



CARVER COUNTY

minnesota

Carver County Board of Commissioners May 7, 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 that relate to an item on the agenda may be heard when that agenda item is discussed. Please limit your public comments to five minutes or less.**

Individuals unable to attend in person can provide public comments by email at admin-contact@co.carver.mn.us.

2. Agenda review and adoption
3. Approve minutes of April 16, 2024, Regular Session..... 1-3
4. Community Announcements

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

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

- 5.1 Professional Service Agreement for Anicca/PREP Adventure Summer Transportation 4
5.2 2024 Traffic Safety Vehicle Grant Resolution 5-7
5.3 Request for approval to contract with Natural Shore Technologies, Inc .. 8
5.4 Final Payment to Sir Lines-A-Lot for the 2023 County-wide Pavement Marking Safety Project..... 9-10
5.5 Contract with Stuedeman Construction Services, LLC for roof replacement at Lake Minnewashta Regional Park 11
5.6 Federal Aid Agreement for the Highway 212 Project - Benton Township 12-14
5.7 Special Event Use Permit - Waconia Area Food Shelf, Walk on Waconia Fundraiser..... 15
5.8 Contract with Erickson Engineering for the 42nd Street Bridge Project..... 16

Connections: Develop strong public partnerships and connect people to services

- 5.9 Approval of Updated Data Practices Guides and Appointment of Compliance Official and HIPAA Privacy Officer 17-18
5.10 Professional Services Agreement with Alliant Engineering for Erosion Control construction Inspections 19

5.11	Joint Powers Agreement with Hollywood Township for the 42nd Street Bridge Project.....	20
5.12	Final Payment to Valley Paving for the Highway 50 Project - Bevens Creek Area and the Highway 43 Resurfacing Project	21-22
5.13	Contract with Wetland Credit Agency for purchase of Wetland Credits for Hwy 212 Project - Benton Township.....	23

Customer service: Continue the County's delivery of high value, timely service and support

5.14	Request for approval to contract with Advantage Coating Inc.....	24
------	--	----

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

5.15	Resolution to vacate and re-establish a drainage & utility easement within a rural platted area.....	25-39
5.16	Carver County Right of Way Plat No. 36 for the Hwy 41/10 Project - City of Chaska	40-41
5.17	St. Peter Lutheran Church Maifest 2024 (Annual Special Event)	42
5.18	Professional Services Agreement with KENNEDY & GRAVEN for legal services for the Highway 212 Project - Dahlgren Township	43
5.19	Resolution of Support for Highway 5 Arboretum Area Mobility Project Federal RURAL Grant Application	44-47
5.20	Request for approval to contract with SpiralFX, LLC.....	48
5.21	John Zimmerman - Request for Additional Density Development – Wooded Lots (2 lots).....	49-54
5.22	Resolution of Support for Highway 5 Safety Project Federal Safe Streets for All (SS4A) Grant Application.....	55-58
5.23	Resolution Authorizing Petition for Eminent Domain for The Highway 41/10 Project.....	59-75
5.24	Professional Services Agreement with Bolton and Menk, Inc. for Highway 5 Final Design Project	76

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

5.25	Office of Justice Programs Resolution Grant – ICPOET	77-79
5.26	Request to accept a grant from the Minnesota Department of Health.....	80-81
5.27	Review Health & Human Services and Commissioner Warrants.....	NO ATT

9:20 a.m.	6.	COMMUNITIES: Create and maintain safe, healthy, and livable communities	
	6.1	Cannabis Public Use Ordinance Public Hearing	82-105
	6.2	CCHHS Mental Health Overview & Resolution to proclaim May 2024 as Mental Health Awareness Month	106-107
	6.3	Court Services/Department of Corrections Comprehensive Plan 2024	108
	6.4	Motorcycle Awareness Month in Carver County	109-110
	6.5	Advisory Committee Appointments	111

- 10:30 a.m. **RECESS AS COUNTY BOARD AND CONVENE AS CARVER COUNTY REGIONAL RAIL AUTHORITY**
- 10:30 a.m. 6.6 Special Event Use Permit - T Road Tavern, Classic Car Shows & RibFest BBQ Competition..... 112-113
- 10:40 a.m. **ADJOURN AS CARVER COUNTY REGIONAL RAIL AUTHORITY AND RECONVENE AS COUNTY BOARD**
- 10:40 a.m. 7. **COUNTY ADMINISTRATOR REPORT**
- 10:45 a.m. 8. **Growth: Manage the challenges and opportunities resulting from growth and development**
 8.1 **Closed Session** for Highway 41/10 Project Property Acquisitions 114
- 11:15 a. m. **ADJOURN REGULAR SESSION**

WORK SESSION

- 11:15 a.m. A. **CONNECTIONS: Develop strong public partnerships and connect people to services**
 1. Carver County Community Development Agency Governance and Restructuring Options 115

David Hemze
County Administrator

UPCOMING MEETINGS

May 8, 2024	5:00 p.m. Foster Care Banquet Paradise Commons
May 14, 2024	No Meeting
May 21, 2024	9:00 a.m. Board Meeting
May 28, 2024	9:00 a.m. Strategic Planning Meeting Paradise Commons
June 4, 2024	9:00 a.m. Board Meeting
June 11, 2024	No Meeting
June 18, 2024	8:00 a.m. Special Meeting 9:00 a.m. County Board of Equalization Noon Hoffmann Recognition Event Paradise Commons
June 21, 2024	3:00 p.m. Paradise Beach Bash Paradise Commons Community Grand Opening
June 25, 2024	9:00 a.m. Work Session
July 2, 2024	No Meeting
July 9, 2024	9:00 a.m. Board Meeting

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on April 16, 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.

