



# CARVER COUNTY

# minnesota

## Carver County Board of Commissioners November 1, 2022 Board Meeting

The County Board Room is open to the public.

Individuals who are not able to attend in person and wish to provide public comments can do so by email at [admin-contact@co.carver.mn.us](mailto:admin-contact@co.carver.mn.us) or by leaving a voicemail at (952) 361-1516. 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 Regular Session videoconference please send an e-mail, no later than noon on the Monday prior to the scheduled meeting date, to Carver County Administration at [admin-contact@co.carver.mn.us](mailto:admin-contact@co.carver.mn.us) to receive a WebEx invitation.

Public comments that 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 Regular Session portion of 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**
- 2. Agenda review and adoption
- 3. Approve minutes of October 18, 2022, Regular Session ..... 1-3
- 4. Community Announcements
- 9:20 a.m. 5. **CONSENT AGENDA**
- Communities: Create and maintain safe, healthy, and livable communities*
- 5.1 Cooperative Agreement with MnDOT for the Highway 20/25 Intersection Project ..... 4-5
- 5.2 2022 SSTS Direct Discharge Program..... 6-11

5.3	Local Recycling Development Grant (LRDG) Agreement Amendment ..	12
5.4	Settlements for Right of Way Acquisitions for the Highway 41 Bridge Project .....	13-17
5.5	Settlements for Necessary Right of Way Acquisitions for the Highway 50 Project - East Hamburg Area .....	18-22

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

5.6	Donation of Compostable Dinnerware and Bags .....	23
5.7	Professional Service Agreement with Heather Tran, LLC .....	24

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

5.8	Reorganization in Public Works .....	25-26
-----	--------------------------------------	-------

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

5.9	Aramark Jail Food Service Amendment.....	27
5.10	Airport Road Addition Subdivision Final Plat and Land Exchange Agreement for Highway 92 Project - Interlaken Area.....	28-37
5.11	Acceptance of Watershed-Based Implementation Funding Grant.....	38-39
5.12	Erick Lenzen - Request for Adaptive Re-Use CUP in a Rural Service District .....	40-45
5.13	MCI Telecommunications (Verizon) - Request for a Public Utility CUP .....	46-50
5.14	Professional Services Agreement with HDR, Inc. for the Highway 41/10 Project.....	51

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

5.15	Review Health & Human Services and Commissioner Warrants.....	NO ATT
------	---	--------

- 9:20 a.m.    **6. COMMUNITIES: Create and maintain safe, healthy, and livable communities**
- |     |   |       |
|-----|---|-------|
| 6.1 | Settlement Amendments for Right of Way Acquisitions Related to the Highway 10 Project-North Watertown ..... | 52-56 |
| 6.2 | Settlement Amendments for Right of Way Acquisitions Related to the Highway 24 Project.....                  | 57-62 |

9:30 a.m.    **RECESS AS COUNTY BOARD AND CONVENE AS CARVER COUNTY BOARD OF HEALTH**

- 9:30 a.m.    **7. COMMUNITIES: Create and maintain safe, healthy, and livable communities**
- |     |  |    |
|-----|--|----|
| 7.1 | Semi-Annual Report to the County Health Board..... | 63 |
|-----|--|----|

9:55 a.m.    **ADJOURN AS CARVER COUNTY BOARD OF HEALTH AND RECONVENE AS COUNTY BOARD**

- 9:55 a.m.    **8. County Administrator Report**

10:00 a.m.        **ADJOURN REGULAR SESSION**

**WORK SESSION**

- 10:00 a.m.    **A.    GROWTH: Manage the challenges and opportunities resulting from growth and development**
- 1.        County Right of Way Access Policy ..... 64-70

David Hemze  
County Administrator

**UPCOMING MEETINGS**

November 8, 2022	No Meeting
November 15, 2022	9:00 a.m. Board Meeting
November 22, 2022	9:00 a.m. Special Session/Board Work Session
November 29, 2022	No Board Meeting
December 1, 2022	6:00 p.m. 2023 Budget Public Hearing
December 6, 2022	AMC Conference, No Board Meeting

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on October 18, 2022. Chair Gayle Degler convened the session at 9:00 a.m.

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

Members absent: None.

No public comments were received.

The following amendment was made to the agenda:

Delete Work Session – License Center update

Lynch moved, Fahey seconded, to approve the agenda as amended. Motion carried unanimously.

Udermann moved, Workman seconded, to approve the minutes of the October 4, 2022, Regular Session. Motion carried unanimously.

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

Resolution #78-22, Traffic Control Signal Maintenance Agreement 1051295 (TH 41 and CSAH 61) with the State of Minnesota.

Contract with DemCon for hauling and recycling of cardboard from the Chanhassen satellite collection site.

Professional services agreement with Landwehr Construction, Inc., pending finalization of the contract review process.

Professional services agreement with Mathiowetz Construction Company pending finalization of the contract review site.

Resolution #79-22, State of MN Agreement 1050793, Federal Participation in Preliminary Engineering.

Approved the liquor license renewal application for WJVA, Inc., dba Timber Creek Golf Course.

Approved acceptance of donation for the Encore program.

Professional services agreement with SRF Consulting Group for final design work for Highway 212 Project, Benton Township, in the amount of \$1,572,210.07 pending finalization of the contract review process.

Approved the reorganization of the Planning and Water Management Department and related Planning and Water Management.



Memorandum of Agreement with AFSCME Assistant County Attorney's Bargaining Unit and related budget amendment.

Approved the 2023 benefits for non-bargaining employees as outlined including 2023 monthly cafeteria contribution amounts for full-time benefit eligible non-bargaining employees based on the employee's election of health insurance with \$855.48 for single, \$1,393.20 for employee + spouse, \$1,048.70 for employee + child(ren), \$1,772.79 for family, and \$150.00 for waiver; maintaining the \$250.00 per month toward the cost of single health insurance for employees budgeted at least half-time but less than 0.8 FTE; and providing HRA/VEBA contributions in the amounts of \$750/\$1,500 and contributions for those electing the HSA High Deductible Health Plan option in the amounts of \$1,100/\$2,000 as described.

Approved maintaining health insurance contributions for eligible retirees for 2023. Retiree contributions would continue to be as follows, not to exceed the coverage tier level provided at the time of separation: Retirees selecting family coverage would receive \$1,772.79 per month toward their insurance, employee + spouse would receive \$1,393.20, employee + children would receive \$1,048.70, and those electing single coverage would receive the lesser of the single premium amount or \$855.48 per month.

Approved Memorandum of Agreement with the Supervisors and Managers Association of Carver County Bargaining Unit and related budget amendment.

Approved eliminating a 0.50 FTE licensing specialist position and creating a 0.80 FTE licensing specialist position at the Chanhassen License Center and related Property & Financial Services budget amendment.

Approved the following Charles Dahlke grant proposals: mobile hotspots, adult language learning, games and gathering, health literacy at Carver County Library, seed libraries, training and resources for diverse story times and youth STEM collection and programming.

Resolution #80-22 County Board Acknowledgment Highway 41/18 Project Final Payment.

Professional services agreement with the YMCA of the North for the facilitated equity innovation learning session with a not to exceed amount of \$9,500 for the period November 1, 2022, through December 31, 2022, pending finalization of the contract review process.

Approved contract with Stanley Security to upgrade the jail's security control system.

Authorized the Sheriff's Office acceptance of \$2,000 donation and related budget amendment.

Reviewed October 11, 2022, Community Social Services' actions/Commissioners' warrants in the amount of \$244,059.27 and reviewed October 18, 2022, Community Social Services' actions/Commissioners' warrants in the amount of \$ 434,282.81

Motion carried unanimously.

Udermann moved, Lynch seconded, to recess as the County Board and convene as the Carver County Ditch Authority. Motion carried unanimously.

Dave Frischmon, Property and Financial Services, requested the Ditch Authority assign alternate viewers for County Ditches. He noted the Ditch Authority had previously approved a redetermination for all County Ditches and during that process the Authority appointed viewers. He explained one of the appointed viewers had been called in for military duty and they were recommending alternate viewers be appointed.

Lynch moved, Udermann seconded, to approve the appointment of alternate viewers for the redetermination of benefits for County Ditches. Lynch rescinded his motion due to a potential conflict of interest.

Udermann moved, Fahey seconded, to approve the appointment of alternate viewers for the redetermination of benefits for County Ditches 2-3, 5, 6, 7, 9 and 10. Degler, Fahey, Udermann, Workman voted aye. Lynch abstained. Motion carried.

Workman moved, Udermann seconded, to adjourn as the Ditch Authority and reconvene as the County Board. Motion carried unanimously.

Udermann moved, Fahey seconded, to go into closed session for a potential land exchange agreement for the Highway 92 project and for labor negotiation strategy. Motion carried unanimously.

The Board adjourned the closed session and Regular Session at 11:55 a.m.

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:**

**Cooperative Agreement with MnDOT for the Highway 20/25 Intersection Project**

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:**

Carver County and the Minnesota Department of Transportation (MnDOT) have been working together for the past two years on the Highway 20/ 25 Intersection Project, west of the City of Watertown. The project will re-align Highway 20 to intersect Highway 25 at a better sight angle and flatten the landing at the intersection. This project will also widen Highway 25 to allow for bypass and turn lanes for traffic entering Highway 20 at this location. The lighting and sightlines will be upgraded making this intersection much safer for the community. This project is planned to be under construction in the summer of 2023.

Carver County has been awarded \$1,024,600.00 in MnDOT Municipal Agreement Funds for this project. The remaining funding will come from County State Aid Funding.

This cooperative agreement is between MnDOT and Carver County, and includes the cost sharing and maintenance responsibilities for the respective state and county highways. Staff is recommending approval of this cooperative agreement in order to proceed with advertising for bids and awarding of a construction contract.

**ACTION REQUESTED:**

Motion to approve a resolution to enter into Agreement 1046175 with the State of Minnesota for the Highway 20/25 Intersection Project, pending finalization of the contract review process.

**FISCAL IMPACT:**

If "Other", specify:

**FTE IMPACT:**

**FUNDING**

<b>County Dollars =</b>	<input type="text" value=""/>
State Aid Regular	\$1,305,815.10
MnDOT Funds	\$1,024,600.00
<b>Total</b>	<b>\$2,330,415.10</b>

Insert additional funding source

**Related Financial/FTE Comments:**

Carver County will receive \$1,024,600 in municipal agreement funding by completing this agreement with MnDOT. \$948,704.00 of the MnDOT funds will be used for Construction, and \$75,896 will be used for construction engineering.

Office use only:

RBA 2022 - 8656

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

Date: November 1, 2022

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

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

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

IT IS RESOLVED, that Carver County enter into MnDOT Agreement No. 1046175 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for payment by the State to the County of the State's share of the costs of the intersection reconstruction construction and other associated construction to be performed upon, along, and adjacent to Trunk Highway No. 25 at County State Aid Highway (CSAH) No. 20 and on CSAH 20 at TH 25 under State Project No. 1007-22 (TH25=025).

BE IT FURTHER RESOLVED the County Board Chair and the County Administrator are hereby authorized and directed for and on behalf of Carver County to execute and enter into an agreement with the Commissioner of Transportation prescribing the terms and conditions of said financial participation as set forth and contained in "MnDOT Agreement No. 1046175", and are authorized to execute the Agreement and any amendments to the Agreement.

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 1st day of November, 2022, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 1<sup>st</sup> day of November, 2022.

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

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

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**2022 SSTS Direct Discharge 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:**

The County Board has approved a landowner incentive program for eliminating direct discharge Sub Surface Treatment Systems (SSTS) annually since 2008 and it has proven to be successful. The program has focused on the Bevens Creek, Carver Creek and Crow River Watershed in order to reduce the fecal coliform bacteria load sources in those watersheds.

The CCWMO advisory committee recommended the 2022 Priority Sub-Watersheds to the board at their September 2022 meeting (See attached map and memo). Staff is requesting approval through the attached resolution for the 2022 SSTS direct discharge program.

**ACTION REQUESTED:**

Motion to adopt the resolution continuing implementation of the SSTS direct discharge incentive program for 2022.

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

FUNDING	
County Dollars =	
CCWMO 2022 funds	\$40,000.00
<b>Total</b>	<b>\$40,000.00</b>

**FTE IMPACT:**

Insert additional funding source

**Related Financial/FTE Comments:**

Funding for the incentives is derived from existing CCWMO levy funds set aside for the SSTS direct discharge program. \$40,000 would be the maximum amount needed if all likely systems need replacing. The actual amount could be lower. SSTS loan funds are held by the Minnesota Department of Agriculture.

Office use only:

RBA 2022 - 8676



## Carver County Water Management Organization

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

# Memo

**To:** County Commissioners  
**From:** Paul Moline, Carver County Public Services Deputy Director  
**Date:** October 24, 2022  
**Re:** PROPOSED 2022 DIRECT DISCHARGE SSTS COST SHARE PROGRAM  
**Cc:** Dave Hemze, Nick Koktavý

Enclosures: Priority sub-watershed map

---

In 2008, Carver County began a Sub-surface Sewage Treatment System (SSTS) Incentive Program to replace direct discharge sewer systems to reduce contributing bacteria to Bevens and Carver Creeks. Both Bevens and Carver Creek are impaired with bacteria. The program was expanded into the Crow River watershed (also impaired for bacteria) in 2020. Since its beginning, the program has helped homeowners replace 444 direct discharges through loans and cost share assistance. Each year new sub-watersheds are targeted for this program.

### PROGRAM ACCOMPLISHMENTS

SSTS Direct Discharge Program began in 2008 and has accomplished the following to date:

- **Total participants/SSTS replaced:** 444
- **Loans Taken:** 164

### 2022 PROPOSAL

The implementation plan was out on hold in early 2022 due to a backlog of participants, staff workload and vacancies and contractor availability. The program is now set to continue in 2022 with funding directed by the Board in the 2022 WMO budget. The following sub-watersheds in the Crow River Watershed are recommended by staff (See attached map):

1. Crow River: Yancy Ave area subwatershed - 20 likely systems

Factors leading to the recommendation are as follows:

- Ecoli monitoring data for overall counts and seasonal counts
- Geography of the sub-watersheds (lake presence, size)
- Distribution of funds across multiple townships
- Number of likely systems in the sub-watershed

### 2022 FUNDING

Available Incentive Funds – 2022 CCWMO budget has \$100,000 available for SSTS direct discharge incentives. (up to 50 systems). The final number of systems funded with the 2022 program will depend on the number of land owners who provided record drawings of a system on their property. This number varies from year to year but typically lowers the “likely systems” number, sometimes significantly. Remaining funding will be used towards the 2023 program to be proposed next spring.

Available loan funds estimate: There is approximately \$650,000 available for loans in 2022, enough to fund approx. 43 systems at the maximum loan amount.

