



**Carver County Board of Commissioners  
August 20, 2024  
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**
- Public comments that relate to an item on the agenda may be heard when that agenda item is discussed. Please limit your comments to five minutes or less.
- Individuals unable to attend in person can provide public comments by e-mail at [admin-contact@carvercountymn.gov](mailto:admin-contact@carvercountymn.gov).
2.    Agenda review and adoption
3.    Approve minutes of August 6, 2024, Regular Session ..... 1-4
4.    Community Announcements
- 9:20 a.m.    5.    **CONSENT AGENDA**
- Communities: Create and maintain safe, healthy, and livable communities*
- 5.1    Accept LAHA funds and approve distribution plan.....5-6  
              5.1.1 Budget Amendment .....7
- 5.2    Resolution Authorizing Petition for Eminent Domain For The Highway 11/14 Project .....8-16
- 5.3    Authorization to Close on Property Owned by Hennepin County Regional Railroad Authority..... 17-18  
              5.3.1 Budget Amendment ..... 19
- 5.4    Commissioner Fahey Out of State Travel Request.....20
- Connections: Develop strong public partnerships and connect people to services and information*
- 5.5    Professional Services Agmt. for Pavement Crossing Work at Hwy 51 Railroad Crossing with Mathiowetz Construction Co. ....21
- 5.6    Contract with Patricia Preiner (MPJWR) for purchase of Wetland Credits for Hwy 18 Project - Arboretum Area..... 22
- 5.7    PSA with Dakota Conservators Inc. to provide Guardianship and Conservatorship Services .....23
- 5.8    Charitable Gambling Application for Exempt Permit-Marsh Lake Ducks Unlimited .....24
- 5.9    Application for a 1 Day to 4 Day Temporary On-Sale Liquor License for Augusta Ball Club, Chaska.....25
- 5.10    Charitable Gambling Application for Exempt Permit-Augusta Ball Club Inc.....26

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

|      |                                                                                                                         |       |
|------|-------------------------------------------------------------------------------------------------------------------------|-------|
| 5.11 | Request to proceed with split and sale of County property .....                                                         | 27-31 |
| 5.12 | Amendment 3 to Professional Services Agreement for the Highway 18 (82nd Street) Project .....                           | 32-33 |
| 5.13 | B.H. Aggregate - Request to Mine Aggregate for road project (IUP) .                                                     | 34-41 |
| 5.14 | Resolution considering criteria for the Metropolitan Agricultural Preserves Program Early Termination (Amendment) ..... | 42-47 |

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

|      |                                                                                                               |        |
|------|---------------------------------------------------------------------------------------------------------------|--------|
| 5.15 | Donation to Carver County Sheriff's K-9 Unit.....                                                             | 48     |
| 5.16 | Request to proceed with a tax forfeiture private sale .....                                                   | 49-53  |
| 5.17 | Create a \$250k Reserve Account from HHS Out-of-Home/Residential Placement 2023 Budget to Actual Savings..... | 54-55  |
|      | 5.17.1 Budget Amendment .....                                                                                 | 56     |
| 5.18 | Review Health & Human Services and Commissioner Warrants .....                                                | NO ATT |

|            |                                                                                                                                               |       |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 9:30 a.m.  | <b>6. COMMUNITIES: Create and maintain safe, healthy, and livable communities</b>                                                             |       |
|            | 6.1 MICA Legislative Update .....                                                                                                             | 57    |
| 10:00 a.m. | <b>7. County Administrator Report</b>                                                                                                         |       |
| 10:05 a.m. | <b>CONVENE CLOSED SESSION</b>                                                                                                                 |       |
| 10:05 a.m. | <b>8. COMMUNITIES: Create and maintain safe, healthy, and livable communities</b>                                                             |       |
|            | 8.1 Highway 11/14 Project Property Acquisitions .....                                                                                         | 58    |
|            | <b>9. CULTURE: Provide organizational culture fostering accountability to achieve goals and sustain trust/confidence in County government</b> |       |
|            | 9.1 Labor Negotiation Strategy .....                                                                                                          | 59    |
| 11:10 a.m. | <b>ADJOURN CLOSED SESSION</b>                                                                                                                 |       |
| 11:10 a.m. | <b>ADJOURN REGULAR SESSION</b>                                                                                                                |       |
| 11:10 a.m. | <b>CONVENE WORK SESSION</b>                                                                                                                   |       |
| 11:10 a.m. | <b>10. FINANCES: Improve the County's financial health and economic profile</b>                                                               |       |
|            | 10.1 CDA 2025 Budget and Levy.....                                                                                                            | 60-67 |
| 11:40 a.m. | <b>ADJOURN WORK SESSION</b>                                                                                                                   |       |

David Hemze  
County Administrator

## UPCOMING MEETINGS

|                    |            |                                                                                                             |
|--------------------|------------|-------------------------------------------------------------------------------------------------------------|
| August 20, 2024    | 9:00 a.m.  | Board Meeting                                                                                               |
| August 22, 2024    | 3:00 p.m.  | Paradise Beach Bash: Paradise Commons Community Grand Opening                                               |
| August 27, 2024    | 9:00 a.m.  | Board Work Session                                                                                          |
| September 3, 2024  | 9:15 a.m.  | Board Meeting                                                                                               |
| September 10, 2024 |            | No Board Meeting                                                                                            |
| September 16, 2024 | 12:00 p.m. | Comcast Groundbreaking Ceremony                                                                             |
| September 17, 2024 | 9:00 a.m.  | No Meeting (Washington D.C. Trans Fly In)                                                                   |
| September 19, 2024 | 7:00 p.m.  | League of Women Voters Fall Candidate Forum, MN House 48 Candidate, County Board Room, lwvec@lwvmnorg       |
| September 24, 2024 | 9:00 a.m.  | Board Work Session                                                                                          |
| September 24, 2024 | 7:00 p.m.  | League of Women Voters Fall Candidate Forum, Carver County Commissioners, County Board Room, lwvec@lwvmnorg |
| October 1, 2024    | 9:00 a.m.  | Board Meeting                                                                                               |
| October 8, 2024    |            | No Board Meeting                                                                                            |
| October 15, 2024   | 9:00 a.m.  | Board Meeting                                                                                               |
| October 22, 2024   | 9:00 a.m.  | Board Work Session                                                                                          |
| October 29, 2024   |            | No Board Meeting                                                                                            |

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on August 6, 2024. Chair Gayle Degler convened the session at 9:00 a.m.

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

Under public comments, Sam Cooke, 310 38<sup>th</sup> Street, spoke on the Hollywood Township radio tower.

James Crannell, 622 82<sup>nd</sup> St W, Chaska would like clarity on property acquisition of his land.

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

Fahey moved, Workman seconded, to approve the minutes of the July 16, 2024, Regular Session. Motion carried unanimously.

Udermann requested to discuss Consent item 5.5 Professional Services Agreement with Bolton & Menk. Udermann moved, Workman seconded to move item 5.5 to the Regular Session as item 10.3, Motion carried unanimously.

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

- 5.1 Approved motion to approve 3rd contract amendment with RJM upon completion of the contract review process and motion to close out contracts and make final payment to contractors on the project upon receipt of proper documentation for the project.
- 5.2 Resolution 68-24 Stipulation for Settlement Agreement Between CCRRA and Carver County
- 5.3 Approved using public safety aid funds from the State of MN to purchase and implement a UAS system to include pilot training and certification in the Carver County Sheriff's Office.
- 5.4 Approved a professional services agreement with BOLTON AND MENK INC pending finalization of the contract review process.
- 5.6 Approved motion to authorize the issuance of a special event use permit to ISD 108 Central Schools for the planned 2024 HS cross country race events held at Baylor Regional Park.
- 5.7 Approved motion to authorize the issuance of a special event use permit to St. Johns Lutheran School for the planned September 17, 2024 middle school cross-country meet held at Baylor Regional Park.
- 5.8 Resolution 69-24 approving the settlement agreement with the MEnD Trustee, delegating authority to the Carver County Attorney's Office to execute the settlement agreement on behalf of Carver County, and authorizing payment to the MEnD Trustee in the amount of \$3,806.50.
- 5.9 Approved Motion to approve a Phased Retirement Option (PRO) for Peter Bendzick in the Public Works Division subject to satisfactory negotiation of the MOA.

- 5.10 Approved motion to authorize the chair to sign the BWSR Watershed-Based Implementation Funding Grant Agreement pending contract review.
- 5.11 Approved motion authorizing the issuance of a Certificate of Zoning Compliance (#A20240157) for the August 17-18, 2024, Outdoor Service and Celebration event.
- 5.12 Approved motion authorizing the issuance of a Certificate of Zoning Compliance (#A20240154) for the August 16-17, 2024, Carver County Recovery Fest event.
- 5.13 Approved motion to adopt Findings of Fact and issue Order #PZ20240022 for the issuance of a Conditional Use Permit.
- 5.14 Resolution 70-24 to award a contract to New Look Contracting, Inc. for the Highway 17/West 78th Street Intersection Project for \$592,248.00, pending finalization of the contract review process.
- 5.15 Resolution 71-24 to approve right of way acquisition settlements for the Highway 10/41 Project for the properties located at PID #'s: 30.0332400 and 30.0044520.

Reviewed July 19, 2024, Community Social Services' actions/Commissioners' warrants in the amount of \$208,604.81; reviewed July 24, 2024, Community Social Services' actions/Commissioners' warrants in the amount of \$988,017.91 and reviewed August 2, 2024, Community Social Services' actions/Commissioners' warrants in the amount of \$369,928.17.

Motion carried unanimously.

- 6.1 Dave Hemze, County Administrator spoke on the 2024-2025 strategic plan. The vision, mission and goals of Carver County will remain the same. Hemze summarized the document including key strategies moving forward.

Fahey moved, Lynch seconded to adopt Carver County's 2024-2025 Strategic plan. Motion carried unanimously.

- 7.1 A legislative update was provided by Tony Albrecht, Lobbyist at Poul Haas
- 8.1 Michelle Miller, Employee Relations spoke on the 14th annual PEER Award Recognition program and acknowledged recipients in four categories. Customer service award given to Social Worker, Chezni Rang. Innovation award given to Ryan Jaehnert with Court services. Project Based Teamwork went to library Branch Managers, Paul Erickson & Patrick Jones. Ann Wolf with IT received the Judges Choice award for exceling in all 3 categories.
- 9.1 Patrick Barry, Chief Deputy spoke on Sheriff's Office Table of Organization Adjustment. Asking to make adjustment to Emergency Management due to Commander Deb Paige retiring at the end of 2024. Motion to Eliminate 1 FTE Commander of Communications and Emergency Management and 1 FTE Emergency Management Specialist and Create 1 FTE Manager of Emergency Management and 1 FTE Commander of Operations and Support Services.

Lynch moved, Workman seconded, Motion carried unanimously.

- 10.1 Jason Mielke, Land Use Manager spoke on B.H. Aggregate - Request to Mine

Aggregate for road project (IUP). A public hearing was held on 6.16.24, planning commission voted unanimously to approve this request. Interim Use Permit for 85 acres and they will utilize just under 10 acres for the 212 Project. Motion to adopt the Findings of Fact and issue Order #PZ20240025 for the issuance of an Interim Use Permit.

Motion carried unanimously.

- 10.2 Jason Mielke, Land Use Manager discussed Ordinance No. 107-2024 Moratorium on cannabis business activity in the unincorporated area of Carver County (Zoning Standards). Continued request from 7.16.24 meeting, public hearing notification was made on 7.4.24 in the Patriot in addition to notifying townships and cities officials. A page is also set up specifically for public hearing information on cannabis moratorium on the Carver county website. Moratorium will give land management time to conduct research, study legislative language and develop zoning code language.

Udermann moved, Workman seconded to close public hearing, Motion carried unanimously.

Fahey moved, Lynch seconded, Motion to adopt Resolution 72-24 enacting an interim ordinance (Ordinance No. 107-2024), instituting an emergency moratorium on cannabis businesses in the unincorporated area of Carver County. Degler, Fahey, Lynch, Workman voted aye. Udermann nay. Motion carried 4 to 1.

- 10.3 Moved from consent agenda 5.5, Martin Walsh, Parks director clarified fees in the amount of \$17,006.05, associated with the Professional Services Agreement with Bolton and Menk for Design and Construction Administration Services.

Udermann moved, Workman seconded to approved PSA with Bolton & Menk upon the completion of the contract review process. Motion carried unanimously.

Commissioner Workman left the room at 11:26 a.m.

Lynch moved, Udermann seconded to Recess as County Board and convene as Carver County Regional Rail Authority. Degler, Fahey, Lynch, Udermann voted aye. Workman absent. Motion carried.

- 11.1 Martin Walsh, Parks Director spoke on the stipulation for Settlement Agreement Between CCRRA and Carver County.

Commissioner Workman returned to the room at 11:30 a.m.

Workman moved, Lynch seconded, to authorize CCRRA to enter the stipulation for settlement agreement upon completion of the contract review process and to authorize CCRRA to make an in-kind donation to the County of 25% the fair market value of the PTE over Parcels 2 & 7, provided the County receives grant funding of 75% of the fair market value of the Phases 1 acquisitions. Motion carried unanimously.

Fahey moved, Lynch seconded to adjourn as Carver County Regional Rail Authority and reconvene as county board, motion carried unanimously.

12. County Administrator Report: Today at 4:30pm is the Hoffman family event and tonight is the Night to Unite. Also 1:00pm on Thursday is the Hwy 212 groundbreaking.

Entered into a closed session to discuss Highway 41/10 Project Property Acquisitions PID #30.04580010 & 30.6570010.

Lynch moved, Fahey seconded, to adjourn the Regular Session at 11:47 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:

**Accept LAHA funds and approve distribution plan**

Primary Originating Division/Dept:

Meeting Date: 8/20/2024

Contact: Heather A Goodwin Title:

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:

Carver County Health and Human Services (CCHHS) Director, Heather Goodwin, presented an overview of Local Affordable Housing Aid (LAHA) funding as part of the housing study presentation at the July 9, 2024, County Board work session (RBA 9901). At that time, it was explained that LAHA was initially passed by State legislators in 2023 then Minnesota State Statute 477A.35 was amended during the 2024 legislative session. The 2024 legislation expanded the use of LAHA funds adding more qualified projects that Health and Human Services can administer. The main goal of LAHA is to help metropolitan local governments to keep families from losing housing and to help those experiencing homelessness find housing. Specific objectives to meet that goal are: 1) developing and preserving affordable housing; 2) directly assisting those in arrears; and 3) providing support to eligible providers.

CCHHS has met directly with the Carver County Community Development Agency (CDA) and in partnership are developing a LAHA spending plan. The two entities will continue to work closely together to ensure dollars are spent on qualifying projects that meet the intended goal for the funding. Based on those discussions and as presented at the July 9<sup>th</sup> County Board meeting, CCHHS is recommending, with agreement from the CDA, for the funds to be distributed utilizing the following percentages: 30% to Carver County Health and Human Services and 70% to Carver County Community Development Agency. The CDA's portion will be deposited into their Local Housing Trust Fund to be used for a qualifying LAHA project(s).

On July 28, 2024, Carver County received the first installment of LAHA funds in the amount of \$815,183.99. The second installment for 2024 will arrive in December. These funds, per legislation, are ongoing with no end date listed in legislation. These funds originate from a metro sales and use tax. The allocation is sent to counties from the Minnesota Department of Revenue. With the first report due in 2025, annual reporting to Minnesota Housing is required regarding use of funds, including certification that LAHA funds will only supplement and not supplant existing locally funded housing expenditures.

### ACTION REQUESTED:

Motion to accept the first installment and approve ongoing Local Affordable Housing Aid funds from the Department of Revenue. Motion to approve the distribution plan with 30% of the funds being allocated to Carver County Health and Human Services and 70% of the funds being allocated to Carver County Community Development Agency.

FISCAL IMPACT:

**FUNDING**

If "Other", specify:

**County Dollars =**

LAHA DOR funds \$815,183.99

**FTE IMPACT:**

**Total** \$815,183.99

Insert additional funding source

**Related Financial/FTE Comments:**

Based on the proposed distribution plan, the initial LAHA payment will be distributed as follows: \$244,555.20 to CCHHS (30%) and \$570,628.79 (70%) to CDA. The CCHHS portion will be deposited into a specific account established by Finance for these funds.

Office use only:

RBA 2024 - 10014

# Budget Amendment Request Form



To be filled out AFTER RBA submittal

**Agenda Item:** Accept LAHA funds and approve distribution plan

Department:

Meeting Date: 8/20/2024

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: Denise Heckmann

## DEBIT

| Description of Accounts | Acct #          | Amount       |
|-------------------------|-----------------|--------------|
| LAHA HHS                | 02-480.754.6260 | \$244,555.20 |
| LAHA CDA                | 02-480.6260     | \$570,628.79 |
| <b>TOTAL</b>            |                 | \$815,183.99 |

## CREDIT

| Description of Accounts | Acct #      | Amount       |
|-------------------------|-------------|--------------|
| LAHA payment            | 02-480.5234 | \$815,183.99 |
| <b>TOTAL</b>            |             | \$815,183.99 |

Reason for Request:

Acceptance of the Local Affordable Housing Aid (LAHA) payment and distribution plan.