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

Fahey moved, Lynch seconded, to approve the minutes of the April 2, 2024, Regular Session. Motion carried unanimously.

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

Resolution #24-24, Awarding of the Furnish Bituminous Material-2024 County Wide Seal Coat Project Carver County Contract 24-169 Project #2402.

Resolution #25-24, Amendment 1 to DOT Agreement 1051940 with the State of Minnesota.

Approved professional services agreement with Bolton and Menk, Inc., for the Monarch Candidate Conservation Agreement with Assurance Application, pending finalization of the contract review process.

Approved the one day to four day temporary on sale liquor license application for Augusta Ball Club, Chaska for May 31-June 2, 2024.

Approved issuing a tobacco license to Schram Winery in Waconia, subject to receipt of all required paperwork, licensing fee paid, signed affidavit and all delinquent taxes paid.

Approved letter of support for MnDOT's I-494 E-ZPass Project USDOT grant applications and authorized the Chair to sign the letter.

Approved the Waconia Patriot as the County's legal newspaper effective May 1, 2024.

Contract with Apex Engineering Group pending finalization of the contract review process and related Public Works budget amendment.

Approved conveyance by quit claim deed of non-conforming County downed land, identified by tax parcel PID 080300721, and Parcels 2A, 2B, 3A, 35 and 35A on Carver County ROW Plat No. 34, all parcels totaling 3.9 acres, to Schmidt Acres as part of the approved settlement agreement for the Highway 40 Project-Belle Plaine Area.

Resolution #26-24, Authorizing Settlement of Compensation to Owners for Acquisition of Real Property Interests Needed for Highway 212 Project - Benton Township

Professional services agreement with HDR Engineering, Inc., for public communications professional services for the Highway 212 Project-Benton Township.

Professional services agreement with Braun Intertec Corporation for \$56,118 for material testing for the Highway 40 project-Belle Plaine area, pending finalization of the contract review process.

Resolution #27-24, State Funded Program for IJJA Discretionary Grant Assistance Terms and Conditions SAP 010-589-003.

Reviewed April 9, 2024, Community Social Services' actions/Commissioners' warrants in the amount of \$627,262.23 and reviewed April 16, 2024, Community Social Services' actions/Commissioners' warrants in the amount of \$427,989.64.

Motion carried unanimously.

Ashley Taylor-Gouge, Sexual Violence Center Associate Director, appeared before the Board for an update on their services. She explained the services provided and indicated they have been serving Carver County since 1987. She noted the number of individuals served and identified funding sources. She pointed out April was Sexual Assault Awareness Month and requested the Board approve the Proclamation.

Udermann moved, Lynch seconded, to adopt the April 2024 Sexual Assault Awareness Month Proclamation. Motion carried unanimously.

Kathy Oliphant, Arts Consortium Executive Director, explained the Carver County Arts Consortium was organized in 2009 and they were dedicated in fostering and promoting the arts throughout the community. She identified the art festivals they organize each year, the rotating galleries they hold, and classes offered. She also noted their active performance and literacy groups.

Oliphant pointed out the gift shop at the Chaska Community Center that showcases local artisans. She explained their funding sources. She noted the shifting of grant funding and increased expenses have resulted in their expenses exceeding revenue. Oliphant stated without additional funding their lease agreement for the gift shop was not sustainable and identified the steps they have taken to address the situation. She indicated she was working with the Chaska reps on the renewal.

The Board encouraged Oliphant to find a path to sustainability, to connect with local groups to bridge the gap and thanked her for sharing information.

Randy Lehs, CarverLink Fiber Manager, requested the Board approve amendments associated with the Connect Up Carver expansion project. He stated the fiber optic network went live in 2013 and they have been expanding ever since. Lehs identified CareerLink's main and three secondary purposes. Lehs indicated today they would be focusing on the middle mile network. He pointed out agreements and collaborations in place and stated Carver would be the first County with 100% high speed broadband availability with a population over 10K and first in the metro area.

He explained the Connect Up Carver initiative, funding utilized and progress to date. He displayed maps showing the existing CarverLink and Metronet fiber and Connect Up Carver Buildout. Lehs indicated by the end of 2024 fiber would be available in all rural areas. He recognized the gaps in the eastern end of the County and explained future plans for Victoria and Chanhassen.

Lynch questioned if there was any conflict for him to vote on this as he would be contracting with the vendor. County Attorney Metz confirmed he saw no conflict for Lynch to vote on this.

Lynch moved, Workman seconded, to approve the Connect Up Carver Expansion Agreements which are amendments to the 2022 Board approve Connect UP Carver Construction and IRU contracts, for \$2,500,000.00, pending contract review. Motion carried unanimously.

Jason Kamerud, Sheriff, requested the Board approve creating 1.0 FTE law enforcement co-responder crises therapist and eliminating 1.05 deputy sheriff. He recognized the value of the work done by co-responders when responding to mental health calls. He pointed out the types of calls for service and the hours and days the calls are received. He noted the need for mental health services and stressed the need for more than one co-responder based on how the work is distributed. Sheriff also pointed out the need to continue to invest in these positions as well as additional deputies going forward.

Udermann moved, Workman seconded, to approve the conversion of 1.05 Deputy Sheriff to a 1.0 FTE Law Enforcement Co-Responder Crisis Therapist. Motion carried unanimously.

