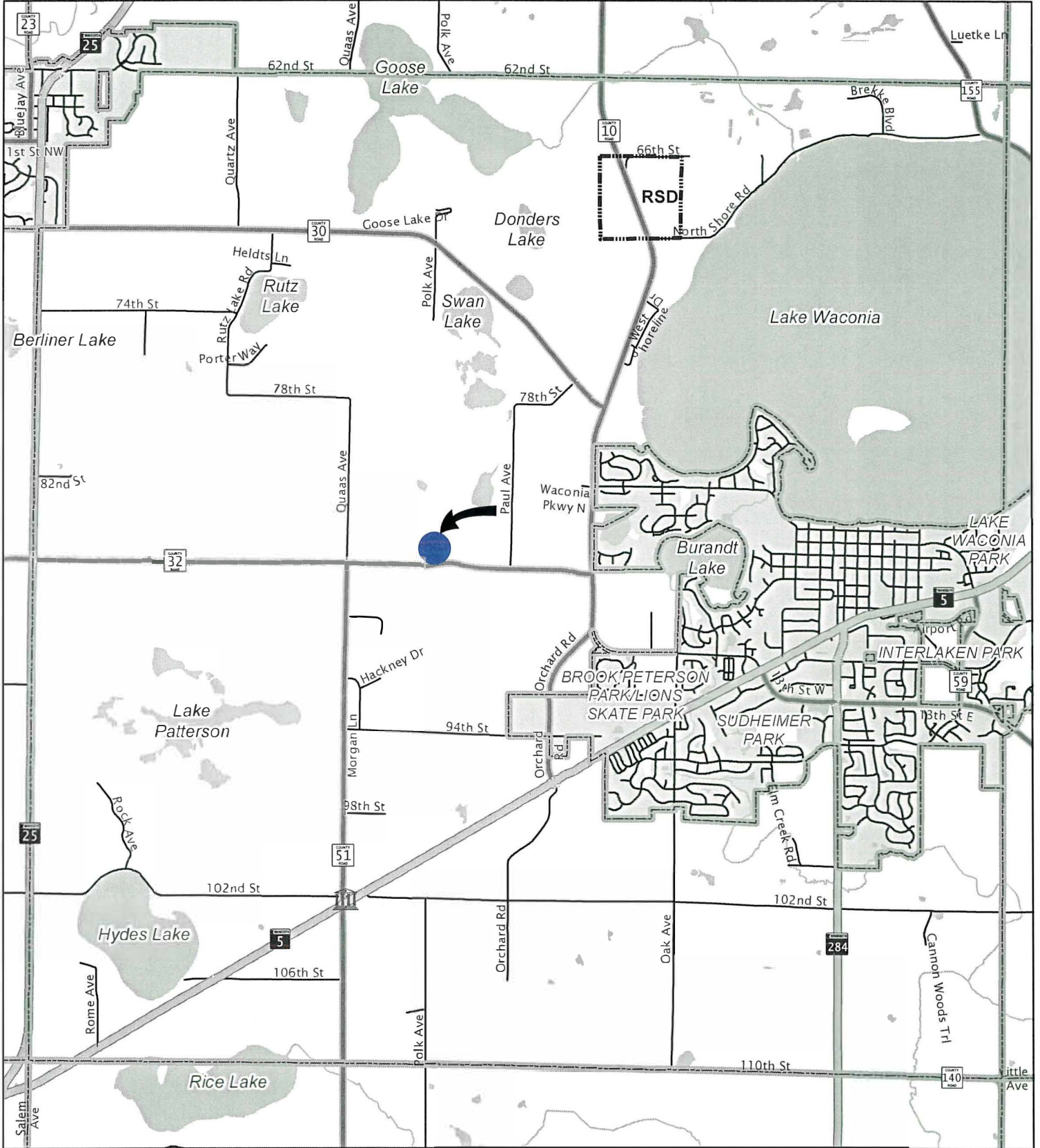
THEREFORE, BE IT RESOLVED, THAT the Carver County Planning Commission hereby recommends the issuance of Conditional Use Permit #PZ20210009, for a Home Extended Business Accessory Use on the land described in Exhibit “A” of the permit application. The Planning Commission further recommends that the following conditions be attached to the permit:

1. The permit is subject to administrative review. The Permittee shall homestead and occupy the property. The accessory building shall be used solely for personal storage and business uses and shall meet the applicable MN State Building Code standards based on the use. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners and/or operators are encouraged to contact Land Management as early in the timeline of the proposed change as possible.
2. The operation shall be substantially in accordance with the submitted operational and site plans (dated: 2/10/2021). These plans shall be requirements of this permit.
3. Any outside storage in addition to the exiting 20’ x 40’ concrete pad on the north side of the accessory structure shall constitute an expansion of the operational area. When applicable, the applicant shall first submit a screening plan and revised operational area plan to the Land Management department for a determination as to whether an application for an amendment or similar consideration is necessary.
4. The accessory building utilized for the proposed business shall meet MN State Building Code. Appropriate building permits shall be obtained. No additional personal storage structures shall be allowed, based on the total personal structure square footage currently on the property, without the issuance of a new CUP.
5. When applicable, the permittee shall install and maintain a conforming Subsurface Sewage Treatment System pursuant to Chapter 52 of the Carver County Code to accommodate any restroom(s) and/or wastewater produced within the structure for both the personal and the business operation. The permittee shall submit and maintain a pumping agreement (for the holding tanks) with a licensed SSTS contractor.
6. A maximum of four business vehicles and four employees who does not reside in the residence shall be permitted.
7. Any future remodeling or improvements to existing structures, personal or business related, shall require a Carver County Building Official review and permit approval.
8. When applicable, the permittee shall submit a Certificate of Workers’ Compensation Insurance and/or proper affidavit to the Land Management Department.
9. All signage shall meet the requirements of Chapter 154: Sign Regulations.
10. The operation shall comply with all local, state and federal regulations.

ADOPTED by the Carver County Planning Commission this 20th day of April 2021.

Scott Smith, Vice Chair
Carver County Planning Commission

WACONIA 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.



Carver County Board of Commissioners Request for Board Action



Agenda Item:

Steven Erhard - Request for an Adaptive Re-Use of an Existing Building in the Rural Service District (RSD)

Primary Originating Division/Dept: <u>Public Services - Land Mgmt.</u>	Meeting Date: <u>5/4/2021</u>
Contact: <u>Jason Mielke</u> Title: <u>Land Use Manager</u>	Item Type: <u>Consent</u>
Amount of Time Requested: <input type="text"/> minutes	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
Presenter: <input type="text"/> Title: <input type="text"/>	

Strategic Initiative:

Growth: Manage the challenges and opportunities resulting from growth and development

BACKGROUND/JUSTIFICATION:

File #PZ20200037. On April 20, 2021, the Planning Commission recommended approval of Steven Erhard's Conditional Use Permit (CUP) for a K-Bid Online Auction facility in the Bongards Rural Service District (RSD), Section 16 of Benton Township. The subject property (1.15 acres) is owned by Steven & Paulette Erhard and is improved with an approximate 85' x 43' commercial structure (Metro West Recycle, Inc.) and an approximate 36' x 40' loading area. If approved, Mr. Erhard would lease the property to Jan Stordahl to operate a K-Bid online auction facility from the existing building and small outdoor display area on the subject property.

