



CARVER COUNTY

minnesota

Carver County Board of Commissioners March 7, 2023 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 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 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://youtube.com/@CarverCountyMN>

- 9:00 a.m. 1. a) **CONVENE**
- b) **Pledge of allegiance**
- c) **Public comments**
- 2. Agenda review and adoption
- 3. Approve minutes of February 21, 2023 Regular Session 1-2
- 4. Community Announcements
- 9:20 a.m. 5. **CONSENT AGENDA**
- Communities: Create and maintain safe, healthy, and livable communities*
- 5.1 2023 Carver County 5 Year Bridge Resolution 3-5
- 5.2 Acceptance of Countywide 2022 Pavement Marking Contract..... 6-7

5.3	Request for approval of Joint Powers Agreement with Minnesota BCA.....	8-9
5.4	LCTS funding for ongoing support of 1.0 FTE School Linked Mental Health Therapist	10
5.5	Award of Construction Contract to Sir Lines-A-Lot for 2023 Pavement Marking Project (resolution).....	11-13
5.6	Approval to Make Offers for Necessary Right of Way Acquisitions for the Highway 40 Project-Belle Plaine Area	14-25
5.7	Grant contract from MN Department of Human Services for HHS Crisis	26-27
5.8	Amendment 2 to the Professional Services Agreement Alliant Engineering, Inc. for the Highway 40 Project - Belle Plaine	28

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

5.9	Consumption & Display Permit for Marsh Lake Hunting Preserve, Inc... ..	29
5.10	Application for a 1 day to 4 day Temporary On-Sale Liquor License for St Peter Lutheran Church, Watertown.....	30

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

5.11	Reorganization in Public Works - Program Delivery.....	31-32
5.12	Contract with Midwest Monitoring for EHM services	33

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

5.13	Public Works Private Access Policy.....	34-42
5.14	Misthaven Estates - Preliminary Plat (Revision).....	43-53

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

5.15	Review Health & Human Services and Commissioner Warrants.....	NO ATT
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9:20 a.m.	6. CONNECTIONS: Develop strong public partnerships and connect people to services and information	
	6.1 Legislative Update	54
9:50 a.m.	7. COMMUNITIES: Create and maintain safe, healthy, and livable communities	
	7.1 Resolution of Support for Scott County's RAISE Grant Application to Construct a Pedestrian Bridge Over the Minnesota River	55-59
10:20 a.m.	8. CULTURE: Provide organizational culture fostering accountability to achieve goals and sustain trust/confidence in County government	
	8.1 County Administrator's 2022 Annual Performance Evaluation Summary.....	60
10:35 a.m.	9. COUNTY ADMINISTRATOR REPORT	
10:40 a.m.	ADJOURN REGULAR SESSION	

WORK SESSION

- 10:40 a.m. A. **GROWTH: Manage the challenges and opportunities resulting from growth and development**
- 1. Shakopee Mdewakanton Sioux Community Organics Recycling Facility 61

David Hemze
County Administrator

UPCOMING MEETINGS

- | | |
|----------------|-----------------------------------------|
| March 14, 2023 | No Meeting |
| March 21, 2023 | 9:00 a.m. Board Meeting |
| March 28, 2023 | 9:00 a.m. Board Work Session |
| April 4, 2023 | 9:00 a.m. Board Meeting |
| April 11, 2023 | No Meeting |
| April 18, 2023 | 9:00 a.m. Board Meeting |
| April 25, 2023 | 7:30 a.m. Carver County Leaders Meeting |
| April 25, 2023 | 9:00 a.m. Board Work Session |

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on February 21, 2023. Chair John P. Fahey convened the session at 9:00 a.m.

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

Members absent: Tom Workman.

No public comments were received.

Udermann moved, Lynch seconded, to approve the agenda. Motion carried unanimously.

Degler moved, Lynch seconded, to approve the minutes of the February 7, 2023, Regular Session. Motion carried unanimously.

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

Resolution #13-23, 2023 Seasonal Road Restrictions.

Resolution #14-23, Revocation and Turnback of County State Aid Highway 40.

Approved acceptance of the 2023 Federal Boating Safety Supplement Equipment Grant for \$29,000, trade in of an existing boat and approved the subsequent purchase from Foster Bros. Marine of a new 2023 SeaArk Bay Runner 210 with lights and siren equipment and related Sheriff's budget amendment.

Resolution #15-23 Approving State of Minnesota Joint Powers Agreement with the County of Carver on Behalf of Its Sheriff's Office.

Approve the elimination of a 0.8 FTE Adult Mental Health Registered Nurse position (C-41) and the creation of a 0.6 FTE Adult Mental Health Registered Nurse position (C-41) and add a 0.5 FTE Case Management Associate position (B-21) and related budget amendment.

Approved charitable gambling license for Watertown Rod and Gun Club to conduct a raffle in Carver County on August 30, 2023.

Contract with Eagle View Corporation pending finalization of the contract review process.

Renewed contract with Madden Galanter Hanson, LLP.

Approved the 2023-2024 Detention Deputies, 911 Dispatchers, and TAC Officer Unit Collective Bargaining Agreement and related budget amendment.

Approved the 2023-2024 MNPEA Licensed Deputies Unit Collective Bargaining Agreement and related budget amendment.

Approved the updated 2023 rate chart for seasonal, temporary and on-call (STOC) positions.

Contract with Telamon Corporation pending finalization of the contract review process.

Approved hiring two STOC Financial Assistant Specialist positions for HHS Income Support Department utilizing HealthPartners grant funds effective February 21, 2023 and approved related budget amendment.

Approved the Sheriff's Office grant from the Firehouse Subs Public Safety Foundation and related budget amendment.

Reviewed February 14, 2023, Community Social Services' actions/Commissioners' warrants in the amount of \$317,681.98 and reviewed February 21, 2023, Community Social Services' actions/Commissioners' warrants in the amount of \$474,752.52.

Motion carried unanimously.

Heather Goodwin, HH&S, appeared before the Board to request approval to close the Encore Day Adult program and to eliminate and create 5.0 FTEs. She pointed out the previous work sessions held with the Board and the concerns raised with the lack of participation and revenue.

Brian Esch, HH&S, reviewed the history of the Adult Day Care Center over the last 40 plus years and pointed out the County was the only County in Minnesota continuing to operate an adult day care program. He noted current MA reimbursement rates and revenue shortfalls.

Esch highlighted future DHS changes, additional program requirements and anticipated growth in programs. He reviewed proposed Home and Community Based Care organizational chart and identified new position job responsibilities. Esch stated new programs would require new workers and program shifts would increase reimbursement rates.

The Board acknowledged this was a difficult decision and also the need to be responsible to the taxpayers.

Udermann moved, Fahey seconded, to approve the closure of Encore: Carver County Adult Day Care Services Program, effective April 2, 2023, to approve the elimination of 5.0 FTEs assigned to Encore and to approve the creation of 5.0 FTEs to remain in the HH&S Home and Community Based Care Department effective February 21, 2023 and related budget amendment. Motion carried unanimously.

Lynch moved, Udermann seconded, to adjourn the Regular Session at 10:16 a.m. Motion carried unanimously.

David Hemze
County Administrator

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

Carver County Board of Commissioners Request for Board Action

**Agenda Item:****2023 Carver County 5 Year Bridge Resolution**

Primary Originating Division/Dept: Public Works - Program Delivery

Meeting Date: 3/7/2023

Contact: Darin Mielke Title: Deputy County Engineer

Item Type:
Consent

Amount of Time Requested: minutes

Presenter: Title:

Attachments: Yes No**Strategic Initiative:**

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

BACKGROUND/JUSTIFICATION:

In order for Carver County to receive state bridge bond funds and town bridge funds (townships and small cities), the Minnesota Department of Transportation State Aid Office requires the county board of commissioners to adopt a 5-year bridge resolution that lists the bridge replacement priority. This resolution will be updated and submitted annually to reflect changes in our priorities and bridge conditions. The costs listed are approximate and based on engineering judgment in some instances, and only reflect the anticipated construction costs. This resolution will be used by MnDOT to provide information to the state legislature on future state bridge bond requests.

ACTION REQUESTED:

Motion to adopt the 2023 Carver County 5 Year Bridge Resolution.

FISCAL IMPACT: None

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT: None**Total** \$0.00 Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2023 - 8895

BOARD OF COUNTY COMMISSIONERS CARVER COUNTY, MINNESOTA

Date: March 7, 2023

Resolution No: _____

Motion by Commissioner: _____

Seconded by Commissioner: _____

WHEREAS, Carver County has reviewed the pertinent data on bridges requiring replacement, rehabilitation, or removal, utilizing bridge safety inspections and information provided by local citizenry and local units of government; and

WHEREAS, Carver County has identified those bridges that are high priority and that require replacement, rehabilitation, or removal within the next five years; and

WHEREAS, local roads play an essential role in the overall state transportation system and state support for the replacement and rehabilitation of local bridges continues to be crucial to maintaining the integrity of the local road system and is necessary for the County, Townships, and Cities to program bridge replacements of structures with a Local Bridge Planning Index less than 60; and

WHEREAS, Carver County has determined that the following bridges have or are projected to have a Local Bridge Planning Index less than 60 at the time of replacement which are located on County State Aid Highways, County Highways and Township Roads:

Program	Bridge	Route	Location	Structurally Deficient/ LPI	Local	Town Bridge	State Bridge Bond	State Aid	Total Cost
2023	N/A	CSAH 51	Benton TWP over Carver Creek	NA - NA			\$ 130,000	\$ 460,000	\$ 590,000
2023	10502	CSAH 41	San Francisco Twp over Silver Creek	Y - 30			\$ 425,000	\$ 975,000	\$ 1,400,000
2023	N/A	Salem Ave	Young America TWP/ Dahlgren TWP over JD #4	NA - NA	\$ 10,000	\$ 340,000			\$ 350,000
2023	N/A	Rose Ave	Watertown TWP over JD #4	NA - NA	\$ 10,000	\$ 340,000			\$ 350,000
				Totals	\$ 20,000	\$ 680,000	\$ 555,000	\$ 1,435,000	\$ 2,690,000
2024	10506	150th Street	Over Bevens Creek	Y - 47	\$ 10,000	\$ 415,000			\$ 425,000
2024	10518	Maplewood Rd	Dahlgren Twp over Bevens Creek	Y - 53	\$ 10,000	\$ 490,000			\$ 500,000
				Totals	\$ 20,000.00	\$ 905,000.00	\$ -	\$ -	\$ 925,000.00
2025	L2798	CR 140	Dahlgren TWP Under TC & W RR	NA - 64	\$ 2,300,000		\$ 1,700,000		\$ 4,000,000
				Totals	\$ 2,300,000	\$ -	\$ 1,700,000	\$ -	\$ 4,000,000
2028	L2791	CSAH 52	Over Silver Creek	N - 79			\$ 150,000	\$ 300,000	\$ 450,000
2028	10J02	CSAH 53	Over Stream	N - 71				\$ 350,000	\$ 350,000
				Totals	\$ -	\$ -	\$ 150,000	\$ 650,000	\$ 800,000

NOW, THEREFORE BE IT RESOLVED that the above listed bridges are a high priority and Carver County intends to replace, rehabilitate, or remove these bridges as soon as possible when funds are available; and

BE IT FURTHER RESOLVED that Carver County does hereby request financial assistance with eligible approach grading, bridge construction and engineering costs on the above listed bridges, as provided by law; and

BE IT FURTHER RESOLVED that Carver County commits that it will proceed with the design and contract documents for these bridges immediately after being notified that funds are available in order to schedule construction.

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 7th day of March 2023, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 7th day of March 2023.

Dave Hemze

County Administrator

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Acceptance of Countywide 2022 Pavement Marking Contract

Primary Originating Division/Dept: Public Works - Program Delivery

Meeting Date: 3/7/2023

Contact: Darin Mielke Title: Assistant Public Works Director

Item Type:
Consent

Amount of Time Requested: minutes

Presenter: Title:

Attachments: Yes No

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

This project included annual maintenance striping on all County highways, which is required to maintain and operate public highways and conform to the MnMUTCD.

The project has been completed and all associated documentation has been provided by the Contractor.

ACTION REQUESTED:

Motion to adopt a resolution for the Countywide 2022 Pavement Markings (228016) to accept said completed project for and on behalf of the Carver County Public Works Division.

FISCAL IMPACT: Included in current budget

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT: None

Total \$0.00

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2023 - 8915

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

Date: March 7, 2023 Resolution No: _____
Motion by Commissioner: _____ Seconded by Commissioner: _____

**COUNTY BOARD ACKNOWLEDGMENT
Countywide 2022 Pavement Markings (228016)
FINAL PAYMENT**

WHEREAS, the construction of the Countywide 2022 Pavement Markings has in all things been completed, and the County Board being fully advised in the premises, now then be it resolved; that we do hereby accept said completed project for and on behalf of the Carver County Public Works Division.

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

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 7th day of March, 2023, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 7th day of March, 2023.