## Carver County Board of Commissioners Request for Board Action

**Agenda Item:****Resolution Authorizing Petition for Eminent Domain For The Highway 11/14 Project**

Primary Originating Division/Dept: Public Works - Program Delivery

Meeting Date: 8/20/2024

Contact: Anthony Stucchi

Title: Assistant Right of Way Agent

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:**

The 2024-2025 Construction Season includes the Highway 11/14 Project which entails the construction of a roundabout at the intersection of Highway 11 and Highway 14. The project limits fall within Laketown Township and the City of Victoria.

Additional right-of-way is needed to complete the project scope. Carver County has contracted with appraisers in order to establish fair market value for the right of way acquisitions needed in support of the project. On May 21, 2024, the County Board authorized Public Works staff to make offers for direct purchase of the impacted properties.

Public Works staff has been negotiating with property owners in good faith, and will continue to do so, to acquire the right-of-way and easements needed for the project. It is anticipated that a majority of the parcels will be acquired by negotiation. However, in order to meet the schedule for construction bidding, it will be necessary to undertake eminent domain proceedings to acquire the necessary property interests from some property owners.

A resolution, including the exhibits listing the affected property owners, is attached for the County Board to consider for approval. There are six (6) parcel owners identified as the following property identification numbers: 07.0251900, 07.0252720, 07.0250200, 07.0540010, 07.7250100, 65.0250900.

**ACTION REQUESTED:**

Motion to adopt a resolution authorizing and directing the consultant county attorney and county staff to take all steps necessary to acquire the right of way and easements necessary for the Highway 11/14 Project, by filing an action in eminent domain, negotiation of early entry authorization and the use of the quick-take procedure.

**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:

# BOARD OF COUNTY COMMISSIONERS

## CARVER COUNTY, MINNESOTA

Date: August 20, 2024

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

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

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

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### **Resolution Authorizing Eminent Domain to Acquire Real Property Interests Needed for Highway 11/14 Roundabout Project**

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

WHEREAS, the County’s 2024 highway construction season includes the Highway 11/14 Roundabout Project, which involves constructing a roundabout at the intersection of the CSAH 11 and CSAH 14 to provide enhanced vehicular and pedestrian safety and traffic mobility, (Project SP Number 010-0611-028 and Carver County Project Number 218906), (“Project”); and

WHEREAS, the County finds that it is reasonable, necessary, and expedient for the public health, safety, and welfare, and necessary and for a public purpose or public use to undertake the Project; and

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

WHEREAS, to complete the Project, the County must acquire the real property interests described in Exhibit A; and

WHEREAS, based upon appraisal reports of damages obtained by the County from an independent licensed real estate appraiser, and in accordance with authorization of the Board of Commissioners by Resolution No. 40-24, dated May 21, 2024, the Public Works Division Director or agents under his supervision made offers of compensation to the owners of affected properties for the real property interests required from those owners for the Project; and

WHEREAS, despite good faith efforts, negotiations with the owners for the direct purchase of the real property interests which the County needs for the Project either have been unsuccessful or the County has been unable to fully execute by today’s date the settlement agreements that the County has negotiated with said owners; and

WHEREAS, the Board of Commissioners finds that it is reasonably necessary, proper, and convenient, in furtherance of the Project, and in the interest of the public health, convenience, and general welfare of the citizens of the County that the County acquire title to, and possession of the real property interests described in Exhibit A through use of the power of eminent domain; and

WHEREAS, the County has the right pursuant to Minnesota Statutes, § 117.042 to acquire title to and possession of the real property interests the County needs for the Project prior to the filing of an award of damages by court-appointed commissioners; and

WHEREAS, the Board of Commissioners finds that the funding and construction schedule for the Project make it necessary for the County to acquire title to and possession of the real property interests described in Exhibit A prior to the filing of the final report of the condemnation commissioners to be appointed by the district court.

NOW, THEREFORE, BE IT RESOLVED that:

- 1. It is the considered judgment of the Board of Commissioners that the Project, and the County’s acquisition of the real property interests described in Exhibit A constitute a valid public use and public purpose; and
- 2. It is the considered judgment of the Board of Commissioners that the County must acquire the real property interests described in Exhibit A for the stated public purposes in furtherance of the Project; and
- 3. The County is authorized to acquire the real property interests described in Exhibit A, by direct purchase, and if necessary, through the exercise of the power of eminent domain, and the early transfer of title to and possession of said real property interests pursuant to Minn. Stat. § 117.042; and
- 4. The Public Works Division Director or his delegee is authorized to approve the appraised values for the acquisition of the real property interests described in Exhibit A for the purposes of using the “quick take” procedure under Minn. Stat. § 117.042; and
- 5. The County Attorney, the County Attorney’s legal staff, and any legal counsel retained by the County are authorized and directed to take all steps reasonably necessary to commence eminent domain proceedings to acquire the real property interests described in Exhibit A, including but not limited to the filing of the Petition necessary to initiate an action in eminent domain in district court and using the process provided for in Minn. Stat. § 117.042, and litigate such action and all related matters needed to bring the action to a successful conclusion or until the action is abandoned, dismissed, or terminated by the County or district court.

|                           | ABSENT | YES   | NO    |
|---------------------------|--------|-------|-------|
| Gayle Degler, Chair       | _____  | _____ | _____ |
| John P. Fahey, Vice Chair | _____  | _____ | _____ |
| Tom Workman               | _____  | _____ | _____ |
| Matt Udermann             | _____  | _____ | _____ |
| Tim Lynch                 | _____  | _____ | _____ |
| STATE OF MINNESOTA        |        |       |       |
| COUNTY OF CARVER          |        |       |       |

I, Dave Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of Commissioners, Carver County, Minnesota, at its session held on August 20, 2024, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 20th day of August, 2024

Dave Hemze

County Administrator

## **Exhibit A**

### **Highway 11/14 Roundabout Project**

Carver County Public Works No.: 218906

Property Tax Identification No.: 07.0251900

Parcels: Parcel 1, PE Parcel 1, and TE Parcel 1

Fee Owner: Schmieg Farm Land, LLC, a Minnesota Limited Liability Company

Lessee's Interest: Hilltop Farm LLC, a Minnesota Limited Liability Company

Property Address: 5475 Marsh Lake Rd, Chaska, MN 55318

### **Legal Description of Property to be Acquired Herein in Fee Simple:**

Parcel 1 of CARVER COUNTY RIGHT OF WAY PLAT NO. 37, according to the recorded plat thereof, Carver County, Minnesota, containing 109,200 sq. ft., more or less, including 46,489 sq. ft., more or less, of existing road right of way easement.

### **Legal Description Property to be Encumbered by Permanent Easement for Drainage and Utility Purposes:**

PE Parcel 1 of CARVER COUNTY RIGHT OF WAY PLAT NO. 37, according to the recorded plat thereof, Carver County, Minnesota, containing 4,818 sq. ft., more or less.

### **Legal Description of Property to be Encumbered by Temporary Easement For Construction Purposes:**

TE Parcel 1, as shown on CARVER COUNTY RIGHT OF WAY PLAT NO. 37, according to the recorded plat thereof, Carver County, Minnesota, containing 9,640 sq. ft., more or less.

### **Term of Temporary Easement:**

The Subject Property will be encumbered by a temporary construction easement for a duration of 650 days, or 1.78 years.

**Highway 11/14 Roundabout Project**

Carver County Public Works No.: 218906  
Property Tax Identification No.: 07.0252720  
Parcels: Parcel 2 and TE Parcel 2  
Fee Owner: Richard J. Schmieg, Single  
Property Address: Marsh Lake Rd, Chaska, MN 55318

**Legal Description of Property to be Acquired in Fee Simple:**

Parcel 2 of CARVER COUNTY RIGHT OF WAY PLAT NO. 37, according to the recorded plat thereof, Carver County, Minnesota, containing 8,352 sq. ft., more or less, including 8,352 sq. ft., more or less, of existing road right of way easement.

**Legal Description of Property to be Encumbered by Temporary Easement For Construction Purposes:**

TE Parcel 2, as shown on CARVER COUNTY RIGHT OF WAY PLAT NO. 37, according to the recorded plat thereof, Carver County, Minnesota, containing 691 sq. ft., more or less.

**Term of Temporary Easement:**

The Subject Property will be encumbered by a temporary construction easement for a duration of 650 days, or 1.78 years.

**Highway 11/14 Roundabout Project**

Property Tax Identification No.: 07.0250200

Parcels: Parcel 3 and TE Parcel 3

Fee Owner: Steven James Kelzer Revocable Trust, Steven James Kelzer and Barbara Lee Kelzer as Trustees

Property Address: 2025 Pioneer Trail Chaska, MN

**Legal Description of Property to be Acquired in Fee Simple:**

Parcel 3 of CARVER COUNTY RIGHT OF WAY PLAT NO. 37, according to the recorded plat thereof, Carver County, Minnesota, containing 169,817 sq. ft., more or less, including 168,069 sq. ft., more or less, of existing road right of way easement.

**Legal Description of Property to be Encumbered by Temporary Easement For Construction Purposes:**

TE Parcel 3, as shown on CARVER COUNTY RIGHT OF WAY PLAT NO. 37, according to the recorded plat thereof, Carver County, Minnesota, containing 4,030 sq. ft., more or less.

**Term of Temporary Easement:**

The Subject Property will be encumbered by a temporary construction easement for a duration of 650 days, or 1.78 years.

**Highway 11/14 Roundabout Project**

Property Tax Identification No.: 07.0540010

Parcels: Parcel 5 and TE Parcel 5

Fee Owner: Christ Victorious Lutheran Church, a Minnesota Nonprofit Corporation

Lender's Interest: Lutheran Church Extension Fund-Missouri Synod, a Missouri Nonprofit Corporation

Property Address: 9860 Shady Oak Drive, Chaska, MN 55318

**Legal Description Property to be Acquired Herein in Fee Simple:**

Parcel 5 of CARVER COUNTY RIGHT OF WAY PLAT NO. 37, according to the recorded plat thereof, Carver County, Minnesota, containing 24,578 sq. ft., more or less, including 24,460 sq. ft., more or less, of existing road right of way easement.

**Legal Description of Property to be Encumbered by Temporary Easement For Construction Purposes:**

TE Parcel 5, as shown on CARVER COUNTY RIGHT OF WAY PLAT NO. 37, according to the recorded plat thereof, Carver County, Minnesota, containing 7,487 sq. ft., more or less.

**Term of Temporary Easement:**

The Subject Property will be encumbered by a temporary construction easement for a duration of 650 days, or 1.78 years.

**Highway 11/14 Roundabout Project**

Property Tax Identification No.: 07.7250100

Parcels: Parcel 6, PE Parcel 6, and TE Parcel 6

Fee Owner: Vassar Living Trust dated March 22, 2005, James L. Vassar and Linda C. Vassar as Trustees

Property Address: Vacant Land, Laketown Township, MN

**Legal Description of Property to be Acquired in Fee Simple:**

Parcel 6 of CARVER COUNTY RIGHT OF WAY PLAT NO. 37, according to the recorded plat thereof, Carver County, Minnesota, containing 56,902 sq. ft., more or less, including 47,091 sq. ft., more or less, of existing road right of way easement.

**Legal Description of Property to be Encumbered by Permanent Easement for Drainage and Utility Purposes:**

PE Parcel 6 of CARVER COUNTY RIGHT OF WAY PLAT NO. 37, according to the recorded plat thereof, Carver County, Minnesota, containing 3,058 sq. ft., more or less.

**Legal Description of Property to be Encumbered by Temporary Easement For Construction Purposes:**

TE Parcel 6, as shown on CARVER COUNTY RIGHT OF WAY PLAT NO. 37, according to the recorded plat thereof, Carver County, Minnesota, containing 24,154 sq. ft., more or less.

**Term of Temporary Easement:**

The Subject Property will be encumbered by a temporary construction easement for a duration of 650 days, or 1.78 years.

**Highway 11/14 Roundabout Project**

Property Tax Identification No.: 65.0250900

Parcels: Parcel 8, PE Parcel 8, and TE Parcel 8

Fee Owner: Schmieg Farm Land, LLC, a Minnesota Limited Liability Company

Lessee's Interest: Hilltop Farm LLC, a Minnesota Limited Liability Company

Property Address: Vacant Land, Marsh Lake Rd, Chaska, MN 55318

**Legal Description of Property to be Acquired in Fee Simple:**

Parcel 8 of CARVER COUNTY RIGHT OF WAY PLAT NO. 37, according to the recorded plat thereof, Carver County, Minnesota, containing 230,521 sq. ft., more or less, including 228,827 sq. ft., more or less, of existing road right of way easement.

**Legal Description of Property to be Encumbered by Permanent Easement for Drainage and Utility Purposes:**

PE Parcel 8 of CARVER COUNTY RIGHT OF WAY PLAT NO. 37, according to the recorded plat thereof, Carver County, Minnesota, containing 8,470 sq. ft., more or less.

**Legal Description of Property to be Encumbered by Temporary Easement For Construction Purposes:**

TE Parcel 8, as shown on CARVER COUNTY RIGHT OF WAY PLAT NO. 37, according to the recorded plat thereof, Carver County, Minnesota, containing 24,885 sq. ft., more or less.

**Term of Temporary Easement:**

The Subject Property will be encumbered by a temporary construction easement for a duration of 650 days, or 1.78 years.

## Carver County Board of Commissioners Request for Board Action



### Agenda Item:

#### Authorization to Close on Property Owned by Hennepin County Regional Railroad Authority

Primary Originating Division/Dept:

Meeting Date: 8/20/2024

Contact: Martin Walsh

Title:

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:

The County desires to Close on its purchase of real property owned by Hennepin County Regional Railroad Authority (HCRRA).

Carver County plans to acquire a 3-mile segment of the North LRT Line/Lake Minnetonka LRT Regional Trail in Carver County. The property is owned by HCRRA.

The County entered into a Board-approved purchase agreement with HCRRA on December 15, 2023 for that purchase. Under the terms of the purchase agreement, the County was not required to purchase the property unless it obtained sufficient grant funding from the Metropolitan Council for repairs that are needed to the property.

The Metropolitan Council since has approved a grant to the County (SG-24P1-03-01) in the amount of the estimated eligible expenses related to the purchase. Those expenses include the stewardship cost of needed repairs, legal services, and Closing costs. The grant amount is \$395,957.

Having been awarded the grant funds, County staff now requests authorization to proceed to Close on the County's purchase of the 3-mile segment of real property from HCRRA. The Closing will occur at a time and place mutually agreeable between the County and HCRRA.

The Closing fees are estimated to cost \$7,509. County staff determined the Closing fees, which are a grant eligible expense, to be reasonable.

### ACTION REQUESTED:

Motions:

1. Authorize County staff to Close and execute all documents needed for the County's purchase of a 3-mile segment of the North LRT Line/Lake Minnetonka LRT Regional Trail in Carver County from HCRRA, upon review of Closing documents needed for the conveyance, and subject to the contract review process as warranted.
2. Approve the grant agreement between Metropolitan Council and the County (SG-24-P1-03-01), and authorize the Board Chair and County Administrator to sign the agreement.
3. Approve Agreement and Restrictive Covenant and authorize Board Chair to sign

FISCAL IMPACT:

If "Other", specify:

FTE IMPACT:

### FUNDING

County Dollars =

Metro. Council SG-24P1-03-01 \$395,957.00

Total \$395,957.00

 Insert additional funding source

Related Financial/FTE Comments:

Funding breakout:

|              |                              |
|--------------|------------------------------|
| \$ 8,000     | Appraisal                    |
| 6,655        | Phase 1 Environmental        |
| 373,793      | Stewardship                  |
| <u>7,509</u> | Legal services/closing costs |
| \$395,957    |                              |

Office use only:

RBA 2024 - 10022

# Budget Amendment Request Form



To be filled out AFTER RBA submittal

**Agenda Item:** Authorization to Close on Property Owned by Hennepin County Regional Railroad Authority

Department:

Meeting Date: 8/20/2024

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: FRANCIS KERBER

| DEBIT                   |                      |              | CREDIT                  |                     |              |
|-------------------------|----------------------|--------------|-------------------------|---------------------|--------------|
| Description of Accounts | Acct #               | Amount       | Description of Accounts | Acct #              | Amount       |
| LAKE MTKA REG TRAIL     | 34-521-516-5028-6601 | \$395,957.00 | LAKE MTKA REG TRAIL     | 34-521-516-5028-... | \$395,957.00 |
| <b>TOTAL</b>            |                      | \$395,957.00 | <b>TOTAL</b>            |                     | \$395,957.00 |

Reason for Request:

Acquire a 3-mile segment of the North LRT Line/Lake Minnetonka Regional Trail in Carver County with funding from a Met Council Grant.