Eric Johnson, Court Services, requested the Board approve the Veteran's Treatment Court reorganization. He explained the Veterans Treatment Court initially started in 2015 without state funding. Subsequently funds were received from the State, but they struggled with participants. He explained the subsequent merger with Dakota County and the conversations with the Judges on the possibility of having a First Judicial District Veterans Court.

He reviewed the proposal to establish an East and West end Veterans Court, with the West end located in Scott County and East end in Dakota County. Johnson explained the management and indicated it made logistic and consistency sense to have the coordinator housed in Scott County and be the fiscal agent of the grant. He indicated they were seeking approval to eliminate the 0.8 position as Scott County had the personnel needed.

Mark Metz, County Attorney, stated he fully supported this and noted the goal is to make sure every veteran in the criminal justice system has the opportunity to be served within the First Judicial District.

Fahey moved, Lynch seconded, to approve elimination of a 0.8 FTE Court Coordinator-Veterans effective at close of business on April 26, 2024. Motion carried unanimously.

Udermann moved, Lynch seconded, to adjourn the Regular Session at 10:58 a.m. and go into a work session for an update on the CDA. 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:

Professional Service Agreement for Anicca/PREP Adventure Summer Transportation

Primary Originating Division/Dept: Health & Human Services

Meeting Date: 5/7/2024

Contact: Stephanie Combey Title: Behavioral Health Clinical Manager

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:

During the summer months, the youth served by Anicca and PREP Adventure often require transportation services to access care in these two programs. A bid was submitted by Koch School Bus Services for a renewed contract. Koch School Bus Services provided these services under contract in 2022 and 2023. The cost of transportation varies depending on the client's distance from the program site and time required to transport. This approval request is for a two-year contract, effective June 1, 2024 - April 30, 2026. The contract is for \$90,000 per year with a maximum not to exceed amount of \$180,000. Funds (\$74k in 2024 and \$90k in 2025) to pay the contract are currently allocated within the Health and Human Services program budget and \$16,000 will be covered utilizing a grant from Health Partners. The contract has been finalized through the internal contract process.

The Anicca Program and PREP Adventure serve high-risk youth ages 7-18 in need of behavioral health services.

ACTION REQUESTED:

Motion to approve Professional Service Agreement with Koch School Bus Services.

FISCAL IMPACT: Included in current budget

If "Other", specify:

FTE IMPACT: None

FUNDING

County Dollars =

HHS 2024 Budget	\$74,000.00
HHS 2025 Budget	\$90,000.00
HP Grant Funds	\$16,000.00
Total	\$180,000.00

☒ Insert additional funding source

Related Financial/FTE Comments:

Bus services are provided for the PREP summer adventure program and Anicca Day Treatment. Amount varies in regard to the number of children and distance/time. Contract 24-170 has been fully approved in the contract portal.

Office use only:

RBA 2024 - 9750

Carver County Board of Commissioners Request for Board Action



Agenda Item:

2024 Traffic Safety Vehicle Grant Resolution

Primary Originating Division/Dept: Sheriff

Meeting Date: 5/7/2024

Contact: Michael Wollin

Title: Commander

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 Carver County Sheriff's Office was selected by the Office of Traffic Safety to receive funds for a traffic safety vehicle. This vehicle is utilized in the enforcement of distracted driving to further efforts to reduce the risk of serious injuries or death that can result from unsafe vehicle operations. Currently the Sheriff's Office, as the regional policing authority for 10 cities and all the townships in the county, partners with the city of Chaska in the Toward Zero Deaths Initiative.

ACTION REQUESTED:

Request the County Board to adopt the Resolution Authorizing Execution of the 2024 Traffic Safety Vehicle Grant Agreement.

FISCAL IMPACT: Budget amendment request form

If "Other", specify: GRANT

FTE IMPACT: None

FUNDING

County Dollars = \$12,400.00

OTS Traffic Safety Vehic... \$62,000.00

Total \$74,400.00

☒ Insert additional funding source

Related Financial/FTE Comments:

Reimbursement Grant with 20% agency match of which funds are included in current budget.

01-201-236-0000-6670

Office use only:

RBA 2024 - 9770

RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT

Be it resolved that Carver County Sheriff's Office will enter into a
(Name of your organization)
cooperative agreement with the Office of Justice Programs in the
Minnesota Department of Public Safety.

Sheriff Jason Kamerud is hereby authorized to execute
(Title of authorized official)
such agreements and amendments, as are necessary to implement
the project on behalf of Carver County Sheriff's Office.
(Name of your organization)

I certify that the above resolution was adopted by the

_____ of _____ on
(Executive Body) (Name of your organization)
_____.
(Date)

SIGNED:

(Signature)

(Title)

(Date)

WITNESSETH:

(Signature)

(Title)

(Date)

Budget Amendment Request Form



To be filled out AFTER RBA submittal

Agenda Item: 2024 Traffic Safety Vehicle Grant Resolution

Department:

Meeting Date: 5/7/2024

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: Commander Mike Wollin

DEBIT			CREDIT		
Description of Accounts	Acct #	Amount	Description of Accounts	Acct #	Amount
State Grant Others	01-201-236-1605-5320	\$62,000.00	Vehicle Purchase	01-201-236-0000-...	\$62,000.00
TOTAL		\$62,000.00	TOTAL		\$62,000.00

Reason for Request:

Once this grant is fully executed, the Grantee may claim reimbursement for expenditures incurred back to the effective date. Reimbursements will only be made for those expenditures made according to the terms of the grant.

