



# CARVER COUNTY

# minnesota

## Carver County Board of Commissioners October 3, 2023 Board Meeting

The County Board Room is open to the public

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 that relate to an item on the agenda may be heard when that agenda item is discussed. Please limit your public comments to five minutes or less.**

Individuals unable to attend in person can provide public comments by email at [admin-contact@co.carver.mn.us](mailto:admin-contact@co.carver.mn.us).

- 2. Agenda review and adoption
- 3. Approve minutes of September 26, 2023 Special Session ..... 1-3
- 4. Community Announcements

9:20 a.m. 5. **CONSENT AGENDA**

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

- 5.1 Final Payment to Redstone Construction, LLC for Hwy 32 Bridge Project ..... 4
- 5.2 Request for approval to amend contract with Waste Management ..... 5
- 5.3 Final Payment to Minger Construction Companies, Inc. for Flying Cloud Drive channel restoration project ..... 6-7
- 5.4 Professional Services Agreement with GMH Asphalt for Highway 14 Patching Project ..... 8

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

- 5.5 Joint Powers Agreement with Benton Township for 150th Street Bridge Project ..... 9

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

- 5.6 Valley Paving - Request for Aggregate Material Stockpile and Temporary Crushing Facility (IUP) ..... 10-15
- 5.7 Professional Services Agreement with Alliant Engineering, Inc. for Highway 17/W 78th Street Intersection Project ..... 16
- 5.8 Resolution of Support for Highway 5 Arboretum Area for Minnesota Highway Freight Program Grant Application ..... 17-20

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

5.9 Review Health & Human Services and Commissioner  
Warrants..... NO ATT

9:20 a.m. **6. COUNTY ADMINISTRATOR REPORT**

9:25 a.m. **ADJOURN REGULAR SESSION**

David Hemze  
County Administrator

**UPCOMING MEETINGS**

October 5, 2023	6:30 p.m. Senate Capital Investment Tour Stop Lake Waconia Regional Park
October 10, 2023	No Meeting
October 17, 2023	9:00 a.m. Board Meeting
October 24, 2023	9:00 a.m. Work Session
October 24, 2023	11:30 a.m. Hoffman Recognition Event Lake Waconia Regional Park
October 31, 2023	No Meeting
November 7, 2023	No Meeting
November 14, 2023	9:00 a.m. Board Meeting

A Special Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on September 26, 2023. Chair John P. Fahey convened the session at 9:00 a.m.

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

Under public comments, Michelle Imdieke, stated she was a Chaska resident and owned the Sticks Tavern business on Dahlgren Road. She indicated after the last Board meeting she started to apply for a variance. She then went to a Dahlgren Township meeting where they signed off on the variance recommendation, but she was warned that she would not be granted a variance and it would be easier to get the sign ordinance changed and they would support her on that. She explained she also went to a San Francisco Township meeting and they supported a sign ordinance change. She stated she has held off her variance application and would continue to go to township meetings.

The following amendment was made to the agenda:  
6.2 Public Works Sewer Line Amendment.

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

Lynch moved, Degler seconded, to approve the minutes of the September 5, 2023, Regular Session. Motion carried unanimously.

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

Contract with Henning Excavating for demolition of the Waconia Event Center at Lake Waconia Regional Park pending finalization of the contract review process and related Parks budget amendment.

Contract with Choice Electric for lighting at Lake Waconia Regional Park pending finalization of the contract review process and related Parks budget amendment.

Resolution #65-23 Naming the New Building at Lake Waconia Regional Park “Paradise Commons”.

Resolution #66-23, Support to the Office of Management and Budget for Phase III Development of Waconia Regional Park.

Authorized the Chair and County Administrator to sign and accept the grant agreement for the 2022 Emergency Management Performance Grant and related Sheriff’s budget amendment.

Resolution #67-23, Authorizing Settlement of Compensation to Owners for Acquisition of Real Property Interests Needed for the Highway 40 Project-Belle Plaine Area.

Professional services agreement with Dakota Technical College for services not to exceed \$40,000 for the period September 1, 2023, through December 31, 2024, pending approval through the contract review process.

Approved the following liquor license renewals:

Hollywood Sports LLC dba Hollywood Sports Complex, Lic # 10-02  
Baumann Enterprises, Inc dba B's on the River, Lic #10-08  
Whistle Post LLC dba Sovereign Estate Wine, Lic #10-13  
Parley Lake Winery, LLP dba Parley Lake Winery, Lic #10-14  
WJVA Inc dba Timber Creek Golf Course, Lic #10-15  
Schram Winery, LLC dba Schram Vineyards Lic #10-16  
Vandy's Grill LLC dba Vandy's Grill, Lic #10-19  
Big Sticks LLC dba Sticks Tavern and Trails End Event Center Lic #10-20  
Luce Line Orchard, LLC dba LuceLine Orchard, Lic #10-21

Issued a charitable gambling license to Marsh Lake Ducks Unlimited for a raffle to be held on September 26, 2023.

Set health insurance contribution for eligible retirees as follows, not to exceed the coverage tier level provided at the time of separation: Retirees selecting family coverage would receive \$2,369.88 per month toward their insurance, employee + spouse would receive \$1,880.61, employee + children would receive \$1,405.58, and those electing single coverage would receive the lesser of the single premium amount or \$1,048.59 per month.