## **2022 COST SHARE QUALIFICATIONS**

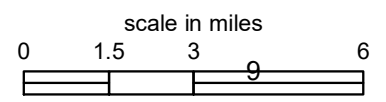
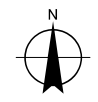
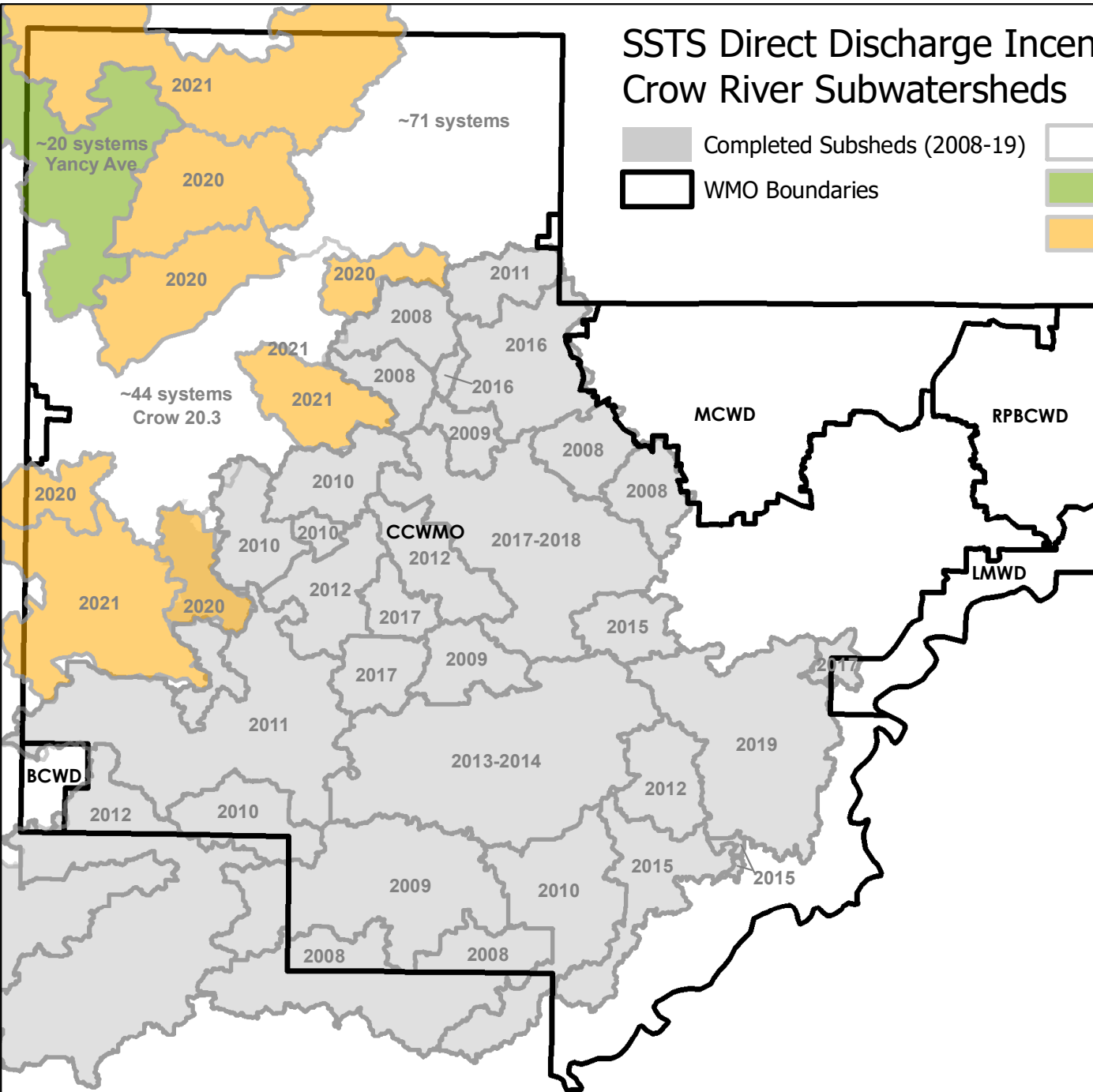
Similar to previous years, incentive recipients must sign up for the cost share with no previous SSTS trigger (i.e. current enforcement, compliance inspection as a result of property transfer, complaint, or building permit).

1. Located in 2022 Priority Sub-Watersheds – The County will provide a cash grant of 25% of the cost of a new system up to \$2,000 for the upgrade of systems identified as a likely direct discharge system in the priority sub-watersheds. Owners of likely direct discharge systems in the priority sub-watersheds with no previous trigger (i.e. current enforcement, compliance inspection as a result of property transfer, complaint, or building permit) must apply for the cost share by May 31, 2023, and must install the system by October 31, 2023. Owners that do not apply shall be required to submit an as-built drawing completed by a licensed septic professional to the County by May 31, 2023. The County will also offer a low interest loan with an amortization of up to 10 years to qualified applicants. If a landowner needs additional time to install their system due to weather conditions, contractor availability or other, a written request for an extension will need to be submitted prior to October 31, 2023.
2. Located outside 2022 Priority Sub-Watersheds – For systems outside of the priority sub-watersheds, the loan funds with an amortization of up to 4 years and the cash incentive of \$2,000 will be available on a first-come, first-serve basis after May 31, 2023 until allocated funds are depleted. For systems outside of the priority sub-watersheds, the owner would be required to replace SSTS within 12 months of submitting a cost share application.

Payment will be issued to the applicant upon successful installation of the system (as determined by Environmental Services Staff).

# SSTS Direct Discharge Incentive Program Crow River Subwatersheds

- Completed Subsheds (2008-19)
- WMO Boundaries
- Crow River Subsheds
- 2022 Funding Year Subsheds
- Completed/In Progress Subsheds





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

DATE: November 1, 2022  
MOTION BY COMMISSIONER:

RESOLUTION NO. \_\_-22  
SECONDED BY COMMISSIONER:

---

**A Resolution Continuing the Elimination of Direct Discharge  
Sub-Surface Treatment Systems (SSTS) Program**

**WHEREAS** approximately 4,500 homes and businesses in Carver County are served by a private sewer system on the property; of these systems, about 700 are in cities and 3,800 lie in unincorporated areas; as of 2008, approximately 550 of the systems in the unincorporated areas were still served by systems that likely had little or no treatment of sewage prior to discharge into the surface water and were considered Direct Discharge SSTS; and

**WHEREAS** Carver County is responsible for the management and regulation of SSTS in the County except in cities that have elected to assume responsibility; and

**WHEREAS** Carver County is responsible for water management, including water quality within the Carver County Water Management Organization (CCWMO); and

**WHEREAS** EPA and MN Pollution Control Agency (MPCA) regulations require that all lakes, rivers, and streams ultimately meet water quality standards; and

**WHEREAS** the Crow River has been listed as impaired for bacteria with test showing loads of fecal coliform bacteria substantially in excess of state standards and direct discharge of untreated human sewage into the waters of the State is a potential significant contributor to the load; and

**WHEREAS** the Carver County Board of Commissioners has determined that it is necessary to institute a program to accelerate the replacement of Direct Discharge SSTS in order to reach public health and water quality goals;

**WHEREAS** the Carver County Code of Ordinances section 52.043 gives the Board the authority to identify priority areas for SSTS compliance, including elimination of direct discharge systems, and to establish programs, including incentives and deadlines; and

**WHEREAS** the programs for SSTS Direct Discharge from 2008 through 2021 were largely successful in their goals; and

**WHEREAS** the 2022 sub-watersheds are identified with 20 “likely systems;” and

**WHEREAS** the CCWMO Citizens Advisory Committee has recommended the 2022 SSTS Direct Discharge Program, funding, and sub-watersheds to the County Board;

**THEREFORE, BE IT RESOLVED, THAT** the Carver County Board of Commissioners hereby adopts the “Carver County 2022 Direct Discharge SSTS Program” as follows:

**Carver County 2022 Direct Discharge Elimination Acceleration Program**

Part I. The County Board identifies sub-watersheds in the Crow River watershed as the priority sub watersheds:

1. Crow River: Yancy Ave.

For systems inside of the priority sub-watersheds, the County will provide a cash grant of 25% of the cost of a new system up to \$2,000 for the upgrade of systems identified as a likely direct discharge system in the priority sub-watersheds. Owners of likely direct discharge systems in the priority sub-watersheds with no previous trigger (i.e. current enforcement, compliance inspection as a result of property transfer, complaint, or building permit) must apply for the cost share by May 31, 2023, and must install the system by October 31, 2023. Owners that do not apply shall be required to submit an as-built drawing completed by a licensed septic professional to the County by May 31, 2023. The County will also offer a low interest loan with an amortization of up to 10 years to qualified applicants. If a landowner needs additional time to install their system due to weather conditions, contractor availability or other, a written request for an extension will need to be submitted prior to October 31, 2023.

Part II. For systems outside of the priority sub-watersheds, the loan funds with an amortization of up to 4 years and the cash incentive of \$2,000 will be available on a first-come, first-serve basis after May 31, 2023 until allocated funds are depleted. For systems outside of the priority sub-watersheds, the owner would be required to replace SSTS within 12 months of submitting a cost share application.

Part III. Authorize the Finance Director, in cooperation with the Public Services Division, to continue to operate the current “safety net” program to assist property owners with extremely limited financial capability.

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 1<sup>st</sup> day of November, 2022, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 1<sup>st</sup> day of November 2022

---

David Hemze, County Administrator

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**  
**Local Recycling Development Grant (LRDG) Agreement Amendment**

Primary Originating Division/Dept: <input type="text" value="Public Services - Environ. Svc."/>	Meeting Date: <input type="text" value="11/1/2022"/>
Contact: <input type="text" value="Brad Hanzel"/> Title: <input type="text" value="Environmental Services GC Sup"/>	Item Type: <input type="text" value="Consent"/>
Amount of Time Requested: <input type="text"/> minutes Presenter: <input type="text"/> Title: <input type="text"/>	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Strategic Initiative: <input type="text" value="Communities: Create and maintain safe, healthy, and livable communities"/>	

**BACKGROUND/JUSTIFICATION:**

The State of Minnesota provides Local Recycling Development Grant (LRDG) funding to metropolitan counties for the planning, development, and operation of yard waste composting and recycling programs. The grant must be matched by equal local expenditures.

This LRDG grant funding provides Carver County with the opportunity to improve existing recycling programs, and/or develop new programs, to serve Carver County residents at the Environmental Center and throughout the County.

In 2018, the Department of Administration advised the Minnesota Pollution Control Agency to develop specific grant agreements for each participating county. As a result, all seven metropolitan counties signed LRDG grant agreements in order to receive funding.

Proposed amendments to the original grant agreement consist of minor changes, including the funding amount for 2022 which is \$146,188.18. The annual amount will vary throughout the term of the five year contract due to the funding mechanism which is based on revenue generated from tip fees at metro area landfills.

**ACTION REQUESTED:**

Motion to approve LRDG Agreement Amendment with the Minnesota Pollution Control Agency and to delegate the Assistant County Administrator the authority to sign the amendment on behalf of the County, pending final approval through the contract review process.

<b>FISCAL IMPACT:</b> <input type="text" value="Included in current budget"/>	<b>FUNDING</b>						
If "Other", specify: <input type="text"/>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;"><b>County Dollars =</b></td> <td><input type="text"/></td> </tr> <tr> <td>LRDG grant</td> <td style="text-align: right;">\$146,188.18</td> </tr> <tr> <td><b>Total</b></td> <td style="text-align: right;"><b>\$146,188.18</b></td> </tr> </table>	<b>County Dollars =</b>	<input type="text"/>	LRDG grant	\$146,188.18	<b>Total</b>	<b>\$146,188.18</b>
<b>County Dollars =</b>	<input type="text"/>						
LRDG grant	\$146,188.18						
<b>Total</b>	<b>\$146,188.18</b>						
<b>FTE IMPACT:</b> <input type="text" value="None"/>	<input checked="" type="checkbox"/> Insert additional funding source						

**Related Financial/FTE Comments:**

The Environmental Services budget includes up to \$175,000 for the 2022 grant revenue. The LRDG grant is matched with local funding derived from the County Solid Waste Service Fee.

Office use only:

RBA 2022 - 8700

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Settlements for Right of Way Acquisitions for the Highway 41 Bridge Project**

Primary Originating Division/Dept:

Meeting Date:

Contact:  Title:

Item Type:

Amount of Time Requested:  minutes

Attachments:  Yes  No

Presenter:  Title:

**Strategic Initiative:**

**BACKGROUND/JUSTIFICATION:**

The 2023 construction season includes the replacement of the bridge on County Highway 41 over Silver Creek, approximately 1,100 feet north of Highway 52. Additional right of way is needed to complete the project. Appraisals were obtained to establish fair market value and negotiations with the affected property owners commenced. Settlement have been reached with the property owners at PID #'s 08.0080400 and 08.0080500.

**ACTION REQUESTED:**

Motion to approve a resolution for negotiated settlements to the impacted property owners related to the Highway 41 Bridge Project.

**FISCAL IMPACT:**

*If "Other", specify:*

**FUNDING**

<b>County Dollars =</b>	<input type="text"/>
Wheelage Tax	\$50,000.00
<b>Total</b>	<b>\$50,000.00</b>

**FTE IMPACT:**

Insert additional funding source

Related Financial/FTE Comments:

*Office use only:*

RBA 2022 - 8701

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

Date: 11/01/2022

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

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

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

---

**Resolution Authorizing Settlement of Compensation to Owners for Acquisition of Real Property Interests Needed for the Highway 41 Bridge Project**

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

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

WHEREAS, the County proposes to undertake the Highway 41 Bridge Project, which includes the replacement of the bridge on County State Aid Highway (CSAH) 41 located 1,100 feet north of County Highway 52 over Silver Creek (“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 as part of the Highway 41 Bridge Project constitute a valid public use or public purpose; and

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

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

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

---

STATE OF MINNESOTA  
 COUNTY OF CARVER

I, Dave Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on November 1<sup>st</sup>, 2022, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 1<sup>st</sup> day of November, 2022.

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

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

**Highway 41 Bridge Project**

Carver County Public Works No. 158796

**Property Tax Identification No. 08.0080400**

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

Fee Owners: Allen L & Nanette M Mellgren

Property Address: 8550 County Road 52, San Francisco Township, MN 55315

Permanent easement for public right-of-way purposes contains **15,214 sq. ft.**, more or less.

**\$4,800.00**

Temporary easement for construction purposes contains **15,565 sq. ft.**, more or less.

**\$500.00**

Impacts to Improvements

**\$12,800.00**

Appraisal Fee

**\$5,000.00**

Negotiated premium in lieu of eminent domain

**\$1,900.00**

Settlement Amount: **\$25,000.00**

[Rest of Page Intentionally Left Blank]

**Property Tax Identification No. 08.0080500**

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

Fee Owners: Daryl & Apryl Mellgren

Property Address: 17140 County Road 41, San Francisco Township, MN 55315

Permanent easement for public right-of-way purposes contains **17,765 sq. ft.**, more or less.

**\$5,400.00**

Temporary easement for construction purposes contains **20,528 sq. ft.**, more or less.

**\$600.00**

Impacts to Improvements

**\$12,800.00**

Appraisal Fee

**\$5,000.00**

Negotiated premium in lieu of eminent domain

**\$1,200.00**

Settlement Amount: **\$25,000.00**



# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Settlements for Necessary Right of Way Acquisitions for the Highway 50 Project - East Hamburg Area**

Primary Originating Division/Dept: <input type="text" value="Public Works - Program Delivery"/>	Meeting Date: <input type="text" value="11/1/2022"/>
Contact: <input type="text" value="Patrick Lambert"/> Title: <input type="text" value="Senior Right of Way Agent"/>	Item Type: <input type="text" value="Consent"/>
Amount of Time Requested: <input type="text" value=""/> minutes Presenter: <input type="text" value=""/> Title: <input type="text" value="Senior Right of Way Agent"/>	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
Strategic Initiative: <input type="text" value="Communities: Create and maintain safe, healthy, and livable communities"/>	

**BACKGROUND/JUSTIFICATION:**

The 2023 construction season includes the shoulder widening, grading and re-surfacing of Highway 50 from the east city limits of Hamburg to Highway 31. Additional Right of Way is needed to complete the project. Appraisals were obtained from a certified appraiser and reviewed by County Right of Way staff in order to determine market value for the needed right of way. Negotiations commenced and settlements were made with the affected property owners.

**ACTION REQUESTED:**

Motion to approve a resolution for settlements to the impacted property owners related to the Highway 50 Project - East Hamburg Area for properties located at PID #'s 11.028500, 11.0280510, 11.0280512, 11.0330100 and 45.0332300.

<b>FISCAL IMPACT:</b> <input type="text" value="Included in current budget"/>	<b>FUNDING</b>
If "Other", specify: <input type="text"/>	County Dollars = <input type="text"/>
<b>FTE IMPACT:</b> <input type="text" value="None"/>	Wheelage Tax <input type="text" value="\$40,650.00"/>
	<b>Total</b> <input type="text" value="\$40,650.00"/>
	<input checked="" type="checkbox"/> Insert additional funding source

Related Financial/FTE Comments:

*Office use only:*

RBA 2022 - 8702

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

Date: 11/01/2022  
Motion by Commissioner: \_\_\_\_\_

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

---

**Resolution Authorizing Settlement of Compensation to Owners for Acquisition of Real Property Interests Needed for Highway 50 Project – East Hamburg Area**

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

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

WHEREAS, the County proposes to construct highway and related improvements in Carver County for shoulder widening and pavement improvements as part of the Highway 50 Project – East Hamburg Area (“Project”); and

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that County’s acquisition of the real property interests described in said Exhibit A and the construction of highway and related improvements of shoulder widening and pavement improvements as part of the Highway 50 Project – East Hamburg Area constitute a valid public use or public purpose; and

BE IT FURTHER RESOLVED that based upon the estimate of damages from the County’s proposed acquisitions of the real property interests described in said Exhibit A which the County obtained either from an appraisal(s) or a minimum damage acquisition report(s) 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 November 1<sup>st</sup>, 2022, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 1<sup>st</sup> day of November 2022.