Carver County Board of Commissioners

Request for Board Action



Agenda Item:

Request for approval to contract with Natural Shore Technologies, Inc

Primary Originating Division/Dept: Public Services - Planning & Water Mgmt. ▼

Meeting Date: 5/7/2024

Contact: Tim Sundby

Title: Water Resources Supervisor

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:

Over the past decade, the Carver County Water Management Organization (CCWMO) has constructed multiple practices that incorporate native vegetation as a vital part for the treatment of stormwater. To ensure that these practices function properly, maintenance of the planted vegetation is a high priority for CCWMO.

This contract will encompass selected sites for maintenance and establishment of native vegetation. Some sites will be year to year, while others will be in a specific three-year maintenance plan for establishment. Spot treatments will also be required on sites identified through the CCWMO Inspection Program. Additional sites may be constructed though the life of this contract and may utilize this contract.

The CCWMO submitted a request for quotes to six companies. Four returned proposals and Natural Shore Technologies Inc. was the low quote.

ACTION REQUESTED:

Motion to contract with Natural Shore Technologies, Inc pending finalization of the contract review process.

FISCAL IMPACT: Included in current budget ▼

If "Other", specify:

FTE IMPACT: None ▼

FUNDING

County Dollars =

CCWMO Levy

\$75,000.00

Total

\$75,000.00

☒ Insert additional funding source

Related Financial/FTE Comments:

Funding includes 2024 CCWMO levy budget and is dependent on future CCWMO levy approvals and/or outside funding in 2025-26.

Office use only:

RBA 2024 - 9779

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Final Payment to Sir Lines-A-Lot for the 2023 County-wide Pavement Marking Safety Project

Primary Originating Division/Dept: Public Works - Program Delivery	Meeting Date: 5/7/2024
Contact: Carolyn Fackler Title: Construction Manager	Item Type: Consent
Amount of Time Requested: minutes	Attachments: ☒ Yes ☐ No
Presenter: Title:	
Strategic Initiative: Communities: Create and maintain safe, healthy, and livable communities	

BACKGROUND/JUSTIFICATION:

The 2023 HSIP Pavement Marking Project utilized federal grant funds to restripe various county highways throughout the county during the 2023 construction season. Sir Lines-A-Lot is requesting to finalize the contract with Carver County and release all retainage. County staff agree and recommend that the contract be finalized and that the outstanding work items and retainage be paid in the amount of \$6,817.11.

The original contract amount was \$676,834.19 and the final project cost is \$681,711.29.

This action was originally presented to the Board on the consent agenda (RBA9485) on December 12, 2023. Following approval, additional invoices were provided, reviewed and accepted as payable work. This RBA amends the final costs and payment of the original RBA.

ACTION REQUESTED:

Motion to adopt a resolution accepting all work as complete and authorizing final payment in the amount of \$6,817.11 to Sir Lines-A-Lot for the 2023 County-wide Pavement Marking Safety Project.

FISCAL IMPACT: Included in current budget	FUNDING
If "Other", specify:	County Dollars = \$73,717.49
FTE IMPACT: None	Federal HSIP Grant \$607,993.80
	Total \$681,711.29
	☒ Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2024 - 9781

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

Date: May 7, 2024

Resolution No: _____

Motion by Commissioner: _____

Seconded by Commissioner: _____

**COUNTY BOARD ACKNOWLEDGMENT
2023 County-wide Pavement Marking Safety Project
FINAL PAYMENT**

WHEREAS, the construction of the 2023 County-wide Pavement Marking Safety Project has in all things been completed, and the County Board being fully advised in the premises, now then be it resolved; that we do hereby accept said completed project for and on behalf of the Carver County Public Works Division.

YES

ABSENT

NO

STATE OF MINNESOTA
COUNTY OF CARVER

I, Dave Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 7th day of May, 2024, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 7th day of May, 2024.

Dave Hemze

County Administrator

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Contract with Stuedeman Construction Services, LLC for roof replacement at Lake Minnewashta Regional Park

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:

Amount of Time Requested: minutes

Presenter: Title:

Attachments: ☐ Yes ☒ No

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

The requested contract work is to replace the asphalt shingles on the roofs of the Lake Minnewashta Regional Park beach restroom building and beach picnic pavilion.

Quotes Received:

- Stuedeman Construction: \$25,660.00
- Allied Construction: \$25,940.00

ACTION REQUESTED:

Motion to contract with Stuedeman Construction Services, LLC for \$25,660.00 pending finalization of the contract review process.

FISCAL IMPACT:

If "Other", specify:

FTE IMPACT:

FUNDING

County Dollars =

Total

☒ Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2024 - 9792

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Federal Aid Agreement for the Highway 212 Project - Benton Township

Primary Originating Division/Dept: Public Works - Program Delivery	Meeting Date: 5/7/2024
Contact: Darin Mielke Title: Assistant Public Works Direct...	Item Type: Consent
Amount of Time Requested: minutes	Attachments: ☒ Yes ☐ No
Presenter: Title:	
Strategic Initiative: Communities: Create and maintain safe, healthy, and livable communities	

BACKGROUND/JUSTIFICATION:

Carver County is the lead agency for the Highway 212 Project – Benton Township which includes safety improvements and the expansion of Highway 212 to 4-lanes from approximately Highway 34 (Tacoma Avenue) in the City of Norwood Young America to Highway 36 (W) in the City of Cologne. Carver County was successful in obtaining \$7.5 million in Minnesota Highway Freight Program federal funds, \$10 million in INFRA federal Funds, \$6.5 in Congressionally Directed Federal Funding and \$3.5 million in Regional Solicitation federal funds. An additional \$44 million of State funding is being directed to this project as well. This project is eligible for the expenditure of federal aid funds and is programmed in the federally approved State Transportation Improvement Plan (STIP) for the state fiscal year 2024, and is identified in MnDOT records as State Project 010-596-013 and 1013-77, and in Federal Highway Administration ("FHWA") records as Minnesota Project STBG-CDS-INFRA-PRO-1024(127).