Approved the 2024 benefits for non-bargaining employees as outlined including 2024 monthly cafeteria contribution amounts for full-time benefit eligible non-bargaining employees based on the employee's election of health insurance with \$1,048.59 for single, \$1,880.61 for employee + spouse, \$1,405.58 for employee + child(ren), \$2,369.88 for family; maintaining the \$250.00 per month toward the cost of single health insurance for employees budgeted at least half-time but less than 0.8 FTE; and providing HRA/VEBA contributions in the amounts of \$750/\$1,500 and contributions for those electing the HSA High Deductible Health Plan option in the amounts of \$1,300/\$2,600 as described.

Approved hiring one STOC Childcare Specialist for HHS utilizing HealthPartners grant funds, effective December 2023 and related HH&S budget amendment.

Approved contract 23-375 authorizing the Jail Upper Level Visiting Room Floor work and payment of \$29,712.60 from the approved 2023 budget from Sheriff's CIP.

Grant agreement with the US Department of Transportation and authorized the County Engineer to sign the agreement on behalf of Carver County, pending finalization of the contract review process.

Reviewed September 12, 2023, Community Social Services' actions/Commissioners' warrants in the amount of \$258,226.41; reviewed September 19, 2023, Community Social Services' actions/Commissioners' warrants in the amount of \$329,220.85 and reviewed September 26, 2023, Community Social Services' actions/Commissioners' warrants in the amount of \$316,441.97.

Motion carried unanimously.

Sheriff Kamerud appeared before the Board for an update on the jail medical provider and to request approval to maintain the current jail nurse program and approve a jail medical director services contract. He pointed out the previous provider filed bankruptcy last year and subsequently two limited term nurses were hired along with a short-term contact with a physician to give them time to explore options. He noted the hiring challenges for nurses and the limited medical providers.

He explained going forward his recommendation was to permanently employ two jail nurses and contact for medical director services. He highlighted the associated costs and indicated they did solicit bids from outside vendors. Sheriff stated the additional cost is included in the County Administrator's recommended 2024 budget. He clarified the medical director comes in weekly and provides medical protocol policies for the nurses.

Degler moved, Udermann seconded, to begin the process to transition two temporary jail nurse FTE positions approved through December 2023 to two permanent Jail Nurse FTE positions effective January 1, 2024, and to begin the process to transition the temporary contract with EGH Group LLC to provide jail medical director services through December 2023 to a permanent contract effective January 1, 2024. Motion carried unanimously.

Brent Kath, Facilities Manager, requested Board approval to amend contract for additional replacement of the force line that services the Public Works Headquarters. He pointed out the earlier break in June that had been replaced and the need to replace an additional 1,300 feet to solve the issue. Kath indicated the line only services the Public Works Headquarters and the repair is considered a long-term fix.

Workman moved, Degler seconded, to amend contract 23-326 with Valley Rich to replace an additional section of the Public Works force line pending the contract review process. Motion carried unanimously.

Workman moved, Lynch seconded, to go into closed session to discuss confidential negotiations for right of way acquisitions on the Highway 40 project, pursuant to Minn. Stat. Section 13D.05, Subd. 3(c), tax property identification number 08.0300800. Motion carried unanimously.

They Board adjourned the closed and Special Session at 10:20 a.m.

David Hemze  
County Administrator

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

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Final Payment to Redstone Construction, LLC for Hwy 32 Bridge Project**

Primary Originating Division/Dept: <input type="text" value="Public Works - Program Delivery"/>	Meeting Date: <input type="text" value="10/3/2023"/>
Contact: <input type="text" value="Carolyn Fackler"/> Title: <input type="text" value="Construction 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 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 Highway 32 Bridge Project and Highway 32 Patching Contract included the replacement of the existing bridge with a concrete bridge over the South Fork Crow River in Camden Township. While there were final turf establishment and punch list items to complete in 2023, most of the work was completed during the 2022 construction season.

Redstone Construction, LLC is requesting to finalize the contract with Carver County and release all retainage. County staff agree and recommend that the contract be finalized and that the outstanding work items and retainage be paid in the amount of \$6,359.04.

The original Contract amount was \$2,652,361.50 and the final Project Cost is \$2,543,615.31.

**ACTION REQUESTED:**

Motion to adopt a resolution accepting all work as complete and authorizing final payment in the amount of \$6,359.04 to Redstone Construction, LLC for the Highway 32 Bridge Project.

<b>FISCAL IMPACT:</b> <input type="text" value="Included in current budget"/>	<b>FUNDING</b>								
If "Other", specify: <input type="text"/>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td><b>County Dollars =</b></td> <td style="text-align: right;"><b>\$800,293.36</b></td> </tr> <tr> <td>CSAH - regular</td> <td style="text-align: right;">\$636,899.70</td> </tr> <tr> <td>LBRP (Grant)</td> <td style="text-align: right;">\$1,106,422.25</td> </tr> <tr> <td><b>Total</b></td> <td style="text-align: right;"><b>\$2,543,615.31</b></td> </tr> </table>	<b>County Dollars =</b>	<b>\$800,293.36</b>	CSAH - regular	\$636,899.70	LBRP (Grant)	\$1,106,422.25	<b>Total</b>	<b>\$2,543,615.31</b>
<b>County Dollars =</b>	<b>\$800,293.36</b>								
CSAH - regular	\$636,899.70								
LBRP (Grant)	\$1,106,422.25								
<b>Total</b>	<b>\$2,543,615.31</b>								
<b>FTE IMPACT:</b> <input type="text" value="None"/>	<input checked="" type="checkbox"/> Insert additional funding source								

Related Financial/FTE Comments:  
 The funding breakdown is based on completed agreements with MnDOT.