Dave Hemze County Administrator

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Request for approval of Joint Powers Agreement with Minnesota BCA

Primary Originating Division/Dept: Sheriff

Meeting Date: 3/7/2023

Contact: Brian Sloat Title: Lieutenant

Item Type:
Consent

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

The Sheriff's Office and MN BCA desire to work together to investigate major financial crimes by organized groups or individuals related to identity theft, e.g. bank fraud, wire fraud, access device fraud, commercial fraud, retail fraud and other similar economically-related forms of fraud (as defined in Minnesota Statutes § 609.52). The Sheriff's Office agrees to participate in the Minnesota Financial Crimes Task Force and be provided reimbursement of the following: equipment, training, and expenses (including travel and overtime) as are incurred by law enforcement as a result of ongoing investigations. Carver County and BCA enter into this Agreement to implement a three-pronged approach of prevention, education and enforcement to combat combat financial crimes. This Agreement provides the mechanism to reimburse the Governmental Unit (i.e., Carver County) for equipment, training and expenses (including travel and overtime), which are incurred by law enforcement as a result of these investigations.

ACTION REQUESTED:

Approval of a Joint Powers Agreement (JPA) with the Minnesota Bureau of Criminal Apprehension to conduct joint investigations into major financial crimes. Adopt resolution and Joint Powers Agreement, having been previously reviewed and approved by legal and risk.

FISCAL IMPACT: None

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT: None

Total \$0.00

Insert additional funding source

Related Financial/FTE Comments:

Eligible for reimbursement for overtime and related expenses associated with joint investigations.

Office use only:

RBA 2023 - 8926

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

Date: _____ Resolution No: _____
 Motion By Commissioner: _____ Seconded by Commissioner: _____

**RESOLUTION APPROVING STATE OF MINNESOTA JOINT POWERS AGREEMENT WITH THE
COUNTY OF CARVER ON BEHALF OF ITS SHERIFF'S OFFICE**

WHEREAS, the County of Carver on behalf of its Sheriff's Office desires to enter into a Joint Powers Agreement with the State of Minnesota, Department of Public Safety, Bureau of Criminal Apprehension to participate in the Minnesota Financial Crimes Task Force (MNFCTF) established to investigate and prosecute identity theft and related financial crimes.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Commissioners, Minnesota as follows:

1. That the State of Minnesota Joint Powers Agreement by and between the State of Minnesota acting through its Department of Public Safety, Bureau of Criminal Apprehension and the County of Carver on behalf of its Sheriff's Office is hereby approved.
2. That the Sheriff, Jason Kamerud, or his or her successor, is designated the Authorized Representative for the Sheriff's Office. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the County's participation in the MNFCTF.
3. That John P. Fahey, the County Board Chair of the County of Carver, and David Hemze, the County Administrator, are authorized to sign the State of Minnesota Joint Powers Agreement.

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

STATE OF MINNESOTA)
) ss.
 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 7th day of March, 2023, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

 Dave Hemze, County Administrator

Carver County Board of Commissioners Request for Board Action



Agenda Item:

LCTS funding for ongoing support of 1.0 FTE School Linked Mental Health Therapist

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

Request to amend RBA 2019-6328 to allow maximum use of Local Collaborative Time Study (LCTS) funds up to \$101,167 for the continued partial support of a 1.0 FTE School-Linked Mental Health Therapist position. This is not a request for a new FTE. This is to continue to fund, using LCTS dollars, an FTE already in the organizational chart of the HHS Behavioral Health program.

In 2019, the Inter-agency Services Collaborative (ISC) authorized the utilization of LCTS funding to support 80% of a 1.0 FTE School-Linked Mental Health Therapist to respond to the growing need for mental health services in local school districts. The School Linked Mental Health Therapist position was developed and hired to increase mental health supports and services in districts 108, 110 and 111 for a minimum of three years with a plan to extend services as long as the agreement with the ISC remains in place. The ISC continues to support this position ongoing, and on 11/17/2022 the ISC voted to cap the yearly contribution from LCTS funds for this position to \$101,167. The Carver County Behavioral Health Department has already budgeted the amount of \$101,167 from LCTS funds to cover 80% the cost of this position for 2023. Additional funds beyond the \$101,167 to support this position is funded through third party reimbursement of billable clinical activity.

ACTION REQUESTED:

Motion to amend RBA 2019-6328 to allow maximum use of LCTS Funds up to \$101,167 for the continued partial support of a 1.0 FTE School-Linked Mental Health Therapist.

FISCAL IMPACT:

If "Other", specify:

FTE IMPACT:

FUNDING

County Dollars =	\$0.00
LCTS Funds	\$101,167.00
Third party billing	\$0.00
Total	\$101,167.00

Insert additional funding source

Related Financial/FTE Comments:

Utilize LCTS funds up to an annual cap of \$101,167 to support current 1.0 FTE School-Linked Mental Health Therapist position. The \$101,167 covers 80% of the 1.0 FTE for 2023 and is included in current budget. County will utilize third party reimbursement of billable clinical activity to cover any remaining costs to support this position. No county levy funds will be needed to support this current position.

Office use only:

RBA 2023 - 8928

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Award of Construction Contract to Sir Lines-A-Lot for 2023 Pavement Marking Project (resolution)

Primary Originating Division/Dept: <input type="text" value="Public Works - Program Delivery"/>	Meeting Date: <input type="text" value="3/7/2023"/>
Contact: <input type="text" value="Luke Schwarz"/> Title: <input type="text" value="Design Engineer"/>	Item Type: <input type="text" value="Consent"/>
Amount of Time Requested: <input type="text"/> minutes Presenter: <input type="text"/> Title: <input type="text"/>	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
Strategic Initiative: <input type="text" value="Communities: Create and maintain safe, healthy, and livable communities"/>	

BACKGROUND/JUSTIFICATION:

Carver County Public Works utilizes a program to update pavement markings yearly to keep our roads safe. Highways were selected for this year based on the life cycles and expected life expectancies of our existing pavement markings. The selected highways will receive new paint pavement markings during the 2023 construction season.

Bids were received and evaluated on 2/16/23 for the 2023 Pavement Marking Project. Bids were received from two (2) bidders. The apparent low bidder was Sir-Lines-A-Lot with a bid in the amount of \$289,989.55. The engineer's estimate was \$226,309.87. Due to recent acquisitions within this specialty contractor work area, the number of bidders has been reduced to the two that provided bids. The engineer's estimate was likely estimated too low given the bidding environment and current pricing and supply demands. Public Works staff recommends award of the contract to Sir Lines-A-Lot to proceed with the 2023 Pavement Marking Project, as the low bidder has done work in the past with success, even though the bid amount is higher than anticipated.

ACTION REQUESTED:

Adopt a resolution to award a construction contract to SIR LINES-A-LOT for \$289,989.55 for the 2023 Pavement Marking Project, pending finalization of the contract review process.

FISCAL IMPACT: <input type="text" value="Included in current budget"/>	FUNDING						
If "Other", specify: <input type="text"/>	<table style="width: 100%;"> <tr> <td style="width: 70%;">County Dollars =</td> <td style="width: 30%; text-align: right;">\$289,989.55</td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td>Total</td> <td style="text-align: right;">\$289,989.55</td> </tr> </table>	County Dollars =	\$289,989.55			Total	\$289,989.55
County Dollars =	\$289,989.55						
Total	\$289,989.55						
FTE IMPACT: <input type="text" value="None"/>	<input checked="" type="checkbox"/> Insert additional funding source						
Related Financial/FTE Comments:							

Office use only:

RBA 2023 - 8932

BOARD OF COUNTY COMMISSIONERS CARVER COUNTY, MINNESOTA

Date: March 7, 2023 Resolution No: _____
 Motion by Commissioner: _____ Seconded by Commissioner: _____

Awarding of the 2023 Pavement Marking Project Carver County Contract 23-086 Project # 238016

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

WHEREAS, On Thursday, February 16th, at 02:00 P.M. at Carver County Public Works, 11360 Highway 212, Cologne, Minnesota, two (2) bids were received by Carver County Public Works and opened by two (2) representatives of Carver County Public Works for the 2023 Pavement Marking Project, said bids for the responsible bidders are summarized as follows:

Bidder Name	Total Amount	% Over/Under Estimate
<i>Engineer's Estimate</i>	\$226,309.87	
Sir Lines-A-Lot, LLC	\$289,989.55	+28%
Century Fence Company	\$463,362.00	+104%

And WHEREAS, after examination of the bids by Carver County Public Works, Sir Lines-A-Lot is the successful low responsible bidder.

NOW THEREFORE, BE IT RESOLVED that the Carver County Board of Commissioners hereby authorizes and directs the Carver County Board Chairman and Carver County Administrator to enter into Carver County Contract 23-086 with Sir Lines-A-Lot of Edina, MN, in the name of the County of Carver for the construction of the 2023 Pavement Marking Project in accordance with the construction plans and specifications contained in the project manual; and

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

BE IT FURTHER RESOLVED that Carver County Engineer, or his designee, is hereby authorized to take actions necessary and to enter into all change orders on behalf of Carver County as the lead contracting agency for the project, with the approval of the partnering agency(ies) for their respective cost share increase. The approval of the Carver County Engineer, or his designee, of Carver County's cost share of the change orders is limited to an amount less than twenty thousand dollars (\$20,000) and an increased aggregate project total of all project changes of forty-five thousand dollars (\$45,000.00), when time is of the essence to make contract changes due to unforeseen construction conditions in order to minimize construction delays and to efficiently carry out the planned project improvements.

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

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 7th day of March, 2023, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 7th day of March, 2023.

Dave Hemze

County Administrator

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Approval to Make Offers for Necessary Right of Way Acquisitions for the Highway 40 Project-Belle Plaine Area

Primary Originating Division/Dept: <input type="text" value="Public Works - Program Delivery"/>	Meeting Date: <input type="text" value="3/7/2023"/>
Contact: <input type="text" value="Patrick Lambert"/> Title: <input type="text" value="Senior Right of Way Agent"/>	Item Type: <input type="text" value="Consent"/>
Amount of Time Requested: <input type="text" value=""/> minutes Presenter: <input type="text" value=""/> Title: <input type="text" value=""/>	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
Strategic Initiative: <input type="text" value="Communities: Create and maintain safe, healthy, and livable communities"/>	

BACKGROUND/JUSTIFICATION:

The 2024 construction season includes the shoulder widening, grading and re-surfacing of Highway 40 from State Highway 25 on the south to County Highway 52 on the north. Additional Right of Way is needed to complete the project. Appraisals were obtained and reviewed by certified appraisers in order to determine market value for the needed right of way. Staff are recommending the making of initial offers to the impacted property owners.

ACTION REQUESTED:

Motion to approve a resolution to make offers to the impacted property owners related to the Highway 40 Project based on the appraisals obtained from a certified appraiser.

FISCAL IMPACT: <input type="text" value="Included in current budget"/>	FUNDING								
If "Other", specify: <input type="text" value=""/>	<table style="width: 100%;"> <tr> <td style="width: 70%;">County Dollars =</td> <td style="text-align: right;">\$107,686.00</td> </tr> <tr> <td>Wheelage Tax</td> <td style="text-align: right;">\$491,864.00</td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td>Total</td> <td style="text-align: right;">\$599,550.00</td> </tr> </table>	County Dollars =	\$107,686.00	Wheelage Tax	\$491,864.00			Total	\$599,550.00
County Dollars =	\$107,686.00								
Wheelage Tax	\$491,864.00								
Total	\$599,550.00								
FTE IMPACT: <input type="text" value="None"/>	<input checked="" type="checkbox"/> Insert additional funding source								
Related Financial/FTE Comments:									

Office use only:

RBA 2023 - 8936

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

Date: 03/07/2023
Motion by Commissioner: _____

Resolution No: _____
Seconded by Commissioner: _____

Resolution Authorizing Offers of Just Compensation to Owners for Acquisition of Real Property Interests Needed for the Highway 40 Project - Belle Plaine 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 40 Project - Belle Plaine Area (“Project”); and

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that County’s acquisition of the real property interests described in said Exhibit A and the construction of highway and related improvements of shoulder widening and pavement improvements as part of the Highway 40 Project - Belle Plaine Area constitute a valid public use or public purpose; and

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

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

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

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 March 7, 2023, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 7th day of March 2023

Dave Hemze
County Administrator

Exhibit A

to

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

Highway 40 – Belle Plaine Area

Carver County Public Works No. 188844

Property Tax Identification No. 08.0300200

Parcel Number(s): 1

Fee Owners: Michael F. & Shirley Carney

Property Address: 19780 County Road 40, Belle Plaine, MN 56011

Permanent easement for public right-of-way purposes contains **125,500 sq. ft.**, more or less;
19,610 sq. ft., after excluding existing easements.

Permanent easement for drainage and utility purposes contains **48,586 sq. ft.**, more or less.

Temporary easement for construction purposes contains **48,747 sq. ft.**, more or less.

Property Tax Identification No. 08.0310100

Parcel Number(s): 2

Fee Owners: Steinkraus J&M Properties, LLC

Property Address: 19760 County Road 40, Belle Plaine, MN 56011

Permanent easement for public right-of-way purposes contains **69,344 sq. ft.**, more or less;
45,223 sq. ft., after excluding existing easements.

Permanent easement for drainage and utility purposes contains **1,628 sq. ft.**, more or less.

Temporary easement for construction purposes contains **28,491 sq. ft.**, more or less.