As the lead agency, Carver County is planning to proceed with the bidding process in May and construction is anticipated to begin in July 2024 and be substantially complete by the early fall of 2026. No closures of Highway 212 are anticipated; however, some traffic restrictions may occur from time to time.

The Minnesota Department of Transportation (MnDOT) requires that the terms and conditions of this federal aid construction be set forth in an agreement between Carver County and MnDOT, which allows for MnDOT to act as Carver County's agent in accepting federal aid in connection with this project.

The costs as shown below are for the estimated construction costs only, and do not include engineering or right of way costs.

ACTION REQUESTED:

Motion to approve a resolution for State of Minnesota Agreement No. 1056836 for the Highway 212 Project - Benton Township with the State of Minnesota to act as the Carver County's agent in accepting federal aid funding for the Highway 212 Project - Benton Township,, subject to review by the County Attorney and Risk Management.

FISCAL IMPACT: Included in current budget	FUNDING
If "Other", specify:	County Dollars =
FTE IMPACT: None	Federal CDS \$6,500,000.00
	Federal Freight Funds \$7,500,000.00
	INFRA Funds \$10,000,000.00
	Regional Solicitation Fu... \$3,500,000.00
	State Bond Funding \$25,000,000.00
	State SRC Fed. Funds \$9,000,000.00
	Total \$63,315,932.00

County Dollars =	
IIJA State Match Funds	\$1,815,932.00
Total	

☒
Insert additional funding source

Related Financial/FTE Comments:

The costs are estimates and will be revised once a low bidder is determined.

Office use only:

RBA 2024 - 9796

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

Date: May 7, 2024

Resolution No: _____

Motion by Commissioner: _____

Seconded by Commissioner: _____

**STATE OF MINNESOTA
AGENCY AGREEMENT NO. 1056836
FOR FEDERAL PARTICIPATION IN ADVANCE CONSTRUCTION
FOR STATE AID PROJECT NO. 010-596-013**

BE IT RESOLVED, that pursuant to Minnesota Stat. Sec. 161.36, the Commissioner of Transportation be appointed as Agent of Carver County to accept as its agent, federal aid funds which may be made available for eligible transportation related projects.

BE IT FURTHER RESOLVED the County Board Chair and County Administrator are hereby authorized and directed for and on behalf of Carver County to execute and enter into an agreement with the Commissioner of Transportation prescribing the terms and conditions of said federal aid participation as set forth and contained in "Minnesota Department of Transportation MnDOT Contract Number 1056836", a copy of which said agreement was before the County Board and which is made a part hereof by reference.

YES

ABSENT

NO

STATE OF MINNESOTA
COUNTY OF CARVER

I, Dave Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 7th day of May, 2024, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 7th day of May, 2024.

Dave Hemze

County Administrator

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Special Event Use Permit - Waconia Area Food Shelf, Walk on Waconia Fundraiser

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:

Amount of Time Requested: minutes

Presenter: Title:

Attachments: ☐ Yes ☒ No

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

The Waconia United Food Shelf has requested a special event use permit for an upcoming community event known as "Walk on Waconia". The purpose of the event is fundraising for its work in the community. Two of the three walk/run distances planned utilize County Park and Trail property of Lake Waconia Regional Park and the Dakota Rail Regional Trail.

The event is scheduled for Saturday, May 18, 2024 and the expected attendance is 300-500 people. By County Ordinance, Chapter 91: issuance of a special use permit is required for use of the park/trail property for groups exceeding 20 participants and/or when there is conflict with Park Ordinance. County Policy for Use Permitting outlines this request to be a tier 2 event, due to its size, scope, and planned activities.

The Park & Recreation Commission reviewed this request at their April 10, 2024 meeting and recommended the County Board authorize the use permit for the event.

ACTION REQUESTED:

Motion to authorize issuance of a special event use permit to the Waconia United Food Shelf for their May 18, 2024 planned event.

FISCAL IMPACT:

If "Other", specify:

FTE IMPACT:

FUNDING

County Dollars =

Total

☒ Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2024 - 9797

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Professional Services Agreement with Erickson Engineering for the 42nd Street Bridge Project

Primary Originating Division/Dept: Public Works - Program Delivery

Meeting Date: 5/7/2024

Contact: Luke Weiers

Title: Civil Engineer

Item Type:

Consent

Amount of Time Requested: minutes

Presenter:

Title:

Attachments: ☐ Yes ☒ No

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

The 42nd Street Bridge Project is located 0.6 miles west of Highway 123 in Hollywood Township and is in need of replacement. Carver County is acting as an agent for Hollywood Township to receive the town bridge funds and manage the reconstruction of the bridge/box culvert. The reconstruction of the bridge is planned for 2025. The contract with Erickson Engineering will include survey, a hydraulic study, design of the bridge/box culvert, design of the roadway, plans, and utility coordination.

Carver County received proposals from two consultants for this work, which were evaluated by the Program Delivery Team. Erickson Engineering was selected due to their proposal cost and experience on past projects with the county.

ACTION REQUESTED:

Motion to approve a Professional Services Agreement with Erickson Engineering Co., LLC for design services for the 42nd Street Bridge Project, pending finalization of the contract review process.