*Office use only:*  
 RBA 2023-9339

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Request for approval to amend contract with Waste Management**

Primary Originating Division/Dept:

Meeting Date:

Contact:  Title:

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:**

Carver County Facilities and Environmental Services (ES) are requesting that the County amend the existing contract with Waste Management for the collection and management of solid waste, recycling, and organics for composting.

Waste Management currently provides those collection services for County owned properties, through a contract that is in effect until November 30, 2023. Staff is working on a new waste contract and will be seeking bids from multiple vendors.

Meanwhile, staff is recommending to extend the existing agreement through February 29, 2024. Waste Management has agreed to extend the current contract for three additional months, thereby providing consistent levels of service at the current rates through the end of February, 2024. The cost for this three month extension shall not exceed \$30,000.

**ACTION REQUESTED:**

Motion to approve extension of the Waste Management contract for County owned properties, through February 29, 2024.

**FISCAL IMPACT:**

If "Other", specify:

**FUNDING**

County Dollars =

County dollars, SCORE gr:

**FTE IMPACT:**

**Total**

Insert additional funding source

**Related Financial/FTE Comments:**

Funding for this contract amendment will come from County dollars (Facilities) for Solid Waste and Recycling at the Government Center (GC) and the Justice Center (JC); and from the Solid Waste Service Fee and SCORE Grant (Environmental Services) for Solid Waste, Recycling, at the Environmental Center and rural drop-of sites, and organics services at County facilities.

Office use only:

RBA 2023 - 9355

## Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Final Payment to Minger Construction Companies, Inc. for Flying Cloud Drive channel restoration project**

Primary Originating Division/Dept:

Meeting Date:

Contact:  Title:

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 Flying Cloud Drive Channel Restoration Project included channel excavation and restoration for an unnamed creek that crosses Flying Cloud Drive 80 feet east of Erie Lane in the City of Chanhassen.

While there were final turf establishment and punch list items to complete in 2023, most of the work was completed during the 2022 construction season. Minger Construction Companies, Inc. is requesting to finalize the Contract with Carver County and release all retainage. County staff agree and recommend that the contract be finalized and that the outstanding work items and retainage be paid in the amount of \$1,103.35.

The original Contract amount was \$114,067.25 and the final Project Cost is \$110,335.00.

**ACTION REQUESTED:**

Motion to adopt a resolution accepting all work as complete and authorizing final payment in the amount of \$1,103.35 to Minger Construction Companies, Inc. for the Flying Cloud Drive Channel Restoration Project.

**FISCAL IMPACT:**

If "Other", specify:

**FUNDING**

County Dollars =

**FTE IMPACT:**

**Total**

Insert additional funding source

Related Financial/FTE Comments:

*Office use only:*

RBA 2023 - 9360



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

Date: October 3, 2023

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

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

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

**COUNTY BOARD ACKNOWLEDGMENT  
Flying Cloud Drive Channel Restoration Project  
FINAL PAYMENT**

WHEREAS, the construction of the Flying Cloud Drive Channel Restoration Project 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

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STATE OF MINNESOTA  
COUNTY OF CARVER

I, Dave Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 3rd day of October, 2023, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 3rd day of October, 2023.

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

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

## Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Professional Services Agreement with GMH Asphalt for Highway 14 Patching Project**

Primary Originating Division/Dept:

Meeting Date:

Contact:  Title:

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:**

Highway 14 and Bavaria Road intersect in two locations in Chaska, both of which are controlled by roundabouts. These are two of the earliest roundabouts in the County. The southern of the two has severe rutting, that can be seen and felt when driving through or around the roundabout. To fix this rutting, Carver County requested bids to perform a pavement patch, traffic control, and pavement marking. The County requested bids from four (4) companies, however, only received a bid from one (1). GMH Asphalt submitted a bid of \$87,190.98. The Engineer's Estimate was \$89,480.70. Carver County Public Works recommends proceeding with GMH Asphalt, Inc. to contract for the Highway 14 Patching Project.

**ACTION REQUESTED:**

Motion to approve a professional services agreement with GMH Asphalt for \$89,480.70 for the Highway 14 Patching Project, pending finalization of the contract review process.

**FISCAL IMPACT:**

If "Other", specify:

**FUNDING**

County Dollars =

**FTE IMPACT:**

**Total**

Insert additional funding source

Related Financial/FTE Comments:

*Office use only:*

RBA 2023 - 9365

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Joint Powers Agreement with Benton Township for 150th Street Bridge Project**

Primary Originating Division/Dept:

Meeting Date:

Contact:  Title:

Item Type:  
Consent

Amount of Time Requested:  minutes

Attachments:  Yes  No

Presenter:  Title:

**Strategic Initiative:**

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

**BACKGROUND/JUSTIFICATION:**

The County and Benton Township have partnered together to design and construct Bridge No. 10557, (old Bridge No. 10506), over Bevens Creek. Benton Township will reimburse the County for any costs incurred not covered by Town Bridge funds, in accordance with this JPA that has already been approved by the Township. It is the desire of both parties to enter into a written agreement regarding the construction of Bridge No. 10557 over Bevens Creek.