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

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

**Highway 50 Project – East Hamburg Area**

Carver County Public Works No. 208880

**Property Tax Identification No. 11.0280500**

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

Fee Owners: Myra Heuer

Property Address: 17xxx County Road 50 (unassigned), Young America Township, MN 55339

Permanent easement for public right-of-way purposes contains **18,543 sq. ft.**, more or less.

**\$4,300.00**

Temporary easement for construction purposes contains **10,907 sq. ft.**, more or less.

**\$300.00**

Appraisal Fee

**\$5,000.00**

Settlement Amount: **\$9,600.00**

**Property Tax Identification No. 11.0280510**

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

Fee Owners: Thomas & Lori Heuer

Property Address: 17020 County Road 50, Young America Township, MN 55339

Permanent easement for public right-of-way purposes contains **4,614 sq. ft.**, more or less.

**\$4,200.00**

Appraisal Fee

**\$1,500.00**

Settlement Amount: **\$5,700.00**

**Property Tax Identification No. 11.0280512 & 11.0330100**

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

Fee Owners: Jerome Bergmann

Property Address: 15100 Vera Avenue, Young America Township, MN 55339

Permanent easement for public right-of-way purposes contains **28,467 sq. ft.**, more or less.

**\$6,600.00**

Temporary easement for construction purposes contains **3,960 sq. ft.**, more or less.

**\$100.00**

Impacts to Improvements

**\$9,200.00**

Appraisal Fee

**\$5,000.00**

Negotiated premium in lieu of eminent domain

**\$1,750.00**

Settlement Amount: **\$22,650.00**

**Property Tax Identification No. 45.0332300**

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

Fee Owners: Elisa Paumen

Property Address: 960 Park Avenue, Hamburg, MN 55339

Temporary easement for construction purposes contains **1,360 sq. ft.**, more or less.

**\$600.00**

Impacts to Improvements

**\$1,100.00**

Appraisal Fee

**\$1,000.00**

Settlement Amount: **\$2,700.00**

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Donation of Compostable Dinnerware and Bags**

Primary Originating Division/Dept:

Meeting Date:

Contact:  Title:

Item Type:

Amount of Time Requested:  minutes

Attachments:  Yes  No

Presenter:  Title:

**Strategic Initiative:**

**BACKGROUND/JUSTIFICATION:**

His House Foundation (HHF) will be hosting another "Shining the Light on Homelessness" Sleep-Out event this year, at the Chaska Moravian Church on Saturday, November 5, 2022. The event seeks to increase awareness of homelessness and housing instability within our communities, while raising essential funds for local housing and support services. HHF has made a request to Carver County Environmental Services for a donations of compostable dinnerware and compostable bags, to make this a Zero-Waste event.

One of the missions of the Environmental Services Department is to promote the practice of waste reduction in our communities, by encouraging composting and recycling. By providing these compostable items for a popular community event like this, and promoting their use, we can increase public acceptance and participation in waste reduction.

The Environmental Services Department is requesting Board approval to donate compostable cups, plates, eating utensils, and bags to HHF from our existing stock. The total value of the requested items is \$75.

**ACTION REQUESTED:**

Motion to approve the donation of compostable dinnerware and bags to the His House Foundation.

**FISCAL IMPACT:**

If "Other", specify:

**FUNDING**

<b>County Dollars =</b>	<input type="text" value=""/>
solid waste service fee; g	\$75.00
<b>Total</b>	<b>\$75.00</b>

**FTE IMPACT:**

Insert additional funding source

**Related Financial/FTE Comments:**

The value of this quantity of compostable dinnerware and bags is \$75.00. The Environmental Services Department draws upon several non-levy revenues, such as the Solid Waste Service Fee and State Solid Waste Grants, for various expenditures including compostable products.

Office use only:

RBA 2022 - 8681

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Professional Service Agreement with Heather Tran, LLC**

Primary Originating Division/Dept: Health & Human Services - Public Health

Meeting Date: 11/1/2022

Contact: Richard Scott Title: Deputy Division Director

Item Type:  
Consent

Amount of Time Requested: minutes

Attachments:  Yes  No

Presenter: Title:

**Strategic Initiative:**

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

**BACKGROUND/JUSTIFICATION:**

Carver County Public Health seeks to purchase the services of Heather Tran, LLC (Contractor) for Consultation and Technical Assistance to work with local "grassroots" community partners and/or coalitions in establishing the necessary legal, fiscal and organizational non-profit structure to enhance their capacity to serve the residents of Carver County. Contractor will provide guidance, training, and mentoring to Mi CASA, Latino Voices, and other approved "grassroots" organizations and initiatives who provide Outreach, Engagement, Coordination, Provision of Health Promotion, Essential Services and/or other services as specified in Contractor's Statement of Work to residents and their communities who are at a higher risk for negative outcomes within Carver County. Funding for contracted services will come from MDH Grant funding, which may include Local Public Health (LPH) grant, and/or the Minnesota Department of Health Public Health Infrastructure Grant. Payment for contracted services is not to exceed \$25,000. The PSA will be in effect from 11/01/2022 - 03/31/2024. No County tax levy funding will be used for this contract.

**ACTION REQUESTED:**

Motion to approve the Professional Service Agreement with Heather Tran, LLC for consultation and technical assistance services with a not to exceed amount of \$25,000.

**FISCAL IMPACT:** None

If "Other", specify:

**FUNDING**

County Dollars =	<b>\$0.00</b>
MDH Grant Funding	\$25,000.00
<b>Total</b>	<b>\$25,000.00</b>

**FTE IMPACT:** None

Insert additional funding source

**Related Financial/FTE Comments:**

Payments to be made for services rendered not to exceed \$25,000. No County tax levy will be used for these contracted services. PSA effective date span is 11/01/2022- 03/31/2024.

Office use only:

RBA 2022 - 8716

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Reorganization in Public Works**

Primary Originating Division/Dept:

Meeting Date:

Contact:  Title:

Item Type:

Amount of Time Requested:  minutes

Attachments:  Yes  No

Presenter:  Title:

**Strategic Initiative:**

**BACKGROUND/JUSTIFICATION:**

The County Board approved a large reorganization in Public Works on May 3, 2022. The division has been implementing the reorganization since that time. The Operations department is the group with the most significant changes in the division as a result of the reorganization. The new Operations Engineer/Assistant Public Works Director position has been filled and on careful evaluation of the operational needs it is recommended the following revisions be made in the department:

- Eliminate 1.0 FTE Highway Maintenance Operator, Create 1.0 FTE Lead Highway Maintenance Operator
- Eliminate 1.0 FTE Operations Supervisor, Create 1.0 FTE Transportation Specialist - Operations

The result of this reorganization is one fewer supervisor position in the department. Operations will have three lead worker positions instead of two. One lead will be assigned to each Public Works facility in the county.

The Transportation Specialist position will assist the Transportation Supervisor with technical work including administering the pavement and bridge preservation program, performing transportation asset management duties and related tasks.

Public Works is also requesting a minor change in Program Delivery, Surveying group:

- Eliminate 1.0 FTE Assistant Engineering Terchnician, Create 1.0 Engineering Technician

The Engineering Technician is a promotional opportunity.

The reorganization results in no FTE changes and is estimated to reduce the Public Works personnel budget by \$1,578

**ACTION REQUESTED:**

Motion to approve a reorganization in Public Works as outlined.

**FISCAL IMPACT:**

If "Other", specify:

**FUNDING**

County Dollars =	<input type="text" value="\$0.00"/>
<b>Total</b>	<input type="text" value="\$0.00"/>

**FTE IMPACT:**

Insert additional funding source 25



Related Financial/FTE Comments:

Net FTE cost difference is -\$1,578

2022 Budget Board approved FTEs - 1/1/22:	744.40
---	--------

Non-levy funded Board Approved net FTE changes so far in 2022:	3.50
--	------

November 1st RBA non-levy funded net FTE change:	<u>-</u>
--	----------

2022 Total FTE - 11/1/22	747.90
--------------------------	--------

*Office use only:*

RBA 2022 - 8695

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Aramark Jail Food Service Amendment**

Primary Originating Division/Dept: Sheriff - Jail Services

Meeting Date: 11/1/2022

Contact: Reed Ashpole Title: Jail Commander

Item Type: Consent

Amount of Time Requested: minutes

Attachments:  Yes  No

Presenter: Title: n/a

**Strategic Initiative:**

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

**BACKGROUND/JUSTIFICATION:**

Aramark is currently under contract to provide food service for the Carver County Jail and the Juvenile Detention Center. The cost of food products has risen dramatically since the original contract was signed in 2018 and Aramark needs to increase the price per meal. This amendment would also extend the current contract to 05/15/2025.

**ACTION REQUESTED:**

The Carver County Jail is requesting the approval of a contract amendment to cover the increase in inmate meal costs, as well as extending the contract to 05/2025.

The price increase for the remainder of 2022 is covered by the current budget. The projected increase in inmate meal costs for 2023 has been accounted for in attachment A of the 2023 recommended budget.

**FISCAL IMPACT:** Included in current budget

If "Other", specify:

**FUNDING**

County Dollars =

**FTE IMPACT:** None

**Total** \$0.00

Insert additional funding source

**Related Financial/FTE Comments:**

The increased inmate meal costs can be absorbed in the 2022 budget. With the 2023 Recommended Budget including a \$50,000 increase to inmate meals, it is projected that this increase in budget will cover the increased cost in meals for 2023.

Office use only:

RBA 2022 - 8678

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Airport Road Addition Subdivision Final Plat and Land Exchange Agreement for Highway 92 Project - Interlaken Area**

Primary Originating Division/Dept: <u>Public Works - Program Delivery</u>	Meeting Date: <u>11/1/2022</u>
Contact: <u>Darin Mielke</u> Title: <u>Deputy County Engineer</u>	Item Type: <u>Consent</u>
Amount of Time Requested: <u>    </u> minutes	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
Presenter: <u>                                </u> Title: <u>Deputy County Engineer</u>	

**Strategic Initiative:**

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

**BACKGROUND/JUSTIFICATION:**

The Carver County 2040 Comprehensive Plan, which the Carver County Board of Commissioners adopted on February 4, 2020, includes a prioritized plan for the County to construct a 2-lane divided urban roadway extension of Highway 92 from Highway 10 to Highway 5 in the City of Waconia and Laketown Township. The Highway 92 Project - Interlaken Area, is currently in the concept design phase, however no construction is included in the County Road and Bridge capital improvement plan or the City of Waconia capital improvement plan. Acquisition of real property interests is needed for this future project including land from the property owners at PID #070191700 and 070193000. The property owners expressed interest in entering into an agreement that would include a land exchange of equivalent valued land with the County that would preserve the needed right of way for future Highway 92 and adding area to county owned property (PID #750181000). Minnesota Statute § 373.01, Subd. 1(d) permits the County to exchange parcels of real property of substantially similar or equal value without advertising for bids when the County is acquiring that real property for County right-of-way

Public Works presented the land exchange concept to the county board at a worksession on March 2, 2021. Since that time, Public Work staff have continued work with the property owners to form an agreement and perform the necessary steps to make this land exchange a reality. Carver County and the property owners have worked together to develop a land exchange agreement that contains provisions of exchanging land of equivalent value. Carver County Public Works staff have prepared a final subdivision plat for the Airport Road Addition to help with the transferring of land ownership rights. The Waconia City Council adopted Resolution Number 2022-87, which extends the authority to the City of Waconia to review and approve the subdivision of the parcels identified by Tax Property Identification Numbers 07.0191700, 07.0193000, 07.019600 and 07.019[2]1200, in conformance with its subdivision ordinances. The final subdivision plat was approved by the City of Waconia.

The County Assessor performed an analysis that identified and evaluated recent and comparable market sales to determine the approximate market value of the land to be exchanged, and to determine if each parcel exchange has substantially similar or equal market value for the purpose of allowing the exchange the parties in accordance with Minnesota Statute § 373.01, Subd. (1)(d); without the parties exchanging any financial compensation; and without the County advertising for bids for its conveyance of the subject land. The land value difference was determined to be about a 1/2% difference which strongly supports that the land exchange parcels are of substantially similar or equal value.

The County will be the owner of all of the new outlots except for Outlots C, F, G and K. The County will obtain a net difference of 15 additional acres. No construction or development are included with this subdivision plat. Any future development(s) will need to be annexed within the City of Waconia and to follow their standard subdivision platting procedures for each Outlot that is developed. Outlots A and H are intended for future Highway 92 while Outlots D, E, and M are intended for the new alignment of

Airport Road and future Highway 14. Outlots B and N are planned to continue to be open space as they are today.

**ACTION REQUESTED:**

Motion to adopt a resolution to approve the final plat of the Airport Road Addition within the City of Waconia and Laketown Township, to enter into a land exchange agreement with the owners of PID's 07.0191700 and 070193000, and to authorize the County Board Chair and County Administrator to execute the necessary land transfer documents, pending finalization of the contract review process.

**FISCAL IMPACT:** None

*If "Other", specify:*

**FUNDING**

County Dollars =

**FTE IMPACT:** None

**Total**

\$0.00

Related Financial/FTE Comments:

*Office use only:*

RBA 2022 - 8688

# AIRPORT ROAD ADDITION

PLAT FILE NO.

C.R. DOC. NO.

**KNOW ALL PERSONS BY THESE PRESENTS:** That the County of Carver, a body of politic and corporate under the laws of the State of Minnesota, owner of the following described property situated in the County of Carver, State of Minnesota, to wit:

That part of Government Lot 3, Section 19, Township 116 North, Range 24 West, described as follows:

Commencing at the southwest corner of Government Lot 3, Section 19, Township 116, Range 24; thence North on the westerly line of said Lot 3 to a point which is 712 feet South of the northwest corner of said Lot 3; thence northeasterly to a point on the east line of said Lot 3 which is 648 feet South of the northeast corner of said Lot 3; thence South along the east line of said Lot to shore of lake; thence southwesterly along said shore line to the south line of said Lot 3; thence West to the place of beginning, Carver County, Minnesota.

AND

Beginning at the Northwest corner of Lot 3, Section 19, Township 116 North, Range 24 West, running thence Easterly a distance of 1945 feet, more or less, to a point 651 feet East of the Northwest corner of Lot 2 in said section; thence Southerly 1255 feet, more or less, to the shore of Reitz Lake; thence Westerly along the shore of said Lake to the West line of said Lot 2; thence North along the West line of said Lot 2 to a point 648 feet South of the North line of said Lot 2; thence West to a point on the West line of said Lot 3 which is 712 feet South of the point of beginning; thence North along the West line of said Lot 3 to the point of beginning, containing 37.8 acres, more or less.

EXCEPT the following described parcel of land; That part of Government Lot 2, Section 19, Township 116, Range 24, Carver County, Minnesota, commencing at the Northwest corner of said Government Lot 2; thence Easterly along the North line of said Government Lot, 270.43 feet to the actual point of beginning; thence continue Easterly, along said North line, 380.57 feet to a point 651.00 feet East of said Northwest corner; thence Southerly 1255.00 feet to the shore of Reitz Lake; thence Westerly, along said shore to its intersection with a line drawn Southerly from the actual point of beginning; thence Northerly, along last described line, to the actual point of beginning.

AND

That part of the Southwest Quarter of the Northeast Quarter, the Northwest Quarter of the Southeast Quarter, Government Lot 3 and the Northeast Quarter of the Southwest Quarter, all in Section 18, Township 116, Range 24, Carver County, Minnesota lying southeasterly of the southeasterly right of way line of the Carver County Right of Way Plat No. 9.

TOGETHER WITH

That part of the Southwest Quarter of the Southwest Quarter of Section 18, Township 116, Range 24, lying southeasterly of the southeasterly right of way line of the Carver County Right of Way Plat No. 9 and northeasterly of the following described line:

Commencing at the southeast corner of said Southwest Quarter of the Southwest Quarter; thence North 02 degrees 04 minutes 05 seconds East, assumed bearing along the east line of said Southwest Quarter of the Southwest Quarter, a distance of 500.00 feet to the point of beginning of the line to be described; thence North 79 degrees 25 minutes 55 seconds West, a distance of 838.48 feet more or less to said southeasterly right of way line of the Carver County Right of Way Plat No. 9 and said line there terminating.