FISCAL IMPACT: Included in current budget

If "Other", specify:

FTE IMPACT: None

FUNDING

County Dollars =

Hollywood Township	\$10,000.00
Town Bridge Funds	\$21,207.00
Total	\$31,207.00

☒ Insert additional funding source

Related Financial/FTE Comments:

All costs incurred by Carver County will be paid for by the township and the Town Bridge program. Carver County is acting as the agent for the township in order to receive Town Bridge funds from the state.

Office use only:

RBA 2024 - 9803

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Approval of Updated Data Practices Guides and Appointment of MGDPA Compliance Official

Primary Originating Division/Dept: Attorney	Meeting Date: 5/7/2024
Contact: Mark Metz Title:	Item Type: Consent
Amount of Time Requested: minutes	Attachments: ☐ Yes ☒ No
Presenter: Title:	
Strategic Initiative: Connections: Develop strong public partnerships and connect people to services and information	

BACKGROUND/JUSTIFICATION:

Minnesota Statutes Sections 13.025 and 13.03 require the Carver County Minnesota Government Data Practices Act Responsible Authority(s) to prepare a written data access policy for access to public data, as well as a written data access policy for access by a "data subject" to public or private data on individuals. The written policies must identify the specific procedures used by Carver County for providing access to data. The Policies must be reviewed periodically to reflect changes in personnel, procedures, or other circumstances that impact the public's and/or data subject's ability to access data.

In addition to updating personnel, the substantive changes include clarifying language about the County's ability to charge (or waive) fees for searching, retrieving and providing copies; procedures for arranging a time for inspecting data; the process for verifying identification of data subjects; and a timeframe for closing a data request when a requester appears to have abandoned the request.

The Policy changes have, in part, been modified for consistency with model policies published by the Minnesota Department of Administration, Data Practices Office. In addition, the County Attorneys Office met with Responsible Authorities, Nick Koktavy, Heather Goodwin, Sheriff Jason Kamerud, and Stephen Walker, to include process improvements identified based on past data practices requests.

Consistent with our existing policy language, substantive changes to the Policies require County Board approval, while personnel contact information will be updated administratively by staff, as needed.

Finally, Minnesota Statutes Section 13.05, Subd. 13, states that each responsible authority or other appropriate authority in every government entity shall appoint or designate an employee of the government entity to act as the entity's data practices compliance official. The data practices compliance official is the designated employee of the government entity to whom persons may direct questions or concerns regarding problems in obtaining access to data or other data practices problems. Jennifer Tichey, Assistant County Attorney, Civil Division Manager, is requesting appointment as the Compliance Official.

ACTION REQUESTED:

Motion to approve updated Data Practices Policy: Requests for Public Data and updated Data Practices Policy: Requests for Data About You and Your Rights as a Data Subject.

Motion to appoint Jennifer Tichey as the Minnesota Government Data Practices Compliance Official.

FISCAL IMPACT: None

FUNDING

If "Other", specify:		County Dollars =	
FTE IMPACT:	None	v	
		Total	\$0.00
		☒ Insert additional funding source	
Related Financial/FTE Comments:			

Office use only:

RBA 2024 - 9810

Carver County Board of Commissioners Request for Board Action

**Agenda Item:**

Professional Services Agreement with Alliant Engineering for Erosion Control Construction Inspections

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:

Amount of Time Requested: minutes

Presenter: Title:

Attachments: ☐ Yes ☒ No

Strategic Initiative:**BACKGROUND/JUSTIFICATION:**

National Pollutant Discharge Elimination System (NPDES) Erosion Control Inspection services are needed to support the county in aligning with environmental permitting on 2024 construction project sites. Our present staffing levels on these projects are not sufficient to cover the inspecting and reporting needs and therefore public works pursued outside support in the form of a consultant that specializes in stormwater management on construction sites and could provide their professional services throughout the construction process.

ACTION REQUESTED:

Motion to approve a professional services agreement with Alliant Engineering, Inc. for \$92,950.00 for erosion control inspection services for the 2024 construction season, pending finalization of the contract review process.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

Total

FTE IMPACT:

☒ Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2024 - 9774

Carver County Board of Commissioners Request for Board Action

**Agenda Item:****Joint Powers Agreement with Hollywood Township for the 42nd Street Bridge Project**Primary Originating Division/Dept: Meeting Date: Contact: Title: Item Type:
Amount of Time Requested: minutesAttachments: ☐ Yes ☒ NoPresenter: Title: **Strategic Initiative:****BACKGROUND/JUSTIFICATION:**

Carver County is acting as the agent for Hollywood Township to design and construct Bridge No. 10J60 to replace old Bridge No. L9196 on 42nd Street in Hollywood Township. Hollywood Township will reimburse the County for any costs incurred not covered by Town Bridge funds, in accordance with this JPA that has already been approved by the Township. It is the desire of both parties to enter into a written agreement regarding the construction of Bridge No. 10J60 over an unnamed stream on 42nd Street in Hollywood Township.

ACTION REQUESTED:

Motion to approve a Joint Powers Agreement with Hollywood Township for the 42nd Street Bridge Project, pending finalization of the contract review process.