**ACTION REQUESTED:**

Motion to approve a Joint Powers Agreement with Benton Township for the 150th Street Bridge Project, pending finalization of the contract review process.

**FISCAL IMPACT:**

If "Other", specify:

**FTE IMPACT:**

**FUNDING**

<b>County Dollars =</b>	<input type="text" value=""/>
Township Bridge Funds	\$480,000.00
Benton Township	\$20,000.00
<b>Total</b>	<b>\$500,000.00</b>

Insert additional funding source

Related Financial/FTE Comments:

*Office use only:*

RBA 2023 - 9369

# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Valley Paving - Request for Aggregate Material Stockpile and Temporary Crushing Facility (IUP)**

Primary Originating Division/Dept: <u>Public Services - Land Mgmt.</u>	Meeting Date: <u>10/3/2023</u>
Contact: <u>Christina Neel</u> Title: <u>Land Management Planner</u>	Item Type: <u>Consent</u>
Amount of Time Requested: <input type="text"/> minutes	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
Presenter: <input type="text"/> Title: <input type="text"/>	

**Strategic Initiative:**

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

**BACKGROUND/JUSTIFICATION:**

File #PZ20230027. On September 19, 2023, the Planning Commission voted 5-0 to recommend approval of the Valley Paving (VP) Interim Use Permit (IUP) application. The request would allow VP to stockpile up to 20,000 cubic yards of aggregate material on a parcel owned by SSP Holdings LP, located in Section 9, Dahlgren Township. The applicant, Brent Carron of Valley Paving, Inc., requests permission to expand an existing Administrative Permit for temporary concrete crushing operation and aggregate fill/storage, to a more intense IUP for land reclamation involving 10,000 cubic yards or more, pursuant to Sections 152.081 and 152.082 of the Carver County Zoning Code.

The projects (MNDOT Trunk Highway 212 concrete rehabilitation project, the Cologne Benton Creek project, and the future west Highway 212 project) would take place through December 2025. Valley Paving plans to use the site for aggregate hauling approximately 20 days per year during the Construction Season (May-November) and utilizing the portable crushing plant 15-20 days per year. A site staging area would be needed for the duration of the projects with site restoration estimated to be completed by August 2026.

Erosion control and stormwater permits have been submitted and approved by the CCWMO as part of the previous Administrative Permit and would be extended for the duration of the IUP. The Dahlgren Town Board recommended approval of the request. The proposed operations would continue to use an access point on Highway 212 which has been approved by MNDOT.

Attached is the Township Map and approved Planning Commission Resolution. A copy of the Planning Commission packet is available for review at [638270914480117488 \(carvercountymn.gov\)](https://carvercountymn.gov/638270914480117488)

**ACTION REQUESTED:**

A motion to adopt the Findings of Fact and issue Order #PZ20230027 for the issuance of an Interim Use Permit.

**FISCAL IMPACT:** None

*If "Other", specify:*

**FUNDING**

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

**FTE IMPACT:** None

Related Financial/FTE Comments:

*Office use only:*

RBA 2023 - 9368

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

**FILE #: PZ20230027**

**RESOLUTION #: 23-15**

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

**FILE #:** PZ20230027

**APPLICANT:** Valley Paving, Inc (Brent Carron)

**OWNER:** SSP Holdings LP and Lowell Peterson & Kathleen Peterson

**SITE ADDRESS:** 7410 Highway 212, Chaska, MN 55318

**PERMIT TYPE:** Land Reclamation (Filling)

**PURSUANT TO:** County Code, Chapter 152, Section(s) 152.081 and 152.082 (C)(1)

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

**PARCEL #:** 04-009-0600

**Drafted by:** Land Management

**Return to:** Land Management

**WHEREAS**, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meeting of September 19, 2023; and,

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

1. SSP Holdings LP owns an approximate 190-acre parcel, located in the North Half (N½) and South Half (S½) of Section 9, Dahlgren Township. The subject property is located on the northerly side of Highway 212 and the westerly side of Mellgren Lane. The property consists of agricultural production land, an apple orchard, wooded acres, Hwy 212 corridor, and a seasonal commercial business, Scream Town (Conditional Use Permit #PZ20080001). The site is located in the Agriculture Zoning District and the Carver County Water Management Organization (CCWMO) - Carver Creek watershed.
2. Valley Paving, Inc (“Valley Paving”) was issued an Administrative Permit for a temporary concrete crushing operation (A20230100) on June 15, 2023. The Administrative Permit terminates December 1, 2023, but the applicant plans to continue operations related to crushing aggregates, stockpiling aggregates, concrete and recycled asphalt pavement with the proposed Interim Use Permit. Valley Paving plans to use these materials for the ongoing MnDOT Trunk Highway 212 concrete rehabilitation project, along with the Cologne Benton Creek project and additional Highway 212 projects scheduled to begin in 2024 and 2025.
3. Valley Paving is requesting an Interim Use Permit (IUP) pursuant to Section 152.081 and 152.082 (C)(1) of the Carver County Zoning Code which allows for land reclamation involving 10,000 cubic yards or more as an Interim Use Permit (IUP).
4. The submitted project narrative (dated July 12, 2023, updated August 2, 2023) explains the project. Valley Paving is requesting an extension to continue to use a portion of the property to store materials and crush/recycled aggregates to be used in various public projects. Valley Paving has an agreement with the property owner, SSP Holdings LP, to utilize the property, as shown on the site plans (dated June, 8, 2023) to stockpile up to 20,000 cubic yards of material to an area of 3.5 acres. Work vehicles include excavators, conveyors, haul trucks, water truck, skid-steer loaders, and a bulldozer.