**KNOW ALL PERSONS BY THESE PRESENTS:** That Catherine A. Seck, Kerik K. Seck, Anthony A. Kirsch Revocable Trust and Nichol E. Kirsch Revocable Trust, owners of the following described property situated in the County of Carver, State of Minnesota, to wit:

The Southeast Quarter of the Southwest Quarter of Section 18 and the Northeast Quarter of the Northwest Quarter of Section 19, Township 116 North, Range 24 West.

**KNOW ALL PERSONS BY THESE PRESENTS:** That Anthony A. Kirsch and Patrick L. Kirsch Revocable Trust, owners of the following described property situated in the County of Carver, State of Minnesota, to wit:

Southwest Quarter of the Southeast Quarter (SW1/4 of SE1/4) of Section 18, Township 116 North, Range 24 West.

AND

Northwest Quarter of the Northeast Quarter (NW1/4 of NE1/4) Section 19, Township 116 North, Range 24 West, according to the Government Survey thereof, Carver County, Minnesota.

Have caused the same to be surveyed and platted as **AIRPORT ROAD ADDITION** and do hereby donate and dedicate to the public for public use forever the public ways and also dedicates the easements as shown on this plat for drainage and utility purposes only.

In witness whereof said the County of Carver, a body of politic and corporate under the laws of the State of Minnesota, has caused these presents to be signed by its proper officers this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

COUNTY OF CARVER

By \_\_\_\_\_  
Gayle Degler, Board Chair

STATE OF MINNESOTA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, by Gayle Degler, Board Chair of the County of Carver, a body of politic and corporate under the laws of the State of Minnesota, on behalf of the county.

\_\_\_\_\_  
(Signature) (Name Printed)

Notary Public, \_\_\_\_\_ County, Minnesota

My Commission Expires \_\_\_\_\_

In witness whereof said Catherine A. Seck and Kerik K. Seck, wife and husband, have hereunto set their hands this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Catherine A. Seck Kerik K. Seck

STATE OF MINNESOTA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, by Catherine A. Seck and Kerik K. Seck, wife and husband.

\_\_\_\_\_  
(Signature) (Name Printed)

Notary Public, \_\_\_\_\_ County, Minnesota

My Commission Expires \_\_\_\_\_

In witness whereof said Anthony A. Kirsch and Nichol E. Kirsch, Trustees of the Anthony A. Kirsch Revocable Trust, dated May 29, 2002, have hereunto set their hands this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Anthony A. Kirsch, Trustee of the Anthony A. Kirsch Revocable Trust  
dated May 29, 2002 Nichol E. Kirsch, Trustee of the Anthony A. Kirsch Revocable Trust  
dated May 29, 2002

STATE OF MINNESOTA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, by Anthony A. Kirsch and Nichol E. Kirsch, Trustees of the Anthony A. Kirsch Revocable Trust, dated May 29, 2002.

\_\_\_\_\_  
(Signature) (Name Printed)

Notary Public, \_\_\_\_\_ County, Minnesota

My Commission Expires \_\_\_\_\_

In witness whereof said Nichol E. Kirsch and Anthony A. Kirsch, Trustees of the Nichol E. Kirsch Revocable Trust, dated May 29, 2002, have hereunto set their hands this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Nichol E. Kirsch, Trustee of the Nichol E. Kirsch Revocable Trust  
dated May 29, 2002 Anthony A. Kirsch, Trustee of the Nichol E. Kirsch Revocable Trust  
dated May 29, 2002

STATE OF MINNESOTA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, by Nichol E. Kirsch and Anthony A. Kirsch, Trustees of the Nichol E. Kirsch Revocable Trust, dated May 29, 2002.

\_\_\_\_\_  
(Signature) (Name Printed)

Notary Public, \_\_\_\_\_ County, Minnesota

My Commission Expires \_\_\_\_\_

# AIRPORT ROAD ADDITION

PLAT FILE NO.

C.R. DOC. NO.

In witness whereof said Anthony A. Kirsch and Nichol E. Kirsch, husband and wife, have hereunto set their hands this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Anthony A. Kirsch

\_\_\_\_\_  
Nichol E. Kirsch

**STATE OF MINNESOTA  
COUNTY OF \_\_\_\_\_**

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, by Anthony A. Kirsch and Nichol E. Kirsch, husband and wife.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name Printed)

Notary Public, \_\_\_\_\_ County, Minnesota

My Commission Expires \_\_\_\_\_

In witness whereof said Patrick L. Kirsch, Trustee of the Patrick L. Kirsch Revocable Trust, dated December 21, 1999, has hereunto set his hands this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Patrick L. Kirsch, Trustee of the Patrick L. Kirsch Revocable Trust  
dated December 21, 1999

**STATE OF MINNESOTA  
COUNTY OF \_\_\_\_\_**

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, by Patrick L. Kirsch, Trustee of the Patrick L. Kirsch Revocable Trust, dated December 21, 1999.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name Printed)

Notary Public, \_\_\_\_\_ County, Minnesota

My Commission Expires \_\_\_\_\_

I, Mathew J. Welinski, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Mathew J. Welinski, Licensed Land Surveyor  
Minnesota License No. 53596

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN**

This instrument was acknowledged before me on \_\_\_\_\_ by Mathew J. Welinski, Licensed Land Surveyor.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name Printed)

Notary Public, \_\_\_\_\_ County, Minnesota

My Commission Expires \_\_\_\_\_

**CITY COUNCIL, CITY OF WACONIA, MINNESOTA**

This plat of **AIRPORT ROAD ADDITION** was approved and accepted by the City Council of the City of Waconia, Minnesota at a regular meeting thereof held this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd. 2. And also by Extension of Subdivision Authority within Laketown Township per City Resolution No. 2022-87 and recorded as Document Number A745557, Carver County, Minnesota.

\_\_\_\_\_  
City Council, City of Waconia, Minnesota

By: \_\_\_\_\_

By: \_\_\_\_\_

**COUNTY SURVEYOR, Carver County, Minnesota**

Pursuant to Chapter 395, Minnesota Laws of 1971, this plat has been approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Brian E. Praske, County Surveyor

**COUNTY AUDITOR, Carver County, Minnesota**

I hereby certify that taxes payable in 20\_\_\_\_\_ and prior years have been paid for land described on this plat. Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Crystal Campos, County Auditor

**COUNTY RECORDER, Carver County, Minnesota**

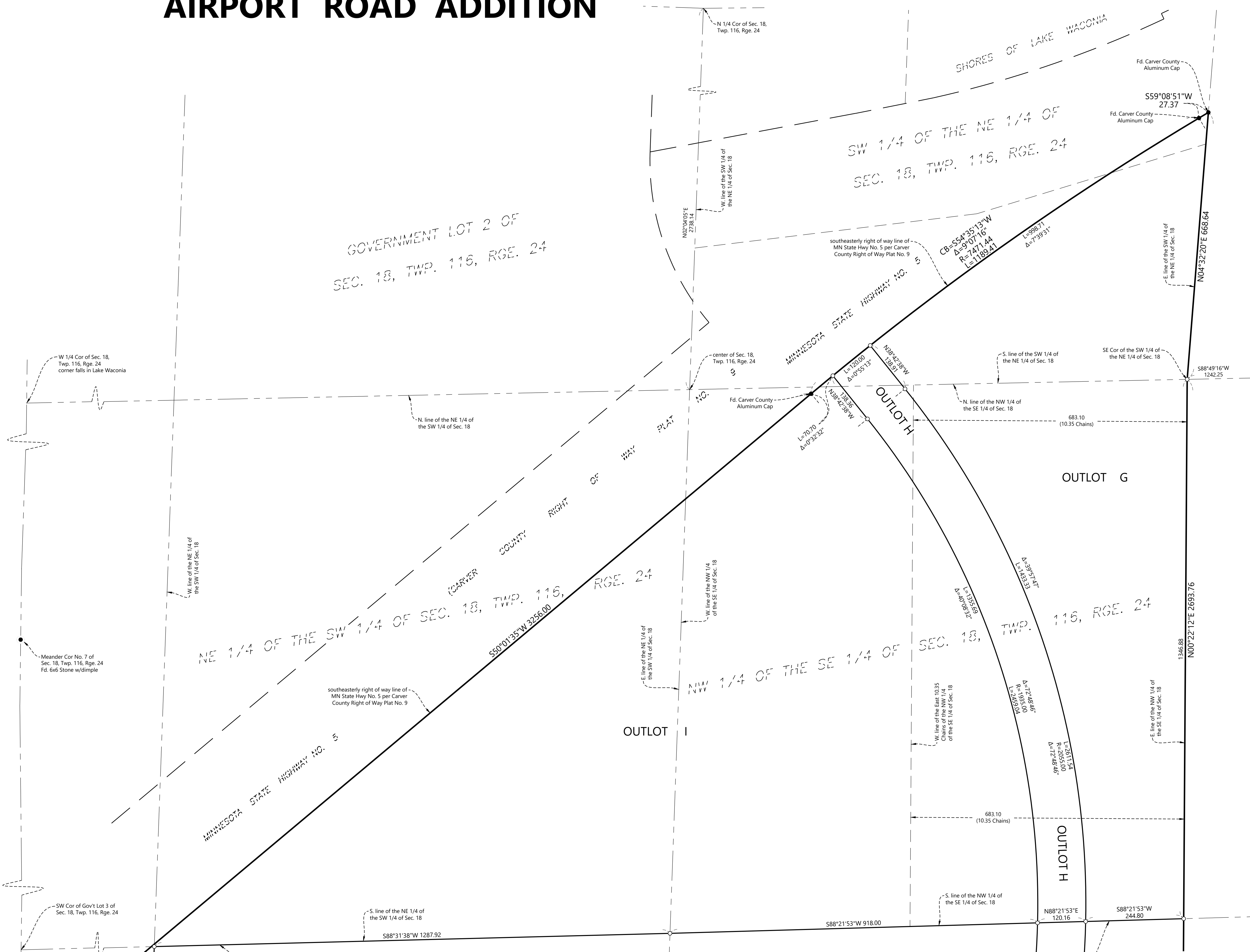
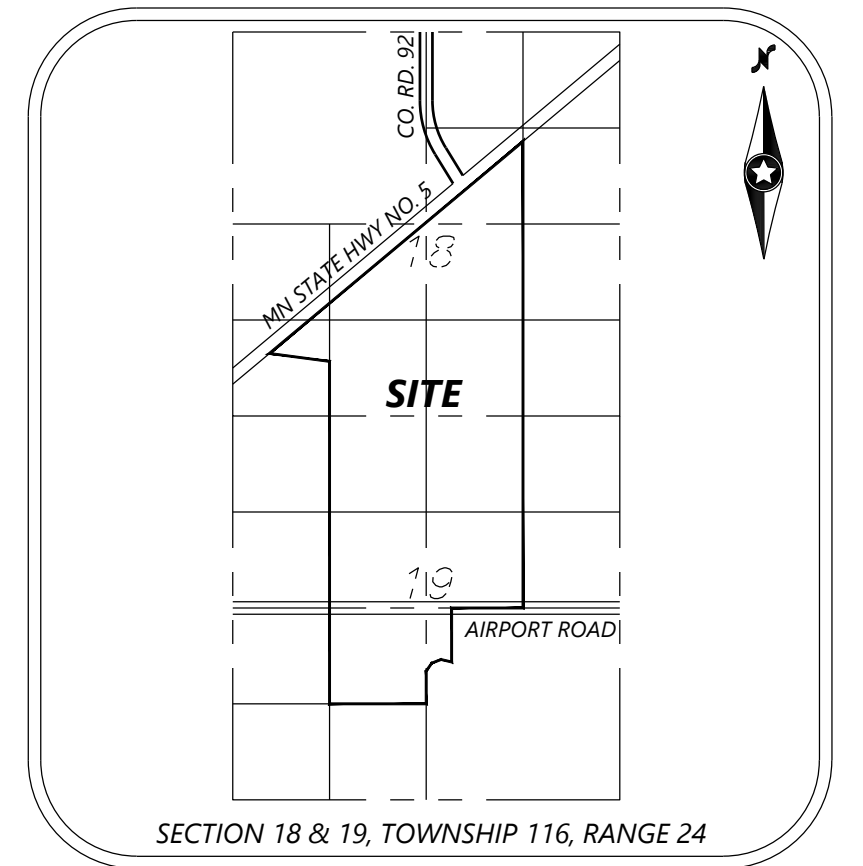
I hereby certify that this plat of **AIRPORT ROAD ADDITION** was filed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., as Document No. \_\_\_\_\_.

\_\_\_\_\_  
Kaaren Lewis, County Recorder

# AIRPORT ROAD ADDITION

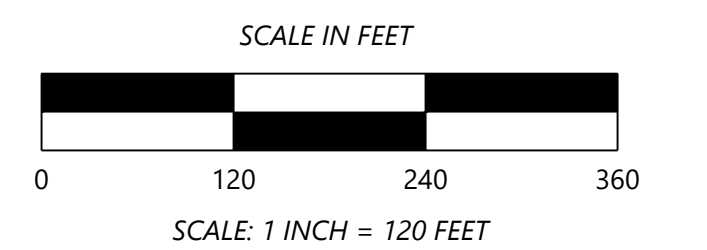
PLAT FILE NO.  
C.R. DOC. NO.

## VICINITY MAP (NOT TO SCALE)



- SET 1/2" BY 14" IRON PIPE WITH CAP #53596
- FOUND MONUMENT AS NOTED ON PLAT DRAWING

THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 116, RANGE 24, HAS A BEARING OF N 00°22'12" E (CARVER COUNTY, NAD83 (1986AJD))



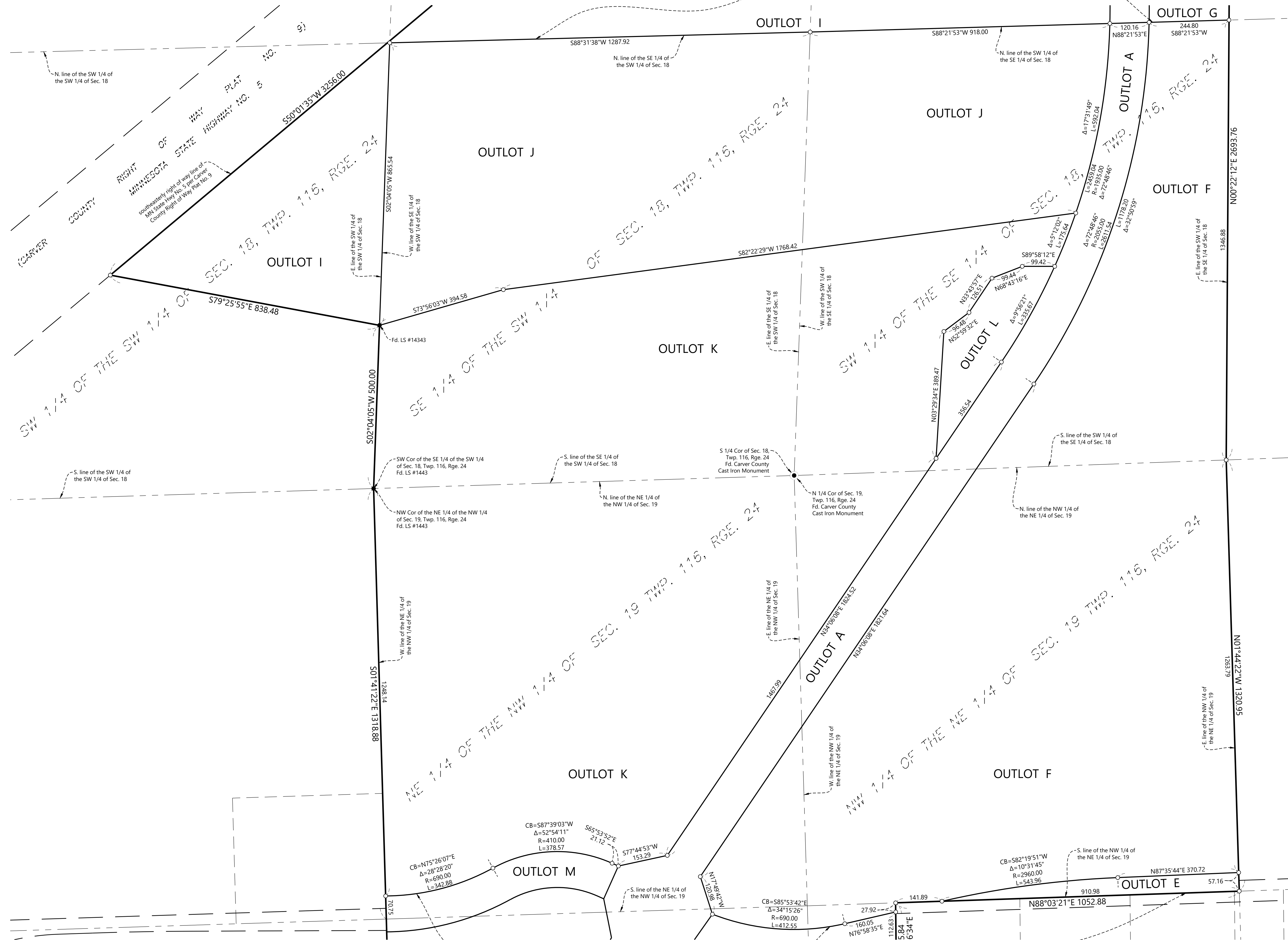
**MATCH LINE "A"**  
(SEE SHEET 4 OF 5 SHEETS)

**Westwood**  
Professional Services, Inc.

# AIRPORT ROAD ADDITION

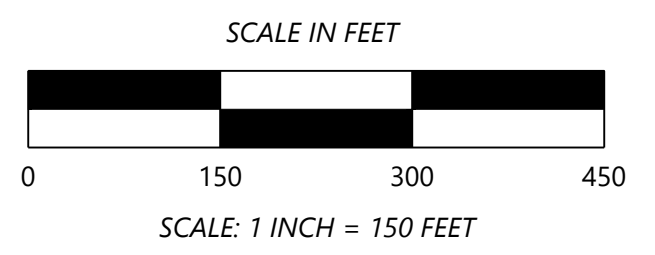
**MATCH LINE "A"**  
(SEE SHEET 3 OF 5 SHEETS)

PLAT FILE NO.  
C.R. DOC. NO.