FISCAL IMPACT: If "Other", specify: **FTE IMPACT:** **FUNDING****County Dollars =**

Township Bridge Funds	\$330,000.00
Hollywood Township	\$20,000.00
Total	\$350,000.00

☒ Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2024 - 9777

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Final Payment to Valley Paving for the Highway 50 Project - Bevens Creek Area and the Highway 43 Resurfacing Project

Primary Originating Division/Dept: Public Works - Program Delivery

Meeting Date: 5/7/2024

Contact: Carolyn Fackler

Title: Construction Manager

Item Type:

Consent

Amount of Time Requested: minutes

Presenter: Title:

Attachments: ☒ Yes ☐ No

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

The Highway 50 Project - Bevens Creek Area and the Highway 43 Resurfacing Project were constructed during the 2022 construction season. Valley Paving is requesting to finalize the contract with Carver County. County staff agree and recommend that the contract be finalized.

The original contract amount was \$2,822,656.76 and the final project cost is \$2,924,521.76. Several change orders were required during the construction to address unanticipated conditions or desired improvements to the design in the field. These change orders were approved by the Construction Manager as delegated by the County Engineer and authorized upon the award of the contract by the county board.

ACTION REQUESTED:

Motion to adopt a resolution accepting all work as complete and authorizing final payment in the amount of \$0 to Valley Paving for the Highway 50 Project - Bevens Creek Area and the Highway 43 Resurfacing Project.

FISCAL IMPACT: Included in current budget

If "Other", specify:

FTE IMPACT: None

FUNDING

County Dollars =

Wheelage Tax \$1,162,166.76

State Aid \$1,762,355.00

Total \$2,924,521.76

☒ Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2024 - 9782

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

Date: May 7, 2024

Resolution No: _____

Motion by Commissioner: _____

Seconded by Commissioner: _____

**COUNTY BOARD ACKNOWLEDGMENT
CSAH 50 Project - Bevens Creek Area and the Highway 43 Resurfacing Project
FINAL PAYMENT**

WHEREAS, the construction of the CSAH 50 Project - Bevens Creek Area and Highway 43 Resurfacing Project has in all things been completed, and the County Board being fully advised in the premises, now then be it resolved; that we do hereby accept said completed project for and on behalf of the Carver County Public Works Division.

YES

ABSENT

NO

STATE OF MINNESOTA
COUNTY OF CARVER

I, Dave Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 7th day of May, 2024, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 7th day of May, 2024.

Dave Hemze

County Administrator

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Contract with Wetland Credit Agency for purchase of Wetland Credits for Hwy 212 Project - Benton Township

Primary Originating Division/Dept: Public Works - Program Delivery

Meeting Date: 5/7/2024

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

Item Type:

Consent

Amount of Time Requested: minutes

Presenter: Title:

Attachments: ☐ Yes ☒ No

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

The 2024 through 2026 construction seasons include the Highway 212 Project – Benton Township, which is the reconstruction and expansion of Highway 212 from approximately Highway 34 (Tacoma Avenue) in the City of Norwood Young America to Highway 36 (West) in the City of Cologne. As part of the project, wetland impacts can't be avoided and replacement wetlands are necessary.

The Local Government Road Wetland Replacement Program will acquire wetland bank credits for only the county highway and township road portions of the project for the wetland replacement at no cost to the project. There is one small wetland area near to the Carver County Public Works relocated access road that will require the County to purchase wetland bank credits, which was not covered by the Local Government Road Wetland Replacement Program. This purchase was completed in January 2024.

For the state highway portion of the project due to the extensive wetland impact areas, the Minnesota Department of Transportation will utilize their own wetland bank for 75% of the trunk highway wetland impacts. The remaining 25% of the trunk highway wetland impacts need to be replaced by Carver County with the available project funding. 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 Wetland Credit Agency with the wetland credits located in the same wetland bank service area, specifically in Sibley County. Carver County will purchase 9.913 acres of wetland credit for a price of \$729,429.59. This cost will be paid for with IJA State Match funds.

ACTION REQUESTED:

Motion to enter into an agreement to purchase wetland credits from Wetland Credit Agency for \$729,429.59 for the Highway 212 Project - Benton Township, pending finalization of the contract review process.

FISCAL IMPACT: Included in current budget

If "Other", specify:

FUNDING

County Dollars =

IJA State Match Funds \$729,429.59

Total \$729,429.59

☒ Insert additional funding source

FTE IMPACT: None

Related Financial/FTE Comments:

Office use only:

RBA 2024 - 9786

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Request for approval to contract with ADVANTAGE COATING INC

Primary Originating Division/Dept: Sheriff - Jail Services

Meeting Date: 5/7/2024

Contact: Reed Ashpole

Title: Commander

Item Type:

Consent

Amount of Time Requested: minutes

Presenter:

Title:

Attachments: ☐ Yes ☒ No

Strategic Initiative:

Customer Service: Continue the County's delivery of high value, timely service and support

BACKGROUND/JUSTIFICATION:

This contract outlines the scope of work to be completed by Advantage Coating. The work will be completed in the Sheriff's Office training/mat room and will cover two move-ins of equipment and material, diamond grinding to prepare concrete for coatings, filling joints and cracks, applying Resuprime Pigmented MVB, applying Resuflor Clear MPE with full-flake broadcast, and applying 3746 Clear Topcoat. Competitive bids were received and evaluated, Advantage Coating was the lowest bid that was received.

ACTION REQUESTED:

Motion to contract with ADVANTAGE COATING INC pending finalization of the contract review process.

FISCAL IMPACT: Included in current budget

If "Other", specify:

FUNDING

County Dollars =

\$29,971.00

FTE IMPACT: None

Total

\$29,971.00

☒ Insert additional funding source

Related Financial/FTE Comments:

\$29,971.00 shall be paid to Advantage Coating to complete all work related to installing an epoxy floor in the Sheriff's Office training/mat room.