The conditional use permit for an adaptive re-use of an existing structure is allowed pursuant to Section 152.097 of the Carver County Zoning Code. The Metro West Recycle, Inc. CUP originated in 2004 and has been operated as a family business. Prior to Mr. & Mrs. Erhard operating from the property, the site was owned by the Herrmann Family and operated as a local feed store. The current CUP operates as (#PZ20040055) which allows for cardboard, newspaper and pallet recycling. Mr. Erhard would like to depart from the recycling business and utilize the building in a way that he thinks could benefit the community and surrounding area, K-Bid online auctions. The attached resolution includes more detail on the operational plan.

The Carver County Public Works Department has reviewed and supports the request. The development of the site would need to meet the CCWMO Water Rules, as well as the County Subsurface Sewage Treatment System (SSTS) requirements. The Benton Town Board support the request.

If approved, this permit would terminate and supersede CUP #PZ20040055 and any other permits or amendments for an RSD activity on the property, which would be considered null and void.

ACTION REQUESTED:

A motion to adopt the Findings of Fact and issue Order #PZ20210013 for the issuance of a Conditional Use Permit.

FISCAL IMPACT: None

If "Other", specify:

FTE IMPACT: None

FUNDING

County Dollars =

<input style="width: 95%;" type="text"/>		<input style="width: 95%;" type="text"/>
--	--	--

Total

<input style="width: 95%;" type="text"/>		\$0.00
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Related Financial/FTE Comments:

Office use only:

RBA 2021 - 7630

COUNTY OF CARVER
PLANNING COMMISSION RESOLUTION

FILE #: PZ20210013

RESOLUTION #: 21-05

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

FILE #: PZ20210013

PROPERTY OWNER: Steven & Paulette Erhard

APPLICANT: Steven Erhard

SITE ADDRESS: 13345 County Road 51, 55368

PERMIT TYPE: Adaptive Re-Use of an Existing Building in an RSD

PURSUANT TO: County Code, Chapter 152, Section 152.097 (B)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 01-016-1100

WHEREAS, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meeting of April 20, 2021; and,

WHEREAS, the Carver County Planning Commission finds as follows:

1. Steven & Paulette Erhard own an approximate 1.15-acre parcel located in part of the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼) of Section 16, Benton Township. The parcel is improved with an approximate 85' x 43' commercial structure (Metro West Recycle, Inc.) and an approximate 40' x 36' loading area. The property has been utilized. The property is located in a Rural Service Overlay District (Bongards) and the CCWMO (Carver Creek Watershed).
2. Steve Erhard is requesting a Conditional Use Permit (CUP) to operate a K-Bid online auction facility from the existing building and outdoor area on the subject parcel. The CUP for an adaptive re-use of an existing structure would be allowed pursuant to Section 152.097 of the Carver County Zoning Code.
3. The Metro West Recycle, Inc. CUP originated in 2004 and has been operated as a family business. Prior to Mr. & Mrs. Erhard operating from the property, the site was owned by the Herrmann Family and operated as a local feed store. The current CUP operates as (#PZ20040055) which allows for cardboard, newspaper and pallet recycling. Mr. Erhard would like to depart from the recycling business and utilize the building in a way that he thinks could benefit the community and surrounding area, K-Bid online auctions. The property would be leased by an agent, Jan Stordahl.
4. The subject property is within the Bongards Rural Service District and is located on the eastern side of County Road 51. The applicant has submitted an operational plan and site plan (dated: March 5, 2021) outlining the details of the operation. The applicant plans to conduct approximately two auctions per month. In addition to the existing structure, the applicant is proposing an outside storage area on the north and south sides of the subject parcel.

5. According to the applicant, the business would operate from the proposed structure. Most of the existing building would be used to store smaller items that are available during auctions. At the conclusion of each auction, the purchasers would come to the site to claim their item(s). During the April 20, 2021, Planning Commission meeting, the applicant and Lessee acknowledged the primary hours of operation would be 9:00AM to 6:00PM (Monday-Friday) and 10:00AM – 4:00PM on Saturday. K-bid policies require mostly pre-pay online methods and online reservations/scheduling for the pick-up of purchased item(s) which the applicant believes would help control the traffic and flow of individuals to and from the property. The operation would include two full-time employees and may include two additional employees on load out days. According to the operational plan narrative, the business also auctions larger equipment that would need to be stored outside. Because the auctions last approximately two weeks, the outside storage should be temporary. The applicant stated that the outside storage would not exceed 50% of the outdoor space. The entire parking area cannot act as outdoor storage. During the Planning Commission meeting, the applicant stated the outside storage area would be immediately adjacent to the existing structure and would be approximately 73' x 58'.
6. The operational area would consist of the existing approx. 85' x 43' (3,655 square-foot) structure, the existing approx. 40' x 36' loading/unloading area (1,440 square feet), an outside storage area north of the existing structure, and the existing parking area to accommodate commuter vehicles for the onsite staff. Parking areas on the west and south sides of the existing building would be utilized for staff vehicles, customer needs, and would allow for additional gravel surface to be utilized to provide more efficient maneuverability for these vehicles and the occasional vendor traffic entering and exiting the site to deliver inventory. Average Daily Traffic (ADT) for the site has not been calculated; however, based on the application request, the proposed business does not appear to be a more intensive use.
7. Currently, the applicant is not proposing any screening of the outside storage area. During the April 20, 2021, Planning Commission meeting it was determined that an area directly to the north of the existing building and dock area would be utilized for outdoor displays of large equipment and pickup. The area would consist of an approximate 60-foot x 75-foot (4,500 square feet) as identified on the updated site plan (dated: 4/20/2021). No additional outdoor display areas would be allowed in order to prevent any accidental encroachment onto the neighboring property or visual impairments to drivers on County Road 51.
8. The Carver County Water Management Organization (CCWMO) would review the request and the proposed operational area with respect to the Water Resource Management standards (Chapter 153), and for site stabilization requirements and Best Management Practices (BMP's). The overall area of disturbance and the proposed operational area may trigger additional permit requirements by the CCWMO. If required, all CCWMO related permits and conditions shall be met prior to the issuance of any future building permits or future excavation activity.
9. On April 12, 2021, Joe Enfield, a Senior Environmentalist with Carver County stated that the existing building on the subject parcel is connected to a holding tank which serves a restroom for employee use only. The permittee shall maintain a conforming Subsurface Sewage Treatment System (SSTS) pursuant to Chapter 52 of the Carver County Code to accommodate any restroom(s) and/or wastewater produced within the building. In addition, Mr. Enfield stated that the County's Environmental Services Department has not been provided pumping records for the onsite holding tank. A condition has been added that states septic records shall be provided prior to the commencement of any new business operations.
10. On April 7, 2021, this request was reviewed by Angie Stenson, a Senior Transportation Planner with Carver County. Ms. Stenson stated the County's Public Works Department has no concerns with the proposed adaptive re-use. In addition, Ms. Stenson stated that the proposed use appears to be consistent with the existing access to the property. Regarding the outdoor storage area, Ms. Stenson stated that due to consideration of utilities on the east side of County Road 51, any outdoor storage area should be located no less than 50 feet from the centerline of the road.