- SET 1/2" BY 14" IRON PIPE WITH CAP #53596
- FOUND MONUMENT AS NOTED ON PLAT DRAWING

THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 116, RANGE 24, HAS A BEARING OF  $N 00^{\circ}22'12'' E$  (CARVER COUNTY, NAD83 (1986AJD))



**MATCH LINE "B"**  
(SEE SHEET 5 OF 5 SHEETS)

**Westwood**  
Professional Services, Inc.



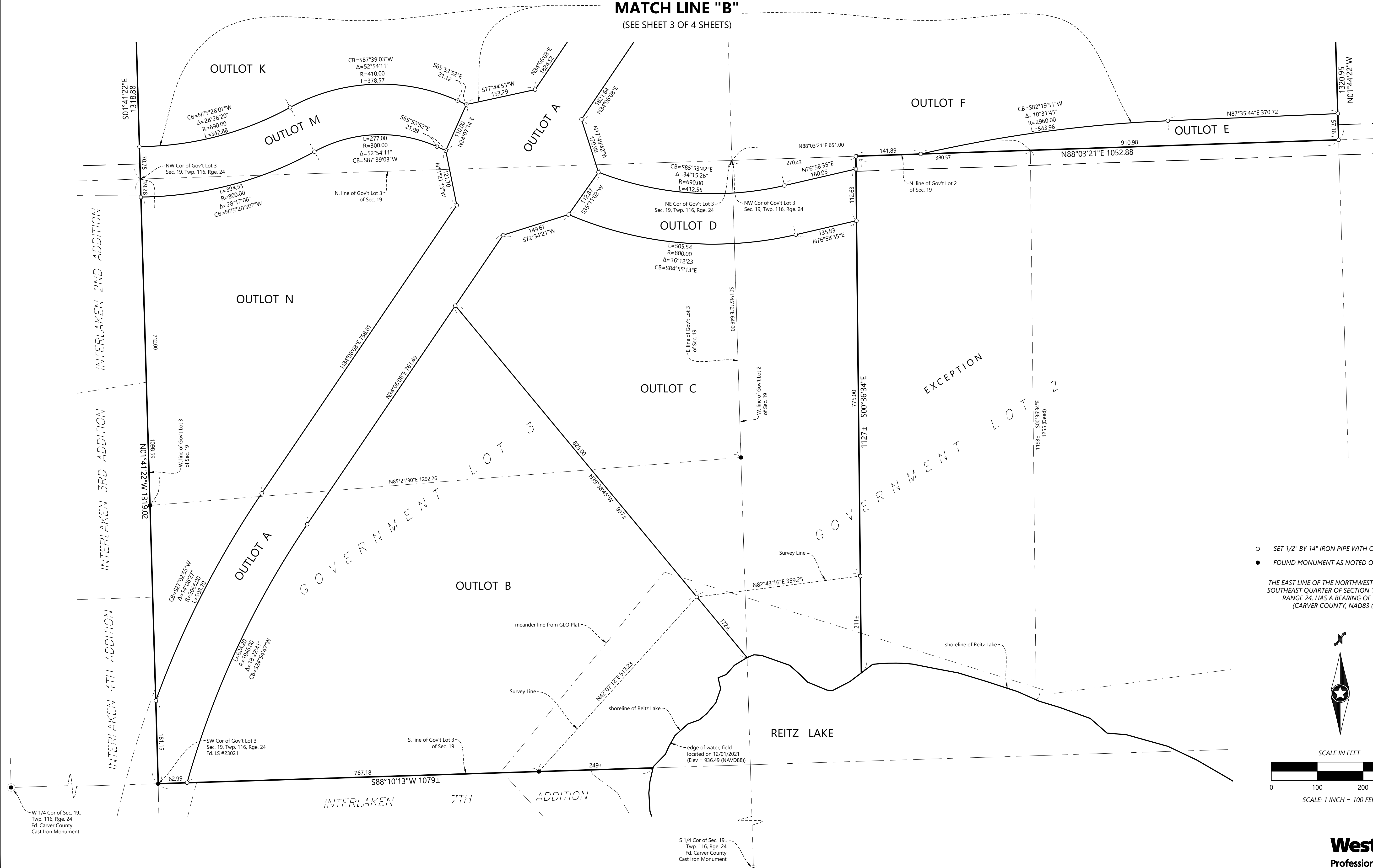
# AIRPORT ROAD ADDITION

PLAT FILE NO.

C.R. DOC. NO.

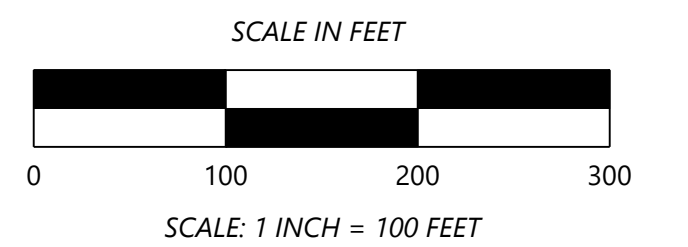
**MATCH LINE "B"**

(SEE SHEET 3 OF 4 SHEETS)



- SET 1/2" BY 14" IRON PIPE WITH CAP #53596
- FOUND MONUMENT AS NOTED ON PLAT DRAWING

THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 116, RANGE 24, HAS A BEARING OF N 00°22'12" E (CARVER COUNTY, NAD83 (1986A/D))



**Westwood**  
Professional Services, Inc.

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

Date: October 4, 2022  
Motion by Commissioner: \_\_\_\_\_

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

---

**WHEREAS**, Minnesota Statute § 373.01, Subd. 1(d) permits the County to exchange parcels of real property of substantially similar or equal value without advertising for bids when the County is acquiring that real property for County right-of-way; and

**WHEREAS**, the Carver County 2040 Comprehensive Plan, which the Carver County Board of Commissioners adopted on February 4, 2020, includes a prioritized plan for the County to construct a 2-lane divided urban roadway extension of CSAH 92 from CSAH 10 to Trunk Highway 5 in the City of Waconia and Laketown Township (“**Highway 92 Project**”); and

**WHEREAS**, the County must acquire certain real property interests from various parcels of real property located within the City of Waconia and Laketown Township for the right-of-way needed for the Highway 92 Project; and

**WHEREAS**, the Waconia City Council adopted Resolution Number 2022-87, which extends the authority to the City of Waconia to review and approve the subdivision of the parcels identified by Tax Property Identification Numbers 07.0191700, 07.0193000, 07.019600 and 07.0191200, in conformance with its subdivision ordinances; and

**WHEREAS**, Catherine A. Seck, formerly known as Catherine Kirsch, Married to Kerik K. Seck, and the Anthony A. Kirsch Revocable Trust, Anthony A. Kirsch and Nichol E. Kirsch as Trustees, and the Nichol E. Kirsch Revocable Trust, Nichol E. Kirsch and Anthony A. Kirsch as Trustees, (“**Kirschs**”), are the fee owners of the real property located at 9350 Airport Road in Waconia, Minnesota, and identified by Tax Parcel Identification Number 07.0191700 (“**Kirschs Property**”); and

**WHEREAS**, the Patrick Kirsch Trust and Anthony Kirsch are the fee owners of the real property which is located at 9120 Airport Road in Waconia, Minnesota; and identified by Tax Parcel Identification Number 07.0193000 (“**Patrick Kirsch Trust and Anthony Kirsch Property**”); and

**WHEREAS**, the County is the owner of the real property which is located south of Airport Road in Laketown Township, and is identified by Tax Parcel Identification Numbers 07.0191600 and 07.0191200, and the real property which is located at 8065 Paradise Lane in Waconia, Minnesota and identified by Tax Parcel Identification Number 75.0180300; and

**WHEREAS**, the Parties desire to exchange between the Parties a parcel of real property which is 48.77 acres or 2,124,421 +/- sq. ft. in size; which does not have a lakeshore amenity; for which the Kirschs, and the Patrick Kirsch Trust and Anthony Kirsch have different ownership interests; and which is depicted in blocks in Exhibit A, attached hereto and incorporated herein, (“**Parcel A**”), with a parcel of real property which is 33.06 acres or 1,440,093 +/- sq. ft. in size; some of which has a lakeshore amenity; which is owned by the County; and which is depicted in diagonal lines in Exhibit A, (“**Parcel B**”), without any monetary exchange occurring between the Parties and without the County advertising for bids for the County’s conveyance of Parcel B to the Kirschs and the Patrick Kirsch Trust and Anthony Kirsch , such that the Kirschs, and the Patrick Kirsch and

Anthony Kirsch become the sole fee owner of Parcel B and the County becomes the sole owner in fee of Parcel A; and

**WHEREAS**, Minnesota Statute § 373.01, Subd. (1)(d) requires the County Assessor to determine the estimated values of the parcels of real property to be exchanged with and by the County under that provision; and

**WHEREAS**, on or about August 29, 2022, the County Assessor performed an analysis that identified and evaluated recent and comparable market sales to determine the approximate market value of Parcels A and B, and to determine if Parcels A and Parcels B have substantially similar or equal market value for the purpose of allowing the exchange Parcel A and Parcel B between the Parties in accordance with Minnesota Statute § 373.01, Subd. (1)(d); without the Parties exchanging any financial compensation; and without the County advertising for bids for its conveyance of Parcel B to the Kirschs, and to the Patrick Kirsch Trust and Anthony Kirsch; and

**WHEREAS**, the percent difference between the land value of Parcels A and B is slightly over ½ of a percent, which strongly supports that Parcels A and B are of substantially similar or equal value for purposes of allowing the County to acquire Parcel A for right-of-way for the CSAH 92 Project by exchanging Parcel B with Parcel A without advertising for bids; and

**NOW THEREFORE, BE IT RESOLVED** that the Carver County Board of Commissioners hereby approves the final subdivision plat of the Airport Road Addition; 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 Carver County Contract 22-XXX; and

**BE IT FURTHER RESOLVED**, that the Carver County Board of Commissioners hereby agrees to grant and conveyance by Warranty Deed of Parcel B to the Kirschs, and to the Patrick Kirsch Trust and Anthony Kirsch, and regarding the Kirschs, and the Patrick Kirsch Trust’s and Anthony Kirsch’s grant and conveyance by Warranty Deed of Parcel A to the County and hereby agree enter into said contract to confirm the terms of their agreement:

**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 execute the necessary documents to complete the land exchange as agreed to said contract.

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 October, 2022, 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 October, 2022.

---

Dave Hemze

County Administrator

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Acceptance of Watershed-Based Implementation Funding Grant**

Primary Originating Division/Dept:

Meeting Date:

Contact:  Title:

Item Type:

Amount of Time Requested:  minutes

Attachments:  Yes  No

Presenter:  Title:

**Strategic Initiative:**

**BACKGROUND/JUSTIFICATION:**

The state Board of Water & Soil Resources (BWSR) is distributing State Clean Water Funds (CWF) funds to the Carver County Water Management Organization (CCWMO) for the FY2023 period. BWSR established a process to allocate funds within the Metro Area based upon watersheds and local government units that have an approved water plan with BWSR. In addition to CCWMO Staff, representatives of the County's municipalities and Carver County Soil and Water Conservation District (SWCD) were a part of the approval group.

The funds have now been allocated and the County has received a draft grant agreement from BWSR to accept the watershed-based funding grant. The projects to be funded include four feasibility studies for a ravine on North Reitz Lake in Laketown Township; a ravine on the east side of Big Woods Lake in Chaska; stream bank failure on Carver Creek in Dahlgren Township; and carp management on Benton Lake in Cologne. The fifth project is to fix a ravine discharging to Reitz Lake in Laketown Township. Other projects funded by this grant process were allocated to and will be managed by the cities of Waconia and Watertown. County Staff recommends that the Board approve receipt of the grant and authorize the Board Chair to sign the grant program agreement.

**ACTION REQUESTED:**

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

**FISCAL IMPACT:**

If "Other", specify:

**FTE IMPACT:**

**FUNDING**

<b>County Dollars =</b>	<input type="text" value=""/>
BWSR	\$241,991.00
CCWMO Match	\$60,000.00
<b>Total</b>	<b>\$301,991.00</b>

Insert additional funding source

**Related Financial/FTE Comments:**

Acceptance of the Grant Agreement requires a Match. The matching funds are part of the 2023 CCWMO Levy budget request (\$45,000) and the current Aquatic Invasive Species (AIS) budget (\$15,000).

Office use only:

RBA 2022 - 8692

# Budget Amendment Request Form



To be filled out AFTER RBA submittal

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

Department: Public Services - Planning & Water Mgmt.

Meeting Date: 11/1/2022

- 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: Paul Moline

DEBIT			CREDIT		
Description of Accounts	Acct #	Amount	Description of Accounts	Acct #	Amount
Professional & Tech Fees for Services	01-123-124-0437-6260	\$40,000.00	State Grant-Reitz Lake Ravine Study	01-123-124-0437-...	\$40,000.00
Professional & Tech Fees for Services	01-123-124-0438-6260	\$25,000.00	State Grant-Reitz Northwest Ravine Study	01-123-124-0438-...	\$25,000.00
Professional & Tech Fees for Services	01-123-124-0417-6260	\$60,000.00	State Grant-Grace Chain Ravine Study	01-123-124-0417-...	\$60,000.00
Professional & Tech Fees for Services	01-123-124-0439-6260	\$46,991.00	State Grant-Carver Creek Streambank Study	01-123-124-0439-...	\$46,991.00
Professional & Tech Fees for Services	01-123-124-0440-6260	\$70,000.00	State Grant-Benton Carp Feasibility Study	01-123-124-0440-...	\$70,000.00
<b>TOTAL</b>		\$241,991.00	<b>TOTAL</b>		\$241,991.00

Reason for Request:  
 Add revenue and expenditure amounts to the Planning and Water Management department budget for the FY23 Watershed-Based Implementation Grant from the state Board of Water & Soil Resources.

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Erick Lenzen - Request for Adaptive Re-Use CUP in a Rural Service District**

Primary Originating Division/Dept: <u>Public Services - Land Mgmt.</u>	Meeting Date: <u>11/1/2022</u>
Contact: <u>Donovan Hart</u> Title: <u>Senior Planner</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 #PZ20220041. On October 18, 2022, the Planning Commission voted unanimously to recommend approval of Erick Lenzen's Conditional Use Permit (CUP) to amend his existing CUP for an Adaptive Re-use in the Bongards Rural Service District (Benton Township). Mr. Lenzen has resided and operated his excavating business from this property since 2007.