5. The narrative describes how the site will be prepared, with installing erosion and sediment controls, per CCWMO requirements. The initial earthwork is 5,210 cubic yards, consisting of stripped and stockpiled topsoil to be stored on site for reclamation, imported gravel to surface the internal haul roads, and additional grading to create a temporary sediment basin and grade stormwater ditches and berms as necessary.
6. Valley Paving stated the typical construction season is May to November, and this site expects aggregate hauling to take place approximately 20 days per year, with the hours of operation as 7:00 a.m. to 7:00 p.m., Monday through Saturday. To manage dust emissions at the facility, the applicant states they will apply water to the gravel haul roads, stockpiles and unvegetated areas, as well as applying chemical dust if deemed necessary. The average daily trips (ADT) is related to the rate of material production. On an average day, the applicant expects 108 trips and on a high production day, 172 trips. Trips consist of import and export trips via 20-ton trucks, as well as employee and supplier trips. The a.m. peak traffic is estimated to be 17 trips per hour, typically 7:00-8:00 a.m. and the peak p.m. traffic is estimated to be 14 trips per hour, between 3:00-4:00p.m. On days where no crushing or transport of materials is taking place, the site will be used for storage of stockpiled materials, with no vehicle traffic occurring.
7. A portable crushing plant will also be placed on site, according to the site plan. The applicant estimates between 15-20 days of crushing at the site during the 2024 construction season. The location of the crushing plant has been chosen to limit sounds to neighboring properties, with a barrier of trees and proposed stockpiles of aggregate material. The closest residence is approximately 1,130 feet from the site where the proposed crushing plant will sit. Valley Paving staff measured decibel ratings at one of the other crushing plants on August 2, 2023 during typical operations, with readings of 73.8 dB at 20' from the crusher and 45 dB at 500' from the crusher. For a comparison, they measured the road noise 20' from Trunk Highway 212, and found a rating of 85.9 dB. They do not anticipate the noise of the plant having any negative impacts on the closest neighboring homes. The crushing plant will operate under Valley Paving's existing Minnesota Pollution Control Agency permit conditions, including emissions monitoring and annual compliance certification.
8. The project narrative includes some details on site restoration. Upon completion of the road projects, the applicant estimated all crushing and stockpiling will cease no later than December 1, 2025. The portable crushing plant and all equipment will be removed from the site, along with any imported aggregates. The land will be restored to existing grades and its current use as rural vacant land. Once finished restoration grades are established, the area will be seeded with an approved MnDOT seed mixture. Land reclaimed for future agricultural use may be left fallow if requested by the property owner. Silt fencing will remain in place and maintained until vegetation is established. All restoration and vegetation establishment will be completed within 9 months of termination of plant activities.
9. The applicant has submitted site plans (dated June 8, 2023) showing the existing and proposed conditions for where the portable crushing plant and material stockpile location covering about 3.5 acres on the property. The site plan shows that all vehicles coming onto the property would use the existing access from Highway 212. Minnesota Department of Transportation (MnDOT) is the road authority for Highway 212. Valley Paving has applied for and was granted an access (entry) permit to utilize the existing driveway location which is currently utilized by an Administrative Permit (A20230100) and Scream Town (PZ20080001) during their seasonal operations. Additional haul roads within the operations area have been identified on the site plan.
10. A CCWMO permit is required, and Stormwater Management standards would need to be met for the reclamation of all disturbed areas. Erosion control and stormwater permits have been submitted to the CCWMO with the previous Administrative Permit. Valley Paving has met CCWMO requirements and the previous CCWMO permit would be extended when all other permitting requirements are met. On July 28, 2023, this request was reviewed by Kristen Larson, Water Resources Program Specialist at the Carver County Water Management Organization. She stated that the existing stormwater permit that accompanied the Administrative Permit will cover any stormwater or erosion control best management practices for the Interim Use Permit.
11. Carver County Soil and Water Conservation District (Carver SWCD) has been contacted regarding the applicant's proposal; however, no comments have been received at the writing of this report. The SWCD provides construction site review measures for CCWMO permitting, specifically regarding restoration.

12. Due to the absence of a Dahlgren Township Board recommendation the Planning Commission continued the application review at their August 15<sup>th</sup> meeting until that recommendation was received. Staff sent the application a “60-Day” letter extending the application review deadline to November 15, 2023.
13. The Dahlgren Town Board reviewed this application at their September 11, 2023, meeting and recommended approval of the request without any further conditions or comment.
14. The Planning Commission has considered all the factors required by Section 152.251 of the Carver County Code and finds that all are either true in this case or can be mitigated by conditions placed on the permit.