Property Tax Identification No. 08.0300800

Parcel Number(s): 3

Fee Owners: Schmidt Acres, LP

Property Address: Vacant Land County Road 40, Belle Plaine, MN 56011

Permanent easement for public right-of-way purposes contains **143,371 sq. ft.**, more or less;
122,206 sq. ft., after excluding existing easements.

Permanent easement for drainage and utility purposes contains **35,925 sq. ft.**, more or less.

Temporary easement for construction purposes contains **279,801 sq. ft.**, more or less.

Property Tax Identification No. 08.0300720

Parcel Number(s): 4

Fee Owners: Brian S. & Wanda K. Overline

Property Address: 19370 County Road 40, Belle Plaine, MN 56011

Permanent easement for public right-of-way purposes contains **119,311 sq. ft.**, more or less;
38,987 sq. ft., after excluding existing easements.

Permanent easement for drainage and utility purposes contains **2,770 sq. ft.**, more or less.

Temporary easement for construction purposes contains **48,161 sq. ft.**, more or less.

Property Tax Identification No. 08.0300710

Parcel Number(s): 5

Fee Owners: Stephen L. & Sheila A. Hendricks

Property Address: 19250 County Road 40, Belle Plaine, MN 56011

Permanent easement for public right-of-way purposes contains **12,678 sq. ft.**, more or less;
2,892 sq. ft., after excluding existing easements.

Permanent easement for drainage and utility purposes contains **640 sq. ft.**, more or less.

Temporary easement for construction purposes contains **2,764 sq. ft.**, more or less.

Property Tax Identification No. 08.0301200

Parcel Number(s): 6

Fee Owners: Matthew J. Flykt & Jill K. Hink

Property Address: 19220 County Road 40, Belle Plaine, MN 56011

Permanent easement for public right-of-way purposes contains **9,088 sq. ft.**, more or less;
0 sq. ft., after excluding existing easements.

Permanent easement for drainage and utility purposes contains **697 sq. ft.**, more or less.

Temporary easement for construction purposes contains **5,357 sq. ft.**, more or less.

Property Tax Identification No. 08.0190120

Parcel Number(s): 7

Fee Owners: Erik Loomis

Property Address: 19200 County Road 40, Belle Plaine, MN 56011

Permanent easement for public right-of-way purposes contains **24,416 sq. ft.**, more or less;
4,169 sq. ft., after excluding existing easements.

Permanent easement for drainage and utility purposes contains **444 sq. ft.**, more or less.

Temporary easement for construction purposes contains **11,496 sq. ft.**, more or less.

Property Tax Identification No. 08.0190130

Parcel Number(s): 8

Fee Owners: Glenn A. & Heidi S. Schmidt

Property Address: Vacant Land, County Road 40, Belle Plaine, MN 56011

Permanent easement for public right-of-way purposes contains **117,647 sq. ft.**, more or less;
36,991 sq. ft., after excluding existing easements.

Permanent easement for drainage and utility purposes contains **10,502 sq. ft.**, more or less.

Temporary easement for construction purposes contains **33,418 sq. ft.**, more or less.

Property Tax Identification No. 08.0190100

Parcel Number(s): 9

Fee Owners: Glenn A. & Heidi S. Schmidt

Property Address: 18980 County Road 40, Belle Plaine, MN 56011

Permanent easement for public right-of-way purposes contains **3,235 sq. ft.**, more or less;
1,078 sq. ft., after excluding existing easements.

Temporary easement for construction purposes contains **4,291 sq. ft.**, more or less.

Property Tax Identification No. 08.0190210

Parcel Number(s): 10

Fee Owners: Terry J. & Jennifer M. Schmidt

Property Address: 8860 188th Street, Belle Plaine, MN 56011

Permanent easement for public right-of-way purposes contains **4,069 sq. ft.**, more or less;
399 sq. ft., after excluding existing easements.

Temporary easement for construction purposes contains **635 sq. ft.**, more or less.

Property Tax Identification No. 08.0200700

Parcel Number(s): 11

Fee Owners: Stuart H. Eischens

Property Address: 18855 County Road 40, Belle Plaine, MN 56011

Permanent easement for public right-of-way purposes contains **93,736 sq. ft.**, more or less;
41,732 sq. ft., after excluding existing easements.

Temporary easement for construction purposes contains **34,155 sq. ft.**, more or less.

Property Tax Identification No. 08.0200400

Parcel Number(s): 12

Fee Owners: Douglas D. Hillstrom

Property Address: 18710 County Road 40, Belle Plaine, MN 56011

Permanent easement for public right-of-way purposes contains **371,930 sq. ft.**, more or less;
116,523 sq. ft., after excluding existing easements.

Permanent easement for drainage and utility purposes contains **22,975 sq. ft.**, more or less.

Temporary easement for construction purposes contains **236,510 sq. ft.**, more or less.

Property Tax Identification No. 08.0200610

Parcel Number(s): 13

Fee Owners: Douglas D. Hillstrom

Property Address: Vacant Land, County Road 40, Belle Plaine, MN 56011

Permanent easement for public right-of-way purposes contains **70,848 sq. ft.**, more or less;
21,770 sq. ft., after excluding existing easements.

Permanent easement for drainage and utility purposes contains **8,093 sq. ft.**, more or less.

Temporary easement for construction purposes contains **9,425 sq. ft.**, more or less.

Property Tax Identification No. 08.0170700

Parcel Number(s): 14

Fee Owners: Douglas D. Hillstrom

Property Address: Vacant Land, County Road 40, Belle Plaine, MN 56011

Permanent easement for public right-of-way purposes contains **140,051 sq. ft.**, more or less;
45,201 sq. ft., after excluding existing easements.

Permanent easement for drainage and utility purposes contains **7,200 sq. ft.**, more or less.

Temporary easement for construction purposes contains **31,861 sq. ft.**, more or less.

Property Tax Identification No. 08.0171100

Parcel Number(s): 15

Fee Owners: Douglas D. Hillstrom

Property Address: Vacant Land, County Road 40, Belle Plaine, MN 56011

Permanent easement for public right-of-way purposes contains **5,702 sq. ft.**, more or less;
2,478 sq. ft., after excluding existing easements.

Temporary easement for construction purposes contains **2,069 sq. ft.**, more or less.

Property Tax Identification No. 08.0170110

Parcel Number(s): 16

Fee Owners: Dean G. & Nancy A. Gavin

Property Address: 17900 County Road 40, Carver, MN 55315

Permanent easement for public right-of-way purposes contains **71,487 sq. ft.**, more or less;
23,096 sq. ft., after excluding existing easements.

Permanent easement for drainage and utility purposes contains **8,416 sq. ft.**, more or less.

Temporary easement for construction purposes contains **9,569 sq. ft.**, more or less.

Property Tax Identification No. 08.8550050

Parcel Number(s): 17

Fee Owners: Roxanne E. Pieper Intervivos Revocable Trust

Property Address: Vacant Land, County Road 40, Carver, MN 55315

Permanent easement for public right-of-way purposes contains **18,651 sq. ft.**, more or less;

Permanent easement for drainage and utility purposes contains **13,084 sq. ft.**, more or less.

Temporary easement for construction purposes contains **12,749 sq. ft.**, more or less.

Property Tax Identification No. 08.0160700

Parcel Number(s): 18

Fee Owners: Butler Brothers Partnership, LLP

Property Address: 17665 County Road 40, Carver, MN 55315

Permanent easement for public right-of-way purposes contains **63,027sq. ft.**, more or less;
21,456 sq. ft., after excluding existing easements.

Permanent easement for drainage and utility purposes contains **3,325 sq. ft.**, more or less.

Temporary easement for construction purposes contains **21,229 sq. ft.**, more or less.

Property Tax Identification No. 08.0170520

Parcel Number(s): 19

Fee Owners: Kenneth L. & Kum Cha Sieber

Property Address: 17600 County Road 40, Carver, MN 55315

Permanent easement for public right-of-way purposes contains **12,868 sq. ft.**, more or less;
4,363 sq. ft., after excluding existing easements.

Permanent easement for drainage and utility purposes contains **1,171 sq. ft.**, more or less.

Temporary easement for construction purposes contains **5,202 sq. ft.**, more or less.

Property Tax Identification No. 08.0170510

Parcel Number(s): 20

Fee Owners: Mark D. & Aleata M. Dauwalter

Property Address: 17590 County Road 40, Carver, MN 55315

Permanent easement for public right-of-way purposes contains **15,715 sq. ft.**, more or less;
5,379 sq. ft., after excluding existing easements.

Permanent easement for drainage and utility purposes contains **4,413 sq. ft.**, more or less.

Temporary easement for construction purposes contains **5,588 sq. ft.**, more or less.

Property Tax Identification No. 08.8230010

Parcel Number(s): 21

Fee Owners: Madison Marie Nelson, Karen Jean King, & Mitchell Jamison

Property Address: 17580 County Road 40, Carver, MN 55315

Permanent easement for drainage and utility purposes contains **5,384 sq. ft.**, more or less.

Temporary easement for construction purposes contains **2,087 sq. ft.**, more or less.

Property Tax Identification No. 08.0161400

Parcel Number(s): 22

Fee Owners: Charles Swanson

Property Address: 17465 County Road 40, Carver, MN 55315

Permanent easement for public right-of-way purposes contains **23,731 sq. ft.**, more or less;
7,423 sq. ft., after excluding existing easements.

Permanent easement for drainage and utility purposes contains **1,013 sq. ft.**, more or less.

Temporary easement for construction purposes contains **20,891 sq. ft.**, more or less.

Property Tax Identification No. 08.0170400

Parcel Number(s): 23

Fee Owners: Butler Brothers Partnership, LP

Property Address: Vacant Land, County Road 40, Carver, MN 55315

Permanent easement for public right-of-way purposes contains **70,337 sq. ft.**, more or less;
23,019 sq. ft., after excluding existing easements.

Permanent easement for drainage and utility purposes contains **1,050 sq. ft.**, more or less.

Temporary easement for construction purposes contains **18,748 sq. ft.**, more or less.

Property Tax Identification No. 08.8550040

Parcel Number(s): 24

Fee Owners: James S. Odegaard & Molly C. Odegaard

Property Address: 18127 County Road 40, Carver, MN 55315

Permanent easement for public right-of-way purposes contains **14,766 sq. ft.**, more or less;
14,766 sq. ft., after excluding existing easements.

Permanent easement for drainage and utility purposes contains **1,475 sq. ft.**, more or less.

Temporary easement for construction purposes contains **9,071 sq. ft.**, more or less.

Property Tax Identification No. 08.0170100

Parcel Number(s): 25

Fee Owners: Lars E. & Darcy R. Akerberg

Property Address: 17835 County Road 40, Carver, MN 55315

Permanent easement for public right-of-way purposes contains **10,842 sq. ft.**, more or less;
3,808 sq. ft., after excluding existing easements.

Permanent easement for drainage and utility purposes contains **3,026 sq. ft.**, more or less.

Temporary easement for construction purposes contains **4,479 sq. ft.**, more or less.

Property Tax Identification No. 08.0170120

Parcel Number(s): 26

Fee Owners: Lars E. & Darcy R. Akerberg

Property Address: Vacant Land, County Road 40, Carver, MN 55315

Permanent easement for public right-of-way purposes contains **68,755 sq. ft.**, more or less;
23,894 sq. ft., after excluding existing easements.

Permanent easement for drainage and utility purposes contains **12,769 sq. ft.**, more or less.

Temporary easement for construction purposes contains **13,007 sq. ft.**, more or less.

Property Tax Identification No. 08.0200300

Parcel Number(s): 27

Fee Owners: Sever Peterson Family Trust & Bert and Bonnie Notermann

Property Address: Vacant Land, County Road 40, Carver, MN 55315

Permanent easement for public right-of-way purposes contains **88,647 sq. ft.**, more or less;
31,028 sq. ft., after excluding existing easements.

Permanent easement for drainage and utility purposes contains **13,859 sq. ft.**, more or less.

Temporary easement for construction purposes contains **14,754 sq. ft.**, more or less.

Property Tax Identification No. 08.0290100

Parcel Number(s): 28

Fee Owners: WM Mueller & Sons, Inc.

Property Address: 19141 County Road 40, Carver, MN 55315

Permanent easement for public right-of-way purposes contains **5,517 sq. ft.**, more or less;
1,439 sq. ft., after excluding existing easements.

Permanent easement for drainage and utility purposes contains **1,530 sq. ft.**, more or less.

Temporary easement for construction purposes contains **1,157 sq. ft.**, more or less.

Property Tax Identification No. 08.0300100

Parcel Number(s): 30

Fee Owners: Amelia R. Berry

Property Address: 19205 County Road 40, Belle Plaine, MN 56011

Permanent easement for public right-of-way purposes contains **2,879 sq. ft.**, more or less;
915 sq. ft., after excluding existing easements.

Permanent easement for drainage and utility purposes contains **1,167 sq. ft.**, more or less.

Temporary easement for construction purposes contains **2,304 sq. ft.**, more or less.

Property Tax Identification No. 08.0300700

Parcel Number(s): 31

Fee Owners: CLC Development, Inc.

Property Address: 19363 County Road 40, Belle Plaine, MN 56011

Permanent easement for public right-of-way purposes contains **228,594 sq. ft.**, more or less;
85,853 sq. ft., after excluding existing easements.