11. On April 12, 2021, staff received a letter from Mark Wegner, the President & CEO of the Twin Cities & Western Railroad Company. In the letter, Mr. Wegner stated the potential for possible safety concern with this operation and the potential to bring large quantities of people to this site at one time. The railroad is concerned that there would not be enough parking to accommodate the needs of this business and patrons of the K-Bid business may park along the road and adjacent to the railroad right of way. This overflow parking may affect the visibility at the railroad crossing and heighten the potential for an accident involving a train. During the April 20, 2021, Planning Commission meeting the applicant stated parking would not be an issue due to the online bidding process. Buyers of the items sold through K-Bid would be allowed to schedule a time for pick which in turn spaces out the number of vehicles entering and existing the site at any given time.
12. The applicant has proposed signage for the location. Any signage would be required to meet the Carver County Sign Regulations of Chapter 154 of the Code of Ordinances.
13. The Permittee would be required to contact the Carver County Environmental Services Department to further discuss the requirements of obtaining a Hazardous Waste Generator's License, if applicable.
14. The neighborhood is comprised of residential, agricultural and commercial land uses within the Bongards Rural Service District. The request would not cause a substantial change in the character of the neighborhood nor would it result in a detriment to neighboring properties.
15. The proposed use appears to meet the general requirements for a conditional use in the Rural Service District (i.e. adaptive re-use of existing structures).
16. The Benton Town Board reviewed the request during the March 11, 2021, Town Board meeting. The Township recommended approval of the request and did not request any conditions along with their recommendation.
17. The Planning Commission has considered all the factors required by Section 152.251 of the Carver County Code and finds that all are either true in this case or can be mitigated by conditions placed on the permit.

THEREFORE, BE IT RESOLVED, THAT the Carver County Planning Commission hereby recommends the issuance of Conditional Use Permit #PZ20210013 for an Adaptive Reuse Activity (K-Bid Online Auction Facility) in the Bongards Rural Service District (RSD) and on the land described in Exhibit "A" of the conditional use permit application. This permit would terminate and supersede CUP #PZ20040055 and any other permits or amendments for an RSD activity on the property, which would be considered null and void. The Planning Commission further recommends that the following conditions be attached to the permit:

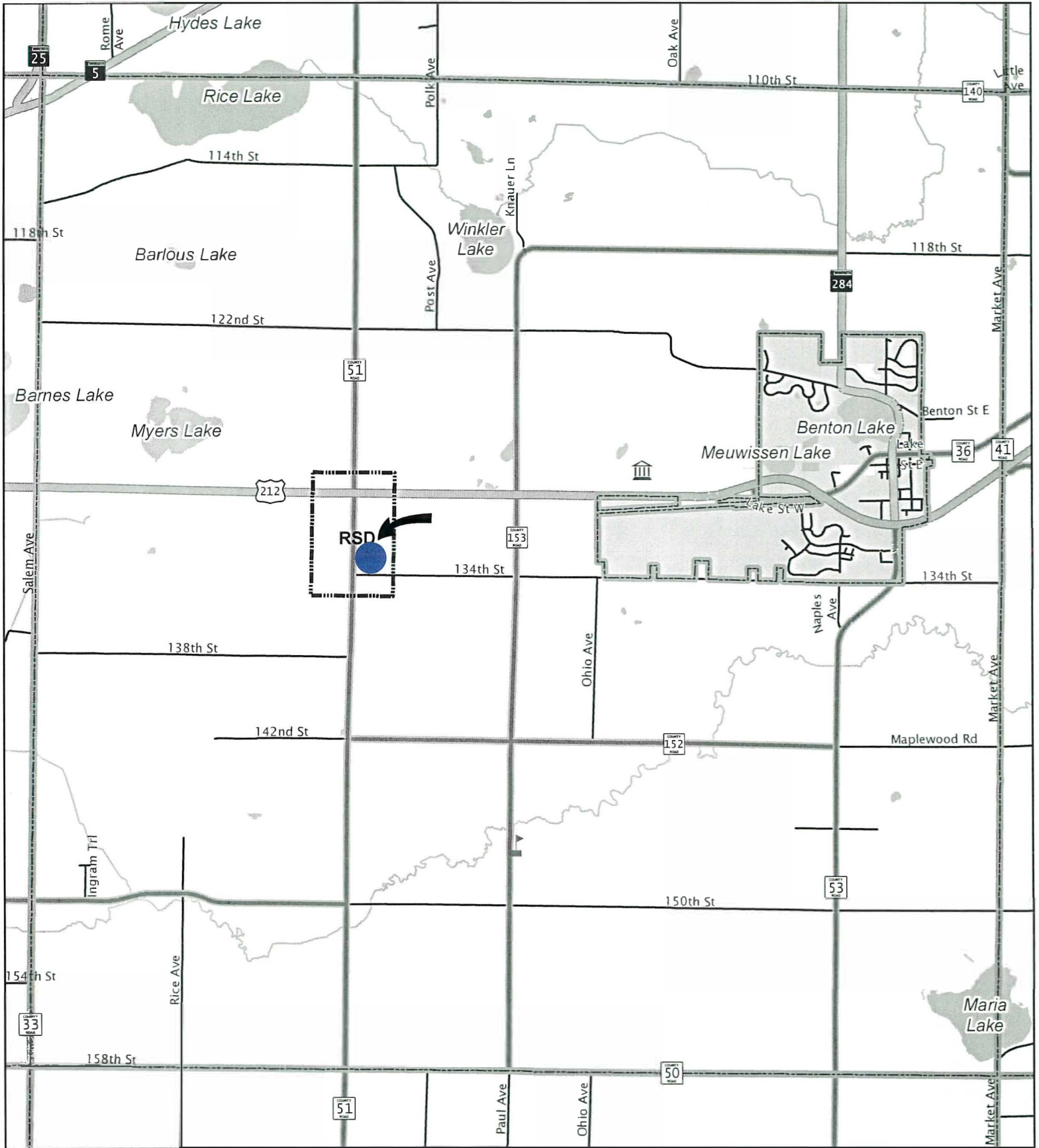
1. The permit is subject to administrative review. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners and/or operators are encouraged to contact Land Management as early on in the timeline of the proposed change as possible.
2. The operation shall be substantially in accordance with the submitted operational plan and site plan (dated: 03/05/2021). These plans shall be attached to and become part of this permit. The hours of the operation shall typically conform to the hours of 9:00AM – 6:00PM (Monday-Friday) and 10:00AM – 4:00PM (Saturday).
3. Any grading and/or filling activity on the property shall be completed in accordance with the CCWMO Water Resource Management standards and the Wetland Conservation Act (WCA), if applicable. All site improvements shall be completed pursuant to Chapter 153 – Water Resource Management. Stormwater Management review and approvals are required prior to the issuance of construction and/or building permits.
4. The permittee shall comply with the road access requirements as determined by the applicable road authority.