## Carver County Board of Commissioners Request for Board Action



### Agenda Item:

#### Commissioner Fahey Out of State Travel Request

Primary Originating Division/Dept: Administration (County)

Meeting Date: 8/20/2024

Contact: Krista Willaert

Title: County Administration

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:

Commissioner Fahey will be attending the Minnesota Transportation Alliance, Washington D.C. Fly-in on September 17-19, 2024. According to the County Board's Operating Rules, this out-of-state travel requires County Board approval.

### ACTION REQUESTED:

Approve Commissioner Fahey's out-of-state travel to attend the Washington D.C. Fly-in on September 17-19, 2024.

FISCAL IMPACT: Included in current budget

If "Other", specify:

### FUNDING

County Dollars =

\$2,365.00

FTE IMPACT: None

Total

\$2,365.00

Insert additional funding source

Related Financial/FTE Comments:

Above estimated cost includes lodging, flight, and registration.

Office use only:

RBA 2024 - 10032

## Carver County Board of Commissioners Request for Board Action



### Agenda Item:

**Professional Services Agmt. for Pavement Crossing Work at Hwy 51 Railroad Crossing with Mathiowetz Construction Co.**

Primary Originating Division/Dept:

Meeting Date: 8/20/2024

Contact: Darin Mielke

Title:

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:

The County and TC&W Railroad have entered into an agreement for the replacement of the railroad/highway grade crossing surface on Highway 51 near Bongards. The track crossing and gate relocations of the work on this project will be completed by TC&W RR staff and crews. Carver County's involvement in the project is traffic control, pavement removal and final patching of the pavement approaches to the RR crossing surface. TC&W owns the property where the crossing exists and where the project will occur. Carver County's highway easement is over TC&W Railroad's property.

Carver County Public Works staff solicited quotes from highway contractors for the highway pavement removal and replacement work and received two responses. Mathiowetz Construction Company provided a quote for \$61,949.27. A second quote was obtained from GMH Construction for a total of \$166,066.41. Public Works staff is recommending a contract with Mathiowetz Construction Company due to the quoted low bid and that this work can be completed concurrently with Stage 1B of the adjacent Highway 212 Project. This work was not able to be included with the larger Highway 212 Project due to environmental permitting reasons that didn't align with the project schedule.

### ACTION REQUESTED:

Motion to approve a professional services agreement with Mathiowetz Construction Co. for CSAH 51 Railroad Crossing Pavement Work for \$61,949.27, pending finalization of the contract review process.

FISCAL IMPACT:

If "Other", specify:

### FUNDING

County Dollars = \$61,949.27

FTE IMPACT:

Total \$61,949.27

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2024 - 10013

## Carver County Board of Commissioners Request for Board Action



### Agenda Item:

**Contract with Patricia Preiner (MPJWR) for purchase of Wetland Credits for Hwy 18 Project - Arboretum Area**

|                                                                                                                                                      |                                                                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| Primary Originating Division/Dept: <input type="text" value="Public Works - Program Delivery"/>                                                      | Meeting Date: 8/20/2024                                                    |
| Contact: Darin Mielke<br>Title: Assistant Public Works Director                                                                                      | Item Type:<br>Consent <input type="text" value="Consent"/>                 |
| Amount of Time Requested: <input type="text" value=""/> minutes<br>Presenter: <input type="text" value=""/> Title: <input type="text" value=""/>     | Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No |
| Strategic Initiative:<br><input type="text" value="Connections: Develop strong public partnerships and connect people to services and information"/> |                                                                            |

### BACKGROUND/JUSTIFICATION:

The Highway 18/82nd St. Project is a project identified in the Carver County 2040 Comprehensive Plan and the 2021 Arboretum Area Transportation Plan. It aims to connect Highway 13 to Highway 41, providing a vital link for Victoria, and improved access to the Minnesota Landscape Arboretum, Chaska, and Chanhassen. Key features include upgrading the gravel road to a two-lane paved urban highway constructing a bridge across the Chaska ravine, and adding a multi-use trail enhancing community connectivity. This initiative is a joint effort involving Carver County, and the cities of Chaska, Chanhassen, and Victoria. Construction is planned to begin late 2024 and conclude at the end of the 2025 construction season.

As part of the project, wetland impacts can't be avoided, and replacement wetlands are necessary to offset approximately 2.21 acres of wetland impacts. The Local Government Road Wetland Replacement Program will acquire 2.15 acres of wetland bank credits for only the safety improvement portions of the project for the wetland replacement at no cost to the project. There is one small wetland area near to the ravine area where the new alignment of Highway 18 will be located that will impact wetlands requiring replacement by the County. The County is required to purchase wetland replacement credits from an approved wetland bank to satisfy permitting requirements. Public Works staff identified eligible wetland credit banks and intends to purchase from the one with the most favorable price, which was the Patricia Preiner (MPJWR) with the wetland credits located in the same wetland bank service area. Carver County will purchase 0.1174 acres of wetland credit for a price of \$15,086.13 including fees. This cost will be paid for with Transportation Sales Tax funds.

### ACTION REQUESTED:

Motion to enter into an agreement to purchase wetland credits from Patricia Preiner (MPJWR) for \$15,086.13 for the Highway 18 Project - Arboretum Area, pending finalization of the contract review process.

|                                                                               |                                                                      |
|-------------------------------------------------------------------------------|----------------------------------------------------------------------|
| <b>FISCAL IMPACT:</b> <input type="text" value="Included in current budget"/> | <b>FUNDING</b>                                                       |
| If "Other", specify: <input type="text" value=""/>                            | <b>County Dollars =</b>                                              |
| <b>FTE IMPACT:</b> <input type="text" value="None"/>                          | Trans. Sales Tax \$15,086.13                                         |
|                                                                               | <b>Total</b> \$15,086.13                                             |
|                                                                               | <input checked="" type="checkbox"/> Insert additional funding source |

Related Financial/FTE Comments:

Office use only:

RBA 2024 - 10017

## Carver County Board of Commissioners Request for Board Action

**Agenda Item:****PSA with Dakota Conservators Inc. to provide Guardianship and Conservatorship Services**

|                                                                                                                                                      |                                                                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| Primary Originating Division/Dept: <input type="text" value="Health &amp; Human Services - HCBC"/>                                                   | Meeting Date: <input type="text" value="8/20/2024"/>                       |
| Contact: Brian Esch<br>Title: <input type="text" value="Manager HCBC Dept"/>                                                                         | Item Type:<br><input type="text" value="Consent"/>                         |
| Amount of Time Requested: <input type="text"/> minutes<br>Presenter: <input type="text"/>                                                            | Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No |
| Strategic Initiative:<br><input type="text" value="Connections: Develop strong public partnerships and connect people to services and information"/> |                                                                            |

**BACKGROUND/JUSTIFICATION:**

Currently, Carver County Health and Human Services (CCHHS) holds a contract with one agency to provide guardianship and conservatorship services; however that agency has reached capacity and is no longer accepting new referrals. Contracting with an additional provider is necessary to ensure residents in need of guardianship/conservatorship services can receive the support necessary to resolve estate issues and receive services to meet health and safety needs.

Dakota Conservators Inc. has been selected through a careful vetting process to provide services to Carver County residents. The agency has a reputable record of providing the same type of service in multiple counties and can accept new referrals. The Professional Service Agreement will begin on September 1, 2024, and end on December 31, 2027. The not to exceed amount for the contract period is \$250,000.

Contracted guardians/conservators protect the health, safety, and general well-being of aging Carver County residents by making important decisions on behalf of the resident. CCHHS Home and Community-Based Care Department coordinates with the Carver County Attorney's office to file an average of six new guardianship/conservatorship petitions a year. The Court appoints a professional guardianship/conservatorship agency to manage the legal and fiscal affairs of vulnerable adults. These vulnerable adults have diminished cognitive capacities, no family, or friends to provide support, and are no longer able to manage their affairs. Many are involved with the CCHHS Adult Protective Services Unit and are victims of financial exploitation. CCHHS anticipates needing an additional vendor long-term.

**ACTION REQUESTED:**

Motion to approve a Professional Service Agreement with Dakota Conservators Inc. to provide professional guardianship and conservatorship services, for a period beginning September 1, 2024, through December 31, 2027, with a not to exceed amount of \$250,000.

|                                                                               |                                      |
|-------------------------------------------------------------------------------|--------------------------------------|
| <b>FISCAL IMPACT:</b> <input type="text" value="Included in current budget"/> | <b>FUNDING</b>                       |
| If "Other", specify: <input type="text"/>                                     | County Dollars = <b>\$250,000.00</b> |
| <b>FTE IMPACT:</b> <input type="text" value="None"/>                          | <b>Total</b> <b>\$250,000.00</b>     |
| <input type="checkbox"/> Insert additional funding source                     |                                      |

**Related Financial/FTE Comments:**

Levy funded part of the department's approved budget. COA # 11-525-760-3190-6040. Note: Contract NTE for 2024 = \$25k, then \$75k annually for CY2025, CY2026, and CY2027.

*Office use only:*

RBA 2024 - 1001E

## Carver County Board of Commissioners Request for Board Action

**Agenda Item:****Charitable Gambling Application for Exempt Permit-Marsh Lake Ducks Unlimited**Primary Originating Division/Dept:  Meeting Date: 8/20/2024 

Contact: Brenda Jurek

Title: 

Item Type:

Consent Amount of Time Requested:  minutes

Presenter:

Title: Attachments: ☐ Yes ☒ No**Strategic Initiative:** **BACKGROUND/JUSTIFICATION:**

A Charitable Gambling application for Exempt Permit was received from Marsh Lake Ducks Unlimited. They plan to hold a raffle on September 18, 2024 at the Marsh Lake Hunt Club located at 5785 Hunters Rd, Victoria, MN 55386. This organization has received this type of permit before.

**ACTION REQUESTED:**

Approval to issue a Charitable Gambling License to Marsh Lake Ducks Unlimited for a raffle to be held on September 18, 2024.

**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 2024 - 10015

## 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 Augusta Ball Club, Chaska**

|                                                                                                                                                      |                                                                          |                                                                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|----------------------------------------------------------------------------|
| Primary Originating Division/Dept: <input type="text" value="Property &amp; Financial Services"/>                                                    |                                                                          | Meeting Date: 8/20/2024                                                    |
| Contact: Heather Perkins                                                                                                                             | Title: <input type="text" value="Elections &amp; Licensing Specialist"/> | Item Type:<br><input type="text" value="Consent"/>                         |
| Amount of Time Requested: <input type="text"/> minutes                                                                                               |                                                                          | Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No |
| Presenter:                                                                                                                                           | Title: <input type="text"/>                                              |                                                                            |
| Strategic Initiative:<br><input type="text" value="Connections: Develop strong public partnerships and connect people to services and information"/> |                                                                          |                                                                            |

### BACKGROUND/JUSTIFICATION:

Augusta Ball Club, 5950 Hampshire Rd, Chaska has applied for a 1 Day to 4 Day Temporary On-Sale Liquor License. They are planning an event for October 5<sup>th</sup>, 2024. This is an event they hold annually. The event will be held at the meeting house and pavilion. The officers are Chris Huffman (President); Bill Boecker (Vice-President); Trudy Vogel (Secretary); Julie Eiden (Treasurer). 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 Augusta Ball Club, Chaska for October 5, 2024.

|                                                                                                      |                                                        |
|------------------------------------------------------------------------------------------------------|--------------------------------------------------------|
| <b>FISCAL IMPACT:</b> <input type="text" value="None"/><br>If "Other", specify: <input type="text"/> | <b>FUNDING</b><br>County Dollars =                     |
| <b>FTE IMPACT:</b> <input type="text" value="None"/>                                                 | <b>Total</b> <span style="float: right;">\$0.00</span> |
| <input checked="" type="checkbox"/> Insert additional funding source                                 |                                                        |
| Related Financial/FTE Comments:                                                                      |                                                        |

*Office use only:*

RBA 2024 - 10025

## Carver County Board of Commissioners Request for Board Action



### Agenda Item:

#### Charitable Gambling Application for Exempt Permit-Augusta Ball Club Inc

|                                                                                                                                                   |                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| Primary Originating Division/Dept: <input type="text" value="Property &amp; Financial Services"/>                                                 | Meeting Date: 8/20/2024                                                    |
| Contact: Brenda Jurek                                                                                                                             | Item Type: <input type="text" value="Consent"/>                            |
| Title: Elections & Licensing Specialist                                                                                                           |                                                                            |
| Amount of Time Requested: <input type="text" value=""/> minutes                                                                                   | Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No |
| Presenter: <input type="text" value=""/>                                                                                                          |                                                                            |
| Strategic Initiative: <input type="text" value="Connections: Develop strong public partnerships and connect people to services and information"/> |                                                                            |

### BACKGROUND/JUSTIFICATION:

A Charitable Gambling application for Exempt Permit was received from the Augusta Ball Club Inc. They plan to hold a raffle on October 5, 2024 at the ballpark located at 5950 Hampshire Rd, Chaska, MN 55318. This applicant has received this same type of license previously.

### ACTION REQUESTED:

Approval to issue a Charitable Gambling License to the Augusta Ball Club Inc for a raffle to be held on October 5, 2024.

|                                                    |                                                           |
|----------------------------------------------------|-----------------------------------------------------------|
| FISCAL IMPACT: <input type="text" value="None"/>   | FUNDING                                                   |
| If "Other", specify: <input type="text" value=""/> | County Dollars =                                          |
| FTE IMPACT: <input type="text" value="None"/>      | Total                                                     |
|                                                    | \$0.00                                                    |
|                                                    | <input type="checkbox"/> Insert additional funding source |
| Related Financial/FTE Comments:                    |                                                           |

Office use only:

RBA 2024 - 1003C

# Carver County Board of Commissioners

## Request for Board Action

**Agenda Item:****Request to proceed with split and sale of County property**

Primary Originating Division/Dept: Public Services - Planning &amp; Water Mgmt

Meeting Date: 8/20/2024

Contact: paul moline

Title:

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:**

On August 16, 2022, the Board adopted resolution 67-22 which authorized purchase of parcel 10.0311000 in Watertown Twp. The parcel had been identified as tax forfeiture and is largely located in the Crow River floodplain and is subsequently mostly unbuildable. The Carver County Water Management Organization (CCWMO) expressed interest in purchasing the property to create a stormwater credit bank and offset stormwater treatment requirements for nearby development projects. Funds to purchase the property were collected from those projects.

As part of the County purchase, the intent was to split the parcel and negotiate a sale of a portion of the usable upland (non-floodplain) portion of the property. The parcel is a legal non-conforming lot and any lot split and combination with adjacent parcels would need to meet the requirements of the County zoning ordinance. There are only two neighbors that would qualify for a purchase and lot combination. Per MN statute, staff notified adjacent landowners that could legally purchase and combine a portion of the County owned parcel and one adjacent landowner expressed interest (TODD W HOERTER, PID 100311100). The portion of property to be split has been valued at \$3,500 per the County Assessor.

At this time, staff is requesting the Board approve a lot split per Exhibit A and move forward with negotiations to sell the split portion to Todd W. Hoerter. Per MN statute, the next steps would be to

- Prepare a legal description for the parcel to be split from the County owned parcel.
- Notify adjoining landowners of the anticipated sale.
- After 30 days, seek Board approval to enter into a purchase agreement with Todd W. Hoerter.

As part of the lot split, the landowner would need to receive a variance from the Board of Adjustment for the created new non-conforming lot. Any sale would be conditioned on receiving a variance and following the County zoning ordinance.

**ACTION REQUESTED:**

Motion to adopt a resolution authorizing the split of a portion County parcel (PID 10.0311000) and to proceed with a sale to Todd W Hoerter.