**THEREFORE, BE IT RESOLVED, THAT** the Carver County Planning Commission hereby recommends the approval of the Interim Use Permit application #PZ20230027 to allow Valley Paving, Inc to deposit approximately 20,000 cubic yards of soil onto the property and operate a temporary crushing plant on the land described in Exhibit “A” of the permit application. The Planning Commission further recommends that the following conditions should be considered part of the permit:

1. The permit is subject to administrative review. The Interim Use Permit (IUP) is issued to Valley Paving, Inc. This permit is not transferable to another person, company or property. The permit allows for the stockpiling of a maximum of 20,000 cubic yards of materials onto the subject property. The permit shall not be terminated until all reclamation areas have been completed to the satisfaction of the approved CCWMO permit.
2. The termination date of the IUP shall be when the permittee has completed all permit requirements of the necessary Carver County, CCWMO and other agency permits. All aggregate crushing and hauling shall cease no later than December 1, 2025.
3. The soil movement and land reclamation activities shall operate in accordance with the submitted project narrative (dated July 12, 2023, updated August 3, 2023), site plans (dated June 8, 2023), and any/all CCWMO permit approval(s) (i.e. stormwater infiltration, BMPs and site reclamation), and any/all MnDOT (Road Authority) access requirements/right-of-way standards. If there are any inconsistencies between previously submitted versions, the terms of the most recent shall prevail and shall be considered requirements of this permit. The soil movement and land reclamation activities shall be operated and maintained in accordance with the Carver County Zoning Code. These plans shall be attached to and be considered part of this permit.
4. All required plans shall be prepared, submitted, approved, and implemented in accordance with the Carver County Water Management Organization (CCWMO) Water Management guidelines and permit requirements. Any and all site improvements shall be completed pursuant to Chapter 153 – Water Resource Management. Permittee shall obtain an NPDES permit as required by the MPCA.
5. The Permittee shall always comply with the County standards as detailed in Chapter 152 – Zoning Code and Chapter 154 – Sign Regulations.
6. The hours of operation shall be in conjunction with the roadway construction, approximately from 7:00AM to 7:00PM Monday through Saturday. Dirt hauling shall not occur on federally observed holidays. Operations will not occur during the Scream Town business hours/days on the property.
7. If internal access roads are used to the extent that dust becomes a problem for surrounding properties, the access roads shall be treated with dust control measures (i.e. calcium chloride, magnesium chloride, or other similar measures).
8. All storage of equipment and materials used in the operation shall be kept within the project area identified in the submitted site plan. Crushing and aggregate materials storage must be at least 50’ from any property line or right-of-way. Operations area must be at least 500’ from neighboring homes.

9. Noise pollution shall be kept to the requirements/standards of the Minnesota State Statute Chapter 7030.
10. No trash, garbage, waste, construction debris, or other similar materials shall be deposited in or near the project area.
11. Permittee shall obtain and maintain a Non-generator's Certificate or contact the Environmental Services (E.S.) Department to obtain a Hazardous Waste Generator's License, if required.
12. The Permittee shall submit a copy of Worker's Compensation Insurance to the Carver County Land Management Department annually.
13. Permittee agrees to defend, indemnify and hold harmless the County, its officers and employees against any and all liability, loss, costs, damages and expenses which the County, its officers or employees may hereafter sustain, incur, or be required to pay arising out of the permittee's performance or failure to adequately perform its obligations pursuant to this permit, or arising out of a dispute as to the ownership of the property.