5. All business-related trucks, equipment and supplies shall be stored within the approved operational area. Any expansion of the approved operational area shall constitute an expansion of the use and may require a review by Land Management for determination as to an amended Conditional Use Permit will be required.
6. The applicant shall incorporate the area immediately north of the existing building, as an outside storage area. This area shall not exceed 60' x 75' and shall be immediately adjacent to the existing building.
7. All buildings/structures utilized in conjunction with the proposed operation shall meet the requirements of the Minnesota State Building Code.
8. The permittee shall maintain a conforming Subsurface Sewage Treatment System pursuant to Chapter 52 of the Carver County Code to accommodate any restroom(s) and/or wastewater produced within the structure of the business operation.
9. Prior to the issuance of the CUP, the property owner shall provide, to the County's Environmental Services Department, the requested pumping records and contractor pumping agreement for the holding tank located on the subject parcel.
10. Parking along County Road 51, within the road right-of-way, or on property owned by the TC&W Railroad shall be prohibited.
11. Permittee shall submit a Certificate of Workers' Compensation Insurance and/or proper affidavit (stating that they do not have any employees) to the Land Management Department. The insurance or affidavit shall be maintained for the duration of the CUP.
12. If required, the Permittee shall complete and submit a Non-Generator's Acknowledgment or Hazardous Waste Generator's License to the Environmental Services Department within 30 days of the issuance of this conditional use permit. The acknowledgment or license shall be maintained for the duration of the CUP.
13. The permittee shall comply at all times with the County standards as detailed in Chapter 152 – Zoning Code and Chapter 154 – Sign Regulations. The permittee shall not exceed the allowed square footage of signage per property. No signage shall be allowed within the public road right-of-way.

ADOPTED by the Carver County Planning Commission this 20th day of April 2021.

Scott Smith, Vice Chair
Carver County Planning Commission

BENTON 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.



Carver County Board of Commissioners Request for Board Action



Agenda Item:

Settlements for Right of Way Acquisition for the Jonathan Carver Parkway Project – Phase 1

Primary Originating Division/Dept: <input type="text" value="Public Works - Program Delivery"/>	Meeting Date: <input type="text" value="5/4/2021"/>
Contact: <input type="text" value="Zachary Mahan"/> Title: <input type="text" value="Right of Way Agent"/>	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="Growth: Manage the challenges and opportunities resulting from growth and development"/>	

BACKGROUND/JUSTIFICATION:

The 2021 construction season includes the Jonathan Carver Parkway Project - Phase 1 which is the expansion of Highway 11 to a four-lane highway. Additional right-of-way is needed to complete this project. Appraisals were completed by MM Appraisals and MDAs completed by the Carver County Public Works Right of Way agent and the County Board approved the making of offers based on the appraised values at its September 15, 2020 regular board meeting. 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 the property owners located at PID #20.2800640 & 20.2401180 have been reached.

ACTION REQUESTED:

Motion to adopt a resolution authorizing Settlement of Compensation to Owners for acquisition of real property Interests needed for Jonathan Carver Parkway Project – Phase 1.

FISCAL IMPACT: <input type="text" value="Included in current budget"/>	FUNDING						
<i>If "Other", specify:</i> <input type="text"/>	County Dollars =						
FTE IMPACT: <input type="text" value="None"/>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">City of Carver</td> <td style="width: 30%; text-align: right;">\$77,500.00</td> </tr> <tr> <td>CSAH Muni. Const.</td> <td style="text-align: right;">\$77,500.00</td> </tr> <tr> <td>Total</td> <td style="text-align: right;">\$155,000.00</td> </tr> </table>	City of Carver	\$77,500.00	CSAH Muni. Const.	\$77,500.00	Total	\$155,000.00
City of Carver	\$77,500.00						
CSAH Muni. Const.	\$77,500.00						
Total	\$155,000.00						
<input checked="" type="checkbox"/> Insert additional funding source							

Related Financial/FTE Comments:

Office use only:

RBA 2021 - 7634

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

Date: May 4th, 2021

Resolution No: _____

Motion by Commissioner: _____

Seconded by Commissioner: _____

Resolution Authorizing Settlement of Compensation to Owners for Acquisition of Real Property Interests Needed for Jonathan Carver Parkway Project – Phase 1

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 expansion to a four-lane highway as part of the Jonathan Carver Parkway Project – Phase 1 (“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 Expanding the roadway to 4 lanes as part of the Jonathan Carver Parkway Project – Phase 1 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 May 4th, 2021, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 4th day of May 2021

Dave Hemze County Administrator

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

Jonathan Carver Parkway Project – Phase 1

Carver County Public Works No. 168811

Property Tax Identification No. 20.2401180

Fee Owners: Lylewood Glen Townhome Association

Property Address: Outlot C on Lylewood Glen Plat, Carver MN 55315

Permanent Easement Area: 15,263 Sq Ft

Additional Damages: Trees

Settlement Amount: \$121,800.00

Property Tax Identification No. 20.2800640

Fee Owners: Oak Tree Single Family Homeowners Association

Property Address: 1343 Chestnut Circle, Carver MN 55315

Permanent Easement Area: 24,876 Sq Ft

Settlement Amount: \$33,200.00

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Settlements for Right of Way Acquisition for the US 212 Project - Dahlgren Township

Primary Originating Division/Dept: Public Works - Program Delivery

Meeting Date: 5/4/2021

Contact: Zachary Mahan Title: Right of Way Agent

Item Type:
Consent

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:
Growth: Manage the challenges and opportunities resulting from growth and development

BACKGROUND/JUSTIFICATION:

The 2021 construction season includes the US 212 Project - Dahlgren Township which is the expansion of Highway 212 to a four-lane highway. Additional right-of-way is needed to complete this project. Appraisals were completed by Kelly Lindstrom and DKJ Appraisals and the County Board approved the making of offers based on the appraised values at its June 2, 2020 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. Through settlement negotiations it was found that Carver County needs to provide an access easement to a homeowner off of the new Highway 212. Carver County has come to agreement with the property owners located at PID #04.0100700 & 04.0150110.