**FISCAL IMPACT:** Other

If "Other", specify: sale will generate revenue

**FUNDING**

County Dollars =

**FTE IMPACT:** None**Total**

\$0.00

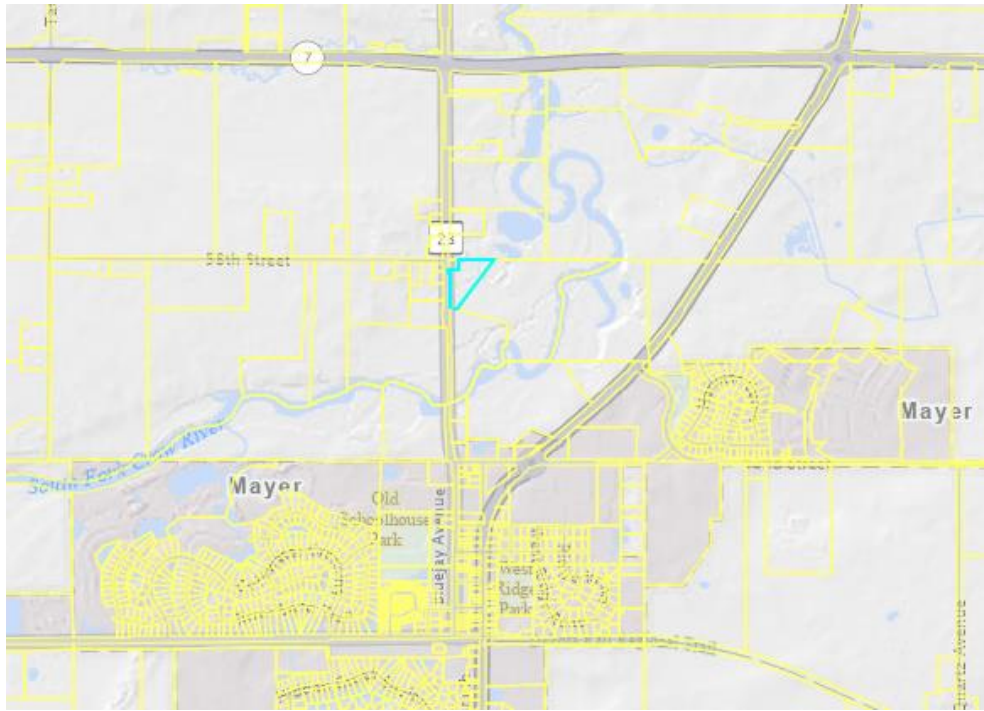
Insert additional funding source

Related Financial/FTE Comments:

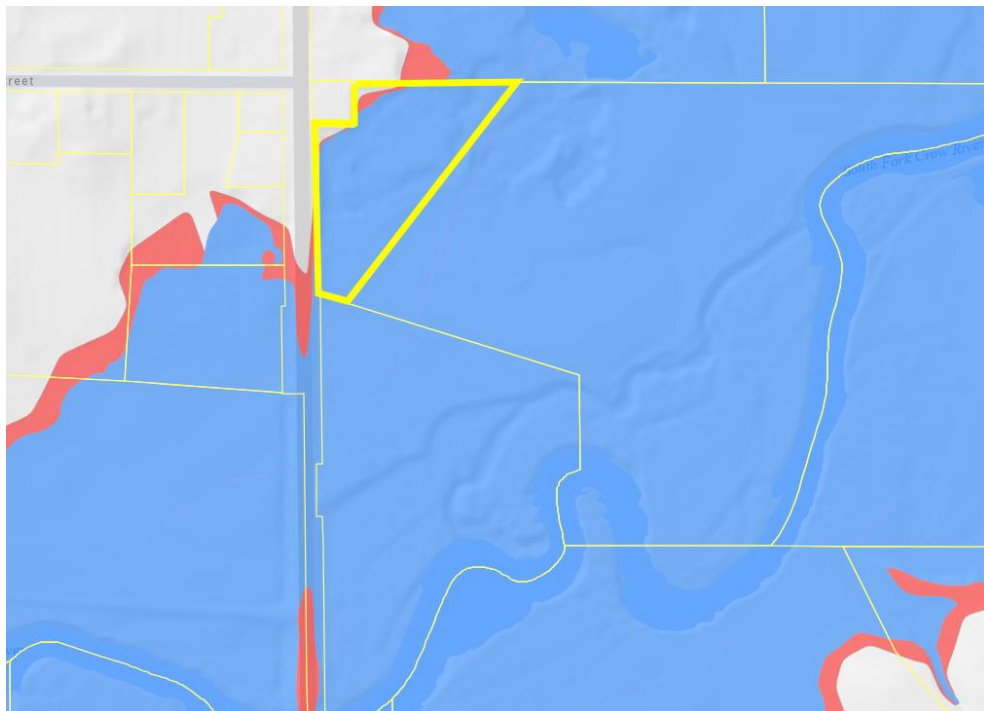
The portion of property to be split has been valued at \$3,500 per the County Assessor.

# Exhibit A

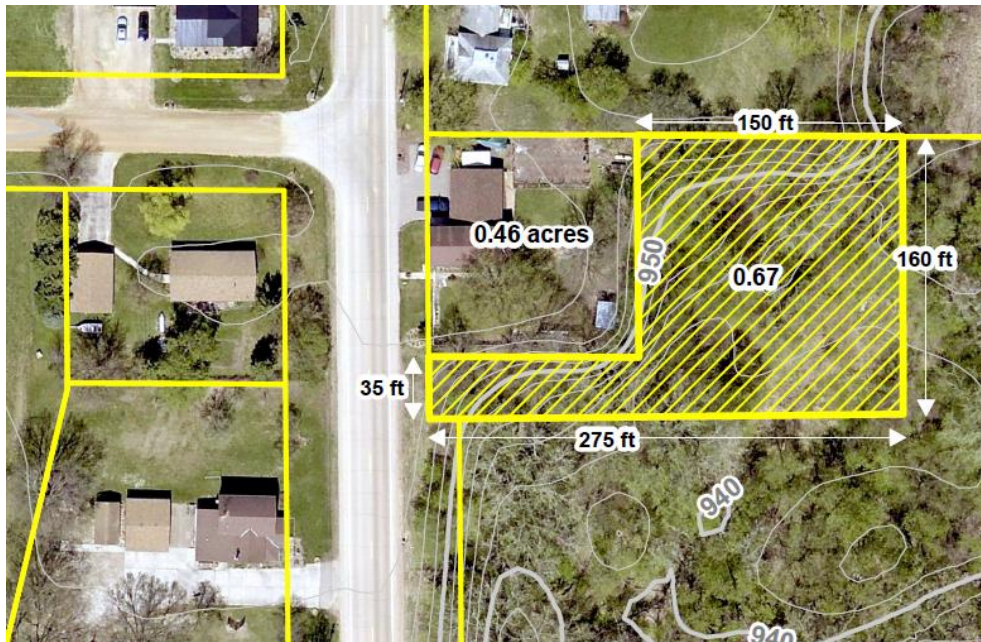
Location of County owned parcel



County owns the parcel outlined in yellow. Tax PID 100311000. Blue and red areas indicate floodplain areas.



Proposed Lot Split (pending survey and legal description)



# BOARD OF COUNTY COMMISSIONERS CARVER COUNTY, MINNESOTA

Date: August 20, 2024

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

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

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

---

## **Resolution Approving Lot Split of County Owned Property and Sale of Lot to Adjacent Landowner**

WHEREAS, on August 16, 2022, the Carver County Board of Commissioners (“County Board”) approved the County’s purchase of an approximately 4.25-acre parcel of tax-forfeited vacant land in Watertown Township, identified by Tax PID Number 10.0311000, from the State of Minnesota pursuant to Chapter 282; and

WHEREAS, said parcel was conveyed to Carver County on September 7, 2022, per the Conveyance of Forfeited Land instrument, which was recorded in the Recorder’s Office as Document Number A751661 (“County parcel”); and

WHEREAS, the predominance of the Crow River floodplain on the County parcel renders most of the parcel unbuildable and the parcel is therefore designated as a legal non-conforming parcel; and

WHEREAS, Minnesota Statute §373.01 allows the County to sell real property it owns that cannot be improved because of its noncompliance with local ordinances, to adjacent landowners without advertising for bids and further encourages the sale of nonconforming real property to promote its return to tax rolls; and

WHEREAS, pursuant to County deed recording requirements, limiting ability to combine parcels in different taxing districts, only two adjacent landowners are eligible to combine a portion of the County parcel with their parcel; and

WHEREAS, County staff sent inquiries to each of those two adjacent landowners regarding their interest in purchasing an estimated 0.67 acre portion of the County parcel; and

WHEREAAS, only one adjacent landowner, Todd W. Hoerter, the owner of an improved 0.46-acre parcel of land identified by Tax PID Number 100311100, (“Hoerter Parcel”), expressed an interest in purchasing the estimated 0.67 acre portion of the County parcel; and

WHEREAS, since Hoerter’s parcel also is legal non-conforming, Hoerter is required to obtain a variance from the Carver County Board of Adjustment to acquire and combine the County parcel with the Hoerter parcel; and

WHEREAS, the Carver County Assessor’s Office estimated the fair market value of the estimated 0.67 acre portion of the County parcel to be \$3,500 in April 2024 (“FMV”); and

WHEREAS, County staff recommend that the County Board approve a lot split of the County parcel as listed, and described in Exhibit A, attached hereto, and incorporated herein, and sell the lot of the County

parcel to Hoerter upon satisfaction of the following conditions: 1) Hoerter obtains a survey for the proposed combined lot; 2) Obtains a legal description for the proposed combined lot; 3) Obtains a variance from the Carver County Board of Adjustment to acquire the portion/lot of the County parcel from Carver County; and 4) Obtains approval for a minor subdivision to combine the portion/lot of County parcel with Hoerter Parcel following its purchase.

NOW, THEREFORE BE IT RESOLVED, the Carver County Board of Commissioners approves a lot split of the County parcel as listed and described in Exhibit A; and

BE IT FURTHER RESOLVED that the Carver County Board of Commissioners approves the sale of the estimated 0.67 acre portion/ lot of the County parcel, as listed and described in Exhibit A, for its FMV to Hoerter, pending later approval of the County Board by Resolution of a purchase agreement; conditioned upon Hoerter’s receipt of the required variances from the Carver County Board of Adjustment; and conditioned upon County staff providing all adjacent landowners of the land to be sold with written notice at least 30 days before the sale, as required by Minn. Stat. § 373.01.

|                           | ABSENT | YES   | NO    |
|---------------------------|--------|-------|-------|
| Gayle Degler, Chair       | _____  | _____ | _____ |
| John P. Fahey, Vice Chair | _____  | _____ | _____ |
| Tom Workman               | _____  | _____ | _____ |
| Matt Udermann             | _____  | _____ | _____ |
| Tim Lynch                 | _____  | _____ | _____ |

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 August 20, 2024, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 20th day of August 2024

Dave Hemze County Administrator

## Carver County Board of Commissioners Request for Board Action



### Agenda Item:

#### Amendment 3 to Professional Services Agreement for the Highway 18 (82nd Street) Project

|                                                                                                                                                                                                                 |                                                                                                                                                         |                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| Primary Originating Division/Dept: <span style="border: 1px solid black; padding: 2px;">Public Works - Program Delivery</span> <span style="float: right;">▼</span>                                             |                                                                                                                                                         | Meeting Date: 8/20/2024 <span style="float: right;">📅</span>               |
| Contact: Darin Mielke                                                                                                                                                                                           | Title: <span style="border: 1px solid black; padding: 2px;">Deputy County Engineer</span>                                                               | Item Type:<br>Consent <span style="float: right;">▼</span>                 |
| Amount of Time Requested: <span style="border: 1px solid black; padding: 2px 10px;"> </span> minutes                                                                                                            | Presenter: <span style="border: 1px solid black; padding: 2px 10px;"> </span> Title: <span style="border: 1px solid black; padding: 2px 10px;"> </span> | Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No |
| Strategic Initiative:<br><span style="border: 1px solid black; padding: 2px;">Growth: Manage the challenges and opportunities resulting from growth and development</span> <span style="float: right;">▼</span> |                                                                                                                                                         |                                                                            |

### BACKGROUND/JUSTIFICATION:

The Highway 18 (82nd Street) Project is a project identified in the 2021 Arboretum Area Transportation Plan. It aims to connect Highway 13 to Highway 41, providing a vital link for Victoria, and improved access to the Minnesota Landscape Arboretum, Chaska, and Chanhassen. Key features include upgrading the gravel road to a two-lane paved urban highway and adding a multiuse trail enhancing community connectivity. This initiative is a joint effort involving Carver County, and the cities of Chaska, Chanhassen, and Victoria. Construction is planned to begin late 2024 and conclude at the end of the 2025 construction season.

SRF Consulting Group entered into contract in May 2023 for an agreed upon fee of \$1,260,912. Today they are working on the final design construction plan, cost estimate and detailed specifications to prepare the project for award in October 2024. The \$0 Amendment 1 was executed in August 2023 to clarify survey methods. The \$0 Amendment 2 was executed in November 2023 to modify insurance requirements so exploratory work could be completed on the University of Minnesota's property. Amendment 3 is for additional work necessary to complete the project considering the project schedule and footprint expanded midway through the project development. That coupled with numerous iterations to minimize impacts to the surrounding properties added expense to the design team while keeping the project on schedule. The work includes:

**Project Management, Coordination, and Meetings** - \$58,320.00. This includes additional work due to the 4-month expanded contract duration, increased scope and complexity, and additional coordination with local agencies.

**Communications** - \$37,803.00. This includes additional outreach and visualizations to effectively communicate with the public, property owners, and businesses.

**Environmental Investigation and Environmental Documentation** - \$75,486.00. This includes added environmental review and analysis for wetland delineation and cultural resources review, an additional permit application with MPCA, and additional wetland permitting coordination to minimize wetland mitigation costs.

**Preliminary Traffic Analysis** - \$3,180.00. This includes further traffic and safety analysis to account for the changed project footprint and to document the safety benefits of the project in order to minimize wetland mitigation costs.

**Preliminary Design** - \$297,839.47. The project required numerous iterations to optimize the plan and profile to minimize impacts to the surrounding properties thus saving funds that would have been spent on property acquisition. The project footprint expanded which created more effort on drainage engineering, parcel sketches, plat preparation, and expanded ravine restoration planning.

**Final Design** - \$224,524.12. The additional work included design of the above-mentioned preliminary items, along with three areas of poor soil needing correction, public utility extensions, and one retaining wall. The amendment also adds bid letting services and shop drawing review, so the team is available for assistance after the design is completed.

**Structure Design** - \$20,616.00. This work included an expanded review of 8 different ravine crossing options and revisions to optimize the design and lower construction costs.

**Land Surveys** - \$25,260.00. This work included supplemental survey in areas of expanded project footprint. This also includes an expanded survey to support property acquisition.

**Property Acquisition** - \$53,879.00. The project required 17 parcels that were in addition to what was assumed in the original scope of work.

**Geotechnical Investigation and Environmental Site Assessment** – \$91,477.00. This includes additional geotechnical investigation to understand the extents of poor soils in the expanded project are to save construction dollars. This also includes additional environmental investigation to reduce liability to the County on acquired property. Further exploration of topsoil depths on the Arboretum was also necessary to reach agreement on impacts and mitigation.

This additional scope and work plan has been reviewed by County Public Works staff and is considered acceptable. The total professional service fee with this amendment is \$2,149,296.59 which is **9.4% of the estimated construction cost** for the project which is \$22,788,000. Typical design costs range from 8 to 15% of construction cost depending on complexity.

**ACTION REQUESTED:**

Motion to approve Amendment 3 to the Professional Services Agreement for the Highway 18 (82nd Street) Project with SRF Consulting Group for \$888,384.59, pending finalization of the contract review process.

**FISCAL IMPACT:** Included in current budget   
If "Other", specify:

**FTE IMPACT:** None

Related Financial/FTE Comments:

**FUNDING**

**County Dollars =**

Trans. Sales Tax \$888,384.59

**Total** \$888,384.59

Insert additional funding source

Office use only:

RBA 2024 - 10021

## Carver County Board of Commissioners Request for Board Action

**Agenda Item:****B.H. Aggregate - Request to Mine Aggregate for road project (IUP)**Primary Originating Division/Dept: 

Meeting Date: 8/20/2024

Contact: Donovan Hart

Title: 

Item Type:

 Amount of Time Requested:  minutes

Presenter:

Title: Attachments: ☒ Yes ☐ No**Strategic Initiative:** **BACKGROUND/JUSTIFICATION:**

File #PZ20240026. On July 16, 2024, the Planning Commission voted unanimously to recommend approval of the B.H. Aggregate Services, Inc. (Joe White) Interim Use Permit (IUP) application to remove approximately 158,500 cubic yards of sand and aggregate material for use in the Hwy. 212 (Cologne to NYA) reconstruction and expansion project. The subject property consists of approximately 25 acres and is located in Section 31, Watertown Township. (This IUP application is for a different property than what was approved by the County Board on August 6, 2024.)

The sand mining and transporting is expected to occur during the late summer and fall 2024. Because of the distance between the point of excavation and project site, the haul route is proposed on County and State roads. A condition of the IUP is to prohibit project truck traffic on gravel township roads. Mining activities are required to end by August 1, 2025. There would be full reclamation of the approximately 8.8-acre disturbed area, with the land returned to agricultural use.

On August 8, 2024 the Carver County Board of Adjustment approved variance requests for this project to mine within 50 feet of a property line and within 500 feet of three neighboring residences.

Carver County Water Management Organization (CCWMO) permitting is required. The Permittee will comply with MNDOT standards for Hwy 7 & Co Rd 23/123 intersection safety. The Interim Use Permit would be terminated when all permit requirements are met.