The previous owner of the property received a CUP to operate a landscaping business and permit the construction of an accessory structure. Mr. Lenzen's business has grown and has necessitated the storage of work vehicles and equipment outside of the building. Since the existing CUP did not allow for any exterior storage, Mr. Lenzen submitted a request to allow for that ability to store up to three dump trucks, two trailers, and multiple small pieces of equipment outside the building.

Apart from the owner, the business has no full time employees. The operation is similar to a contractor's yard where the normal business hours are 7AM to 6PM, Monday through Saturday during construction season and during the winter "before, during, and after snow events for snow removal purposes." Mr. Lenzen has constructed a large retaining wall on the property for which he would need to obtain the required building permits.

Screening of exterior storage is customarily required for this type of land use, but public testimony was heard at the Planning Commission meeting that a fence would have an adverse impact on the adjacent property; therefore, the Planning Commission recommendation is to not require a fence.

County Public Works reviewed the application and supports the request with modifications to vehicle access points with specific widths for the residential and commercial driveways. For SSTS compliance, Environmental Services requires an operating permit for annual monitoring and maintenance with a licensed SSTS Service Provider due to the type of SSTS system installed on the property. The Benton Town Board supports the request. The Planning Commission Resolution is attached for the Board's consideration.

**ACTION REQUESTED:**

A motion to adopt Findings of Fact and issue Order #PZ20220041 for the issuance of a Conditional Use Permit.

**FISCAL IMPACT:** None

*If "Other", specify:*

**FUNDING**

County Dollars =

<input type="text"/>	<input type="text"/>
----------------------	----------------------

**Total**

**\$0.00**

**FTE IMPACT:** None

Related Financial/FTE Comments:

**COUNTY OF CARVER**  
***PLANNING COMMISSION RESOLUTION***

**FILE #: PZ20220041**

**RESOLUTION #: 22-15**

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

**FILE #:** PZ20220041

**APPLICANT:** Erick Lenzen

**PROPERTY OWNER:** Erick & Natalie Lenzen

**SITE ADDRESS:** 13125 County Road 51, NYA, MN 55368

**PERMIT TYPE:** Adaptive Re-Use of an Existing Building in a Rural Service District (RSD)

**PURSUANT TO:** County Code, Chapter 152, Sections 152.097 (B) & 152.098

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

**PARCEL #:** 01-016-2200

**WHEREAS**, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meeting of October 18, 2022; and,

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

1. Erick & Natalie Lenzen own an approximate .91-acre parcel located in part of the Northwest Quarter of the Southwest Quarter ((NW¼ of SW¼) in Section 16, Benton Twp. The parcel is improved with the owner's residence and a 66' x 58' accessory structure. The property is located in the Bongards Rural Service Overlay District (RSD) and the CCWMO (Carver Creek Watershed).
2. The applicant, Erick Lenzen, is requesting an amendment of an existing Conditional Use Permit (CUP) to allow exterior storage of vehicles and equipment on the subject parcel. The CUP for an adaptive re-use of an existing structure would be allowed pursuant to Section 152.097 (B) of the Carver County Zoning Code.
3. The subject property is within the Bongards RSD and is located on the east side of County Road 51, diagonal from Bongards Creamery plant property. The applicants have submitted an operational plan (dated September 27, 2022) outlining the details of the operation.
4. The subject property has received a CUP (#12633) in 2002 that allowed the former owner to build the existing accessory structure and operate a landscaping business from the property. The existing CUP references no outside storage is allowed. Having purchased the property in 2007, Mr. Lenzen is using the existing building to store vehicles and equipment for his trucking and excavating business. Due to an expansion of the business, the applicant proposes to amend the existing CUP to allow outdoor storage. The request is to store up to three dump trucks, two trailers, and multiple small pieces of equipment outside of the building.
5. Reflecting the nature of the rural business/residential community, the provision of the zoning code that allows the adaptive re-use of existing buildings in Rural Service Districts allows flexibility in the required standards. The nature of the applicant's business is similar to a contractor's yard, but previous zoning code standards specific to a contractor yard, such as the minimum lot size, homesteading requirement, and 500' setback from neighboring residences do not apply to RSD CUPs.



6. Mr. Lenzen currently leases space to a cabinet maker who maintains his workshop in the structure. There are circumstances where this type of business could be permitted as a CUP, but the property does not have a CUP for this activity, so this is a violation of County Code. Also, it is County policy to not allow multi-tenant commercial buildings on properties. Mr. Lenzen was informed of the zoning code violation in March 2022. The applicant states that the cabinet maker would be vacating the workshop at the end of October or early November.
7. In 2015, the property owners constructed a large retaining wall with a significant amount fill brought to the site to level off the areas along the sides and rear of the accessory structure. Previously, this area consisted of grassy slopes and was not part of a commercial use. The retaining wall, which appears about 8-feet tall at his tallest point, was completed without required County permitting to meet building code, zoning, and septic code requirements. A portion of the wall was constructed on the adjacent property owned by Bongards Creamery. Proper permitting must be obtained for this work. In his narrative, the applicant references that Bongards will be transferring property to Mr. Lenzen's property to move the property line 18' to the east. A minor subdivision is required to amend the property line. If for some reason the minor subdivision does not occur, the applicant will need to remove the portion of the wall on the neighboring property in order to obtain a building permit for the retaining wall.
8. The primary hours of operation remain largely unchanged. Summer operating hours are proposed 7:00AM – 6:00PM Monday through Saturday and winter operating hours "before, during, and after snow events for snow removal purposes." The business does not have any full-time employees.
9. As shown in the screening plan (dated October 4, 2022), the applicant has submitted a plan for a 6-foot tall fence on the northwest and north property boundaries to screen the vehicles and equipment. During the October 18, 2022, public hearing, the Planning Commission heard testimony from a neighbor that if a fence was built in that location it would have an adverse impact on a neighboring property due to the prevailing winter wind and excessive snow accumulation. The Planning Commission's discussion referenced the screening standards in § 152.041 that may or may not be required for conditional uses and unanimously agreed with the neighbor. Mr. Lenzen stated that if a future owner desired a screening fence, he would build it.
10. Environmental Services has reviewed the property for Subsurface Sewage Treatment System (SSTS) compliance. Due to the type of SSTS system installed at the property, an operating permit also is required for annual monitoring and maintenance with a licensed SSTS Service Provider.
11. 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.
12. On October 6, 2022, this request was reviewed by the Carver County Public Works Division and the following comments were referenced:
  - A. *Agreement was met between the applicant and Public Works in June of 2022 over the number, location, dimensions, and timing relating to the accesses onto the subject site from County Road 51. Listed below is what was agreed upon, along with this memo are the agreed upon drawings.*
    - *In 2024 there is scheduled work on US 212, with associated work on County Road 51. Improvements to the accesses onto the subject property will be constructed at this time by Public Works to the specifications that have been agreed upon. The scope of the work that will be done by Public Works is limited to the access and driveway apron within the highway right of way. No improvements are needed on the accesses in the time leading up to the work on County Road 51 to become compliant.*
    - *Two accesses are permitted, as was approved through a previous Conditional Use Permit.*
    - *The northern commercial access is to be 36 feet in width.*
    - *The southern residential access is to be 42 feet in width.*
  - B. *Public Works is allowed to implement changes based on project design.*

13. The applicant has not proposed any signage for the location. If signage is proposed, it would be required to meet the Carver County Sign Regulations of Chapter 154 of the Code of Ordinances.
14. 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.
15. 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.
16. 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).
17. The Benton Township Board reviewed the application request at their October 13, 2022, meeting. The Township Board recommended approval "with staff conditions, given their location in a Rural Service District and their proximity to Bongards and their parking lot. We recommend allowing the Lenzens to park their equipment outside."
18. 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 approval of CUP #PZ20220041 for the Re-adaptive Use of an Existing Building in the Bongards Rural Service District (RSD). The previous CUP #12633 (recorded as Doc. No. 308474) and any other permits or amendments for a Rural Service District business would be terminated upon final approval (and recording) of the new CUP #PZ20220041. Therefore, CUP #PZ20220041 would supersede any prior approvals, and the following conditions should be considered part of 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 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 September 27, 2022). These plans shall be attached to and become part of this permit. The hours of the operation shall typically conform to the hours of 7:00AM – 6:00PM Monday through Saturday and before, during and after snow events during the winter season.
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. The permittee must obtain the required permits for the construction of the retaining wall already on the site.
4. The permittee shall comply with the road access requirements as determined by Carver County Public Works. Parking along County Road 51 within the road right-of-way shall be prohibited. Any damages, modifications, or changes incurred within the right-of-way shall be remedied at the applicant's expense.
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 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. A signed SSTS pumping agreement with a licensed SSTS maintainer shall be required.
7. 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.
8. The Permittee shall comply at all times with the County standards as detailed in Chapter 152 – Zoning Code and Chapter 154 – Sign Regulations, Chapter 52 - Subsurface Sewage Treatment System (SSTS) regulations, MN State Building Code requirements, and all other applicable local, state, and federal 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.
9. 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.

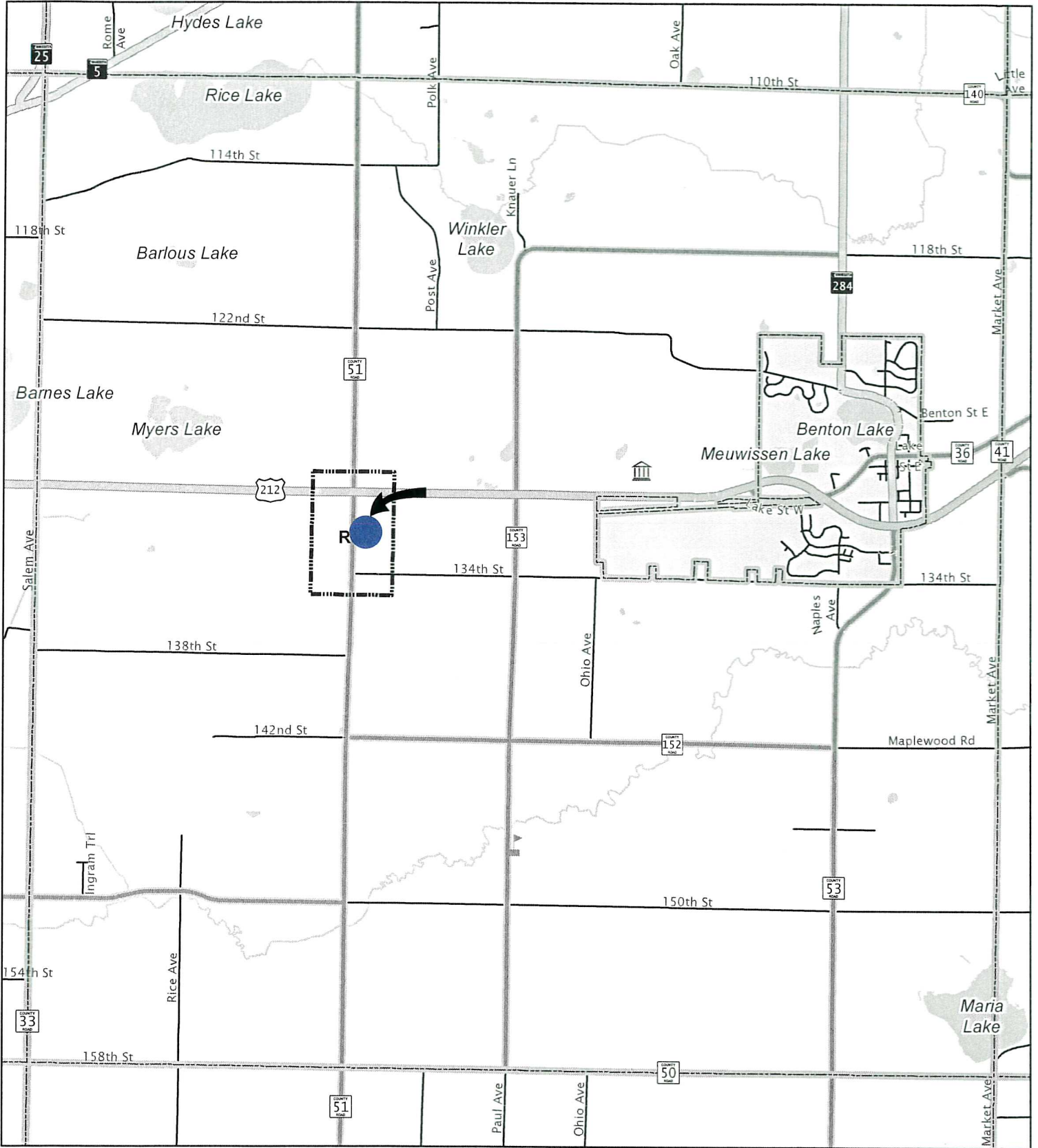
**ADOPTED** by the Carver County Planning Commission this 18<sup>th</sup> day of October 2022.



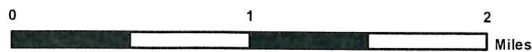
Scott Wakefield (Oct 19, 2022 16:41 CDT)

Scott Wakefield, Chairman                      10/19/22  
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.



Map Created by Carver County GIS  
45

# Carver County Board of Commissioners

## Request for Board Action



**Agenda Item:**

**MCI Telecommunications (Verizon) - Request for a Public Utility CUP**

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:**

File #PZ20220042. On October 18, 2022, the Planning Commission unanimously voted to recommend approval of Verizon's request to amend their Public Utility Conditional Use Permit (CUP) to expand an existing telecommunications building by about 22,000 square feet to install additional servers/cabinets on site. The property, located in Section 4 (Dahlgren Township), currently has four buildings for storage, administrative offices, and telecommunications equipment as well as a telecommunications tower. There have been several CUPs issued to this property for telecommunications facilities dating back to 1986.

Though Verizon is a private corporation, the county zoning code classifies this use, due to the benefit to the community, as a public utility. The applicant's narrative reports that the expansion is needed to serve the needs of the local network and to support 5G deployment. The proposed improvements include the structure expansion at the rear of the property and the construction of site improvements, such as parking spaces, replacement of a loop driveway, a 8-foot security fence, and a back-up generator. There will be a 12-foot tall acoustic enclosure surrounding the generator.

The proposed expansion would require the addition of one employee to add to the two employees who typically work there 9AM to 5PM. The facility operates 24 hours per day 365 days per year with no public access.

County Public Works has reviewed and supports the request since the proposal is at the rear of the 19-acre property. Since the SSTS system is designed for when the facility employed about 40 people on-site, Environmental Services has no concern about SSTS capacity. Due to the amount of impervious surface on the property, a Carver County Water Management Organization (CCWMO) permit would be required.

The Dahlgren Township Board reviewed and unanimously recommended approval of the request.

The Planning Commission Resolution is attached for the Board's consideration.

**ACTION REQUESTED:**

A motion to adopt Findings of Fact and issue Order #PZ20220042 for the issuance of a Conditional Use Permit.

**FISCAL IMPACT:**

If "Other", specify:

**FTE IMPACT:**

**FUNDING**

County Dollars =

**Total**

Insert additional funding source

COUNTY OF CARVER  
*PLANNING COMMISSION RESOLUTION*

**FILE #: PZ20220042**

**RESOLUTION #: 22-16**

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

**FILE #:** PZ20220042

**APPLICANT:** Micah Hatley (on behalf of Verizon)

**OWNER:** MCI Telecommunications (Verizon)

**SITE ADDRESS:** 7383 Co Rd 140, Cologne, MN 55322

**PERMIT TYPE:** Public Utility Buildings and Structures

**PURSUANT TO:** County Code, Chapter 152, Sections § 152.050 to § 152.053

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

**PARCEL #:** 04-004-0320

**WHEREAS**, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meeting of October 18, 2022; and,

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

1. Verizon owns an approximate 19.31-acre parcel located adjacent to the intersection of the Twin Cities & Western Railroad tracks and County Road 140, in the Southeast Quarter (SE¼) of Section 4, Dahlgren Township. The property is located in the Agricultural Zoning District, Shoreland Overlay District (Aue Lake), and CCWMO (West Chaska Creek Watershed).
2. Verizon seeks to amend their existing Conditional Use Permit (CUP) to expand an existing telecommunications building by about 21,800 square feet to install additional servers/cabinets on site. The proposed construction is limited to an addition to the western building accompanied by supportive infrastructure (generators, transformers, and condensers), and replacement of site improvements, such as a loop access road and parking spaces that currently occupy the project site. Only a small portion of the proposed construction is located within the Shoreland Overlay District.
3. The 2040 Comprehensive Plan recognizes the importance of “limited private uses that serve a community purpose” in County Policy LU-20. Communication facilities “are deemed beneficial or essential to the public health and safety, welfare, or serving a public good of the community as determined by the County Board.” The application by Verizon for a Conditional Use Permit (CUP) is pursuant to Sections 152.050, 152.051, 152.052, and 152.053 of the Zoning Code.
4. There have been several CUP’s issued to this property over the years to operate a telecommunications facility. Even though the facility is privately owned, it is classified by the County Code as a public utility and as an Essential Service. The property was issued CUP #7359 in 1986 to build the original telephone junction station and a telecommunication’s tower up to 300 feet in height. CUP #7697 was issued in 1988 to add parking spaces, an approximate 9,800 square-foot building addition and increase the number of employees on-site to 20. In 1994, CUP #9671 allowed the construction of a 13,500 square-foot building expansion and an increase up to 43 employees. Issued in 1999, the most recent CUP #11720 permitted the construction of an additional junction station building measuring about 37,000 square feet and a reduction to 21 employees who work at the site.