ACTION REQUESTED:

Motion to adopt a resolution for settlements for access easements for the US 212 Project - Dahlgren Township.

FISCAL IMPACT: None
If "Other", specify:

FUNDING
County Dollars =
Total \$0.00

FTE IMPACT: None

Insert additional funding source

Related Financial/FTE Comments:

There is no fiscal impact as the access easement was approved in previous settlement.

Office use only:

RBA 2021 - 7635

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

Date: May 4th, 2021

Resolution No: _____

Motion by Commissioner: _____

Seconded by Commissioner: _____

Resolution Authorizing Settlement of Compensation to Owners for Acquisition of Real Property Interests Needed for US 212 Project – Dahlgren Township

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 expansion to a four-lane highway as part of the US 212 Project – Dahlgren Township (“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 Expanding the roadway to 4 lanes as part of the US 212 Project - Dahlgren Township 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 May 4th, 2021, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 4th day of May 2021

Dave Hemze County Administrator

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

US 212 Project – Dahlgren Township

Carver County Public Works No. 178825

Property Tax Identification No. 04.0100700

Fee Owners: Kenneth A Lenzen Revocable Trust & Barbara G. Lenzen Revocable Trust

Property Address: 7180 Highway 212, Chaska MN 55318

Settlement Amount: \$0.00

Property Tax Identification No. 04.0100700

Fee Owners: Donald & Doreen Lenzen Trust

Property Address: 12710 Laurie Lane, Chaska MN 55318

Settlement Amount: \$0.00

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Grant Agreement for Lake Waconia Park Land Acquisition Reimbursement

Primary Originating Division/Dept: <u>Public Works - Parks</u>	Meeting Date: <u>5/4/2021</u>
Contact: <u>Martin Walsh</u> Title: <u>Parks Director</u>	Item Type: <u>Consent</u>
Amount of Time Requested: <input type="text"/> minutes	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Presenter: <input type="text"/> Title: <input type="text"/>	

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

Grant Agreement SG -12363 provides funding from the Metropolitan Council's capital improvement programs for land acquisition costs for Lake Waconia Regional Park. The agreement continues reimbursement for previous land acquisitions costs for acquiring over 20 acres of lakeshore property within the park boundary.

The County has purchased several properties for LWRP including the land, Lakeside Ballroom, Country Store, and the Pauls property totally \$7,949,519.89 and has spent \$1,400,000 in Parks and Trail projects (Highway 5 and Coney Island) that are mostly reimburseable for a total of \$9,349,519.89. To date the County has received \$5,253,168.65 in reimbursement from the Metropolitan Council, along with \$1,100,000 in land sale from the DNR and has \$214,665.88 in non-reimbursable expenses, leaving \$2,781,676.36 remaining in future reimbursements.

ACTION REQUESTED:

Motion to approve grant agreement SG-12363 with the Metropolitan Council pending finalization of the contract review process.

FISCAL IMPACT: Included in current budget

If "Other", specify:

FTE IMPACT: None

FUNDING

County Dollars =	<input type="text"/>
Metropolitan Council	\$245,370.00
Total	\$245,370.00

Related Financial/FTE Comments:

Office use only:

RBA 2021 - 7604

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Amendment to County Tobacco Ordinance

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

Changes in federal and state law have necessitated updating the County tobacco-related code of ordinances Chapter 111: Tobacco Regulations to reflect a minimum age of 21 years. A public hearing is required to amend County Ordinances. A public hearing notice was published in the County's official newspaper.

ACTION REQUESTED:

- 1) Open Public Hearing
- 2) Close Public Hearing
- 3) Motion to approve the attached amendment to Ordinance #96-2021, amending Chapter 111, the Tobacco Regulation Code.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT:

Total

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2021 - 7636

COUNTY OF CARVER
BOARD OF COMMISSIONERS

DATE May 4, 2021

RESOLUTION NO. _____

MOTION BY COMMISSIONER _____ SECONDED BY COMMISSIONER _____

A RESOLUTION ADOPTING ORDINANCE 96-2021
AMENDING CHAPTER 111, TOBACCO REGULATIONS;

WHEREAS, the County Board, by state statute is the Board of Health for Carver County and the board shall enforce laws, regulations, and ordinances pertaining to the powers and duties of a board of health within its jurisdictional area, and,

WHEREAS, Minnesota Statute 461 makes the County the regulatory authority for the sale of tobacco, tobacco-related devices, electronic delivery devices, and nicotine and lobelia delivery products; and

WHEREAS, federal law and state law prohibit the sale of tobacco, tobacco-related devices, electronic delivery devices, and nicotine or lobelia delivery products to a person under the age of 21 years; and

WHEREAS, the amendments would support safe and healthy conditions for citizens of Carver County; and

WHEREAS, input and feedback were duly considered at a public hearing held by the Carver County Board at its regular meeting of May 4, 2021 and the County Board finds as follows:

1. The amendments are in conformance with Minnesota State Statute Chapters 145A, as well as 461 and the Comprehensive Plan.
2. The amendments are not in conflict with any other official controls.
3. The amendments will not be detrimental to the health, safety or general welfare.

THEREFORE, BE IT RESOLVED, THAT The Carver County Board of Commissioners hereby adopts Ordinance 96-2021, amending the County Code.

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. _____
County Administrator

CARVER COUNTY, MINNESOTA

ORDINANCE NO. 96-2021

AMENDING CHAPTER 111: TOBACCO REGULATIONS

This amendment is necessitated by changes to federal law and state law (M.S. § 461) raising the minimum age for the sale of all tobacco products from 18 to 21 years.

THE CARVER COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS:

SECTION 1. Strikethrough signifies deleted language and underline is new language. The specified sections of Chapter 111: Tobacco Regulations, shall be amended as follows:

§ 111.01 PURPOSE.

(A) Because the county recognizes that many persons under the age of ~~21~~18 years purchase or otherwise obtain, possess and use tobacco, tobacco products and tobacco related devices, and the sales, possession and use are violations of both state and federal laws; and because studies, which are hereby accepted and adopted have shown that most smokers begin smoking before they have reached the age of 18 years and that those persons who reach the age of 18 years without having started smoking are significantly less likely to begin smoking; and because smoking has been shown to be the cause of several serious health problems which subsequently place a financial burden on all levels of government.