The Watertown Town Board recommended approval of the request.

A township location map and Planning Commission Resolution are attached for the County Board's consideration. A copy of the Planning Commission packet is available for review at: [638562141102630000 \(carvercountymn.gov\)](https://carvercountymn.gov/638562141102630000)

**ACTION REQUESTED:**

A motion to adopt the Findings of Fact and issue Order #PZ20240026 for the issuance of an Interim Use Permit.

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

County Dollars =

**FTE IMPACT:**  **Total**

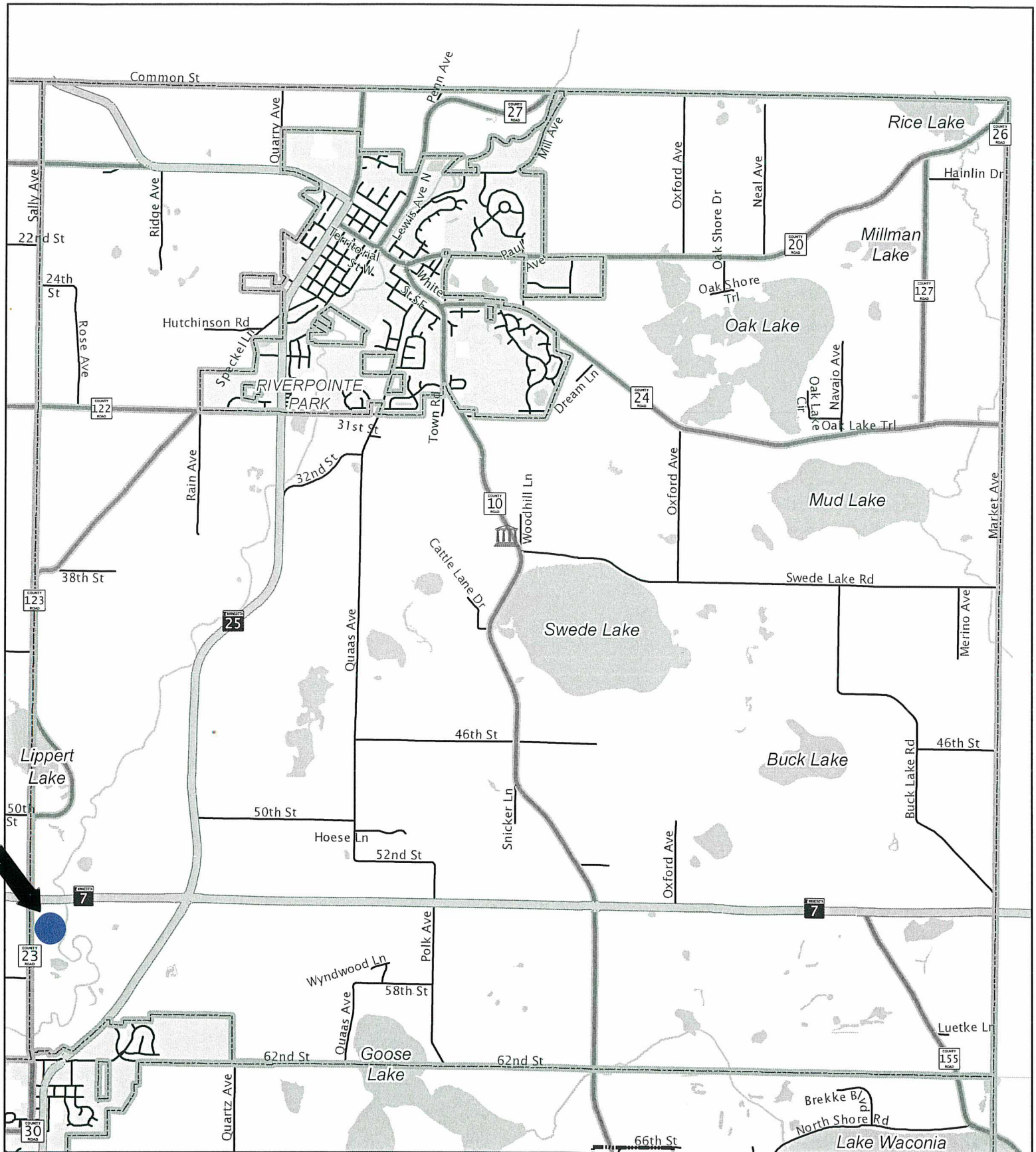
\$0.00

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

# WATERTOWN 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.

0 1 2 Miles



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

**FILE #: PZ20240026**

**RESOLUTION #: 24-08**

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

**FILE #:** PZ20240026

**APPLICANT:** Joe White (B.H. Aggregate Services, Inc.)

**OWNERS:** Thomas and Jody Luebke, Wyatt and Lindsay Getten

**SITE ADDRESS:** 54XX Co Rd 23 & 5475 County Road 23, Mayer, MN 55360

**PERMIT TYPE:** Mining and/or Land Reclamation

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

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

**PARCELS #:** 10-031-1420 & 10-031-1410

**WHEREAS**, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meeting of July 16, 2024; and,

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

1. Thomas and Jody Luebke own an approximate 24.6-acre parcel in the North Half (N½) of the Northwest Quarter (NW¼) of Section 31, Watertown Township. The parcel currently consists of agricultural fields, woodlands, and Crow River shoreline. The project also includes an approximate 6.51-acre parcel owned by Wyatt & Lindsay Getten that is improved with a residence and several detached accessory structures, and Crow River shoreline. The properties are located in the Agricultural Zoning District, Shoreland Overlay District of the Crow River, Floodplain Overlay District of the Crow River, and the Carver County Water Management Organization (CCWMO) - Crow River watershed.
2. Joe White of B.H. Aggregate Services, Inc. is requesting an Interim Use Permit (IUP) for the operation of a new gravel mining operation pursuant to the County Zoning Code. The request would encompass an approximate 8.86-acre area for the extraction of sand and gravel resources which would then be processed for use as base material for private and public construction projects in the area, including the reconstruction and expansion of Hwy. 212 (Cologne to Norwood Young America). The project is expected to operate 2 to 3 years, depending on aggregate demand.
3. Sections 152.081 and 152.082 of the Carver County Zoning Code allows for mining and/or land reclamation involving 10,000 cubic yards or more as an Interim Use Permit (IUP).
4. The applicant's engineer, Carlson McCain, Inc., has provided the IUP application, all supporting documentation, and site plans for the IUP request. The project description (dated July 8, 2024) provides details of the mining operation and reclamation plan. The proposed site activities include topsoil stripping, sand and gravel excavation, material screening, and stockpiling. No material crushing is proposed. The material processing equipment would be located on the floor of the mine and moved around as needed. The proposed site equipment used in mining activities are what are typically found at such sites: excavators, front-end loaders, bulldozers, haul trucks, conveyors, etc. The excavation would be done with a backhoe to an approximate depth of 15 feet below the current ground level. The narrative states no dredging would occur. (The applicant estimates the water table is about 30' below the current soil surface.) The project description includes operational steps for site safety, site housekeeping, noise mitigation, and dust control. The hours of operation would be from 6:30AM to 8:00PM Monday through Saturday. The number of employees and suppliers on site would range from 6 to 8 workers.

5. The Mining Site Plan (dated July 8, 2024) shows the planned approximate 8.86-acre excavation area in which approximately 158,500 cubic yards of material would be removed, with a double perimeter silt fence on the southwest project border to protect the nearby wetlands. The mining vehicles would use the existing residential driveway access on Co Rd 23. The applicant estimates that the mine would export an average of 150,000 cubic yards per year, which may increase up to 250,000 cubic yards in a high-demand year. At this rate, the mine's operational life would be 2-3 years, with two mining areas identified for two phases in the project. The proposed pit encroaches upon the required 500-foot setback from existing adjacent residential structure to the southwest not on the subject property. No 500-foot setback is required from Wyatt & Lindsay Getten's house (5475 Co Rd 23) since the Gettens signed the IUP application. Also, mining activities on either side of the driveway to house are proposed within the required 50-foot setback from property lines. The applicant will be applying for variance to allow for this encroachment to these setbacks. If the variance is denied, the mining plan would have to be altered to remove any operational area encroachments within the required setback. No screening of mining activities is proposed. The operational area(s) would be substantially screened through trees on nearby properties and the depth of the mine where mining processes would occur.
6. There are wetlands on the property. All mining activities are shown outside the required 300-foot setback from wetlands that the project engineer has identified from U.S. Fish & Wildlife mapping. To date, no wetland delineation report has been submitted to the County. No mining activities are proposed within the Crow River floodplain.
7. A table in the project narrative shows the estimated average daily trips (ADT) for the project. The table estimates that an average of 60 trips per day for aggregate hauling to export an approximate 150,000 cubic yards per year from the mine, with an average of 26 trips per day to import reclamation fill. On the high side, the applicant estimates 100 trips per day to export about 250,000 cubic yards of aggregate per year, with 50 trips per day to import reclamation fill. Site workers add about 6-8 trips per day to the ADT count, for a total of about 91 trips per day for the site. ADT generation was based on the average of 20 tons per load and with hauling occurring on 180 days per year. Actual production rates would fluctuate based on market demand and amount of material recycling. The a.m. peak hourly traffic (6:30-8AM) is estimated to be 12 trips per hour and the p.m. peak (3-4PM) hourly traffic would be about 10 trips per hour. The narrative states the "worst-case" hourly traffic count would be 30 trips per hour.
8. The Reclamation Plan (dated July 8, 2024) shows the proposed contours of the mining site upon completion of aggregate removal. Once mining activities are completed, approximately 17,150 cubic yards of topsoil and non-granular overburden material would be re-applied to the mined area, along with about 113,600 cubic yards of imported soils, to achieve the proposed contours. This property is currently enrolled in the Agricultural Preserve program. Per IUP standards, mining is allowed when the fields are proposed to be returned to agricultural use. The Site Reclamation section of the narrative states: "The final land use for the mining areas will be returned to agricultural." The reclamation plan appears to meet zoning code standards and will be reviewed by the Soil & Water Conservation District and CCWMO to determine that all agency standards are met.
9. The applicant has indicated that white noise backup alarms would be utilized to help control equipment noise, as well as establishing circular traffic patterns for loading to reduce backup movements. Locating the processing equipment on the mine floor, recessed from the surrounding ground surface, would help reduce sound for the surrounding receptors.
10. Based on the anticipated operational timeframe, the IUP would terminate upon the following events, whichever occurs first: The permit shall terminate upon a change in ownership, or upon the exhaustion of the aggregate mining, August 1, 2025 (whichever happens sooner). However, Permit #PZ20240026 shall not be considered terminated until all reclamation areas have been completed to the satisfaction of the approved Carver County Water Management Organization (CCWMO) permit and Zoning Code standards, and release of the financial security, if applicable.
11. Matthew Steele, Carver County Feedlot Officer, reviewed the plans and expressed concerns about the location of manure spreading that may not be able to be used since the fields may be in the mining area. Mr. Steele requested a manure management plan from Mr. Luebke (feedlot owner and operator).

12. Darin Mielke, Deputy County Engineer with Carver County Public Works, reviewed the submitted materials. In a review letter dated July 5, 2024, he expressed concerns about the proximity of the proposed gravel pit's driveway to Hwy. 7 and suggested an access further south. The applicant revised the mining plan to move the construction entrance south of the residential access for the Getten home, as shown in the mining plan dated July 8, 2024.
13. The application materials are in the process of being reviewed by MNDOT staff to determine what, if any, safety measures are warranted to mitigate safety concerns for trucks entering or leaving Highway 7 at the Co Rd 23/Hwy 7 intersection.
14. A Carver County Water Management Organization (CCWMO) permit is required, and Stormwater Management standards would need to be met for the reclamation of all aggregate mining areas. The applicant would need to secure a permit with the Planning and Water Management Department in order to establish an appropriate restoration phasing plan. The applicant has submitted a Pollution Prevention Plan for review. The permittee shall submit a stormwater management application for review and submit the required financial security and comply with all permit requirements, including topsoil depth requirements for restoration and preservation.
15. Mike Wanous, District Manager with the Carver County Soil & Water District, reviewed the submitted materials and provided comments via an email dated July 2, 2024. The applicant revised the mining plan to address the review comments, as shown in the plan dated July 8, 2024.
16. Taylor Huinker, Area Hydrologist with the MN DNR, reviewed the submitted materials and offered the comment in an email dated June 27, 2024: "It appears all activities and machinery will be well away from the 100-ft setback from the rivers. If for some reason dewatering is required, a DNR Water Appropriation Permit is required if the water pumped exceeds 10,000 gallons in a day, or one million gallons in one year."
17. The Watertown Township Town Board reviewed and recommended approval without any additional conditions or expressed concerns for this request during their July 1, 2024, Town Board meeting.
18. Ron Trick, Young America Township Supervisor, spoke at the July 16, 2024, public hearing to express concerns about loaded and unloaded trucks involved in the project using Salem Avenue, a gravel road, as part of the haul route to the Highway 212 construction site. They would not support the use of gravel township roads for haul route purposes.
19. Andy Steinhagen, Benton Township Supervisor, spoke at the July 16, 2024, public hearing on behalf of the township and stated his opposition to trucks using Salem Avenue. In response, the applicant submitted a Luebke Pits Haul Route Map (dated July 16, 2024) that shows a route that uses only state and county roads.
20. The Land Management Department received an email (dated July 12, 2024) from Diane and Jack Hoese expressing concerns about the application. At the July 16, 2024, public hearing area residents expressed concerns about potential accidents with trucks entering the Hwy. 7/Co Rd 23 intersection, dust and noise from mining activities, the timing and geographic scope of the public notification process for the Township Board meeting and County Planning Commission meeting where the project was reviewed, and possible wetland impacts.
21. 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 approval of the Interim Use Permit application for mining and land reclamation activities on the parcel described in Exhibit A. The following conditions should be considered part of the permit:

## **GENERAL REQUIREMENTS:**

1. The permit is subject to compliance review. The Interim Use Permit (IUP) is issued to B.H. Aggregates. The permit allows for extraction limited by the approximate 8.86-acre operational area, and it is not transferable to another property owner and/or allowed for leasing activity. The permit shall terminate upon the exhaustion of the aggregate mining, or upon a change in ownership, or mining activities shall cease by August 1, 2025 (with restoration occurring in Fall 2025), which occurs first. However, Permit #PZ20240026 shall not be considered terminated until all reclamation areas have been completed to the satisfaction of the approved Carver County Water Management Organization (CCWMO) permit and Zoning Code standards and the financial security has been released, if applicable.
2. The Permittee shall comply with all conditions of V-PZ20240030, if obtained. If the request variance to the 50-foot mining setback from the property line in the vicinity of the Getten's driveway and the request to mine within 500-feet of the nearby residence to the southwest is denied, the mining area must be adjusted, and applicable permits amended, to not encroach upon mining setbacks.
3. The Permittee shall comply with all Carver County Public Works access requirements. Mining and/or similar disturbance shall not occur within 50 feet of the public right-of-way. The Permittee shall receive all required permits for work within the public right-of-way prior to the initiation of construction activities.
4. The Permittee shall comply with any/all CCWMO rules and regulations including but not limited to, grading, vegetation (w/maintenance) and landscaping plan(s). An erosion/sediment control plan and stormwater management plan for site restoration, screening, vegetation, and maintenance shall be prepared and implemented in accordance with the CCWMO Water Management guidelines and the Wetland Conservation Act (WCA) before mining commences, if applicable. All site improvements shall be completed pursuant to Chapter 153 – Water Resource Management. Permittee shall obtain a National Pollutant Discharge Elimination System (NPDES) permit as required by the Minnesota Pollution Control Agency (MPCA).
5. 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.
6. The Permittee shall always comply with the County standards as detailed in Chapter 152 – Zoning Code and Chapter 154 – Sign Regulations. The Permittee shall not exceed the allowed square footage of signage on the property.
7. 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 certificate holder'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.

## **OPERATIONAL REQUIREMENTS:**

*These requirements combined with the most current Site and Operational Plans shall govern the mining operation.*

1. The mining activity shall operate in accordance with the submitted Project Description (dated: July 8, 2024), Site Plan and Reclamation Plans (dated July 8, 2024), Luebke Pits Haul Route map (dated July 16, 2024) any/all CCWMO permit approval(s) (i.e. stormwater infiltration, BMPs, site vegetation and plantings, and site reclamation), and any/all Watertown Township conditions, Carver County Public Works access requirements/right-of-way standards, and MNDOT recommendations/requirements. 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 mining activity shall be operated and maintained in accordance with the Carver County Zoning Code (i.e. screening, noise mitigation, etc.) These plans shall be attached to and be considered part of this permit.
2. The hours of operation shall be from 6:30AM to 8:00PM Monday through Saturday. Mining and processing shall not occur on Sundays or federally observed holidays, unless for emergency related purposes (i.e., flooding, etc.).
3. The mining activities prohibit the ability to crush any materials on-site.