Permanent easement for drainage and utility purposes contains **34,009 sq. ft.**, more or less.

Temporary easement for construction purposes contains **93,812 sq. ft.**, more or less.

Property Tax Identification No. 08.0300500

Parcel Number(s): 32

Fee Owners: Thomas L. Chard

Property Address: 19365 County Road 40, Belle Plaine, MN 56011

Temporary easement for construction purposes contains **10,469 sq. ft.**, more or less.

Property Tax Identification No. 08.0300730

Parcel Number(s): 33

Fee Owners: Daniel L. & Megan M. Chard

Property Address: 19355 County Road 40, Belle Plaine, MN 56011

Temporary easement for construction purposes contains **33,882 sq. ft.**, more or less.

Property Tax Identification No. 08.0300900

Parcel Number(s): 35

Fee Owners: John M. Siegfried

Property Address: Vacant Land, County Road 40, Belle Plaine, MN 56011

Property Tax Identification No. 08.0200605

Parcel Number(s): 36

Fee Owners: Anne M. Keenan

Property Address: Vacant Land, County Road 40, Belle Plaine, MN 56011

Permanent easement for public right-of-way purposes contains **72,822 sq. ft.**, more or less;
23,401 sq. ft., after excluding existing easements.

Permanent easement for drainage and utility purposes contains **8,503 sq. ft.**, more or less.

Temporary easement for construction purposes contains **3,344 sq. ft.**, more or less.

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Grant contract from MN Department of Human Services for HHS Crisis

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

Request approval to contract with the Minnesota Department of Human Services (MN DHS) for the Home and Community Based Services Federal Medical Assistance Percentage (HCBS-FMAP) and Coronavirus Response and Relief Supplement Appropriations Act (CAA) Mental Health Block Grant (MHBG) for the amount of \$517,840 to support an evaluation and funds for future staffing needs and associated programmatic expenses in the Health and Human Services (HHS) Behavioral Health Crisis program.

The Carver and McLeod County requests for crisis mental health mobile response increased by 27% from 2020 to 2021. We were able to avoid unnecessary inpatient psychiatric placements for adults for 54% of the adults we evaluated by providing immediate intervention, stabilization, and follow-up supports. Additional crisis therapists, as need is evaluated, will be able to meet the increasing demand for service and thereby decrease unnecessary ambulance, ED, and inpatient psychiatric placements. Possible additional staffing in the future will also allow the program to strive toward achieving the 24/7 coverage requirement.

MN DHS is making available additional time limited grant funding to make one-time purchases that support the work of the Behavioral Health Crisis Program. The opportunity to invest in technology, training, and program materials will have a lasting impact on the Crisis Program and allow for improved efficiencies and reporting.

ACTION REQUESTED:

Motion to contract with MN DHS for the HCBS-FMAP and CAA-MHBG grants for the amount of \$517,840.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

MN DHS	\$517,840.00
--------	--------------

Total	\$517,840.00
--------------	---------------------

Insert additional funding source

FTE IMPACT:

Related Financial/FTE Comments:

Due to separate reporting and origination of funds, we will need to set up additional cost centers. The contract outlines three separate funding sources for this grant: HCBS-FMAP (7/1/22-6/30/23) - \$231,682; HCBS-FMAP (7/1/23-3/31/24) - \$228,934; MHBG0-CAA (7/1/22-6/30/23) - \$57,224.

Office use only:

RBA 2023 - 8941

Budget Amendment Request Form



To be filled out AFTER RBA submittal

Agenda Item: Grant contract from MN Department of Human Services for HHS Crisis

Department:

Meeting Date:

Fund:

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

Requested By:

DEBIT		
Description of Accounts	Acct #	Amount
Crisis FMAP Salaries	11-480-756-0030	\$206,965.00
Fringe Benefits	11-480-756-0030	\$24,717.00
FMAP Salaries	11-480-756-0031	\$147,075.00
Fringe Benefits	11-480-756-0031	\$29,202.00
Equipment	11-480-756-0031	\$26,500.00
Program Costs	11-480-756-0031	\$9,906.00
Staff Development	11-480-756-0031	\$16,251.00
Equipment	11-480-756-0032	\$57,224.00
TOTAL		\$517,840.00

CREDIT		
Description of Accounts	Acct #	Amount
Crisis FMAP 7/1/22-6/30/23	11-480-756-0030	\$231,682.00
Crisis FMAP 7/1/23-3/31/24	11-480-756-0031	\$228,934.00
Crisis FMAP 7/1/22-6/20/23	11-480-756-0032	\$57,224.00
TOTAL		\$517,840.00

Reason for Request:

Approval to contract with DHS for Home & Community Based Services Federal Medical Assistance Percentage and Coronavirus Response and Relief Supplement Appropriations Act to support future staffing needs and associated programmatic expenses.

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Amendment 2 to the Professional Services Agreement Alliant Engineering, Inc. for the Highway 40 Project - Belle Plaine Area

Primary Originating Division/Dept: <input type="text" value="Public Works - Program Delivery"/>	Meeting Date: <input type="text" value="3/7/2023"/>
Contact: <input type="text" value="Cory Spanier"/> Title: <input type="text" value="Project Manager"/>	Item Type: <input type="text" value="Consent"/>
Amount of Time Requested: <input type="text" value=""/> minutes Presenter: <input type="text" value=""/> Title: <input type="text" value=""/>	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Strategic Initiative: <input type="text" value="Communities: Create and maintain safe, healthy, and livable communities"/>	

BACKGROUND/JUSTIFICATION:

During Open House #2 the Project Team received feedback from the public and San Francisco Township asking the project to take a different look at the first segment of the project to find a better solution to the area known as "Carter's Corner". The project team redesigned the first curve near the Minnesota River from a proposed 35mph design speed curve with extensive retaining walls to a 55mph design speed curve with major excavation and embankment quantities. This was a significant change to project design and changed the required right of way significantly. The estimated project construction costs was negligible between 35mph and 55mph designs, however, the change delayed the project a year. The time was spent meeting with impacted property owners and design. Construction has moved from 2023 to 2024.

The extra effort to design the new 55 mph curve and the delay to the project has caused a need for additional budget for monthly project team meetings, design costs, and a host of additional permitting requirements.

ACTION REQUESTED:

Motion to approve Amendment 2 to the Professional Services Agreement with Alliant Engineering, Inc. for \$227,650 for the Highway 40 Project - Belle Plaine Area, pending finalization of the contract review process.

FISCAL IMPACT: <input type="text" value="Included in current budget"/>	FUNDING				
If "Other", specify: <input type="text" value=""/>	County Dollars = <input type="text" value=""/>				
FTE IMPACT: <input type="text" value="None"/>	<table style="width: 100%;"> <tr> <td style="width: 70%;">Wheelage Tax</td> <td style="width: 30%; text-align: right;">\$227,650.00</td> </tr> <tr> <td>Total</td> <td style="text-align: right;">\$227,650.00</td> </tr> </table>	Wheelage Tax	\$227,650.00	Total	\$227,650.00
Wheelage Tax	\$227,650.00				
Total	\$227,650.00				
<input type="checkbox"/> Insert additional funding source					
Related Financial/FTE Comments:					

Office use only:

RBA 2023 - 8939

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Consumption & Display Permit for Marsh Lake Hunting Preserve, Inc

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

Shawn Eastman, Manager of Marsh Lake Hunting Preserve, Inc has applied for an annual renewal of their Consumption & Display Permit for 2023-2024. Marsh Lake Hunting Preserve, Inc is located at 5785 Hunters Rd, Chaska. There are no delinquent real estate taxes on this property.

ACTION REQUESTED:

Motion to approve the annual renewal of the Consumption & Display Permit for Marsh Lake Hunting Preserve, Inc.

FISCAL IMPACT:
If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT:

Total \$0.00

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2023 - 8911

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Application for a 1 day to 4 day Temporary On-Sale Liquor License for St Peter Lutheran Church, Watertown

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

St Peter Lutheran Church, 3030 Navajo Ave, Watertown has applied for a 1 day to 4 day temporary on-sale liquor license. They are planning an event for Sunday, May 21, 2023. The event will be held in the church parking lot and grounds. The officers are Dale Muhs (President); Brenda Dressel (Vice-President); Elizabeth Larson (Secretary); Joyce DeNomme (Treasurer); & Dale Muhs (Chairman). There are no delinquent taxes on this property.

ACTION REQUESTED:

Motion to approve the 1 day to 4 day Temporary On-Sale Liquor license application for St Peter Lutheran Church, Watertown for Sunday, May 21, 2023.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT:

Total **\$0.00**

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2023 - 8925

Carver County Board of Commissioners Request for Board Action



Agenda Item:
Reorganization in Public Works - Program Delivery

Primary Originating Division/Dept: <input type="text" value="Public Works - Program Delivery"/>	Meeting Date: <input type="text" value="3/7/2023"/>
Contact: <input type="text" value="Angie Stenson"/> Title: <input type="text" value="Transportation Planning Manag"/>	Item Type: <input type="text" value="Consent"/>
Amount of Time Requested: <input type="text" value=""/> minutes Presenter: <input type="text" value=""/> Title: <input type="text" value=""/>	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Strategic Initiative: <input type="text" value="Culture: Provide organizational culture fostering accountability to achieve goals & sustain public trust/confidence in County government"/>	

BACKGROUND/JUSTIFICATION:

The Traffic Engineer position is a vital position for maintaining and operating the County highway system and requires specific professional traffic engineering licensing. This position is currently at 1.0 FTE. Staff recommends that the Board authorize Public Works to eliminate the 1.0 FTE Traffic Engineer (Grade C43) position to create a 0.875 FTE Traffic Engineer position (Grade C43). This change will meet the long-term needs of the department.

ACTION REQUESTED:

Approval of a reorganization in Public Works to eliminate the 1.0 FTE Traffic Engineer to create a 0.875 FTE Traffic Engineer.

FISCAL IMPACT: <input type="text" value="Budget amendment request form"/> <p><i>If "Other", specify:</i> <input type="text"/></p>	FUNDING County Dollars = <input type="text"/> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">CSAH funds</td> <td style="width: 30%; text-align: right;">(\$13,000.00)</td> </tr> <tr> <td>Total</td> <td style="text-align: right;">(\$13,000.00)</td> </tr> </table> <input checked="" type="checkbox"/> Insert additional funding source	CSAH funds	(\$13,000.00)	Total	(\$13,000.00)
CSAH funds	(\$13,000.00)				
Total	(\$13,000.00)				
FTE IMPACT: <input type="text" value="Decrease budgeted staff"/>					

Related Financial/FTE Comments:

The elimination of the 1.0 FTE Traffic Engineer and creation of a 0.875 Traffic Engineer is about \$13,000 in decreased staff cost, which is offset by a reduction in CSAH funds.

Summary of Permanent FTEs (does not include Temporary/STOC positions):

2023 Budget Board approved FTEs - 1/1/23 (adjusted based on reconciliation):	757.18
Non-levy funded Board Approved net FTE changes so far in 2023:	2.90
March 7th RBAs non-levy funded net FTE change:	(0.15)
2023 Total FTE - 2/21/23	759.93

Office use only:

RBA 2023 - 8919

Budget Amendment Request Form



To be filled out AFTER RBA submittal

Agenda Item: Reorganization in Public Works - Program Delivery

Department:

Meeting Date:

Fund:

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

Requested By:

DEBIT			CREDIT		
Description of Accounts	Acct #	Amount	Description of Accounts	Acct #	Amount
CSAH- Reg Maint	03-820.5225	\$13,000.00	Sal & Ben	03-303.6111	\$13,000.00
TOTAL		\$13,000.00	TOTAL		\$13,000.00

Reason for Request:

The elimination of the 1.0 FTE Traffic Engineer and creation of a 0.875 Traffic Engineer is about \$13,000 in decreased staff cost, which is offset by a reduction in CSAH funds.

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Contract with Midwest Monitoring for EHM services

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

Every 5 years, Court Services makes plans to issue a Request for Proposal (RFP) for electronic home monitoring (EHM) and surveillance services. On 11/4/22, we issued the RFP. On 12/29/22, we selected Midwest Monitoring as our vendor. We are now looking to contract with Midwest Monitoring for 5 years with prices locked in for that time period. Currently, Court Services as well as HHS Child and Family utilizes EHM in many different scenarios. Services for juveniles through Court Services and Child and Family are paid with county levy. Services for adults through Court Services are direct pay from the probationer. Court Services seeks reimbursement from parents of juveniles for EHM services. Therefore, county dollars (below) are difficult to predict year by year. Services provided include home monitoring with or without alcohol testing, Global Positioning System (GPS), and remote alcohol testing.

ACTION REQUESTED:

Motion to approve contract with Midwest Monitoring for electronic home monitoring and surveillance services.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT:

Total

Insert additional funding source

Related Financial/FTE Comments:

***County dollars expended varies from year to year. The amount above is only an estimate.

Office use only:

RBA 2023 - 8938

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Public Works Private 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:

Public Works staff presented and led a discussion at the November 1, 2022, County Board work session for the proposed Public Works Access Policy. Based on the county board feedback, revisions were then made to the draft policy. The proposed policy was then presented at the January 10, 2023, Township Board Association Meeting. After meeting with townships, the draft policy was distributed to all Townships and Cities for comment.