(B) This chapter shall be intended to regulate the sale, possession and use of tobacco, tobacco products and tobacco related devices for the purpose of enforcing and furthering existing laws, to protect young people ~~minors~~ against the serious effects associated with the illegal use of tobacco, tobacco products and tobacco related devices, and to further the official public policy of the state in regard to preventing young people from starting to smoke as stated in M.S. § 144.391, as it may be amended from time to time.

§ 111.02 DEFINITIONS AND INTERPRETATIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMPLIANCE CHECKS. The system the county uses to investigate and ensure that those authorized to sell tobacco, tobacco products and tobacco related devices are following and complying with the requirements of this chapter. **COMPLIANCE CHECKS** shall involve the use of individuals at least 17 years of age but under the age of 21 minors as authorized by this chapter. **COMPLIANCE CHECKS** shall also mean the use of individuals at least 17 years of age but under the age of 21 minors who attempt to purchase tobacco, tobacco products or tobacco related devices for educational research and training purposes as authorized by state and federal laws. **COMPLIANCE CHECKS** may also be conducted by other units of government for the purpose of enforcing appropriate federal, state or local laws and regulations relating to tobacco, tobacco products and tobacco related devices.

§ 111.05 LICENSE; BASIS FOR DENIAL.

(1) The applicant is under the age of 21~~18~~ years;

§ 111.06 PROHIBITED SALES.

(A) To any person under the age of 21~~18~~ years;

§ 111.08 SELF-SERVICE SALES.

(C) A license holder who operates an establishment that sells only tobacco-related products is exempt from the self-service merchandising provision if the license holder prohibits anyone under 21~~18~~ years of age from entering the establishment, unless accompanied by a parent, and the license holder conspicuously displays a notice prohibiting persons under 21~~18~~ years of age from entering the establishment unless accompanied by a parent. (Ord. 42, passed 2-10-98) Penalty, see § 111.99

§ 111.10 COMPLIANCE CHECKS AND INSPECTIONS.

(B) From time to time, but at least once per year, the county shall conduct compliance checks by engaging individuals at least 17 years of age but under the age of 21 years, with the written consent of ~~a their~~ parents or guardians, ~~minors over~~ if the person is under the age of 15 years but less than 18 years, to enter the licensed premise to attempt to purchase tobacco, tobacco products or tobacco related devices. Individuals ~~minors~~ used for the purpose of compliance checks shall be supervised by designated law enforcement officers or other designated county personnel. Individuals ~~minors~~ used for compliance checks shall not be guilty of the unlawful purchase or attempted purchase, nor the unlawful possession of tobacco, tobacco products or tobacco related devices when the items are obtained or attempted to be obtained as a part of the compliance check. No individual ~~minor~~ used in compliance checks shall attempt to use a false identification misrepresenting the individual's ~~minor's~~ age, and all individuals ~~minors~~ lawfully engaged in a compliance check shall answer all questions about the individual's ~~minor's~~ age asked by the licensee or his or her employee and shall produce any identification, if any exists, for which he or she is asked.

§ 111.11 OTHER ILLEGAL ACTS.

(A) It shall be a violation of this chapter for any person to sell or otherwise provide any tobacco, tobacco product or tobacco related device to any individual under the age of 21 years~~minor~~.

(B) It shall be a violation of this chapter for any individual under the age of 21 years~~minor~~ to have in his or her possession any tobacco, tobacco product or tobacco related device. This division shall not apply to individuals~~minors~~ lawfully involved in a compliance check.

(C) It shall be a violation of this chapter for any individual under the age of 21 years~~minor~~ to smoke, chew, sniff or otherwise use any tobacco, tobacco product or tobacco related device.

(D) It shall be a violation of this chapter for any individual under the age of 21 years~~minor~~ to purchase or attempt to purchase or otherwise obtain any tobacco, tobacco product or tobacco related device. It shall be a violation of this chapter for any person to purchase or otherwise obtain the items on behalf of any individual under the age of 21 years~~a minor~~. It shall further be a violation for any person to coerce or attempt to coerce an individual under the age of 21 years~~a minor~~ to illegally purchase or otherwise obtain or use any tobacco, tobacco product or tobacco related device. This division shall not apply to individuals~~minors~~ lawfully involved in a compliance check.

(E) It shall be a violation of this chapter for any individual under the age of 21 years~~a minor~~ to attempt to disguise his or her true age by the use of a false form of identification, whether the identification is that of another person or one on which the age

of the person has been modified or tampered with to represent an age older than the actual age of the person. (Ord. 42, passed 2-10-98) Penalty, see § 111.99

§ 111.99 PENALTY.

(2) Other individuals, other than individuals under the age of 21 years~~minors~~ regulated by division (A)(3) below, found to be in violation of this chapter shall be charged an administrative fine of \$50.

(3) Individuals under the age of 21 years~~Minors~~ found in unlawful possession or who unlawfully purchase or attempt to purchase, tobacco, tobacco products or tobacco related devises, shall be issued a citation and processed through the Criminal Justice Intervention Project, as established by County Court Services.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be in full force and effect upon the date of its passage.