**ADOPTED** by the Carver County Planning Commission this 19<sup>th</sup> day of September 2023.

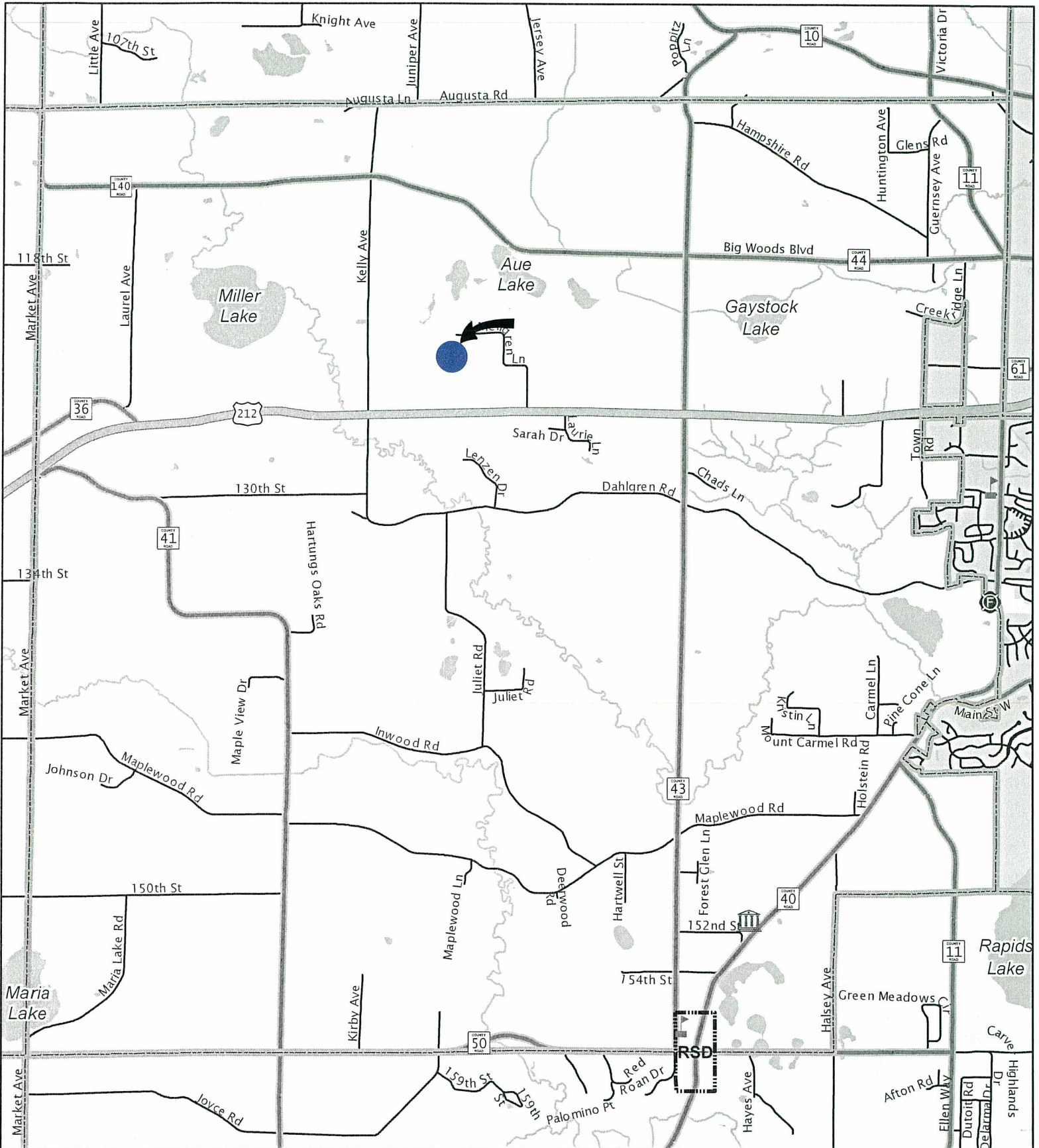


[Scott J Wakefield \(Sep 22, 2023 12:16 CDT\)](#)

Scott Wakefield, Chairman                      09/22/23  
Carver County Planning Commission



# DAHLGREN TOWNSHIP



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



# Carver County Board of Commissioners Request for Board Action



**Agenda Item:**

**Professional Services Agreement with Alliant Engineering, Inc. for Highway 17/W 78th Street Intersection Project**

Primary Originating Division/Dept:

Meeting Date:

Contact:  Title:

Item Type:  
Consent

Amount of Time Requested:  minutes

Attachments:  Yes  No

Presenter:  Title:

**Strategic Initiative:**

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

**BACKGROUND/JUSTIFICATION:**

The City of Chanhassen and Carver County have identified this location as one of the oldest remaining signal systems in the County. It is in need of a signal system replacement as well as safety improvements related to sight distance and pedestrian facilities need updating to meet ADA compliance. This project will occur during summer and fall of 2024 construction. Carver County will be partnering with the City of Chanhassen on this project. The public works staff received proposals from four (4) consulting firms for the engineering services on this project. These were reviewed and scored by three (3) members of the Public Works staff and Alliant Engineering was selected to perform design, project management, and other necessary tasks.

**ACTION REQUESTED:**

Motion to approve a professional services agreement with Alliant Engineering, Inc. for \$137,703 for the Highway 17/W 78th Street Intersection Project for preliminary, final design, and construction services, pending finalization of the contract review process.

**FISCAL IMPACT:**

If "Other", specify:

**FTE IMPACT:**

**FUNDING**

<b>County Dollars =</b>	<input type="text" value=""/>
County State Aid Regular	\$68,851.50
City of Chanhassen	\$68,851.50
<b>Total</b>	<b>\$137,703.00</b>

Insert additional funding source

Related Financial/FTE Comments:

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*Office use only:*

RBA 2023 - 9371

# Carver County Board of Commissioners

## Request for Board Action



### Agenda Item:

#### Resolution of Support for Highway 5 Arboretum Area for Minnesota Highway Freight Program Grant Application

Primary Originating Division/Dept: Public Works - Program Delivery

Meeting Date: 10/3/2023

Contact: Darin Mielke

Title: Deputy County Engineer

Item Type:

Consent

Amount of Time Requested:  minutes

Presenter:

Title:

Attachments:  Yes  No

Strategic Initiative:

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

### BACKGROUND/JUSTIFICATION:

The Minnesota Department of Transportation (MnDOT) is soliciting applications for the Fiscal Year (FY) 2023 Highway Freight Grant program, which provides \$64.8 million to fund infrastructure projects that improve safety, mobility, and meet the needs of the state's freight transportation system on a local level

Carver County, in partnership with MnDOT, and the cities of Chanhassen and Victoria is seeking funds to reconstruct Highway 5 from 80th Street in the City of Victoria to Century Boulevard in the City of Chanhassen. Highway 5 within the project area experiences significant congestion, mobility limitations and higher-than-average crash rates. Highway 5 carries 27,000 vehicles through the project area, including 800 heavy commercial vehicles per day, currently serving a demand 50 percent above the threshold of a two-lane highway. Without improvements, by 2040, increased congestion will result in 180,000 hours of annual delay during peak periods. Severe mobility limitations result in frequent two-mile backups throughout the corridor in which travel speeds are regularly reduced to 35 mph on a 55 mph posted speed roadway. Within the project area, 187 crashes occurred between 2014-2018, including a fatality. This results in a crash rate 2.5 times higher than the state average for similar roadways.