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 an Access Policy, the review process will be better defined making it easier for residents and applicants to understand what the expectations are prior to applying for an access permit. 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 highway users.

ACTION REQUESTED:

Motion to adopt the Public Works Private Access Policy.

FISCAL IMPACT: ▼

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT: ▼

Total

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2023 - 8897



CARVER COUNTY DIVISION OF PUBLIC WORKS

PRIVATE ACCESS POLICY

For consideration by the Carver County Board of Commissioners – March 7th, 2023

Policy Statement

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.

If the adjacent lands surrounding a parcel only provide abutting frontage with County Right of Way, and not any other public street access, then Public Works will not prohibit

access onto the county road per Minnesota Statutes §160.18, and other relevant law. Public Works will apply the standards of the policy to determine the best access location.

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 the dimensions of the abutting road frontage or 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.

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

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.

Appendix

□ **Table 4.11: Carver County Access Spacing Guidelines**

Source: MnDOT Access Management Manual, Chapter 3 (January 2008) & Carver County

Category	Area or Facility Type	Typical Functional Class	Public Street Intersection Spacing		Signal Spacing	Private Access	
			Primary Full Movement Intersection	Conditional Secondary Intersection			
Carver County Access Spacing Guidelines - Based on MnDOT Access Management Manual	1	High Priority Interregional Corridors					
	1F	Interstate Freeway	Principal Arterials	Interchange Access Only			
	1AF	Non-Interstate Freeway		Interchange Access Only			
	1A	Rural, Exurban & Bypass		1 mile	1/2 mile	Interim Only By Deviation Only	By Deviation Only
	2	Medium Priority Interregional Corridors					
	2AF	Non-Interstate Freeway	Principal Arterials	Interchange Access Only			
	2A	Rural, Exurban & Bypass		1 mile	1/2 mile	Strongly Discouraged By Deviation Only	By Deviation Only
	2B	Urban/Urbanizing		1/2 mile	1/4 mile	1/2 mile	By Deviation Only
	2C	Urban Core		300-660 feet dependent upon block length		1/4 mile	Permitted Subject to Conditions
	3	Regional Corridors					
	3AF	Non-Interstate Freeway	Principal and Minor Arterials	Interchange Access Only			
	3A	Rural, Exurban & Bypass		1 mile	1/2 mile	1 mile	By Deviation Only
	3B	Urban/Urbanizing		1/2 mile	1/4 mile	1/2 mile	By Deviation Only
	3C	Urban Core		300-660 feet dependent upon block length		1/4 mile	Permitted Subject to Conditions
	4	Principal Arterials					
	4AF	Non-Interstate Freeway	Principal Arterials	Interchange Access Only			
	4A	Rural, Exurban & Bypass		1 mile	1/2 mile	1 mile	By Deviation Only
	4B	Urban/Urbanizing		1/2 mile	1/4 mile	1/2 mile	By Deviation Only
	4C	Urban Core		300-660 feet dependent upon block length		1/4 mile	Permitted Subject to Conditions
	5	Minor Arterials					
	5A	Rural, Exurban & Bypass	Minor Arterials	1/2 mile	1/4 mile	1/2 mile	By Deviation Only
	5B	Urban/Urbanizing		1/4 mile	1/8 mile	1/4 mile	By Deviation Only
	5C	Urban Core		300-660 feet dependent upon block length		1/4 mile	Permitted Subject to Conditions
	6	Collectors					
	6A	Rural, Exurban & Bypass	Collectors	1/2 mile	1/4 mile	1/2 mile	Permitted Subject to Conditions
	6B	Urban/Urbanizing		1/4 mile	1/8 mile	1/4 mile	
	6C	Urban Core		300-600 feet dependent upon block		1/8 mile	
	7	Specific Action Plan					
7	All	All	By Adopted Plan				

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Misthaven Estates - Preliminary Plat (Revision)

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

File #PP-PZ20210047. On September 7, 2021, the Carver County Board recommended approval of the Preliminary Plat "Misthaven Estates" Subdivision which platted a portion of the property located in Section 36 of San Francisco Township resulting in a total of three (3) residential parcels. These were allowed pursuant to the High Amenity additional density provision (Section 152.078 C) of the Carver County Zoning Code. The plat also required the construction of a township road (Misthaven Lane).

The applicant, Misthaven LLC - Ted Holsten, is now requesting approval to re-configure the plat without the need for a new township road to be constructed. Changes to the plat were considered a significant modification to the previously approved request; therefore, a new public hearing was warranted. On February 21, 2023, the Carver County Planning Commission recommended approval of the revised Preliminary Plat "Misthaven Estates" Subdivision. All building sites would still meet the requirements of the Conditional Use Permit (CUP) #PZ20210028, County Subdivision Ordinance, and County Zoning Code.

Acceptable SSTS soil borings for the primary and alternate septic sites on the three (3) undeveloped lots have been submitted, reviewed, and approved by the Carver County Environmental Services Department.

Each lot would have direct access to Halsey Avenue which is a township road; therefore, no comments from the County Public Works Division were warranted. The San Francisco Town Board has reviewed the revised preliminary plat plans and supports the request.

The draft Covenants will have been reviewed by County Staff and will need to be finalized prior to Final Plat approval.

The preliminary plat plan and draft resolution are attached for the Board's consideration.

ACTION REQUESTED:

A motion to adopt a Resolution approving the Preliminary Plat of Misthaven Estates (Revisions).

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT:

Total

Insert additional funding source

Related Financial/FTE Comments:

COUNTY OF CARVER
PLANNING COMMISSION RESOLUTION

FILE #: PP-PZ20210047

RESOLUTION #: 23-01

WHEREAS, the following application for a Revised Preliminary Plat (MISTHAVEN ESTATES) approval has been submitted and accepted:

FILE: PP-PZ20210047

OWNER: Misthaven LLC

APPLICANT: Ted Holsten

SITE ADDRESS: 15XXX Halsey Avenue, 55315

PURSUANT TO: County Code, Chapter 151 & 152, Section(s) 152.078

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCELS #: 08-036-0640

WHEREAS, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meeting of February 21, 2023; and,

WHEREAS, the Carver County Planning Commission finds as follows:

1. Misthaven, LLC was issued Conditional Use Permit (CUP) #PZ20210028 to create three (3) residential parcels pursuant to the additional density provision (Section 152.078 C – High Amenity) of the Carver County Zoning Code. On August 17, 2021, a preliminary plat for Misthaven Estates was approved by the Carver County Planning Commission; however, on January 21, 2023, the applicant submitted a revised preliminary plat with the three lots reconfigured. With the approval of the CUP, the applicant is now requesting an amended approval of the Preliminary Plat “Misthaven Estates” Subdivision. The request would consist of three residential lots (Lots 1-3, Block 1) for single-family homes.
2. The proposed platted area consists of approximately 11 acres located in the Southwest Quarter (SW¼) of Section 36, San Francisco Township. The property consists of wooded and wooded area with native grasses not in agricultural production. It is located in the Agricultural Zoning District and the CCWMO (Carver Creek and Bevens Creek watersheds). CUP #PZ20210028 was issued June 1, 2021, to create three (3) high amenity lots pursuant to Section 152.078 of the Carver County Zoning Code. The reconfiguration of the plat no longer requires a township road to be constructed, as all three proposed lots would have access on Halsey Avenue, a township road.
3. Copies of the revised preliminary plat (dated 1/21/23) have been sent to the San Francisco Township Clerk (Heidi Schmidt), Carver County Planning & Water Management (Kristen Larson and Paul Moline), Carver County Soil & Water Conservation District (SWCD), Carver County Environmental Services (Jacob McLain and Lori Brinkman), Eastern Carver County Schools District 112, Northern Natural Gas, and CenterPoint Energy. The County Environmental Services Department and Carver Planning & Water Management Department submitted comments for the public hearing.
4. The high amenity lots are laid out in such a manner that there are no more than four (4) homes per quarter-quarter as permitted by the density regulations of the Carver County Zoning Code. The residential lot sizes range from 2.89 acres to 4.51 acres. Each lot has a defined building site (i.e. minimum of a 1-acre building site) that conforms to code requirements, and any home constructed within the site would meet the zoning setback requirements. Prior to submitting a building permit application for a new house, the Permittee shall identify the lowest floor elevation to document an emergency overflow for stormwater. Said homes shall be set to allow for positive drainage on the property.

5. The preliminary plat shows 10-foot utility & drainage easements around each of the three (3) lots. An appropriate drainage easement would be provided for wetlands as part of the final plat. No obstructions shall be permitted in any of the drainage and/or utility easements. The covenants should address the preservation of the drainage easements and that no obstructions shall be permitted within those areas.
6. The draft covenants, as required by Conditional Use Permit #PZ20210028, have been submitted with the application and would need to be reviewed and approved by the County Attorney's office prior to final plat approval. The covenants shall address the preservation of the drainage and/or utility easements and that no obstructions shall be permitted within those areas. The required covenants shall address that each lot would be reviewed in the field prior to issuance of any building permits. The covenants shall be filed with the final plat and include minimum requirements as identified in the CUP.
7. The Carver County Environmental Services Department received an updated report from a licensed Subsurface Septic Treatment System (SSTS) professional identifying the primary and alternate SSTS locations on the three (3) amenity lots. The report (dated: December 12, 2022) described soil boring logs, and the primary/alternate septic locations were identified on a survey for each individual lot. On January 6, 2023, Lori Brinkman, Environmentalist II, reviewed and approved the indicated primary and alternate SSTS locations for each parcel. At the time of application for a new home on each lot, an SSTS design would need to be submitted, reviewed, and approved by the Carver County Environmental Services Department. All SSTS system locations would need to be fenced off prior to any land alteration on the building sites.
8. The revised plat eliminated the need for a Township Road to be constructed, as all lots are configured to allow access on Halsey Avenue. Therefore, there is no development contract. All three lots will need to have access location approved by the San Francisco Town Board via driveway permits prior to building permit approvals.
9. The property has been analyzed by a professional wetland delineator to determine if wetlands exist. A singular pocket wetland is present on the site, within proposed Lot 3, and an additional wetland is present to the southwest of the proposed plat. The Notice of Decision and TEP Findings concur with the findings of the professional delineator hired by the applicant. Appropriate easements for drainage/utilities have been included on the plat. Avoidance of the delineated wetland has been incorporated into the development.
10. The approximate 11-acre plat is located within the Carver County Water Management Organization (CCWMO) jurisdiction. Stormwater management, wetland buffers, and erosion control measures would need to be addressed pursuant to Chapter 153 of the County Code (i.e. Water Management Rules). A combined erosion and sediment control and stormwater permit from the CCWMO would be required if the cumulative impervious surface constructed on all lots (drive, house pad, garage, other outbuildings, etc.) is greater than 1-acre. An erosion and sediment control permit from the CCWMO would be required if lots are constructed at the same time and the total disturbed area for all lots is greater than 1-acre. Additional information on stormwater and erosion and sediment control permits (requirements, application, guidance documents) is available on the County's website.
11. The Carver SWCD would review the project with regard to the CCWMO standards. All lots shall be reviewed for erosion/sediment control measures during the building permit process. The Carver SWCD would also be involved in the review and approval of the plans as they relate to the Water Rules, Wetland Conservation Act (WCA), and the Stormwater Pollution Prevention Plan (SWPPP), if applicable.
12. The San Francisco Town Board reviewed and recommended approval of the Misthaven Estates Preliminary Plat Revisions during their September 23, 2022, meeting. The Town Board commented "all driveways will need township permits".

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 preliminary plat.

THEREFORE, BE IT RESOLVED, THAT the Carver County Planning Commission hereby recommends the approval of the Revised Preliminary Plat of Misthaven Estates on the land described in Exhibit “A” of the permit application. The Planning Commission further recommends that the following conditions be attached to the Preliminary Plat approval:

1. Three (3) high amenity lots are permitted. The property shall be platted in accordance with M.S. Chapter 505, Carver County Zoning Subdivision Code 151, and the Carver County Zoning Code 152.
2. The layout of the final plat must substantially conform to the revised preliminary plat. Any significant departure from the preliminary plat must be approved by the Planning Commission before final plat consideration. As part of the preliminary plat approval, each lot shall document a suitable one (1) acre building site including a house location and primary & alternate septic site locations. All conditions of CUP #PZ20210028 shall be satisfied prior to the recording of the final plat.
3. Prior to final plat consideration by the County Board, the Assistant County Attorney shall review and approve the covenants and County Surveyor shall review and approve any title work. The covenants shall address at least the following:
 - A. A covenant must clearly state the building eligibility status for each parcel in the development. The keeping of animals, with the exception of dogs, cats and similar animals kept as household pets, is prohibited on any lot in the residential area.
 - B. A covenant stating that the area is rural, and that commercial agriculture and other rural land use activities shall likely be occurring in the area. A notification must be provided regarding “odors, dirt, dust, noises, long hours of operation and other factors associated with agriculture and feedlot activities”. Complaints relating to these activities shall be considered unwarranted so long as such activities are being conducted in accordance with existing standards. A condition clearly stating and restricting the use of the land in the agricultural area to agriculture and to certain conditional uses listed in the “A” district.
 - C. If the home sites include any environmentally sensitive land, then restrictions must be placed in the covenants addressing: clear cutting of land, vegetation removal, plus the development and implementation of an erosion control plan to control erosion during and after building construction.
 - D. A covenant must be added requiring that the alternative sewer site must be preserved for a future sewer site. No buildings can be erected on the alternative site and no trees can be planted on the site. Heavy equipment must be kept off the site. If the lot owner must build on the site, he shall have to submit percolation tests and soil borings for another site before any building permit shall be issued.
 - E. The covenants shall address the preservation of the drainage and/or utility easements and that no obstructions shall be permitted within those areas. The plat indicates the outside boundary of the delineated wetlands, which impacts all proposed lots. The required covenants shall address that each lot will be reviewed in the field prior to issuance of any building permits. The required covenants shall address the concerns of possible drainage of an existing delineated wetland located in the woods and open field area; therefore, no vegetative removal within the drainage easement area shall be allowed.
 - F. A covenant stating that all lots shall meet the standards of the Carver County Water Management Rules - Chapter 153, Section 153.11, additional review by CCWMO may apply.