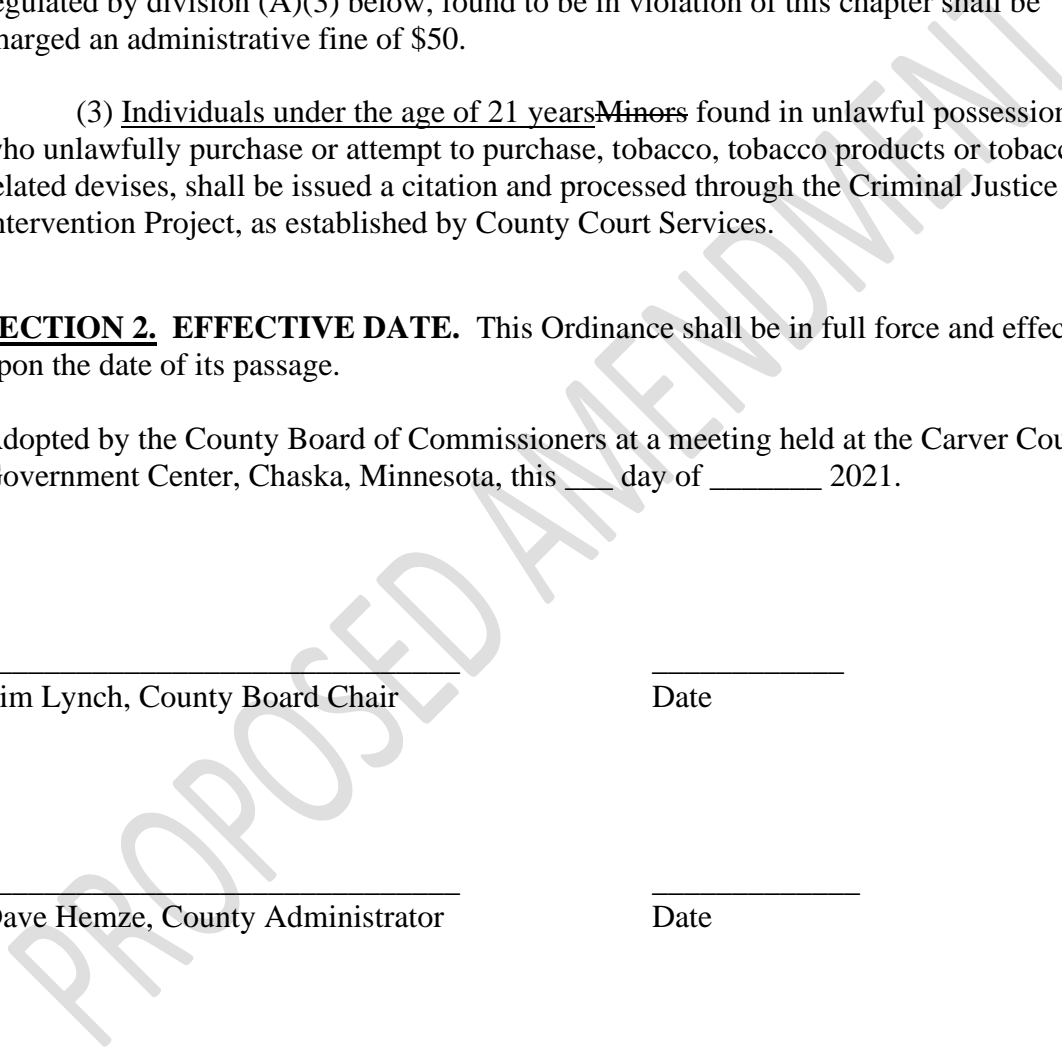
Adopted by the County Board of Commissioners at a meeting held at the Carver County Government Center, Chaska, Minnesota, this ____ day of _____ 2021.

Tim Lynch, County Board Chair

Date

Dave Hemze, County Administrator

Date



Carver County Board of Commissioners Request for Board Action



Agenda Item:

Approval of Use Agreement with People Inc. for the Steiner Kelting Mental Wellness Facility

Primary Originating Division/Dept: <u>Health & Human Services</u>	Meeting Date: <u>5/4/2021</u>
Contact: <u>Rod Franks</u> Title: <u>HHS Director</u>	Item Type: <u>Regular Session</u>
Amount of Time Requested: <u>10</u> minutes	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Presenter: <u>Rod Franks</u> Title: <u>HHS Director</u>	

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

In 2018, Carver County purchased the Steiner Kelting Hospice Home from Ridgeview Medical Center, using \$2.5M of cash reserves. Through special legislation, Carver County was awarded \$1.25M of State Bond funds for the remodeling and new construction needed to repurpose the facility as a Residential Crisis Stabilization facility. The construction and remodeling is now complete.

A citizen advisory committee was created to make recommendations on the remodeling and construction of the facility, security protocols, services offered, and programming of the facility. This committee initiated a competitive RFP process to find a vendor to operationalize the facility. The committee recommended People Inc for this role.

Carver County and People Inc have agreed on terms of a use agreement for the operation of the facility. The agreement will need final approval from State Minnesota Management and Budget office due to the use of State Bond funds for this project. MMB has given preliminary approval of the use agreement.

Once the use agreement receives final approval from the Carver County Board, People Inc, and MMB, People Inc will begin occupation of the facility. People Inc plans to be ready to receive patients into the facility September 8th of this year.

The use agreement allows the County to secure bonds for their \$2.5M investment and charge the annual cost of servicing these bonds to People Inc. The use agreement allows People Inc renewal options of the use agreement up to a total of 25 years. After 25 years Carver County is no longer bound to the terms of the State Bond funds. If the County decides to sell the facility at that time, People inc is granted the first right of purchase if they have participated in the full 25 years of the use agreement. If People Inc does purchase the facility, they agree to continue to use the facility for Residential Crisis Stabilization services, or return the facility back to the County.

ACTION REQUESTED:

Motion to approve the use agreement with People Inc for the Steiner Kelting Mental Wellness Facility pending the approval of Attorney and Risk, as well as MMB.

FISCAL IMPACT: Other

If "Other", specify:

See comments below

FUNDING

County Dollars =	
Estimated annual pay...	\$158,345.00
Total	\$158,345.00

FTE IMPACT: None

Related Financial/FTE Comments:

When the County Board approved the \$2.5M purchase in 2018, they also approved an IRS Declaration of Intent to reimburse the \$2.5M with a future bond sale. The IRS stipulates that a bond sale to reimburse the Board's \$2.5M contribution must occur within 18 months from when the building is re-opened. Ideally, from a bond rating perspective, People's Inc. will be operating

for at least 12 months before the County Board issues the \$2.5M bond sale to reimburse the County for their \$2.5M cash contribution. Thus, assuming People's Inc. starts receiving patients into the facility in September 2021, County staff expect to recommend the Board approve a \$2.5M bond sale between October 2022 (12 months after re-opening) and March 2023 (18 months after re-opening). The Steiner Kelting Mental Wellness Facility Use Agreement requires the tenant operating the facility to pay 100% of the debt service for the \$2.5M bond sale.

Average estimated debt service on 20 year bond at current rates would average \$158,345.00 annually.

Office use only:

RBA 2021 - 7598

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Approve addition of 1.0 Program Supervisor for Crisis Team

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 growth of the Carver County Crisis Program is quickly approaching the point where the health and safety of clients could be jeopardized without additional supervisory oversight. Currently, there are 18.5 FTE assigned to the Crisis Program divided among 24 staff persons. The added scope and breadth of the program requires additional leadership oversight for management of staff, grants, two crisis call lines, development and maintenance of community partnerships and training. The supervisor positions are responsible for ensuring the clinical and programmatic quality of the services for a 24/7 program response.

The 2020-2022 DHS Crisis Program Grant (20-499) included funding for the addition of 1.0 FTE Crisis Program Supervisor to increase supervisory oversight of the Carver County Crisis team in response to continued program growth. The cost for the position is \$132,891 annually. The crisis grant will cover 96.7% of the cost of the additional supervisor, or \$128,506, with the remaining \$4,385 (3.3%) to be generated by additional earned revenues from program growth.

The amount needed to fund the position starting in July of 2021 is \$67,403. This amount will be covered by excess National Suicide Prevention Line (NSPL) grant funds approved by DHS for this expenditure. In 2022 and moving forward, the position will be funded by crisis grant funds, and additional earned revenues as noted above. No levy dollars will be needed to fully fund this position.