4. The construction equipment located on-site includes, but is not limited to front-end loaders, backhoes, excavators, bulldozers, skid steers, and haul trucks. Other processing equipment may include classifying screens and conveyors.
5. No township (gravel) roads shall be used in the haul route for trucks involved with the proposed mining activity.
6. Existing drainage patterns shall not be altered if possible; if alteration is unavoidable, the alteration shall not adversely affect surrounding properties and/or cause erosion or sedimentation.
7. The permittee shall submit to the Land Management Department quarterly tonnage calculations, in order to document all aggregate material(s) removed from the site.
8. Vertical faces shall be kept to a minimum except during the actual mining operation and pursuant to the County Zoning Code. Mining below the water table shall only be allowed pursuant to Minnesota Pollution Control Agency (PCA), Minnesota Department of Natural Resources (DNR), and/or any other State or Federal regulations. No mining or grading shall take place within the floodplain overlay district of the Crow River. (FEMA floodplain elevation is 946.4 feet)
9. If internal access roads are used to the extent that dust becomes a problem for surrounding properties, the access roads shall be treated with water and calcium chloride.
10. All storage of equipment and materials used in the operation shall be kept within the operational area to minimize visual exposure to areas outside the mining area.
11. The Permittee shall comply with the noise pollution requirements/standards of the Minnesota State Rules Chapter 7030. White noise backup alarms shall be installed and maintained on all Permittee owned mining equipment operating at the site, as well as establishing circular traffic patterns for loading to reduce backup movements.
12. No trash, garbage, waste, construction debris, or other similar materials shall be deposited in or near the operational area.

#### **RESTORATION REQUIREMENTS:**

1. The design of the restored areas must be according to standards of the Zoning Code and the CCWMO Water Management Rules. To the extent possible, restoration shall be staged such that the exhausted phases of the operation are stabilized and have established turf. Said design may be subject to revisions and modifications by the Land Management Department and Carver County SWCD.
2. The Permittee must maintain existing vegetation wherever possible and implement erosion control as required by the CCWMO Rules permit. The Permittee is responsible for obtaining a CCWMO Permit regarding stormwater management and site reclamation of all aggregate mining areas. If a CCWMO Permit is not obtained within six (6) months of the County Board's approval, File #PZ20240026 shall be suspended until the appropriate permit is obtained. A financial security for erosion control/restoration shall be held by the County for the duration of the project/permit.
3. Topsoil and overburden required for restoration shall be maintained and shall be preserved from erosion or other loss. Only material necessary for restoration may be hauled to the site. Said material shall be incorporated into site restoration immediately or stockpiled according to the site plan. (Restoration shall not take place below the FEMA floodplain elevation of 946.4 feet)

#### **PERFORMANCE SECURITIES & INSURANCE REQUIREMENTS:**

1. Permittee shall provide a performance security (pursuant to Section 152.082 (C) 5 (ii)) in a form acceptable to the County, naming the County as an obligee. The security shall be drafted to be effective for at least 3 months after the annual anniversary dated of this point. Performance Surety amount required - \$10,000.00 per acre of open mining activities (i.e., mining, staging, and restoration areas).

2. The conditions of the surety shall be that if the Permittee fails to conform to any of the conditions or requirements of this permit or for any reason ceases to operate the facility in accordance with the provisions of this permit and the County is required to expend monies, labor, or material to bring the operation into conformance with the permit or to perform restoration as provided in this permit due to non-performance by the Permittee, the County may utilize the performance security for reimbursement for any and all expenses incurred to remedy such failure of the Permittee.
3. Permittee shall submit a Certificate of Insurance with coverage provided by an insurance company duly licensed by the State of Minnesota indicating that the Permittee has in force coverage for General Liability, Automobile Liability, Loading and Unloading, Completed Operations Liability, Explosion and Collapse of Underground Operations Liability including a minimum limit of liability in the amount of \$2,000,000 for any one occurrence. The Certificate of Insurance shall include Workers' Compensation Insurance or Permittee shall sign an appropriate affidavit regarding employee status and submit it to the Land Management Department. The Insurance Certificate(s) described above shall carry an irrevocable notice to the County by the carrier 30 days prior to any change, modification, lapse, or cancellation of the policies required.
4. Insurance coverage required above shall be kept in effect for the duration of the permit. If the permit is to be terminated, insurance shall be maintained until the completion of restoration and return of the performance security.
5. The obligor and its sureties hereby indemnify and save the County harmless from all losses, costs, and charges that may occur to the County because of default.
6. The Permittee shall submit a copy of Worker's Compensation Insurance to the Carver County Land Management Department annually.

**ADOPTED** by the Carver County Planning Commission this 16<sup>th</sup> day of July 2024.

  
[Scott Hoese \(Jul 22, 2024 07:32 CDT\)](#)

Scott Hoese, Chairman  
Carver County Planning Commission

07/22/24

## Carver County Board of Commissioners Request for Board Action



### Agenda Item:

**Resolution considering criteria for the Metropolitan Agricultural Preserves Program Early Termination (Amendment)**

Primary Originating Division/Dept:

Meeting Date: 8/20/2024

Contact: Jason Mielke

Title:

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:

On December 15, 2020, the Carver County Board passed a resolution adopting a change to how early terminations to the Metropolitan Agricultural Preserves Program were approved. The Board's direction was to consider an "Approval of Authority" request by majority vote for those properties located within an identified Transition Area based on the approved County Comprehensive Plan.

Based on a pending donation of property to the U.S. Fish & Wildlife Service, which is currently enrolled in the ag preserve program, County Staff is requesting that the County Board approve changes to the previous County Board Resolution (No. 90-20). This change would allow for early ag preserve terminations to also include language to reference "identified agricultural parcels being acquired by a government entity for the purpose of conservation preservation practices, as long as a written statement is submitted by the government entity identifying the intent and purpose of the land acquisition". The County Board as the "Authority" would still need to approve the request.

A memo is attached to provide more background, as well as and a proposed County Board Resolution for the Board's consideration.

### ACTION REQUESTED:

A motion to adopt a resolution approving additional language to the Metropolitan Agricultural Preserves Program Early Termination criteria.

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 2024 - 1002€



**PUBLIC SERVICES DIVISION**  
**Department of Land Management**  
**Carver County Government Center**  
**600 East 4th Street**  
**Chaska, Minnesota**  
**(952) 361-1820**

**TO:** CARVER COUNTY BOARD OF COMMISSIONERS  
**FROM:** JASON MIELKE, LAND USE MANAGER  
**SUBJECT:** METROPOLITAN AGRICULTURAL PRESERVES EARLY TERMINATION  
**DATE:** AUGUST 20, 2024

**Action Requested:**

Staff is seeking a change to the current Board policy on how requests for Early Terminations to the Metropolitan Agricultural Preserves program are administered.

**Background:**

The Metropolitan Agricultural Preserve Act was passed in 1980 in order to protect farmland from premature conversion to non-agricultural uses within the seven-county metropolitan area. Carver County is the designated "Authority" to administer the Metropolitan Agricultural Preserves policy pursuant to Minnesota Statute. More specifically, the County Land Management Department administers the program as the unit of government exercising planning & zoning authority for the unincorporated areas of the county. The unincorporated area of Carver County cover approximately 195,581 acres. Within this total area, approximately 98,000 acres (deeded) are currently in the ag preserve program. Carver County has more acreage enrolled into the program than any of the other seven counties able to participate. Parcels enrolled in the program by the property owner receive a special assessment rate that excludes the additional value associated with non-agricultural uses, lowering the total amount of property taxes owed for the parcel. The program is available for parcels zoned agriculture, planned for long term agricultural land and are at least 40 acres, a complete quarter-quarter section, adjacent parcels of at least 10 acres that amount to a total of 40 acres, or a parcel of at least 20 acres that meet special criteria.

Under previous state statutes (i.e. prior to May 31, 2019), property owners were only able to terminate their enrollment eight years from the date of notice. under two options: through a public emergency or death of an owner where a qualifying person can request termination within 365 days of the death. A 2019 statute language change allowed for a third option for Early Termination (see attached language on Page 3). Under the new statute guidelines, a property owner can request to terminate enrollment eight years after commencement (i.e. the enrollment) of the preserve upon approval by the County Board.

On December 15, 2020, the Carver County Board passed a resolution adopting a change to how early terminations to the Metropolitan Agricultural Preserves Program were approved. The Board's direction was to consider an "Approval of Authority" request by majority vote for those properties located within an identified Transition Area based on the approved County Comprehensive Plan, and at the request of the applicable city for orderly development. A written statement of support would need to be submitted by the city in which property would be annexed, and township input may be requested. A **County Board Resolution No. 90-20** as approved added the additional criteria to the "Approval of Authority" standards.

On May 24, 2023, a property in Young America Township purchased by Pheasants Forever (a MN Non-Profit) with the intent to restore the land for conservation preservation purposes and in turn donate the property to U.S. Fish & Wildlife Service (an Agency of the United States of America - "government entity"). The property is currently in the ag preserve program and the Notice Initiating Expiration that Pheasants Forever submitted to Carver County won't result in the agricultural preserve expiring until April 8, 2032. The U.S. Fish & Wildlife cannot acquire the property before the covenant expires. U.S. Fish & Wildlife policy states the following applies to this situation:

- *"Whenever there is a restrictive covenant (including an agricultural covenant) that is attached to land that the Service is considering acquiring, the reviewing attorney for the federal agency is required to perform an acquisition-specific analysis to consider whether the United States can acquire the land subject to the restrictive covenant. In cases where the restrictive covenant is deemed unacceptable by the reviewing attorney, the acquiring federal agency must obtain a release or satisfactory amendment of the covenant before proceeding."*
- *"Subpart 6.2.1 of the DOJ Title Regulations applies to the Metropolitan Agricultural Preserves program since the agricultural covenant imposed by the program is a type of restrictive covenant that restricts how the land may be used and which may also impose penalties (deferred taxes/special assessments) if the land is removed prematurely from the Metropolitan Agricultural Preserves program."*

**Staff Recommendation:**

In order to find a resolution to the government entities situation, staff is requesting the County Board amend/change the additional criteria in the previous resolution (No. 90-20) to include early termination language of agricultural parcels being acquired by a government entity for the purpose of conservation preservation practices. A written statement would need to be submitted by the government entity identifying the intent and purpose of the land acquisition. The County Board as the "Authority" would still need a majority vote to terminate the agricultural preserve covenant.

The draft County Board resolution approving additional criteria for certain ag preserves early termination eligibility would continue to follow the Board's original recommendation.

The Minnesota Statute language with regard to Early Termination options, **read as follows:**

#### **473H.09 EARLY TERMINATION.**

Subd. 1. **Public emergency.** Termination of an agricultural preserve earlier than a date derived through application of section [473H.08](#) may be permitted in the event of a public emergency upon petition from the owner or authority to the governor. The determination of a public emergency shall be by the governor through executive order pursuant to sections [4.035](#) and [12.01](#) to [12.46](#). The executive order shall identify the preserve, the reasons requiring the action and the date of termination.

Subd. 2. **Death of owner.** (a) Within 365 days of the death of an owner, an owner's spouse, or other qualifying person, the surviving owner may elect to terminate the agricultural preserve and the covenant allowing the land to be enrolled as an agricultural preserve by notifying the authority on a form provided by the commissioner of agriculture. Termination of a covenant under this subdivision must be executed and acknowledged in the manner required by law to execute and acknowledge a deed.

(b) For purposes of this subdivision, the following definitions apply:

- (1) "qualifying person" includes a partner, shareholder, trustee for a trust that the decedent was the settlor or a beneficiary of, or member of an entity permitted to own agricultural land and engage in farming under section [500.24](#) that owned the agricultural preserve; and
- (2) "surviving owner" includes the executor of the estate of the decedent, trustee for a trust that the decedent was the settlor or a beneficiary of, or an entity permitted to own farm land under section [500.24](#) of which the decedent was a partner, shareholder, or member.
- (c) When an agricultural preserve is terminated under this subdivision, the property is subject to additional taxes in an amount equal to 50 percent of the taxes actually levied against the property for the current taxes payable year. The additional taxes are extended against the property on the tax list for taxes payable in the current year. The additional taxes must be distributed among the jurisdictions levying taxes on the property in proportion to the current year's taxes.

Subd. 3. **Approval of authority.** Termination of an agricultural preserve earlier than the date derived through the application in section [473H.08](#) may be requested by the owner eight years after commencement of the preserve. An owner seeking termination under this subdivision must provide notice to the authority exercising planning and zoning authority for the land on a form provided by the commissioner of agriculture. The notice must describe the property for which termination is desired and the date of termination. Termination of the agricultural preserve and covenant pursuant to this subdivision shall become effective only upon approval by a majority vote of the authority.

**History:** [1980 c 566 s 9](#); [1Sp2017 c 1 art 2 s 38](#); [1Sp2019 c 6 art 4 s 30](#)

As you can see, the statute language for Approval of Authority is not well defined. Our authoritative interpretation of the language is as follows:

A. *Land enrolled under 8-year program:*

1. *Each application (enrollment w/expiration) is a new enrollment and they would need to finish the eight year program.*

B. *Land enrolled in program indefinitely:*

1. *Under new Amendment, could leave the program anytime after the initial 8 years.*
2. *Reminder – past practice is they could only leave the program 8 years after expiration.*

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

**A RESOLUTION SETTING CRITERIA FOR THE METROPOLITAN AGRICULTURAL PRESERVES  
“APPROVAL OF AUTHORITY” EARLY TERMINATION**

Date: August 20, 2024

Resolution #

Motion by Commissioner:

Seconded by Commissioner:

=====

WHEREAS, M.S. Chapter 473H.01 Subd. 2, *“It is the policy of the state to encourage the use and improvement of its agricultural lands for the production of food and other agricultural products. It is the purpose of sections [473H.02](#) to [473H.17](#) to provide an orderly means by which lands in the metropolitan area designated for long-term agricultural use through the local and regional planning processes will be taxed in an equitable manner reflecting the long-term singular use of the property, protected from unreasonably restrictive local and state regulation of normal farm practices, protected from indiscriminate and disruptive taking of farmlands through eminent domain actions, protected from the imposition of unnecessary special assessments, and given such additional protection and benefits as are needed to maintain viable productive farm operations in the metropolitan area.”*, and;

WHEREAS, M.S. Chapter 473H.02, designates the “**Authority**” by definition as, *“the unit of government exercising planning and zoning authority for the land specified in an application as provided under section [473H.05](#) and pursuant to sections [394.21](#) to [394.37](#), [462.351](#) to [462.364](#), or [366.10](#) to [366.181](#).”*, and;

WHEREAS, M.S. Chapter 473H.09 Subd. 3. **Approval of authority**, states the *“Termination of an agricultural preserve earlier than the date derived through the application in section [473H.08](#) may be requested by the owner eight years after commencement of the preserve. An owner seeking termination under this subdivision must provide notice to the authority exercising planning and zoning authority for the land on a form provided by the commissioner of agriculture. The notice must describe the property for which termination is desired and the date of termination. Termination of the agricultural preserve and covenant pursuant to this subdivision shall become effective only upon approval by a majority vote of the authority.”*, and;

WHEREAS, M.S. Chapter 473H.09 Subd 3., further designates the Carver County Board of Commissioners as the body to authorize the determination of an early termination. Said subdivision lists general criteria, but leaves the application and interpretation of the general criteria to the planning and zoning authority, and;

THEREFORE BE IT RESOLVED, the Carver County Board of Commissioners which functions as the “**Authority**” for all the townships in Carver County hereby adopts the following policy as a guide for determining the eligibility of agricultural parcels early termination under Subd 3. **Approval of authority** and within the townships of Carver County:

1. Termination of an agricultural preserve earlier than the date derived through the application in section [473H.08](#) may be requested by the owner eight years after commencement of the preserve based on either of the following criteria:
  - a. The termination shall only be allowed for identified agricultural parcels located within an identified Transition Overlay Area based on the approved County Comprehensive Plan.
    - A written statement of support must be submitted by the city in which the property would be annexed, identifying the need for orderly development.
  - b. The termination shall only be allowed for identified agricultural parcels being acquired by a government entity for the purpose of conservation preservation practices.
    - A written statement must be submitted by the government entity identifying the intent and purpose of the land acquisition.

FUTHERMORE, Carver County Board Resolution No. 90-20 (dated: December 15, 2020), establishing additional criteria to the Metropolitan Agricultural Preserves “APPROVAL OF AUTHORITY” Early Termination standards, is hereby considered null and void and superseded by the new Carver County Board of Commissioner Resolution (dated: August 20, 2024).

=====

|            |           |               |
|------------|-----------|---------------|
| <b>YES</b> | <b>NO</b> | <b>ABSENT</b> |
|------------|-----------|---------------|

=====

I, Dave Hemze, 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 August 20, 2024, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 20<sup>th</sup> day of August 2024.