4. The above-required Covenants shall be become part of the plat approval.
5. Each lot must be reviewed in the field prior to the issuance of any building permit and/or SSTS permit. All septic system locations (i.e. primary & alternate) shall be marked and protected (rope, fencing, etc.) to prohibit any disturbance to those areas. Furthermore, prior to the commencement of any construction related activity, the primary and alternate septic locations for each lot shall be protected.
6. Each lot shall be reviewed and approved by CCWMO pursuant to Chapter 153 of the Zoning Code. Specific details for each lot must be submitted to the CCWMO for approval prior to issuance of building permit(s) on individual lots.
7. The driveways for each lot shall conform to the Carver County Land Management Department, CCWMO, and WCA requirements. The applicant shall comply with any and/or all requirements established by the appropriate road authorities (San Francisco Township). An access permit for each driveway from Halsey Avenue must be obtained from San Francisco Township (or appropriate road authority) prior to issuance of new home building permit(s).
8. Prior to submitting a building permit application for a new house, the Permittee shall identify the lowest floor elevation to document an emergency overflow for stormwater. Said homes shall be set to allow for positive drainage on the property.
9. As per Section 151.163 of the Carver County Code, all utility facilities are to be located underground. The access and drainage ways will be designed so that public utilities can be installed at a later date.

ADOPTED by the Carver County Planning Commission this 21st day of February 2023.

Scott Wakefield, Chairman
Carver County Planning Commission

BOARD OF COUNTY COMMISSIONERS CARVER COUNTY, MINNESOTA

DATE: _____ RESOLUTION #: _____

MOTION BY COMMISSIONER: _____ SECONDED BY COMMISSIONER: _____

A RESOLUTION APPROVING THE PRELIMINARY PLAT OF *MISTHAVEN ESTATES*

WHEREAS, the following application for a Preliminary Plat (Revision) has been submitted and accepted:

FILE: PP-PZ20210047

OWNER: Misthaven LLC

APPLICANT: Ted Holsten

SITE ADDRESS: 15XXX Halsey Avenue, 55315

PURSUANT TO: County Code, Chapter 151 & 152, Section(s) 152.078

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCELS #: 08-036-0640

WHEREAS, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meetings of February 21, 2023, and forwarded to the Carver County Board of Commissioners for action; and

WHEREAS, the County Board has reviewed the recommendations and proposed conditions put forward by the Planning Commission after the public hearings on the matter and concurs with the findings, recommendations and conditions of the Planning Commission; and

WHEREAS, the plat substantially meets the requirements of applicable county ordinances except where noted by Planning Commission Resolution No. 23-01 and the areas of deficiency can be addressed through conditions placed on the preliminary plat that must be complied with prior to acceptance of the Final Plat.

1. Misthaven, LLC was issued Conditional Use Permit (CUP) #PZ20210028 to create three (3) residential parcels pursuant to the additional density provision (Section 152.078 C – High Amenity) of the Carver County Zoning Code. On August 17, 2021, a preliminary plat for Mishaven Estates was approved by the Carver County Planning Commission; however, on January 21, 2023, the applicant submitted a revised preliminary plat with the three lots reconfigured. With the approval of the CUP, the applicant is now requesting an amended approval of the Preliminary Plat “Misthaven Estates” Subdivision. The request would consist of three residential lots (Lots 1-3, Block 1) for single-family homes.
2. The proposed platted area consists of approximately 11 acres located in the Southwest Quarter (SW¼) of Section 36, San Francisco Township. The property consists of wooded and wooded area with native grasses not in agricultural production. It is located in the Agricultural Zoning District and the CCWMO (Carver Creek and Bevens Creek watersheds). CUP #PZ20210028 was issued June 1, 2021, to create three (3) high amenity lots pursuant to Section 152.078 of the Carver County Zoning Code. The reconfiguration of the plat no longer requires a township road to be constructed, as all three proposed lots would have access on Halsey Avenue, a township road.
3. Copies of the revised preliminary plat (dated 1/21/23) have been sent to the San Francisco Township Clerk (Heidi Schmidt), Carver County Planning & Water Management (Kristen Larson and Paul Moline), Carver County Soil & Water Conservation District (SWCD), Carver County Environmental Services (Jacob McLain and Lori Brinkman), Eastern Carver County Schools District 112, Northern Natural Gas, and CenterPoint Energy. The County Environmental Services Department and Carver Planning & Water Management Department submitted comments for the public hearing.

4. The high amenity lots are laid out in such a manner that there are no more than four (4) homes per quarter-quarter as permitted by the density regulations of the Carver County Zoning Code. The residential lot sizes range from 2.89 acres to 4.51 acres. Each lot has a defined building site (i.e. minimum of a 1-acre building site) that conforms to code requirements, and any home constructed within the site would meet the zoning setback requirements. Prior to submitting a building permit application for a new house, the Permittee shall identify the lowest floor elevation to document an emergency overflow for stormwater. Said homes shall be set to allow for positive drainage on the property.
5. The preliminary plat shows 10-foot utility & drainage easements around each of the three (3) lots. An appropriate drainage easement would be provided for wetlands as part of the final plat. No obstructions shall be permitted in any of the drainage and/or utility easements. The covenants should address the preservation of the drainage easements and that no obstructions shall be permitted within those areas.
6. The draft covenants, as required by Conditional Use Permit #PZ20210028, have been submitted with the application and would need to be reviewed and approved by the County Attorney's office prior to final plat approval. The covenants shall address the preservation of the drainage and/or utility easements and that no obstructions shall be permitted within those areas. The required covenants shall address that each lot would be reviewed in the field prior to issuance of any building permits. The covenants shall be filed with the final plat and include minimum requirements as identified in the CUP.
7. The Carver County Environmental Services Department received an updated report from a licensed Subsurface Septic Treatment System (SSTS) professional identifying the primary and alternate SSTS locations on the three (3) amenity lots. The report (dated: December 12, 2022) described soil boring logs, and the primary/alternate septic locations were identified on a survey for each individual lot. On January 6, 2023, Lori Brinkman, Environmentalist II, reviewed and approved the indicated primary and alternate SSTS locations for each parcel. At the time of application for a new home on each lot, an SSTS design would need to be submitted, reviewed, and approved by the Carver County Environmental Services Department. All SSTS system locations would need to be fenced off prior to any land alteration on the building sites.
8. The revised plat eliminated the need for a Township Road to be constructed, as all lots are configured to allow access on Halsey Avenue. Therefore, there is no development contract. All three lots will need to have access location approved by the San Francisco Town Board via driveway permits prior to building permit approvals.
9. The property has been analyzed by a professional wetland delineator to determine if wetlands exist. A singular pocket wetland is present on the site, within proposed Lot 3, and an additional wetland is present to the southwest of the proposed plat. The Notice of Decision and TEP Findings concur with the findings of the professional delineator hired by the applicant. Appropriate easements for drainage/utilities have been included on the plat. Avoidance of the delineated wetland has been incorporated into the development.
10. The approximate 11-acre plat is located within the Carver County Water Management Organization (CCWMO) jurisdiction. Stormwater management, wetland buffers, and erosion control measures would need to be addressed pursuant to Chapter 153 of the County Code (i.e. Water Management Rules). A combined erosion and sediment control and stormwater permit from the CCWMO would be required if the cumulative impervious surface constructed on all lots (drive, house pad, garage, other outbuildings, etc.) is greater than 1-acre. An erosion and sediment control permit from the CCWMO would be required if lots are constructed at the same time and the total disturbed area for all lots is greater than 1-acre. Additional information on stormwater and erosion and sediment control permits (requirements, application, guidance documents) is available on the County's website.
11. The Carver SWCD would review the project with regard to the CCWMO standards. All lots shall be reviewed for erosion/sediment control measures during the building permit process. The Carver SWCD would also be involved in the review and approval of the plans as they relate to the Water Rules, Wetland Conservation Act (WCA), and the Stormwater Pollution Prevention Plan (SWPPP), if applicable.

12. The San Francisco Town Board reviewed and recommended approval of the Misthaven Estates Preliminary Plat Revision during their September 23, 2022, meeting. The Town Board commented “all driveways will need township permits”.
13. The County Board 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 preliminary plat.

THEREFORE, BE IT RESOLVED, THAT the Carver County Board of Commissioners hereby approves the revised Preliminary Plat of Misthaven Estates for the land described on the preliminary plat, and with the following conditions attached to the preliminary plat approval:

1. Three (3) high amenity lots are permitted. The property shall be platted in accordance with M.S. Chapter 505, Carver County Zoning Subdivision Code 151, and the Carver County Zoning Code 152.
2. The layout of the final plat must substantially conform to the revised preliminary plat. Any significant departure from the preliminary plat must be approved by the Planning Commission before final plat consideration. As part of the preliminary plat approval, each lot shall document a suitable one (1) acre building site including a house location and primary & alternate septic site locations. All conditions of CUP #PZ20210028 shall be satisfied prior to the recording of the final plat.
3. Prior to final plat consideration by the County Board, the Assistant County Attorney shall review and approve the covenants and County Surveyor shall review and approve any title work. The covenants shall address at least the following:
 - A. A covenant must clearly state the building eligibility status for each parcel in the development. The keeping of animals, with the exception of dogs, cats and similar animals kept as household pets, is prohibited on any lot in the residential area.
 - B. A covenant stating that the area is rural, and that commercial agriculture and other rural land use activities shall likely be occurring in the area. A notification must be provided regarding “odors, dirt, dust, noises, long hours of operation and other factors associated with agriculture and feedlot activities”. Complaints relating to these activities shall be considered unwarranted so long as such activities are being conducted in accordance with existing standards. A condition clearly stating and restricting the use of the land in the agricultural area to agriculture and to certain conditional uses listed in the “A” district.
 - C. If the home sites include any environmentally sensitive land, then restrictions must be placed in the covenants addressing: clear cutting of land, vegetation removal, plus the development and implementation of an erosion control plan to control erosion during and after building construction.
 - D. A covenant must be added requiring that the alternative sewer site must be preserved for a future sewer site. No buildings can be erected on the alternative site and no trees can be planted on the site. Heavy equipment must be kept off the site. If the lot owner must build on the site, he shall have to submit percolation tests and soil borings for another site before any building permit shall be issued.
 - E. The covenants shall address the preservation of the drainage and/or utility easements and that no obstructions shall be permitted within those areas. The plat indicates the outside boundary of the delineated wetlands, which impacts all proposed lots. The required covenants shall address that each lot will be reviewed in the field prior to issuance of any building permits. The required covenants shall address the concerns of possible drainage of an existing delineated wetland located in the woods and open field area; therefore, no vegetative removal within the drainage easement area shall be allowed.
 - F. A covenant stating that all lots shall meet the standards of the Carver County Water Management Rules - Chapter 153, Section 153.11, additional review by CCWMO may apply.

4. The above-required Covenants shall be become part of the plat approval.
5. Each lot must be reviewed in the field prior to the issuance of any building permit and/or SSTS permit. All septic system locations (i.e. primary & alternate) shall be marked and protected (rope, fencing, etc.) to prohibit any disturbance to those areas. Furthermore, prior to the commencement of any construction related activity, the primary and alternate septic locations for each lot shall be protected.
6. Each lot shall be reviewed and approved by CCWMO pursuant to Chapter 153 of the Zoning Code. Specific details for each lot must be submitted to the CCWMO for approval prior to issuance of building permit(s) on individual lots.
7. The driveways for each lot shall conform to the Carver County Land Management Department, CCWMO, and WCA requirements. The applicant shall comply with any and/or all requirements established by the appropriate road authorities (San Francisco Township). An access permit for each driveway from Halsey Avenue must be obtained from San Francisco Township (or appropriate road authority) prior to issuance of new home building permit(s).
8. Prior to submitting a building permit application for a new house, the Permittee shall identify the lowest floor elevation to document an emergency overflow for stormwater. Said homes shall be set to allow for positive drainage on the property.
9. As per Section 151.163 of the Carver County Code, all utility facilities are to be located underground. The access and drainage ways will be designed so that public utilities can be installed at a later date.