ACTION REQUESTED:

Motion to approve the addition of 1.0 FTE Crisis Program Supervisor effective 7/1/2021.

FISCAL IMPACT:

If "Other", specify:

FTE IMPACT:

FUNDING

County Dollars =	\$200,293.00
NSPL (6 mos)- 2021	(\$67,402.00)
Crisis Grant funds- 2022	(\$128,506.00)
Earned Revenue-2022	(\$4,385.00)
Total	\$0.00

Insert additional funding source

Related Financial/FTE Comments:

Hire one fulltime 1.0 FTE Crisis Program Supervisor, position grade C52. Position to start on or after 7/1/2021, \$67,402 cost in 2021. Position will be funded by Crisis Grant funds starting in 2022, and some additional minimal earned revenue. No additional County levy dollars will be needed to fund this position.

Budget Amendment Request Form



To be filled out AFTER RBA submittal

Agenda Item: Approve addition of 1.0 Program Supervisor for Crisis Team

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
Salaries- 2021	11-480-746-0001-6111	\$67,402.00
Crisis Salaries-2022	11-480-746-0001-6111	\$132,891.00
TOTAL		\$200,293.00

CREDIT		
Description of Accounts	Acct #	Amount
NSPL Grant-2021	11-480-748-000-5...	\$67,403.00
Crisis PMAP-2022	11-480-746-0000-...	\$4,385.00
Crisis Grant-2022	11-480-746-0000-...	\$128,506.00
TOTAL		\$200,294.00

Reason for Request:

Addition of a 1.0 Crisis Supervisor to meet the growing demand for Crisis services. This position is funded by grants and program revenue. 2021- 6 months- \$67,402. 2022- funding covered by Crisis Grant.

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Reorganization in Public Works Parks & Recreation Department

Primary Originating Division/Dept: <u>Public Works</u>	Meeting Date: <u>5/4/2021</u>
Contact: <u>Jason Goehring</u> Title: <u>Parks & Natural Resources Su...</u>	Item Type: <u>Regular Session</u>
Amount of Time Requested: <input type="text"/> minutes	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Presenter: <u>Lyndon Robjent, Marty Wal...</u> Title: <u>Public Works Division Director,...</u>	

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

The Parks Department is requesting a reorganization and a budget amendment to create a 1.0 FTE Park Maintenance Technician position for maintenance and stewardship work for parks and trails on Carver County Regional Railroad Authority (CCRRA) property.

The Parks Department and Highway Operations Department currently share a position that works for Parks in the Summer and Operations in the Winter. This position is now vacant. The position is funded 50-50 by the CCRRA fund and Public Works operating fund. An additional 0.5 FTE was approved in the 2021 CCRRA budget. It is proposed that this 0.5 FTE be combined with the existing CCRRA portion of the shared position to create a full-time Parks Maintenance Technician. This will mean that the remaining 0.5FTE in Highway Operations will need to be filled by a part time position next winter until a full time (1.0 FTE) position can be funded through the 2022 budget or another reorganization.

In addition to the proposed reorganization it is necessary to allocate an additional \$26,000 from CCRRA account as it was discovered that the County general fund has been paying disproportionately more for the shared position as well as the need to cover full-time benefits.

ACTION REQUESTED:

Motion to approve a reorganization in Public Works which combines existing partial FTE's into 1.0 FTE creating a permanent Park Maintenance Technician and allocate an additional \$26,000 from the CCRRA budget to fund the position.

FISCAL IMPACT: Budget amendment request form

If "Other", specify:

FUNDING

County Dollars =	\$0.00
CCRRA	\$26,000.00
Total	\$26,000.00

FTE IMPACT: None

Related Financial/FTE Comments:

The \$26,000 covers the additional costs from combining the shared position and combining it with a part-time position. Additional funding will be covered by the CCRRA levy.

Office use only:

RBA 2021 - 7617

Budget Amendment Request Form



To be filled out AFTER RBA submittal

Agenda Item: Reorganization in Public Works Parks & Recreation Department

Department:

Meeting Date:

Requested By:

- 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

DEBIT		
Description of Accounts	Acct #	Amount
Salaries- STOC	1-520.6111	\$26,000.00
TOTAL		\$26,000.00

CREDIT		
Description of Accounts	Acct #	Amount
Professional Tech Fees- CCRRA	15.6260	\$26,000.00
TOTAL		\$26,000.00

Reason for Request:

The \$26,000 covers the additional costs from combining the shared position and combining it with a part-time position. Additional funding will be covered by the CCRRA levy.

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Eliminate Finance Department 1.0 Accountant and create a 1.0 Accounting Supervisor

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:

Amount of Time Requested: minutes
Presenter: Title:

Attachments: Yes No

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

For the last several years, the Finance Department 's responsibilities and workload have increased and become more complex as the County continues to grow and change. A driving factor for the increased responsibilities has been multiple manual to electronic conversion projects for payables, receipts, payroll, cash management, budgeting, property tax collections, daily/monthly reconciliations, credit cards, etc. While these projects have significantly increased staff efficiency they also significantly increase management's responsibility to develop, maintain and update the complicated and interconnected processes. Thus, increasing management capacity for the Finance Department is a top priority for the Property and Finance Division. Finance is requesting to eliminate the 1.0 Accountant FTE and create a 1.0 Accounting Supervisor FTE to increase the Finance Department's management capacity with no net increase in FTEs. This position will oversee the accounts payable and accounts receivable functions in the Finance Department.

ACTION REQUESTED:

Motion to approve the elimination of the 1.0 FTE Finance Accountant position and create a 1.0 FTE Accounting Supervisor position.

FISCAL IMPACT:

FUNDING

If "Other", specify:

County Dollars =

FTE IMPACT:

Total

Insert additional funding source

Related Financial/FTE Comments:

The annual cost to eliminate the Accountant position and create an Accounting Supervisor position will be covered by redirecting budget within Finance's operating budget. No additional levy dollars are being requested.

Office use only:

RBA 2021 - 7639

Budget Amendment Request Form



To be filled out AFTER RBA submittal

Agenda Item: Convert Finance Department 1.0 Accountant to a 1.0 Accounting Supervisor

Department:

Meeting Date:

Fund:

- 01 - General
- 02 - Reserve
- 03 - Public Works
- 11 - CSS
- 15 - CRRRA
- 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
FT Salaries	01-045.6111	\$8,109.00	Professional Services	01-045.6260	\$8,109.00
TOTAL		\$8,109.00	TOTAL		\$8,109.00

Reason for Request:

Redirect professional services budget to cover converting the Accountant 1.0 FTE to an Accounting Supervisor.