5. There are four buildings currently on the property: a 37,250 square-foot building for storage, administrative offices, and telecommunications equipment; a 29,500 square-foot junction building; a 1,400 square-foot garage; and a 231 square-foot accessory structure for a tenant who co-locates on the telecommunications tower. The existing buildings are constructed in conforming locations at least 50 feet from the railroad right-of-way and other property lines and 110 feet from a Collector Road centerline in the Shoreland District.
6. The submitted project narrative (dated September 23, 2022) references inadequate building infrastructure preventing a feasible layout within the current building envelope to enable installation of additional equipment. The cabinets and servers are needed to accommodate immediate and forecasted needs of local network and telecommunications traffic and to support 5G deployment. The exterior of the single-story addition will have precast concrete panels with 2-inch reveals to match the existing buildings. The site plan (dated September 23, 2022) shows a rear addition on the western building that conforms to the required setbacks. There are parking spaces and a garage door. Adjacent to the northwest corner of the proposed addition are two generators. An 8-foot tall security fence surrounds the project site. The fence shall require a building permit. The application appears to meet the zoning code standards of a public utility building.
7. The exterior generators will be surrounded by an approximately 12-foot tall acoustic enclosure as shown in the attached figure. The applicant reports that “The acoustic enclosure will mitigate noise transmission. This enclosure ensures noise levels will be no greater than 65 dBA within 25’ of the generator. As part of our scope, we have a subconsultant that will model the new equipment and confirm the noise ordinance levels are not exceeded at the property line.”
8. The proposed addition would require the addition of one employee to add to the two employees who work there, typically 9:00AM-5:00PM. Additional employees, including maintenance workers, delivery drivers, contractors, and network engineers, visit the site occasionally. There are 45 existing parking spaces and three proposed spaces at the rear of the building addition. The facility operates 24 hours per day 365 days per year with no public access. Vehicle access is from County Rd 140 through a driveway with an access easement on the property to the south.
9. Carver County Public Works reviewed a concept plan of the facility expansion and provided the following comment: “A construction project is planned on CR 140 at the railroad crossing in 2025. The planned project will remove the existing railroad bridge and reconstruct CR 140 approximately ¼ mile east and west of the bridge location (to an at-grade crossing), which would include the area of the access location. Project limits for property and grading impacts are not defined at this point and likely would not be known until about a year before construction. There will likely be right of way and grading impacts to the subject property with this project in order to accomplish the bridge removal. Our main concern would be that the site plan doesn’t impact the area adjacent to the road and road/rail crossing.”
10. Carver County Environmental Services reviewed the proposed expansion and commented that the SSTS system must be reviewed to ensure that it is sized appropriately to accommodate the needs of the number of employees who currently work at the site. Also, since the property is in the Shoreland area, a compliance inspection is required. As for water usage for the facility served by a private well, the applicant reports that the “mechanical systems serving the expansion will be completely separate from the existing building and will be refrigerant-based (no water-cooled systems)” to cool the servers and cabinets.
11. The subject property is located within the Carver County Water Management Organization (CCWMO) jurisdiction. Stormwater management, wetland buffers, site stabilization requirements, and Best Management Practices (BMP’s) are typically reviewed as part of any site improvements pursuant to Chapter 153 of the County Code (Water Management Rules). 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 beginning any excavation activity. Any wetlands on the property would be reviewed pursuant to the Wetland Conservation Act (WCA).
12. The Dahlgren Township Board reviewed and unanimously recommended approval of the application request during their October 10, 2022, Town Board meeting.
13. 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 approval of CUP #PZ20220042 for Public Utility Buildings and Structures. The previous CUPs (#7359 recorded as Doc. No. 80353, #7697 recorded as Doc. No. 101262, and #11720 recorded as Doc. No. 260587) and any other prior permits, amendments or renewals for a Public Utility, would be terminated upon final approval (and recording) of the new CUP #PZ20220042. Therefore, CUP #PZ20220042 would supersede any prior approvals, and the following conditions should be considered part of 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 operations shall be substantially in accordance with the operational plan Applicant Narrative (dated: September 23, 2022) and Site Plan (dated: September 23, 2022). The hours of operation are 24 hours per day 365 days per year with typical occupation of the building 9:00AM to 5:00PM, except for occasional visits by maintenance workers, network engineers, delivery drivers, and contractors.
3. Any stormwater management, grading, and/or filling activity on the property shall be completed in accordance with regulations of the Carver County Water Management Organization (CCWMO) and the Wetland Conservation Act (WCA), if applicable. Review and approvals are required prior to the issuance of construction and/or building permits, if applicable.
4. All structures used in conjunction with telecommunications operations, shall meet the applicable requirements of the Carver County Zoning Code and State Building Code. Any required building permits shall be applied for and issued prior to construction. Any future remodeling or construction shall be reviewed by the Zoning Administrator to determine if an amendment to the CUP is necessary.
5. The permittee shall comply with the road access requirements along County Rd 140 as determined by Carver County Public Works. Any damages, modifications, or changes incurred within the right-of-way shall be remedied at the applicant's expense.
6. The Permittee shall comply at all times with the County standards as detailed in Chapter 152 – Zoning Code and Chapter 154 – Sign Regulations, Chapter 52 - Subsurface Sewage Treatment System (SSTS) regulations, MN State Building Code requirements, and all other applicable local, state, and federal regulations.
7. The permittee is responsible for compliance with all Federal, State and Local rules, regulations, and permitting requirements.

**ADOPTED** by the Carver County Planning Commission this 18<sup>th</sup> day of October 2022.

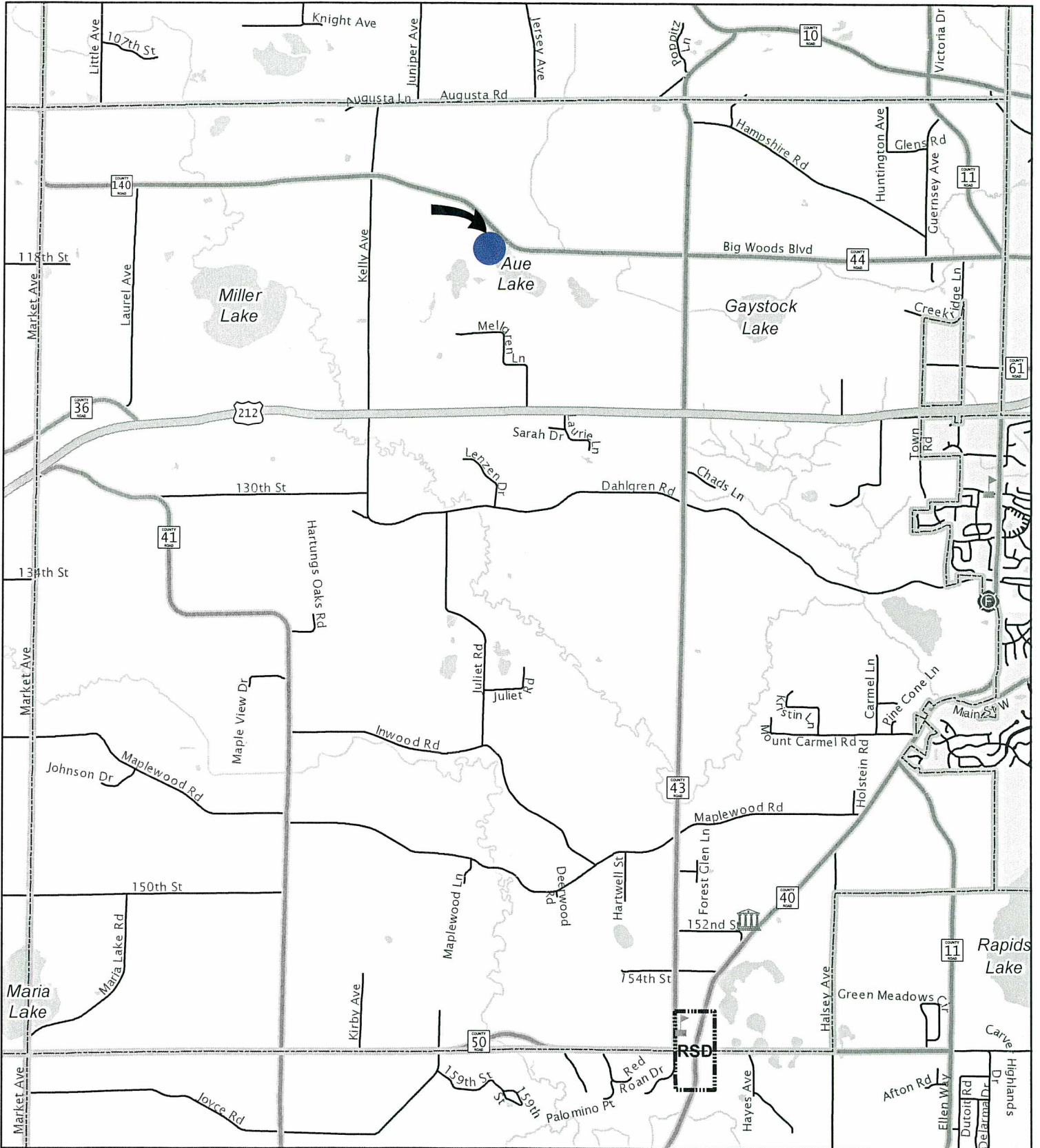


Scott Wakefield (Oct 19, 2022 16:41 CDT)

Scott Wakefield, Chairman      10/19/22  
Carver County Planning Commission



# DAHLGREN TOWNSHIP



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



# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Professional Services Agreement with HDR, Inc. for the Highway 41/10 Project**

Primary Originating Division/Dept:

Meeting Date:

Contact:  Title:

Item Type:

Amount of Time Requested:  minutes

Attachments:  Yes  No

Presenter:  Title:

**Strategic Initiative:**

**BACKGROUND/JUSTIFICATION:**

Carver County, the City of Chaska and MnDOT are currently completing preliminary design and environmental documentation for the Highway 41/10 Project, which includes the planned reconstruction of approximately 3/4 a mile of Highway 10 from Bavaria Road to Park Ridge Drive in the City of Chaska. Included with this work are improvements to the Highway 41/10 intersection to improve traffic operations. Pedestrian improvements are planned to include trails, walks and pedestrian underpasses under both Highway 41 and Highway 10. The work described is impactful to nearby residents, businesses, and the traveling public. Carver County is the lead agency for this work and is seeking assistance with communications and public engagement for the project.

HDR, Inc. has been found to be a valuable communications asset on previous county led projects and due to that experience, it is staffs desire to retain their professional services again for this project. HDR, Inc. has provided a scope of work and a corresponding cost estimate for this project and after review of their communications proposal, the services to be provided and corresponding costs for those services are reasonable.

This work will include public outreach to the local businesses and residents through different methods such as: direct mailings, maintaining a project website, social media postings, detour graphic support for residents and businesses and project informational products to display to the public.

**ACTION REQUESTED:**

Motion to approve a professional services agreement with HDR, Inc. for \$59,137.23 for services pending finalization of the contract review process.

**FISCAL IMPACT:**

*If "Other", specify:*

**FTE IMPACT:**

**FUNDING**

**County Dollars =**

Sales Tax	\$44,353.00
City of Chaska	\$14,784.00
<b>Total</b>	<b>\$59,137.00</b>

Insert additional funding source

**Related Financial/FTE Comments:**

Cost splits are estimated at 75% County/25% City, and this split will be further refined with a separate Joint Powers Agreement with the City of Chaska.

*Office use only:*

RBA 2022 - 8711

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Settlement Amendments for Right of Way Acquisitions Related to the Highway 10 Project-North Watertown**

Primary Originating Division/Dept: <input type="text" value="Public Works - Program Delivery"/>	Meeting Date: <input type="text" value="11/1/2022"/>
Contact: <input type="text" value="Patrick Lambert"/> Title: <input type="text" value="Senior Right of Way Agent"/>	Item Type: <input type="text" value="Regular Session"/>
Amount of Time Requested: <input type="text"/> minutes Presenter: <input type="text" value="Patrick Lambert"/> Title: <input type="text" value="Senior Right of Way Agent"/>	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
Strategic Initiative: <input type="text" value="Communities: Create and maintain safe, healthy, and livable communities"/>	

**BACKGROUND/JUSTIFICATION:**

The 2022 construction season includes the Highway 10 Project - North Watertown which includes pavement rehabilitation and shoulder widening of Highway 10 from Highway 25 on the south in the City of Watertown to the Wright County border on the north. Right of way was obtained for the project but some additional drainage and utility easements are needed to maintain culvert ends. The Senior Right of Way Agent and Assistant Right of Way Agent completed Minimum Damages Assessments to determine fair market value for the needed additional easements. Negotiations commenced and settlement amendments were made with a number of the property owners.

**ACTION REQUESTED:**

Motion to approve a resolution for settlement amendments to the impacted property owners related to the Highway 10 Project-North Watertown based on the Minimum Damages Assessments completed by county staff.

<b>FISCAL IMPACT:</b> <input type="text" value="Included in current budget"/>	<b>FUNDING</b>				
If "Other", specify: <input type="text"/>	<b>County Dollars =</b> <input type="text"/>				
<b>FTE IMPACT:</b> <input type="text" value="None"/>	<table style="width: 100%;"> <tr> <td style="width: 70%;">Wheelage Tax</td> <td style="width: 30%; text-align: right;">\$12,100.00</td> </tr> <tr> <td><b>Total</b></td> <td style="text-align: right;"><b>\$12,100.00</b></td> </tr> </table>	Wheelage Tax	\$12,100.00	<b>Total</b>	<b>\$12,100.00</b>
Wheelage Tax	\$12,100.00				
<b>Total</b>	<b>\$12,100.00</b>				
<input checked="" type="checkbox"/> Insert additional funding source					

Related Financial/FTE Comments:

Office use only:

RBA 2022 - 8698

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

Date: November 1, 2022

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

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

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

---

**Resolution Authorizing Settlement of Compensation to Owners for Acquisition of Real Property Interests Needed for Highway 10 Project – North Watertown**

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

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

WHEREAS, the County proposes to construct highway and related improvements in Carver County for shoulder widening and pavement improvements, as part of the Highway 10 Project – North Watertown (“Project”); and

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that County’s acquisition of the real property interests described in said Exhibit A and the construction of highway and related improvements of shoulder widening and pavement improvements as part of the Highway 10 Project – North Watertown 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 November 1, 2022, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 1<sup>st</sup> day of November 2022

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

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

**Highway 10 Project – North Watertown**

Carver County Public Works No. 158793

**Property Tax Identification No. 10.0041000**

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

Fee Owners: Lee & Linda Farber

Property Address: 1545 Co. Rd. 10, Watertown, MN

Permanent easement for drainage & utility purposes contains **921 sq. ft.**, more or less.

**\$1,400.00**

Appraisal Fee

**\$1,000.00**

Settlement Amount: **\$2,400.00**

**Property Tax Identification No. 85.0050200**

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

Fee Owners: Harry & Anita Murphy

Property Address: 637 Co. Rd. 10 NW, Watertown, MN

Permanent easement for drainage & utility purposes contains **550 sq. ft.**, more or less.

**\$1,400.00**

Appraisal Fee

**\$600.00**

Settlement Amount: **\$2,000.00**

**Property Tax Identification No. 10.0040905**

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

Fee Owners: James & Nicole Mase

Property Address: 1655 Co. Rd. 10, Watertown, MN

Permanent easement for drainage & utility purposes contains **2,098 sq. ft.**, more or less.