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 7th day of March 2023, now on file in the Administration Office, and have found the same to be a true and correct copy thereof.

Dated this _____ day of _____, 2023.

County Administrator

LEGAL DESCRIPTION

That part of the Southwest Quarter of Section 36, Township 115, Range 24, Carver County, Minnesota, described as follows:

Commencing at the southwest corner of said Southwest Quarter; thence North 00 degrees 44 minutes 59 seconds West, assumed bearing, along the west line of said Southwest Quarter, a distance of 1716.00 feet to the point of beginning; thence North 88 degrees 57 minutes 54 seconds East a distance of 600.00 feet; thence South 00 degrees 44 minutes 59 seconds East a distance of 40.00 feet; thence North 88 degrees 57 minutes 54 seconds East a distance of 278.00 feet; thence North 00 degrees 44 minutes 59 minutes West a distance of 565.00 feet; thence South 88 degrees 57 minutes 54 seconds West a distance of 878.00 feet to the west line of said Southwest Quarter; thence South 00 degrees 44 minutes 59 minutes East along the west line of said Southwest Quarter a distance of 525.00 feet to the point of beginning.

OWNER/DEVELOPER

TED HOLSTEN
MISTHAVEN LLC
4785 HODGSON RD., #311
SHOREVIEW, MN 55126

SEPTIC DESIGNER

RON OLSON
6970 INWOOD RD.
COLOGNE, MN 55322
612-369-4240

ENGINEER/SURVEYOR

SISU LAND SURVEYING
2580 CHRISTIAN DR.
CHASKA, MN 55318
CONTACT: CURT KALLIO
612-418-6828

WETLAND DELINEATOR

JACOBSON ENVIRONMENTAL
CONTACT: WAYNE JACOBSON
612-802-6619

TOWNSHIP/DISTRICT INFORMATION

SAN FRANCISCO TWP.
SCHOOL DISTRICT NO. 112
CARVER COUNTY WATERSHED MANAGEMENT ORGANIZATION

LOT/SITE INFORMATION

EXISTING ZONING: AGRICULTURAL
PROPOSED ZONING: AGRICULTURAL W/HIGH AMENITY OVERLAY
PLAT AREA = 10.837 acres

SETBACKS

FRONT = 68' FROM C/L
SIDE = 15 FEET
REAR = 30 FEET

PROPOSED R/W AREA = 0.398 acres

PROPOSED LOT AREAS

LOT 1 = 4.514 ACRES
LOT 2 = 2.893 ACRES
LOT 3 = 3.033 ACRES

BUILDABLE AREAS (NON-SETBACK, EASEMENT, SEPTIC, OR >18% SLOPE)

LOT 1 = 2.32 ACRES
LOT 2 = 1.94 ACRES
LOT 3 = 1.96 ACRES

SOILS

THE MAJORITY OF THE SOILS ON SITE ARE SANDY. SEE THE SOIL BORINGS FOR DETAILED INFORMATION.

STORMWATER MANAGEMENT

THE PROPOSED INCREASE IN IMPERVIOUS SURFACE IS 0.5 ACRES. NO STORMWATER MANAGEMENT IS PROPOSED.

EXISTING DRAIN TILE

NO VISIBLE DRAIN TILE LINES WERE OBSERVED AT THE TIME OF SURVEY. IF DRAIN TILE LINES ARE DISCOVERED, THEY WILL BE ADDED TO THE PLANS.

SEPTIC SITES

SEPTIC SITES ARE SHOWN. SEPTIC INFORMATION WILL BE SUBMITTED BY OTHERS

EXISTING WOODED AREAS

EXISTING WOODED AREAS ARE SHOWN. A TREE INVENTORY HAS NOT BEEN PERFORMED.

BLUFF AREAS

THERE ARE NO BLUFF AREAS WITHIN THE PROJECT LIMITS.

POTENTIAL BUILDING AREAS

POTENTIAL BUILDING AREAS ARE SHOWN. THERE ARE NO SLOPES > 18% WITHIN THE PROPOSED LOTS. NO BUILDING PADS WILL BE CONSTRUCTED AS PART OF THIS PROJECT. MINIMUM LOW OPENING ELEVATIONS ARE SHOWN BASED ON EMERGENCY OVERFLOW ELEVATIONS.

WETLANDS

THE SITE WAS INVESTIGATED FOR WETLANDS BY JACOBSON ENVIRONMENTAL AND NO WETLANDS HAVE BEEN DELINEATED WITHIN THE PROJECT BOUNDARY. ONE WETLAND HAS BEEN DELINEATED SOUTH OF LOT 3 AS SHOWN.

EXISTING COVENANTS, LIENS, OR ENCUMBRANCES

THERE ARE NO KNOWN EXISTING COVENANTS, LIENS, OR ENCUMBRANCES.

100-YR FLOOD ELEVATIONS

THERE ARE NO WATERWAYS, WATERCOURSES, OR LAKES WITH 100-YEAR FLOOD ELEVATIONS ON THIS PROPERTY.

BENCHMARK

VERTICAL CONTROL BASED ON GEODETIC CONTROL POINT "HALSEY" LOCATED 125 FEET S. OF CO. RD. 50 AND 22 FEET W. OF HALSEY AVE. ELEVATION 829.48 (NAVD88)

WETLAND BUFFERS

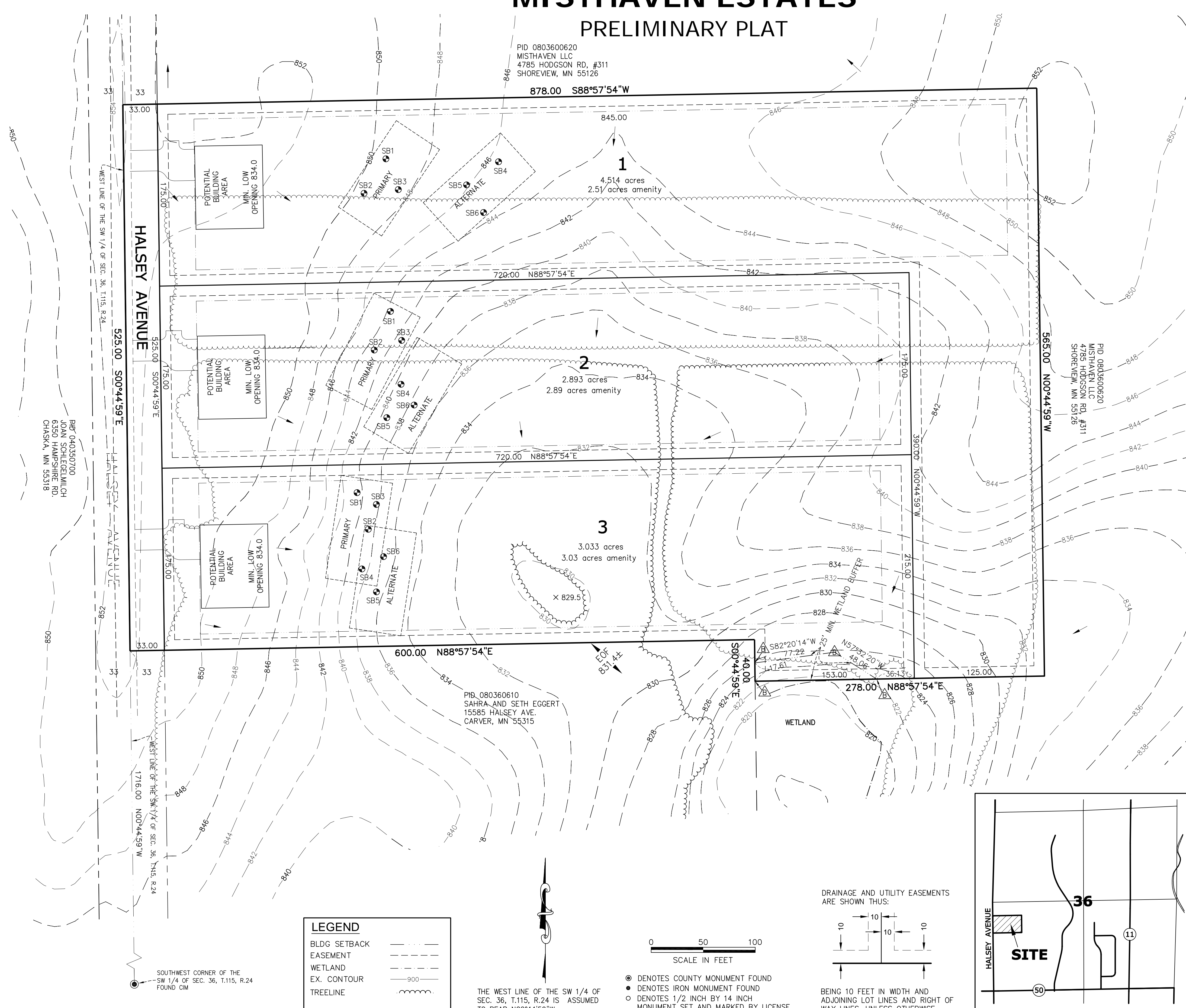
PROPOSED 25 FEET WETLAND BUFFERS AND SIGNAGE ARE SHOWN. THERE ARE NO PROPOSED IMPACTS TO WETLAND BUFFERS.

WETLAND BUFFER SIGNAGE: AVAILABLE FOR PURCHASED FROM THE CARVER COUNTY WMO

MISTHAVEN ESTATES PRELIMINARY PLAT

PID 0803600620
MISTHAVEN LLC
4785 HODGSON RD., #311
SHOREVIEW, MN 55126

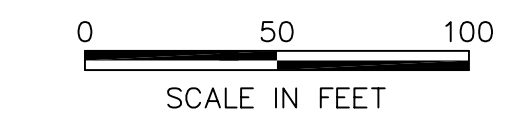
878.00 S88°57'54"W



LEGEND

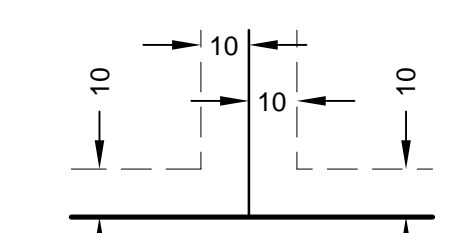
BLDG SETBACK	---
EASEMENT	- - - -
WETLAND	~~~~~
EX. CONTOUR	900
TREELINE	~~~~~

THE WEST LINE OF THE SW 1/4 OF SEC. 36, T.115, R.24 IS ASSUMED TO BEAR N00°44'59"W.

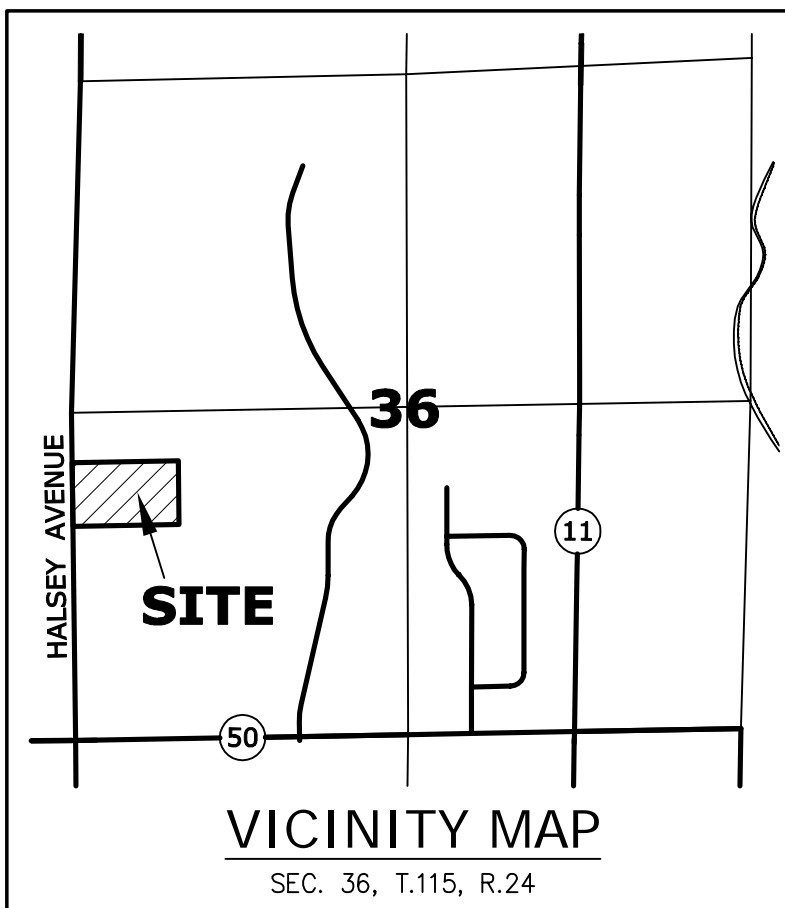


- DENOTES COUNTY MONUMENT FOUND
- DENOTES IRON MONUMENT FOUND
- DENOTES 1/2 INCH BY 14 INCH MONUMENT SET AND MARKED BY LICENSE NO. 26909, UNLESS OTHERWISE SHOWN.

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



BEING 10 FEET IN WIDTH AND ADJOINING LOT LINES AND RIGHT OF WAY LINES, UNLESS OTHERWISE INDICATED, AS SHOWN ON THIS PLAT.