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

## Carver County Board of Commissioners Request for Board Action



### Agenda Item:

#### Donation to Carver County Sheriff's K-9 Unit

Primary Originating Division/Dept: Sheriff

Meeting Date: 8/20/2024

Contact: George

Title: Lieutenant Patrol Services

Item Type:

Consent

Amount of Time Requested:  minutes

Presenter:

Title:

Attachments: ☐ Yes ☒ No

### Strategic Initiative:

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

### BACKGROUND/JUSTIFICATION:

The Mayer Baseball Club, Inc. donated \$2,500 to purchase new equipment for Deputy Jake Hendricks's and K9 Jax's patrol vehicle.

### ACTION REQUESTED:

Approve the acceptance and the use of the funds towards new equipment for our K9 unit.

### FISCAL IMPACT:

None

If "Other", specify: Donation

### FTE IMPACT:

None

### FUNDING

#### County Dollars =

Donation \$2,500.00

**Total** \$2,500.00

Related Financial/FTE Comments:

Credit 01-201-236-1691-5756

Debt 01-201-236-1691-6454

Office use only:

RBA 2024 - 1000E

# Carver County Board of Commissioners Request for Board Action

**Agenda Item:****Request to proceed with a tax forfeiture private sale**Primary Originating Division/Dept: 

Meeting Date: 8/20/2024



Contact: Crystal Campos

Title: 

Item Type:

Consent Amount of Time Requested:  minutes

Presenter:

Title: Attachments: ☒ Yes ☐ No**Strategic Initiative:****BACKGROUND/JUSTIFICATION:**

The MN Legislature has adopted a new tax forfeiture process to be consistent with a 2023 U.S. Supreme Court ruling. Attached is a list of eight properties in Carver County that have forfeited to the State of Minnesota in Trust due to non-payment of delinquent property taxes which the County's Property Tax staff are preparing for a tax forfeit sale.

Seven properties are not buildable or landlocked so County staff is recommending the following Tax Forfeited Private/Limited Land Sale to the adjoining landowners:

Date: Tuesday, September 24, 2024

Time: 10:00 AM

Place: Carver County Assessors Conference Room – Government Center, Chaska, Minnesota

Terms: Sealed bids with cash or check

The one other property was reviewed by the Minnesota DNR which is recommending a limited sale to either Carver County or the City of Chanhassen.

The starting bid for each property will be the County Assessor provided appraised value based on a non-conservation classification for the eight properties.

**ACTION REQUESTED:**

Motion to approve the attached resolution approving the appraised value, classification, terms of sale and sale date, time and location.

**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 2024 - 10015

## NOTICE OF PUBLIC SALE OF TAX-FORFEITED LANDS

NOTICE IS HEREBY GIVEN that the parcels of land classified as non-conservation and described in the CARVER COUNTY TAX FORFEITED APPRAISAL LIST "Exhibit A" dated August 20, 2024, shall be sold to the highest bidder at a private sale for not less than the appraised value as it herein appears. The sale will be governed by the provisions of M.S. 282.01 and by the resolution of the Carver County Board of Commissioners authorizing such sale adopted on the 20<sup>th</sup> day of August, 2024. The resolution reads as follows:

BE IT RESOLVED by the Carver County Board of Commissioners that each parcel shown on "Exhibit A" attached hereto and made a part hereof be appraised for the amount set opposite the description thereof and that the County Auditor is hereby directed to offer each parcel to the highest bidder, but for not less than the appraised value as approved by the Carver County Board of Commissioners at a prior date, at a private sale commencing at **10:00 am on Tuesday, September 24, 2024** at the Carver County Government Center in the City of Chaska, Minnesota. All sales shall be paid for by cash or check. No credit or debit cards will be accepted.

Amounts of special assessments canceled because of forfeiture may be subject to re-assessment.

All parcels shall be sold subject to existing leases, if any, to easements obtained by any governmental subdivision or agency thereof for any public purpose, to easements and restrictions of record at the time of the tax judgment sale, to all existing laws and ordinances and to the condition that the appraised value does not represent a basis for future taxes;

The sale shall continue until all parcels are sold or until the County Board orders a re-appraisal; and,

BE IT FURTHER RESOLVED, that this resolution be filed with the Carver County Auditor and that notice be given in accordance with the statute therefore provided, that the private sale will be held on the 24<sup>th</sup> day of September, 2024.

Given under my hand and official seal at Chaska, Minnesota, this 20<sup>th</sup> day of August, 2024.

**Crystal Campos, Carver County Auditor**

### Terms of Sale for Tax-Forfeited Land in Carver County

#### Basic Sale Price

All parcels are offered to adjacent landowners and sold to the highest bidder. The basic sale price is equal to the appraised value or the appraised value plus any extra charges for special assessments levied after forfeiture and for hazardous waste control.

Note: The appraised value DOES NOT represent a basis for future taxes, nor does the purchase price reflect the Taxable Market Value of the Property.

#### Payment Terms

Payment in full is due at the time of sale.

Checks used for payment of the purchase price must clear the bank before a state deed is ordered. The process for a check to clear a bank can take up to 21 days.

- A deed will not be ordered until check(s) clear the bank (approximately 21 days).

- If a check is returned for insufficient funds, or any other reason as non-negotiable, the sale could be cancelled, and the property may be offered to the second highest bidder or scheduled for a subsequent private sale at the sole discretion of Carver County.

All participants in the county sale of tax forfeited land are hereby informed that the County collection of dishonored checks policy will be strictly enforced. DO NOT BID ON A PROPERTY UNLESS YOU ARE POSITIVE YOU HAVE THE NECESSARY FUNDS AVAILABLE.

ALL SALES ARE FINAL AND NO REFUNDS OR EXCHANGES ARE PERMITTED.

#### Fees and Costs Due In Addition to the Basic Sale Price

The following fees will be collected at the time of sale.

- Assurance fee of 3% of the purchase price
- State Deed Application fee of \$25.00
- Ag Conservation fee of \$5.00
- Deed Tax calculated on the purchase price
- Recording fee of \$46.00
- Well certificate fee of \$50.00 if applicable
- Torrens fee if applicable
- Expiration of Redemption fee if applicable
- Sheriff Fee for Service of Documents if applicable

#### Property Condition

All property is sold "as is" and may not conform to local building and zoning ordinances.

- The county makes no warranty that the land is "buildable".
- If the property is located in the city, potential purchasers are encouraged to contact the city where the property is located for information about building codes, zoning laws, or other municipal information that affects the property.
- If the property is located in the township, potential purchasers are encouraged to contact Carver County Land Management Department at (952) 361-1820 to discuss zoning code standards.

#### Special Assessments

Local improvements not yet assessed, and any special assessments levied after forfeiture, but not paid as part of the purchase price at auction, must be assumed by the purchaser. In addition, any remaining balance of cancelled special assessments that existed prior to the tax forfeiture may be reassessed by the local government. It is the responsibility of the prospective purchaser to contact the local government to determine special assessments that may have been cancelled and may be subject to reassessment, and their terms for the payment of such assessments.

**\*\*\*It is the responsibility of the prospective buyer to contact the local government to determine special assessments that may have been cancelled and may be subject to reassessment, and their terms for payment of such assessments.\*\*\***

Please contact the Carver County Property Tax Department at [custsvc@carvercountymn.gov](mailto:custsvc@carvercountymn.gov) or (952) 361-1910 with any questions.

| <b>"EXHIBIT A"</b><br><b>PARCELS TO BE SOLD AT A PRIVATE SALE (to adjoining landowners)</b><br><b>BOARD APPROVAL – August 20, 2024</b> |                                                                                                                                                                                                                                                                                                                                                                                                   |                                             |
|----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|
| <b>PIN</b>                                                                                                                             | <b>LEGAL DESCRIPTION</b>                                                                                                                                                                                                                                                                                                                                                                          | <b>APPRAISED<br/>VALUE/<br/>MINIMUM BID</b> |
| 20.0502161                                                                                                                             | ALL THAT P/O LOT 5 BLK 143 WHICH LIES WITHIN A STRIP OF LAND 100' WIDE LYING 50' ON EITHER SIDE OF CENTERLINE OF CMSP & PACIFIC RR CO MAIN TRACK AS NOW THERE LAID ACROSS BLK 143                                                                                                                                                                                                                 | \$100                                       |
| 20.1120210                                                                                                                             | CARVER BLUFFS WEST: OUTLOT A                                                                                                                                                                                                                                                                                                                                                                      | \$100                                       |
| 25.8680100                                                                                                                             | OUTLOT H VILLAGES ON THE PONDS<br>EXC: THAT P/O OUTLOT H VILLAGES ON THE PONDS WHICH LIES WLY & SLY OF LINE 1 DESC AS: COMM AT SE CORN OF OUTLOT H TH WLY ON AZIMUTH OF 90* ALONG S LINE THEREOF 310.64' TO PT OF BEG OF LINE 1 TH ON AN AZIMUTH OF 352* 603.49' TH ON AN AZIMUTH OF 268* FOR 300' & THERE TERMINATING<br><i>Sale of this parcel restricted to a governmental agency per DNR.</i> | \$500                                       |
| 25.8680140                                                                                                                             | VILLAGES ON THE PONDS: OUTLOT L EXC: P/O OUTLOT L VILLAGES ON THE PONDS WHICH LIES WLY & SLY OF LINE 1 DESC AS: COMM AT SE CORN OF OUTLOT H TH WLY ON A AZIMUTH OF 90* ALONG S LINE THEREOF 310.64' TO PT OF BEG OF LINE 1 TH ON AN AZIMUTH OF 352* FOR 603.49' TH ON AN AZIMUTH OF 268* FOR 300' & THERE TERMINATING                                                                             | \$100                                       |
| 30.4500310                                                                                                                             | NORTHGATE FIRST ADDITION P/O OUTLOT B DESC AS: LYING E OF NLY EXT OF WLY LINE OF LOT 2 BLK 1 & LYING W OF ELY EXT OF ELY LINE OF LOT 2 BLK 1. FORFEITED 11-14-85 EXC: P-25 CITY OF CHASKA HWY R-O-W PLAT NO 1-FOR HWY 41                                                                                                                                                                          | \$1                                         |
| 30.6970030                                                                                                                             | OUTLOT A WEST CREEK CORPORATE CENTER ADDITION                                                                                                                                                                                                                                                                                                                                                     | \$100                                       |
| 75.2700580                                                                                                                             | FRONTERRA: OUTLOT G                                                                                                                                                                                                                                                                                                                                                                               | \$1,000                                     |
| 75.2700590                                                                                                                             | FRONTERRA: OUTLOT H                                                                                                                                                                                                                                                                                                                                                                               | \$1,000                                     |

**NOTE:** (\*) Amount of Special Assessments cancelled because of forfeiture that may be subject to re-assessment.

Special Assessments that were certified to the county after property went tax forfeit will be added to the appraised value creating a new appraised value.

BOARD OF COUNTY COMMISSIONERS
CARVER COUNTY, MINNESOTA

Date: August 20, 2024

Resolution No.

Motion by Commissioner:

Seconded by Commissioner:

CARVER COUNTY, MINNESOTA

AUTHORIZING AND SETTING TIME AND TERMS OF TAX FORFEITED LAND SALE
PRIVATE SALE OF TAX FORFEITED LANDS BY SEALED BID

WHEREAS, the County Board of Commissioners of the County of Carver, State of Minnesota, desires to offer for sale certain parcels of land that have forfeited to the State of Minnesota for non-payment of taxes; and

WHEREAS, said parcels of land have been reviewed by the County Board of Commissioners and have been appraised by the Carver County Assessor's Office and classified as non-conservation land as provided for in MN Statutes 282.01.

NOW, THEREFORE, BE IT RESOLVED, the Carver County Board of Commissioners hereby certifies that the following parcels of land have been reviewed and do comply with the provisions of MN Statutes 85.012, 92.461, 282.01. subd. 8 and 282.018, subd. 2 and other statutes that require the withholding of tax forfeited lands from public sale:

- 20.0502161, Classification-Non-Conservation, Minimum Value \$100.00
20.1120210, Classification-Non-Conservation, Minimum Value \$100.00
25.8680140, Classification-Non-Conservation, Minimum Value \$100.00
30.4500310, Classification-Non-Conservation, Minimum Value \$1.00
30.6970030, Classification-Non-Conservation, Minimum Value \$100.00
75.2700580, Classification-Non-Conservation, Minimum Value \$1,000
75.2700590, Classification-Non-Conservation, Minimum Value \$1,000

The County Board of Commissioners previously certified that the Soil and Water Conservation Board reviewed the above parcels of tax forfeited land and identified any and all non-forested marginal land and wetlands.

BE IT FURTHER RESOLVED, that the Carver County Board of Commissioners hereby approves the private sale of said tax forfeited parcels to an adjoining land owner by sealed bid will be held on the 24th day of September, 2024, at 10:00 a.m. All sales shall be paid for by cash or check. No credit or debit cards will be accepted.

Dated this day of , 2024

Table with 3 columns: No, ABSENT, YES. Each column has 5 empty rows for signatures.

STATE OF MINNESOTA

COUNTY OF CARVER

I, David Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the day of , 2024, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this day of , 2024.

David Hemze, Carver County Administrator

## Carver County Board of Commissioners Request for Board Action



### Agenda Item:

Create a \$250k Reserve Account from HHS Out-of-Home/Residential Placement 2023 Budget to Actual Savings

Primary Originating Division/Dept:

Meeting Date: 8/20/2024

Contact: Heather A. Goodwin

Title:

Item Type:

Consent

Amount of Time Requested:  minutes

Presenter:

Title:

Attachments: ☐ Yes ☒ No

Strategic Initiative:

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

### BACKGROUND/JUSTIFICATION:

Over the past two years, Carver County Health and Human Services (HHS) has instituted new initiatives to reduce and avoid out-of-home placements for children and residential placements for adults. At the end of CY2023, these new initiatives resulted in an annual cost savings to the HHS budget of \$265k. HHS leadership, in partnership with Central Finance, would like to create a \$250k reserve account (Fund 2) with the CY2023 savings which would be available as a budget buffer for any future expensive outlier placements that can have a severe negative impact on HHS's annual budget.

These high-cost placements are impossible to predict and involve complex, high-risk situations. Historic placement costs have ranged from \$900 per day to \$1,800 per day with the average rate around \$1,200 per day and the average length of stay in placement (at that high acuity level) of ninety days. The \$250k in reserve would allow HHS to cover roughly two of these high-cost and high-risk placements. The budgeting strategy behind creating this HHS Out-of-Home/Residential Placement \$250k reserve is to leverage the cost effective work done in the last two years around placements that resulted in a positive financial outcome in CY2023, take financial pressure off the current CY2024 budget, while creating an opportunity to positively impact CY 2025 and future budget requests since HHS has no control over the timing and/or circumstances that drive these high-cost and high-risk out-of-home/residential placements. Overall, Central Finance supports the budgeting best practice of creating a budgetary safety net/reserve which allows HHS to continue to budget on trend (vs. budget on worst case scenario) because high cost and high risk outliers can occur without negatively impacting the current year bottom line.

### ACTION REQUESTED:

Motion to approve the creation of a \$250k HHS out-of-home/residential placement reserve account by redirecting a portion of the out-of-home/residential placement 2023 budget to actual positive variance that the County's 2023 year-end audit rolled into the 1/1/24 Year-End-Savings ("YES") account.

FISCAL IMPACT:

If "Other", specify:

### FUNDING

County Dollars =

\$250,000.00

FTE IMPACT:

Total

\$250,000.00

☐ Insert additional funding source

Related Financial/FTE Comments:

A one-time redirection of \$250k from the YES account balance of \$4.24M to create an HHS Fund 2 reserve account for high-cost out-of-home/residential placements.

|                         |               |
|-------------------------|---------------|
| 12/31/23 YES            | \$10.93M      |
| 2024 Budget- Att E, BSA | (2.9M)        |
| 2024 Budget- Att E      | (3.7M)        |
| 2024 RBA-9520           | <u>(92k)</u>  |
| Remaining YES, 1/2      | 4.24M         |
| 2024 RBA- 9751          | <u>(250k)</u> |
| Remaining YES, 8/20     | \$3.99M       |

*Office use only:*

RBA 2024 - 9751

# Budget Amendment Request Form



To be filled out AFTER RBA submittal

**Agenda Item:** Create a \$250k Reserve Account from HHS Out-of-Home/Residential Placement 2023 Budget to Actual Savings

Department:

Meeting Date: 8/20/2024

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: Heather Goodwin

| DEBIT                   |             |              | CREDIT                  |        |              |
|-------------------------|-------------|--------------|-------------------------|--------|--------------|
| Description of Accounts | Acct #      | Amount       | Description of Accounts | Acct # | Amount       |
| Out-of-home Placements  | 02-422.6260 | \$250,000.00 | YES Fund Balance        | 30-820 | \$62,500.00  |
| <b>TOTAL</b>            |             | \$250,000.00 | YES Fund Balance        | 32-    | \$125,000.00 |
|                         |             |              | YES Fund Balance        | 34-    | \$62,500.00  |
|                         |             |              | <b>TOTAL</b>            |        | \$250,000.00 |

Reason for Request:

Create a reserve account for high cost out-of-home/residential placements.