**\$3,100.00**

Impacts to improvements

**\$3,100.00**

Appraisal Fee

**\$1,500.00**

Settlement Amount: **\$7,700.00**

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Settlement Amendments for Right of Way Acquisitions Related to the Highway 24 Project**

Primary Originating Division/Dept:

Meeting Date:

Contact:  Title:

Item Type:

Amount of Time Requested:  minutes

Attachments:  Yes  No

Presenter:  Title:

**Strategic Initiative:**

**BACKGROUND/JUSTIFICATION:**

The 2022 construction season includes the Highway 24 Project which includes pavement rehabilitation and shoulder widening of Highway 24 from Highway 10 in the City of Watertown east to the Hennepin County border. Right of way was obtained for the project but some additional drainage and utility easements are needed to maintain culvert ends. The Senior Right of Way Agent and Assistant Right of Way Agent completed Minimum Damages Assessments to determine fair market value for the needed additional easements. Negotiations commenced and settlements were made with a number of the property owners.

**ACTION REQUESTED:**

Motion to approve a resolution for settlements to the impacted property owners related to the Highway 24 Project.

**FISCAL IMPACT:**

*If "Other", specify:*

**FUNDING**

<b>County Dollars =</b>	<input type="text"/>
Wheelage Tax	\$20,106.24
<b>Total</b>	<b>\$20,106.24</b>

**FTE IMPACT:**

Insert additional funding source

Related Financial/FTE Comments:

*Office use only:*

RBA 2022 - 8699



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

Date: November 1, 2022

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

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

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

---

**Resolution Authorizing Settlement of Compensation to Owners for Acquisition of Real Property Interests Needed for Highway 24 Project**

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

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

WHEREAS, the County proposes to construct highway and related improvements in Carver County for shoulder widening and pavement improvements as part of the Highway 24 Project (“Project”); and

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that County’s acquisition of the real property interests described in said Exhibit A and the construction of highway and related improvements of shoulder widening and pavement improvements as part of the Highway 24 Project constitute a valid public use or public purpose; and

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

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

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

STATE OF MINNESOTA  
COUNTY OF CARVER

I, Dave Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on November 1, 2022, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 1<sup>st</sup> day of November 2022

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

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

**Highway 24 Project**

Carver County Public Works No. 158794

**Property Tax Identification No. 10.0150600**

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

Fee Owners: William Wilcox

Property Address: 11285 CR 24, Watertown, MN 55388

Permanent easement for public right-of-way purposes contains **3,175 sq. ft.**, more or less.

Permanent easement for drainage & utility purposes contains **119 sq. ft.**, more or less.

**\$1,100.00**

Appraisal Fee

**\$5,000.00**

Settlement Amount: **\$6,100.00**

**Property Tax Identification No. 10.0141200**

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

Fee Owners: Sheila Doughman

Property Address: 3125 Oxford Ave, Watertown, MN 55388

Permanent easement for drainage & utility purposes contains **577 sq. ft.**, more or less.

**\$800.00**

Appraisal Fee

**\$1,000.00**

Settlement Amount: **\$1,800.00**

**Property Tax Identification No. 10.2000030**

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

Fee Owners: Scott & Sharon Harding

Property Address: 10555 CR 24, Watertown, MN 55388

Permanent easement for drainage & utility purposes contains **400 sq. ft.**, more or less.

**\$700.00**

Appraisal Fee

**\$1,000.00**

Settlement Amount: **\$1,700.00**

**Property Tax Identification No. 10.0121200**

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

Fee Owners: WJVA Inc

Property Address: Vacant Land, CR 24, Watertown, MN 55388

Permanent easement for drainage & utility purposes contains **240 sq. ft.**, more or less.

**\$100.00**

Appraisal Fee

**\$1,000.00**

Settlement Amount: **\$1,100.00**

**Property Tax Identification No. 10.0121240**

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

Fee Owners: Jacob & Katherine Schmotter

Property Address: 9880 CR 24, Watertown, MN 55388

Permanent easement for drainage & utility purposes contains **240 sq. ft.**, more or less.

**\$100.00**

Appraisal Fee

**\$400.00**

Settlement Amount: **\$500.00**

**Property Tax Identification No. 10.0130900**

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

Fee Owners: Larry & Justine Anderson

Property Address: 10320 CR 24, Watertown, MN 55388

Permanent easement for drainage & utility purposes contains **280 sq. ft.**, more or less.

**\$294.00**

Settlement Amount: **\$294.00**

**Property Tax Identification No. 10.0141100**

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

Fee Owners: Conrad Graczyk & Christine Pace

Property Address: 11180 CR 24, Watertown, MN 55388

Permanent easement for public right-of-way purposes contains **4,677 sq. ft.**, more or less.

Permanent easement for drainage & utility purposes contains **1,104 sq. ft.**, more or less.

**\$6,012.24**

Appraisal Fee

**\$1,500.00**

Settlement Amount: **\$7,512.24**

**Property Tax Identification No. 10.0101100**

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

Fee Owners: Deutsch Family LP

Property Address: 11950 CR 24, Watertown, MN 55388

Permanent easement for drainage & utility purposes contains **300 sq. ft.**, more or less.

**\$100.00**

Appraisal Fee

**\$1,000.00**

Settlement Amount: **\$1,100.00**

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Semi-Annual Report to the County Health Board**

Primary Originating Division/Dept:

Meeting Date:

Contact:  Title:

Item Type:

Amount of Time Requested:  minutes

Attachments:  Yes  No

Presenter:  Title:

**Strategic Initiative:**

**BACKGROUND/JUSTIFICATION:**

Dr. Richard Scott, Carver County Community Health Services Administrator and Deputy Division Director for Health Services, will provide the Carver County Board of Health with a Semi-Annual Update as required by MS 145A. The update will include discussion of public health activities supporting the recovery from the COVID-19 pandemic, current Community Health Improvement Plan (CHIP), Communities of Belonging Initiative, and action plan for 2023.

**ACTION REQUESTED:**

Motion to convene as the Carver County Board of Health and receive the semi-annual report from the Community Health Services Administrator.

**FISCAL IMPACT:**

*If "Other", specify:*

**FUNDING**

County Dollars =

**FTE IMPACT:**

**Total**

Insert additional funding source

Related Financial/FTE Comments:

*Office use only:*

RBA 2022 - 8693

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**County Right of Way Access Policy**

Primary Originating Division/Dept:

Meeting Date:

Contact:  Title:

Item Type:

Amount of Time Requested:  minutes

Attachments:  Yes  No

Presenter:  Title:

**Strategic Initiative:**

**BACKGROUND/JUSTIFICATION:**

This is a workshop item to provide an overview of a proposed Public Works Private Access Policy. Staff will provide a presentation on what is in the policy and how it will be implemented.

The Policy aims to lay out clear guidance on how access permits are to be reviewed and approved. Currently, Public Works has limited guidance when reviewing access permits for access onto county highways, this is in part due to Ordinance changes in 2021. As a result, more policy direction is needed to be established.

With a Policy, the review process will be defined making it easier for residents and applicants to understand what the expectations are. The Policy establishes clear guidelines for approval, within a consistent process. The standards the policy sets will encourage orderly access onto county highways thereby promoting the safety and mobility of roadway users.

**ACTION REQUESTED:**

Discussion and feedback on the policy proposal

**FISCAL IMPACT:**

If "Other", specify:

**FUNDING**

County Dollars =

**FTE IMPACT:**

**Total**

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2022 - 8638

## Public Works Private Access Policy

### Purpose & Need.

The purpose of the Private Access Policy is to set standards that determine how private access onto roads under Carver County Road Authority is to be permitted. The standards set forth encourage orderly access onto county roads, which promotes the safety and mobility of roadway users across the county highway system. Access spacing guidance for accesses that are not private, such as city and township road intersections onto county roads, are determined by Table 4.11 on page 4.52 of the Comprehensive Plan (see appendix). Adopted Corridor Studies supersede the spacing guidance of the Comprehensive Plan.

Without a Private Access Policy, Public Works has the Comprehensive Plan and Section 152.036 of the Carver County Zoning Code to base decisions on when determining access. This alone leaves some decisions open to discretion when determining where and how access is permitted. By adopting a Policy, the details of how private access is to be permitted will be solidified as a standard that will apply to all applicants of access permits. This document is the **Policy** referred to in Section 152.036 (E) (1) of the Carver County Zoning Code.

### § 152.036 ACCESS REQUIREMENTS.

(E) *Access to county roads.*

(1) All new driveways for residential, commercial or zoning permits shall be constructed in accordance with county adopted standards and **policy**.

### Applicability.

This policy is used in conjunction with Section 152.036 *Access Requirements* of the Carver County Zoning Code, Chapter 93 *Public Right-Of-Way Management* of the Carver County Code, the Comprehensive Plan, and other Adopted Public Work's Policies to permit accesses and their spacing. Carver County Public Work's utilizes the Private Access Policy when reviewing an Access Permit. Access Permits are needed to gain access to a road or road right of way that is under the County's Road Authority. An Access Permit is required, including within Cities, when there is county road Authority under the following conditions:

- Development of a property that is requesting or requiring direct access to a county road
- Change in use of a property that has access from a county road
- Change in the intensity of the use of a property that has access to a county road
- Impacts from a land use action that has significant traffic impact on a county road



## Definitions.

**Access Permit:** As defined in Section 93.03 *Definitions* of the Public Right-Of-Way Management Ordinance of Carver County Code.

**Average Daily Traffic:** Adopted Minnesota Department of Transportation Official AADT for a roadway segment.

**Change in Intensity of Use:** A change in the intensity of a use is determined if any of the following apply:

- A Conditional Use Permit (CUP) is required.
- A CUP amendment is required.
- An Interim Use Permit (IUP) is required.
- An IUP amendment is required.
- When traffic related to the subject use increases beyond what was approved in a CUP or IUP.
- When traffic related to the subject use reaches levels where a Transportation Impact Analysis is required.

This definition is only used by Public Works in relation to the Access Policy. This definition does not apply to Land Use Decisions by the Department of Land Management.

**Comprehensive Plan:** The current Comprehensive Plan adopted by Carver County.

**Departure Request:** A request submitted to Carver County Public Works to diverge from the Access Policy when there is a stated inability to meet the standards within the Access Policy.

**Feasibility:** The state or degree to which environmental, topographical, operational, and safety factors allow for an access configuration.

**Fee Schedule:** The current Fee Schedule adopted by Carver County.

**Future Functional Classification:** As identified in the Comprehensive Plan.

**Road:** Inclusive of highways or streets that are for public use.

**Temporary Access Permit:** When an Access Permit is issued for a limited duration of time by the permitting process. An Access Permit is required when a Temporary Access Permit is expired, and a permanent access is wanted at the same location.

**Transportation Impact Analysis:** When any of the following criteria apply in relation to a land use action a Transportation Impact Analysis (TIA) will be required.

- Development generates 750 or more vehicle trips per day.
- Development generates 100 or more vehicle trips in any one hour period.

- The location of the development is in an environmentally or otherwise sensitive area, or in an area which is likely to generate public controversy, as determined by the County Engineer or their designees.
- Development will substantially change the off-site transportation system or connections to it.
- Development will create a potential hazard to public safety as determined by the County Engineer or their designee.
- Development traffic could substantially affect an intersection or roadway segment already identified as operating at a level of service D or worse for the whole intersection or individual intersection movements.

A TIA may be required without one of the following criteria being present when it is determined, by the County Engineer or their designee, that the development has potential to lower the roadway network's level of service or present new or increased safety risk concerns.

An existing traffic report may be used in replacement of a new TIA when it is determined by the County Engineer or their designee that the report accurately studies the same impact.

**Transition Growth Area:** As Transition Area Overlay District is defined on the currently adopted Carver County Zoning Map.

### Standards.

1. If there is an opportunity to access from more than one roadway or roadway right of way, then the access shall come from the lower class road or road right of way.
  - a. When the lower class road is a township road, then township road requirements apply. See Section 152.036 (F) *Access to township roads* of the Zoning Code.
    - i. This is inclusive of the requirement for Conditional Use Permits and Interim Use Permits to be located on a paved road. Access associated with a Conditional Use Permit or Interim Use Permit is to have a paved connection on the lower class road unless approved otherwise through the permitting process subject permit. As detailed in Section 152.079 (A) (4) of the Zoning Code, the pavement requirement may be waived by the affected township with written approval.
  - b. Average Daily Traffic shall determine where access is granted when there are comparable classes of roads, with the access being permitted on the road with lower Average Daily Traffic.
2. For properties located within a city or inside of the Transition Growth Area, private access is granted by deviation only. Adopted Corridor Studies supersede the following standards.
  - a. **Option 1:** Share with existing access

- b. **Option 2:** Private access shall meet access spacing guidance for public street spacing (as defined in Table 4.11 of the Comprehensive Plan) from the nearest intersection and 600 feet between driveways

3. For properties located outside of cities and outside of the Transition Growth Area, the following table sets private access standards that relate to the roadway’s future functional classification. Adopted Corridor Studies supersede the following standards.

	<b>Future Functional Class</b>			
	<b>Principal Arterial*</b>	<b>Minor Arterial*</b>	<b>Collector</b>	<b>Local</b>
<b>Private Access Guidelines</b>	By deviation only	By deviation only	Permitted, subject to conditions	Permitted, subject to conditions
<b>Option 1</b>	<b>Deviation</b> - Share with existing access	<b>Deviation</b> - Share with existing access	<b>Condition</b> - Share with existing access	<b>Condition</b> - Share with existing access
<b>Option 2</b>	<b>Deviation</b> – Private access shall meet access spacing guidance for public street spacing from the nearest intersection and 600 feet between driveways	<b>Deviation</b> – Private access shall meet access spacing guidance for public street spacing from the nearest intersection and 600 feet between driveways	<b>Condition</b> – 1/8 mile spacing from the nearest intersection and 600 feet between driveways	<b>Condition</b> – 1/8 mile spacing from the nearest intersection and 600 feet between driveways

\* If the roadway is under 1500 Average Daily Traffic, Collector standards apply

4. Private access to signalized intersections and roundabouts shall not be allowed. Existing private access onto signalized intersections and roundabouts at the time of this Policy being adopted may remain. This restriction applies to intersections identified in the Capital Improvement Plan as future potential signals or roundabouts. Access to these intersections is only allowed by way of publicly owned road right of way.

**Departure Request.**

Under specified circumstances the applicant of an Access Permit may request to depart from the private access guidelines that guides the standards of their proposed access. Only when one of the following opportunities is present, the applicant may be granted a departure from the guidelines.

### *Opportunities for Departure*

- If there is a feasibility concern about locating on the lower class road.
- When the property is in a Transition Growth Area, or inside of a city, and there is a feasibility concern about sharing with an existing access.
- When the property is in a Transition Growth Area, or inside of a city, and there is a feasibility concern about following access spacing guidance compatible with future public street intersection spacing, coordination and agreement with future City is required in addition to the Departure Request.
- When the standards of a Minor Arterial or Principal Arterial future functional class apply and the County's Deviation option has feasibility issues.
- When the standards of a Collector or Local future functional class apply, and the County's Condition option has feasibility issues.
- When the proposed access is onto a current or future signalized intersection or roundabout and there is a feasibility concern about standard #4 prohibiting a connection.

### *Departure Request Review Process*

For review, applicants are to apply for a Departure Request. The applicant is to detail in their request how one of the stated Opportunities is applicable to their request. In addition to the submission of applicable fees, as prescribed in the Fee Schedule, the request is made eligible for review upon determination there is an applicable Opportunity. Departure Requests are reviewed by the Public Works Director or their designee. Eligible Departure Requests will have their access location determined by Public Works, the proposed location is not granted solely on eligibility.

### *Departure Request Appeal Process*

Upon written request and submission of applicable fees, as prescribed in the Fee Schedule, the requester may have a decision reviewed by the County Board. The County Board shall act on a timely written request at its next regularly scheduled meeting, provided the requester has submitted its appeal with sufficient time to include the appeal as a regular agenda item. A decision by the County Board affirming the approval or denial will be in writing and supported by written findings establishing the reasonableness of the decision.

### **Public Works Division Director Discretion**

Situations may occasionally arise which require flexibility and practicality when following this policy. The Public Works Division Director is authorized to make good management decisions relating to matters not specifically addressed by this policy. Management decisions that are made should follow the general intent of this policy.

DRAFT