SISU
Land Surveying & Engineering
2580 Christian Dr.
Chaska, MN 55318
612-418-6828

I hereby certify that this plan, report, or specification was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.
Curt Kallio
CURTISS J. KALLIO
DATE: 11/10/2023 REG. NO. 26909

PREPARED FOR:
Ted Holsten
4785 HODGSON RD., #311
SHOREVIEW, MN 55126

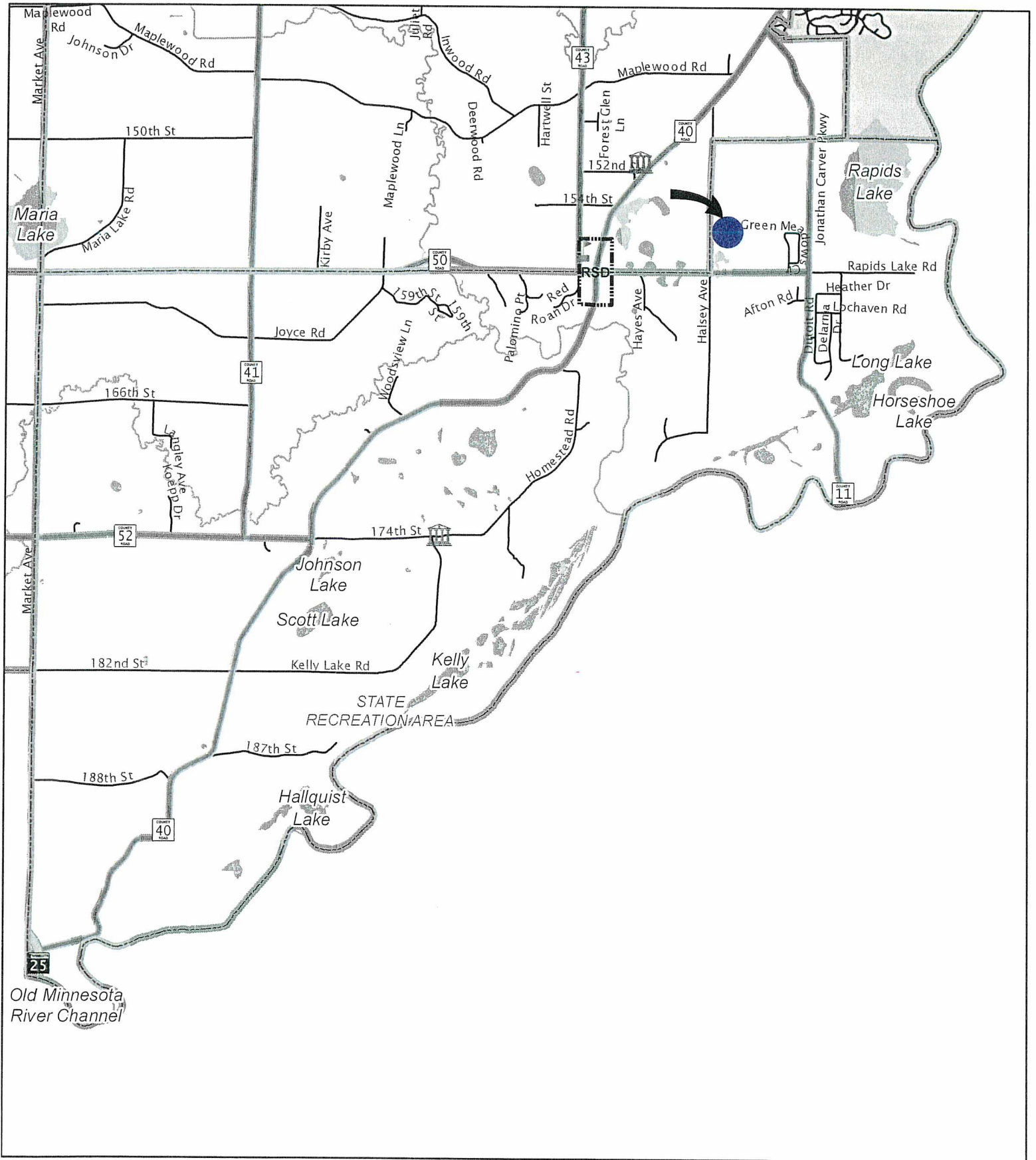
SHEET TITLE & PROJECT:
**Preliminary Plat
Misthaven Estates
San Francisco Twp.,
Carver County, MN**

BY	REVISION	DATE	ADD. WET BUFF & SEPTIC BORING	CK
		1/21/2023		

PROJECT NO:
202102

SHEET
1 OF **1**
SHEETS

SAN FRANCISCO 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:

Legislative Update

Primary Originating Division/Dept: Administration (County)

Meeting Date: 3/7/2023

Contact: Dave Hemze Title: County Administrator

Item Type:
Regular Session

Amount of Time Requested: 30 minutes

Attachments: Yes No

Presenter: Tony Albright Title: Lobbyist

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

A legislative update will be provided by the County's lobbyist, Tony Albright.

ACTION REQUESTED:

None -- informational only.

FISCAL IMPACT: None

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT: None

Total \$0.00

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2023 - 8934

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Resolution of Support for Scott County's RAISE Grant Application to Construct a Pedestrian Bridge Over the Minnesota River

Primary Originating Division/Dept: <u>Public Works - Parks</u>	Meeting Date: <u>3/7/2023</u>
Contact: <u>Martin Walsh</u> Title: <u>Parks and Recreation Director</u>	Item Type: <u>Regular Session</u>
Amount of Time Requested: <u>15</u> minutes	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
Presenter: <u>Martin Walsh</u> Title: <u>Parks Director</u>	

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

In 2011, Carver and Scott counties purchased railroad corridor property from the Union Pacific Railroad Company for the purposes of future transportation. The two counties partnered on creating a regional trail master plan for this former railroad corridor. Scott County is moving forward with plans to construct the Merriam Junction regional trail segment on the former railroad corridor. This segment extends from the City of Carver across the Minnesota River to near Hwy 169 in Scott County. The project includes construction of approximately 2 miles of trail corridor as well as four bridges including Bridge#4 over the Minnesota River and riverbank stabilization. The targeted construction year is 2024. Scott County has requested a resolution of support from Carver County for a Rebuilding America Infrastructure with Sustainability and Equity (RAISE) Grant Application. The grant, if successful, would help fund the construction of the project. Scott County has requested a 50-50 cost share split for the bridge over the Minnesota River. Scott County has already been awarded a grant through the Metropolitan Council Regional Solicitation which will reduce Carver County's cost share of the bridge. The RAISE grant if successful would further reduce Carver County's share of the bridge. The current cost share with and without the RAISE grant is as follows:

Total estimated cost for Bridge #4 including design and engineering = \$5,520,984

Carver County Share without RAISE grant = \$2,036,492

Carver County Share with RAISE grant = \$1,181,592

Scott County is also seeking State Bonding of \$9,000,000 for this project. If Scott County is successful with the request, Carver County's share would be zero.

A letter requesting Carver County's support as well as a rendering of the proposed bridge is attached.

ACTION REQUESTED:

Motion to provide a resolution of support to Scott County for Rebuilding America Infrastructure with Sustainability and Equity (RAISE) Grant Application to construct a pedestrian bridge over the Minnesota River.

FISCAL IMPACT: None

If "Other", specify:

FUNDING

County Dollars =	\$0.00
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<input style="width: 100%;" type="text"/>	
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Total	\$0.00
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FTE IMPACT: None

Related Financial/FTE Comments:

A funding plan will be brought back to the board when more information is known. Scott County has offered to cash flow the project to allow Carver County some flexibility to budget our share in a year that works for us.



SCOTT COUNTY ADMINISTRATION

200 FOURTH AVENUE WEST · SHAKOPEE, MN 55379-1220
(952)496-8100 · Fax (952)496-8180 · www.scottcountymn.gov

LEZLIE VERMILLION
COUNTY ADMINISTRATOR
lvermillion@co.scott.mn.us

February 3, 2023

David Hemze
County Administrator
602 East 4th Street
Chaska, MN 55318

RE: Merriam Junction Trail Support Request.
Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Application

Dear Mr. Hemze:

Scott County is requesting a resolution of support for the County's 2023 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Application for the Merriam Junction Trail. The project completes over a decade long initiative to acquire and convert the abandoned Union Pacific rail corridor to a regional, multi-use, accessible destination trail connecting Scott and Carver counties across the Minnesota River.

The project builds on past phases which we have accomplished in partnership; a regional trail master plan, land acquisition, completion of trail segments that link this trail to the regional trail networks on both sides of the river, and completion of a segment of trail over Highway 169, a significant barrier on the Scott County side. The trail is envisioned to accommodate a wide range of user groups with varying abilities and offers access to many populations. Both Scott and Carver counties, along with the regional rail authorities have invested considerable funding into the corridor. The final segment is currently programmed for 2024 construction.

Included with the trail construction the County will be stabilizing the riverbank to preserve the archeological artifacts in the area and provide long-term protection of the trail once constructed. This important, but expensive, element of the project will also improve water quality of the Minnesota River by reducing the sediment load in the river.

We do believe that Carver County will reap significant economic benefits from the completion of this connection. The projected 129,000 annual users of the corridor will patronize restaurants, bars, shops and other community attractions in Carver and Chaska. It will also provide non-motorized access to Carver County residents to the Louisville Swamp unit of the Minnesota River National Wildlife Refuge.

The County is seeking \$7.5 million in funding through the RAISE Grant. Over the years a 50-50 construction cost share of the Minnesota River Bridge had been discussed, including related engineering costs. The following shows the current estimate for the cost share.

Current Bridge Estimate:	\$ 4,456,000
Estimated Bridge Cost per County:	\$ 2,228,000 plus 18 percent engineering
Carver Construction Share-With Current Funding	\$ 1,622,700
Carver Construction Share- if RAISE secured:	\$ 896,500

The County is also seeking funding through the legislature which, if secured, will reduce Carver County's cost share further. We are aware that the schedule for this project is earlier than we originally discussed and would be open to a future year payback if Carver County is unable to provide funds in the program year.

Scott County is asking for Carver County's support on the RAISE application. If secured, it will help reduce the burden on both of our agencies to complete this vision that started in the late 2000's when the Union Pacific rail line came up for abandonment. Please don't hesitate to reach out to me or Lisa Freese on this request.

Sincerely,



Leslie A. Vermillion
Scott County Administrator

Cc: Lisa Freese, Transportation Services Director
Marty Walsh, Parks, and Recreation Director

Attachments: Trail Layout
Bridge Rendering

Supporting Materials (Click the link below):

[Project Information Publication](#)

[Project Video](#)

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

Date: 2/21/2023

Resolution No: _____

Motion by Commissioner: _____

Seconded by Commissioner: _____

WHEREAS, the counties of Carver and Scott partnered to purchase and now own abandoned Union Pacific Railroad Company corridor property for future transportation purposes; and

WHEREAS, the counties of Carver and Scott have jointly prepared a regional trail master plan for the former railroad corridor: and

WHEREAS, Scott County is applying for Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Application to construct the Merriam Junction Trail Segment including the bridge over the Minnesota River and county line on the former railroad corridor; and

WHEREAS, Scott County has requested a resolution of support for the RAISE Grant Application;

NOW THEREFORE, be it resolved that Carver County does hereby support Scott County’s 2023 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Application.

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 21st day of February, 2023, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 21st day of February, 2023.

Dave Hemze County Administrator



Carver County Board of Commissioners Request for Board Action



Agenda Item:

County Administrator's 2022 Annual Performance Evaluation Summary

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:
Regular Session

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

As provided by Statute, the Board met with County Administrator David Hemze on February 7, 2023 in closed session to discuss his 2022 performance. The summary of their discussion is as follows:

Administrator Hemze faced significant challenges and opportunities within Carver County and continues to do an excellent job in his leadership role. Dave continues to surround himself with talented directors who he relies on to give solid direction, and recognizes their talent and uses their suggestions. An election year, pandemic recovery, using telecommuting as a key strategy, strategic allocation of CARES and ARPA funds, all challenges that were met head on and enabled the County to maintain its excellent financial health and "AAA" Bond rating.

Administrator Hemze continues to perform with an overall rating of outstanding in a very effective and strategic manner. Leadership is a skill set and Dave displays those skills on a daily basis.

ACTION REQUESTED:

Motion to approve an overall rating of outstanding for County Administrator Hemze's 2022 performance.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT:

Total

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2023 - 8935

Carver County Board of Commissioners Request for Board Action



Agenda Item:
Shakopee Mdewakanton Sioux Community Organics Recycling Facility

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 Shakopee Mdewakanton Sioux Community is in the process of relocating its Organics Recycling Facility to an industrial area near the intersection of US Highway 169 and MN 41 in Louisville Township, Scott County. The project is currently in the approvals and permitting phase. Site construction is anticipated to start in summer 2023 with completion in spring/summer 2024.

Representatives from the SMSC would like to meet with the Carver County Board for a few minutes, to discuss the project.

ACTION REQUESTED:

No formal action requested.

FISCAL IMPACT:
If "Other", specify:

FUNDING
County Dollars =

Total

FTE IMPACT:

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2023 - 8861