The improvements proposed in the Highway 5 Arboretum Area Mobility Project will address current crash and congestion issues while providing a solution that can accommodate growth essential for the region's economic vitality. The proposed solution is sensitive to the surrounding environment, climate change considerations, and a better quality of life for adjacent residents.

The resolution states that the County will provide funding towards the 20 percent local match and partner with project partners to contribute to the overall local match and project funding as identified in the grant application. The grant application funding request is for \$10.8 million of the estimated \$114 million project. Funding secured to date includes \$12 million in federal funding through the Metropolitan Council's Regional Solicitation, \$2 million in federal Congressionally Directed Spending, \$10 million in federal PROTECT funding through the Met Council, \$20 million in State of Minnesota bond funds, as well as commitment from MnDOT of \$5.8 million. The County's share is identified as approximately \$20 million from the transportation sales tax and \$4.5 million of County State Aid Highway funding. A funding gap of \$36.7 million remains for implementation of the full corridor improvement project vision, and county staff continues to pursue competitive funding sources to fill this gap including the current \$7 million federal Congressionally Directed Spending request, \$25 million federal RAISE request, and a \$15 million federal Safe Streets for All (SS4A) request. Additional 2023 pursuit opportunities include the Metropolitan Council's next round of Regional Solicitation for federal transportation funding.

### ACTION REQUESTED:

Motion to adopt a resolution of support and approve the submittal of the Highway 5 Arboretum Area Mobility Project application to the FY 2023 Minnesota Highway Freight Program to reconstruct and expand Highway 5 and to authorize and direct the Carver County Engineer to submit the application.

**FISCAL IMPACT:** Other

*If "Other", specify:*

**FTE IMPACT:** None

**FUNDING**

County Dollars =	
Met Council Fed funding	\$12,000,000.00
CDS Fed Funding	\$2,000,000.00
MnDOT	\$5,800,000.00
Cities (Chanhassen, Vic...	\$3,000,000.00
County Sales Tax	\$20,000,000.00
County CSAH funding	\$4,500,000.00
Freight Grant Request	\$10,800,000.00
State of MN Bond	\$20,000,000.00
PROTECT Funds	\$10,000,000.00
Funding gap for full visi...	\$25,900,000.00
<b>Total</b>	<b>\$114,000,000.00</b>

**Related Financial/FTE Comments:**

This project is on the approved Transportation Sales Tax project list. Project cost is estimated and is subject to change.

*Office use only:*

RBA 2023 - 9372

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

Date: October 3, 2023

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

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

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

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**Resolution of Support and Authorization for an Application to the Minnesota Department of Transportation (MNDOT) for the Minnesota Highway Freight Program (MNHFP) for the Highway 5 Mobility Improvement Project**

WHEREAS, the Minnesota Department of Transportation (MnDOT) recently announced a discretionary funding opportunity through the fiscal year 2023 MNHFP, which makes \$64.8 million to fund infrastructure projects that improve safety, mobility, and meet the needs of the state’s freight transportation system on a local level; and

WHEREAS, Carver County partnered with MnDOT, the City of Victoria, the City of Chaska, and the City of Chanhassen to identify transportation system improvements around the Minnesota Landscape Arboretum including Highway 5, Highway 41, Rolling Acres Road, Bavaria Road, and 82nd Street West; and

WHEREAS, the resulting Arboretum Area Transportation Plan includes an implementation framework with estimated improvement costs, project sequencing, and timeframes to guide capital improvement planning for Carver County, MnDOT, the City of Victoria, the City of Chaska, the City of Chanhassen, and their partners for improvements along Highway 5, Highway 41, Rolling Acres Road, Bavaria Road; and

WHEREAS, the Highway 5 Mobility Improvement Project is a high priority project to address critical transportation system failures on a corridor identified as a Tier II Regional Truck Freight Corridor by the Metropolitan Council; and

WHEREAS, Carver County is the fastest growing county in Minnesota and completion of the Highway 5 Mobility Improvement Project is critical to support economic development in the southwest metropolitan area; and

WHEREAS, the Highway 5 Mobility Improvement Project meets program goals by serving the mobility and safety needs on a critical truck freight corridor; and

WHEREAS, once funded and constructed the Highway 5 Arboretum Area Mobility Project will provide safer, faster, and more reliable movement of goods and people through Carver County and the metropolitan region; and

WHEREAS, the MNHFP requires a 20% match to come from local sources.

NOW THEREFORE BE IT RESOLVED, that the Carver County Board of Commissioners hereby supports and approves a fiscal year 2023 Minnesota Highway Freight Program Grant request for \$10.8 million to construct the Highway 5 Area Mobility Project and the board directs the Carver County Engineer to submit the requested project information.

BE IT FURTHER RESOLVED, that Carver County is committed to providing the 20% local funding match and ensuring all major project milestones are met as required by the FY 2026-2028 Minnesota Highway Freight Program. These funds will be provided either through the County’s local option transportation sales tax or through local competitive funding sources.

YES

ABSENT

NO

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STATE OF MINNESOTA  
 COUNTY OF CARVER

I, Dave Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 3rd day of October, 2023, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 3rd day of October, 2023.

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Dave Hemze

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County Administrator