## Carver County Board of Commissioners Request for Board Action



**Agenda Item:**  
**MICA Legislative Update**

Primary Originating Division/Dept: Administration (County)

Meeting Date: 8/20/2024

Contact: David Hemze Title:

Item Type:  
Regular Session

Amount of Time Requested: 30 minutes

Presenter: Matt Massman Title: MICA Executive Director

Attachments: ☐ Yes ☒ No

Strategic Initiative:

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

### BACKGROUND/JUSTIFICATION:

Minnesota Inter County Association (MICA) Executive Director Matt Massman and his lobbying staff will provide a recap of the 2024 legislative session.

### ACTION REQUESTED:

None.

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 2024 - 9880

## Carver County Board of Commissioners Request for Board Action



### Agenda Item:

#### Closed Session for Highway 11/14 Project Property Acquisitions

Primary Originating Division/Dept:

Meeting Date: 8/20/2024

Contact: Anthony Stucchi

Title:

Item Type:

Closed Session

Amount of Time Requested:  minutes

Presenter: Pat Lambert/Anthony Stucchi Title:

Attachments: ☐ Yes ☒ No

Strategic Initiative:

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

### BACKGROUND/JUSTIFICATION:

The 2024-2025 Construction Season includes the Highway 11/14 Project which entails the construction of a roundabout at the intersection of Highway 11 and Highway 14. The project limits fall within Laketown Township and the City of Victoria.

Additional right-of-way is needed to complete the project scope. Carver County has contracted with appraisers in order to establish fair market value for the right of way acquisitions needed in support of the project. On May 21, 2024, the County Board authorized Public Works staff to make offers for direct purchase of the impacted properties.

Minnesota Statutes Section 117.031 provides that the condemning authority may make a last written offer of compensation prior to filing a petition for eminent domain. A court may award reasonable attorney fees, expenses, and other costs and fees depending on how much greater the final judgment or award is than the last written offer. Prior to initiating the petition for the eminent domain process, Public Works staff are recommending the County Board authorize last written offers of compensation to six (6) parcel owners identified as the following property identification numbers: 07.0251900, 07.0252720, 07.0250200, 07.0540010, 07.7250100, 65.0250900.

### ACTION REQUESTED:

Motion to enter into closed session to discuss confidential appraisal data and last written offers for the purchase of real property for the Highway 11/14 Project, pursuant to Minn. Stat. Section 13D.05, Subd. 3 (c), for PID No.'s: 07.0251900, 07.0252720, 07.0250200, 07.0540010, 07.7250100, 65.0250900.

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 2024 - 10027

## Carver County Board of Commissioners Request for Board Action



### Agenda Item:

#### Closed Session for Labor Negotiation Strategy

Primary Originating Division/Dept:

Meeting Date: 8/20/2024

Contact: Kerie Anderka

Title:

Item Type:

Closed Session

Amount of Time Requested:  minutes

Presenter: Susan Hansen, Kerie Anderka, Title:

Attachments: ☐ Yes ☒ No

### Strategic Initiative:

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

### BACKGROUND/JUSTIFICATION:

Minnesota Statutes 13D.03, subd 2 allows a public entity to enter into a closed session to plan and discuss labor negotiation strategy. Employee Relations requests to enter into a closed session with the Board to discuss labor negotiation strategy.

### ACTION REQUESTED:

Motion to go into closed session to discuss labor negotiation strategy.

Upon conclusion of the closed session, a motion to return to regular session.

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 2024 - 9982

## Carver County Board of Commissioners Request for Board Action

**Agenda Item:****CDA 2025 Budget and Levy**

Primary Originating Division/Dept: Public Services

Meeting Date: 8/20/2024

Contact: Nick Koktavy

Title: Assistant County Administrator

Item Type:

Work Session

Amount of Time Requested: 30 minutes

Presenter: Allison Streich

Title: CDA Deputy Director

Attachments: ☒ Yes ☐ No**Strategic Initiative:**

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

**BACKGROUND/JUSTIFICATION:**

The Carver County Community Development Agency (CDA) provides affordable housing opportunities and fosters community and economic development in the County. The CDA's special benefit tax levy is distributed upon all taxable property within Carver County and is completely separate from the County's property tax levy.

In accordance with Minnesota Statutes, the CDA is authorized to levy special benefit taxes subject to approval from the Carver County Board of Commissioners. At this work session, the CDA will present information on the 2025 budget and levy. On September 3, the CDA will present the final 2025 levy and budget for the County Board's consideration.

**ACTION REQUESTED:**

Provide input and comments on the CDA's proposed budget and levy.

**FISCAL IMPACT:** Other

If "Other", specify:

**FTE IMPACT:** None**FUNDING****County Dollars =**

CDA Budget Request \$17,473,071.00

**Total** \$17,473,071.00

Insert additional funding source

**Related Financial/FTE Comments:**

As part of the \$17,473,071 budget request for 2025, the CDA is requesting a levy of \$3,984,217 which is \$609,607 or about 18% increase from the 2024 levy.

*Office use only:*

RBA 2024 - 9975

# Carver County Community Development Agency

## **CDA Board of Commissioners**

Greg Anderson - Chair  
Adam Teske - Vice Chair  
Troy Williams - Secretary/Treasurer  
Jay Rohe - Commissioner  
Greg Kummer - Commissioner

## **Mission Statement:**

The Carver County Community Development Agency provides affordable housing opportunities and fosters Community and Economic Development in Carver County.

## **Vision:**

To be an innovative leader in creating housing and economic opportunities to create Communities for a Lifetime in Carver County.

## **Values:**

### **Commitment to Quality Results**

Providing quality housing and private development assistance activities will be the hallmark of the Carver County CDA.

### **Quality Customer Service**

As the Carver County CDA communities continue to develop, we are committed to meeting our customers' needs.

### **Commitment to Our Employees**

To promote a challenging, fulfilling, and safe work environment that recognizes employee commitment to excellence.

### **Partnering**

The CDA will achieve its mission through actively seeking partnerships and collaborative efforts with Carver County, its communities and with other agencies.

### **Integrity**

In undertaking our duties, we are committed to the values of honesty, fairness, and trust.

## **2025 BUDGET NARRATIVE**

For the 2025 budget, the Carver County Community Development Agency (CDA) is eligible for a levy of \$3,984,217, which is \$609,607 increase from the 2024 levy. The CDA is requesting a levy of \$3,984,217. The impact on a \$471,900 average valued home is \$10.33 for a total of \$77.88.

### **Tenant Based Rental Assistance Programs and Housing**

#### **Bridges/Bridges RTC Program**

MN Housing funded program to provide a housing subsidy for persons with mental illness.

#### **Housing Trust Fund**

A rental assistance program through MN Housing for High Priority Homeless households.

#### **Permanent Supportive Housing Program**

A federally funded program as part of the HEARTH Act for persons that are homeless and disabled.

#### **Rental Housing Opportunities**

The CDA provides and manages affordable housing opportunities for families and seniors throughout Carver County (734 units).

- Bluff Creek – Carver
- Brickyard – Chaska
- Carver County Homes-Scattered Sites throughout Carver County
- Centennial – Chanhassen
- Crossings – Waconia
- Hilltop I/Hilltop II-Watertown
- Lake Grace-Chaska
- Mayer Elderly-Mayer
- Oak Grove-NYA
- Trails Edge South – Waconia
- Waybury – Chaska
- Windstone – Chaska

#### **Project-Based Vouchers:**

Of the CDA rentals, 153 units have Project Based Vouchers.

Of that total:

- 9 are designated for the unhoused population.
- 3 are designated for homeless veterans.

- 20 are designated for mainstream (between the ages of 18 and 61 and disabled).
- 4 are for partnership with Beyond New Beginnings.
- 10 are designated for homeless families within the school districts.
- 81 are our former public housing units converted under Rental Assistance Demonstration (RAD).
- 26 regular Project Based Vouchers.

### **Resident Services:**

- Staff time to connect residents with needed services in the community. This includes presentations from outside organizations such as CAP Agency, River Valley Health Services, Humanity Alliance, WeCAB and others. It also includes meeting with residents to determine needs and help complete applications and make referrals. Services include energy assistance, SNAP, mobile food shelf and others.

## **Community Development Programs**

### **Community Development Programs:**

**Community Growth Partnership Initiative** was created and funded by the CDA in January 2016. The goals of the program are to increase the tax base and improve the quality of life in Carver County through three specific strategies: affordable housing development, job creation and redevelopment/community development; through direct grants to Carver County cities.

Since its inception, the Initiative has achieved the following:

#### **Predevelopment Grants:**

- Twenty-eight grants totaling \$206,990 have been awarded to help Carver County cities and townships prepare for future development.
- Grants have been awarded to the cities of Carver, Chanhassen, Chaska, Mayer, New Germany, Norwood Young America, Victoria, Waconia, Watertown, and the township of Laketown Township.
- Project examples include site specific redevelopment plans, wastewater facility plans, a downtown redevelopment plan, a parking study, housing study, and industrial park study.

#### **Community Development Grants:**

- Twenty-six grants totaling \$2,000,833 have been awarded to assist Carver County cities and townships with jobs, housing, or redevelopment projects.
- Grants have been awarded to the cities of Carver, Chanhassen, Chaska, Cologne, Mayer, Norwood Young America, Victoria, Waconia, Waconia Township and Watertown.
- Project examples include business expansion and site improvements to facilitate housing or redevelopment and business development.

### **NextStage:**

The CDA continues to support NextStage in providing business with no cost business consultation. Planning resources include writing a business plan, refining concepts, testing concepts feasibility, and compiling financial projects. Starting business resources include helping select appropriate business

entity, licensing, compliance, accounting system support, and direct financing. Once the business is up and running support includes building revenue, managing costs, securing capital, and providing access to state and local financing.

Facilitate, support, and market Chambers, Cities, State and regional partnerships and local businesses. Continued promotion utilizing Choose Carver County website.

**Homeownership Programs:**

- **Carver County Community Land Trust Program**

The CDA administers the Carver County Community Land Trust (CCCLT) program, which provides access to home ownership opportunities for low-to-moderate income households who might not otherwise afford homes in the community. The CCCLT ensures permanent affordability by retaining ownership of the land and removing it from the real estate purchase. Homebuyers must be at or below 80% AMI, receive certification from a homebuyer education course, and be mortgage ready. Currently, there are 42 land trust homes located throughout Carver County within Chaska, Cologne, Mayer, Victoria, Waconia, and Watertown. Since its inception, the land trust has served over 74 families. An additional 5 homes are in development in Chaska and Watertown that will be added into the CCCLT Program.

- **Minnesota Housing Rehab**

The CDA administers the Minnesota Housing Rehabilitation Loan/Emergency and Accessibility Loan Programs (RLP/ELP) throughout Carver County. The program provides deferred loan financing to eligible low-income homeowners who are unable to secure home improvement financing in the private sector. Funds may be used for basic home improvements that directly affect the home’s safety, habitability, or energy efficiency.

- **Septic/Well Replacement Loan**

The CDA partners with Carver County Environmental Services to provide residents with a low-interest loan for improvements to failing septic systems or wells.

- **Single Family Mortgage Program**

Annually, the CDA assists in making sure Carver County residents can access the Minnesota City Participation Program (MCP) offered through Minnesota Housing. The MCP program is designed to assist first-time homebuyers obtain affordable financing to purchase a home. The MCP program continues to be well utilized as shown below.

|                                          | 2023         | 2024 YTD    |
|------------------------------------------|--------------|-------------|
| Carver County Allocation Amount          | \$1,943,009  | \$1,992,221 |
| Committed Loans                          | 46           | 23          |
| Committed Amount                         | \$12,643,287 | \$6,979,350 |
| Down payment and closing cost assistance | \$362,350    | \$371,000   |

### **American Rescue Plan Act (ARPA)/CDA Housing Project Funds**

In 2021 Carver County allocated \$5,900,000 to the CDA for various housing projects Carver County.

- The CDA has submitted a funding application to Minnesota Housing Finance for Trails Edge Senior (76 units) will commit the remaining \$1 million. Announcement for projects selected will come out in December to allow for a 2025 construction season.
- The allocation of \$1 million for Carver Place was funded with 9 different sources and will be under construction in fall of 2024.
- The allocation of \$1 million for Carver Oaks was funded and will be under construction in late 2024/early 2025.
- The allocation of \$1.8 million for the rehab of Watertown/Mayer is under way and is due to be completed mid-2024.
- The allocation of \$200,000 for the rehab of Bluff Creek Apartments is complete.
- An allocation of \$300,000 of ARPA funds for affordable housing through an agreement with the Carver County Community Development Agency for the Humanity Alliance Unite Lodge project. This project has been completed.
- An allocation of \$600,000 of ARPA funds for affordable housing through an agreement with the Carver County Community Development Agency for the West Creek Apartment project. This project is completed.

#### ARPA Funds update

| Project                 | Funding Amount | Status                                             |
|-------------------------|----------------|----------------------------------------------------|
| Humanity Alliance       | \$300,000      | Paid and complete                                  |
| Bluff Creek Rehab       | \$200,000      | Paid and complete                                  |
| West Creek Apartments   | \$600,000      | Project opened on August 1                         |
| Carver Place            | \$1,000,000    | Project fully funded and moving forward            |
| Rural Development Rehab | \$1,800,000    | Unit rehabs completed, all county funding expended |
| Carver Oaks Senior      | \$1,000,000    | Project closing in late 2024/early 2025            |
| Trail's Edge Senior     | \$1,000,000    | Submitted application in July for funding          |

### **Ongoing Initiatives:**

- Develop workforce, senior, and affordable housing in Carver County so workers can live and work here in Carver County, which will support economic development and business throughout the county.
- Promote redevelopment through new housing and jobs projects which promote revitalization, resilience, and sustainability of our cities in Carver County.
- Provide marketing, technical, or other assistance to cities and businesses to assist with housing, job, and redevelopment projects throughout the county.
- Establish and maintain high quality service with interested stakeholders to build a collegial working relationship that contributes to CDA initiatives.
- Participate in the Greater MSP Economic Development Partnership by attending meetings and engaging with the partnership.
- Work towards attracting new sources of capital and investment to Carver County.
- Continuation of existing programs for entrepreneurs and new programs directed to high growth companies.
- Enhanced partnerships with Carver County and GIS applications.

The CDA actively looks for opportunities in the County to further senior and affordable workforce rental housing to preserve the “Naturally Occurring Affordable Housing” in Carver County.

The CDA continues to look at options for the 25 acres the CDA currently owns in the City of Watertown.

The CDA has entered into a contract to develop a new Economic Development website “Choose Carver County” to provide up to date available land and industrial properties available. The CDA will continue to support businesses in Carver County, looking for expansion opportunities and financing options with the cities. The CDA will continue to promote the cities in Carver County and the activities that make it a “Great Place to Live and Work”.

Through a partnership with the City of Chaska, construction on the Ernst project rehab and addition of three houses will begin in the fall 2024.

#### **New Initiative:**

- **Local Housing Trust Fund**

The CDA dedicated \$100,000 in 2024 to a local housing trust fund. The CDA is working on the guidelines for a homebuyer initiative for first-time and first gen homeownership.

2025 Levy Funding

| Use                                     | Original Request | Final Request |
|-----------------------------------------|------------------|---------------|
| Administrative                          | \$394,607        |               |
| Community Growth Partnership Initiative | \$15,000         |               |
| Local Housing Trust Fund                | \$200,000        |               |
| Total                                   | \$609,607        |               |

2025 Requested Budget

Revenue

| Revenues       | 2024 Approved Budget | 2025 Requested Budget | Change      |
|----------------|----------------------|-----------------------|-------------|
| Administrative | \$3,319,093          | \$3,771,216           | \$452,123   |
| Housing        | \$9,449,806          | \$9,717,638           | \$267,832   |
| Tax Levy       | \$3,374,610          | \$3,984,217           | \$609,607   |
| TOTAL          | \$16,143,509         | \$17,473,071          | \$1,329,562 |

2025 Requested Budget

Expense

| Expenditures               | 2024 Approved Budget | 2025 Requested Budget | Change      |
|----------------------------|----------------------|-----------------------|-------------|
| Administrative & operating | \$6,417,703          | \$7,479,433           | \$1,061,730 |
| Housing                    | \$9,449,806          | \$9,717,638           | \$267,832   |
| Bonds                      | \$276,000            | \$276,000             | \$0         |
| TOTAL                      | \$16,143,509         | \$17,473,071          | \$1,329,562 |