Office use only:

RBA 2024 - 9765

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Resolution to vacate and re-establish a drainage & utility easement within a rural platted area.

Primary Originating Division/Dept: Public Services - Land Mgmt.

Meeting Date: 5/7/2024

Contact: Jason Mielke

Title: Land Use Manager

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:

Tony and Dana Reno own a 2.83-acre parcel (Lot 3, Block 1 - Maple View Hillside) with existing house in Section 20, Dahlgren Township. Louis and Alyssa Heim own an adjacent 2.79-acre parcel (Lot 2, Block 1 - Maple View Hillside) with an existing house. The Maple View Hillside plat was created in 1994 pursuant to the Carver County Subdivision Ordinance and platting requirements including a requirement to reference a 15-foot drainage and utility easement around the perimeter of each lot to provide an area for future public purpose needs.

After the Reno's purchased their home over 3 years ago, they discovered that the property line gets as close as 36 inches from their house, and some of their landscaping is encroaching onto the Heim's' property. The Renos also utilize the west side of their house to access the backyard for lawn mowing. To correct the issue, both parties agreed to adjust the common boundary line and exchange an equal amount of acreage. A variance was requested as the Reno family is in the process of selling their house. On April 3, 2024, The Reno and Heim families received a Variance (V-PZ20240008) approval from the Board of Adjustment.

The families are requesting the County to vacate and re-establish a north/south drainage and utility easement (20-feet x 748.97-feet) which is the common property line of their parcels. The re-established common property line (w/drainage and utility easement) would be approved through a minor subdivision.

The vacation process has been reviewed by the County Surveyor, and the County Attorney's Office. The County Board is the authority for final plat approvals; therefore, the Board would be the authority to grant the vacation and re-establishment of any easement area.

Attached is more background as well as the County Board Resolution for the Board's consideration:

1. Approved County Board of Adjustment Variance (V-PZ20240008).
2. The Maple View Hillside plat approved in 1994. (Official Plat Exhibit A)
3. The drainage & utility easement exhibits identifying the existing, vacated, and proposed easement areas. (Easement Exhibits B, C, and D)

ACTION REQUESTED:

Motion to adopt a resolution approving the vacation and re-establishment of a drainage & utility easement over and across a portion of Lot 2 and Lot 3, Block 1, Maple View Hillside.

FISCAL IMPACT:	None	▼	FUNDING	
	If "Other", specify:		County Dollars =	
FTE IMPACT:	None	▼	Total	\$0.00
			 Insert additional funding source	
Related Financial/FTE Comments:				

Office use only:

RBA 2024 - 9755

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

**A RESOLUTION VACATING AND RE-ESTABLISHING A PUBLIC DRAINAGE AND UTILITY EASEMENT
OVER AND ACROSS A PART OF LAND WITHIN LOTS 2 AND 3, BLOCK 1 OF THE MAPLE VIEW
HILLSIDE SUBDIVISION**

DATE: May 7, 2024

RESOLUTION NO. __ -24

MOTION BY COMMISSIONER:

SECONDED BY COMMISSIONER:

WHEREAS, Louis and Alyssa Heim (Owners of Lot 2, Block 1) and Anthony and Dana Reno (Owners of Lot 3, Block 1) own the properties located at 8580 Maple View Dr and 8570 Maple View Dr respectfully (“Subject Properties”) as legally described and visually depicted in Exhibit A (Maple View Hillside); and

WHEREAS, both parties have agreed to adjust the side property line that separates the two properties to fix the long-existing lot line issue. After the Reno’s purchased their property over 3 years ago, they discovered that the property line gets as close as 36 inches from the west facing wall of the Reno’s home, and some of the landscaping is encroaching onto the Heim’s’ property. The Renos also utilize the west side of their house to access the backyard for lawn mowing. To correct the issue, they wish to adjust the boundary line and exchange an equal amount of acreage through deeds. The lot line adjustment will allow Renos to access their backyard more effectively and ensure their home can meet the required 15’ side yard setback; and

WHEREAS, a variance has been granted (V-PZ20240008) for reduced road frontage and excessive width/depth ratio (lot line adjustment) according to Section 152.033 of the Carver County Code; and

WHEREAS, a third-party licensed land surveyor has been hired to prepare the appropriate minor subdivision legal descriptions and easements to re-establish the common property line (boundary adjustment) from when the property was platted as Lot 2, Block 1 and Lot 3, Block 1 in the Maple View Hillside subdivision. The drainage and utility easement dedicated for public use has been legally described and visually depicted in Easement Exhibit B (“Easement Existing), Easement Exhibit C (“Easement Vacated), and Easement Exhibit D (Easement Proposed); and

WHEREAS, Carver County staff have reviewed and approved the easement vacation (Easement Exhibit C) and re-establishment (Easement Exhibit D) request and exhibits; and

WHEREAS, the Carver County Board of Commissioners reviewed the easement vacation and re-establishment request and exhibits; and

WHEREAS, the Carver County Board of Commissioners believes that the benefit to the owners to vacate the existing drainage and utility easement and re-establish a new easement outweighs the public interest in retaining the existing (as approved in 1994); and

WHEREAS, the Carver County Board of Commissioners has determined that the vacation and re-establishment of the easement would be in the public interest; and

NOW, THEREFORE BE IT RESOLVED, by the Carver County Board of Commissioners that the drainage and utility easement legally described and visually depicted in the Easement Exhibit C is vacated and re-established accordingly through Easement Exhibit D, and through the minor subdivision application process.

YES	ABSENT	NO

STATE OF MINNESOTA
COUNTY OF CARVER

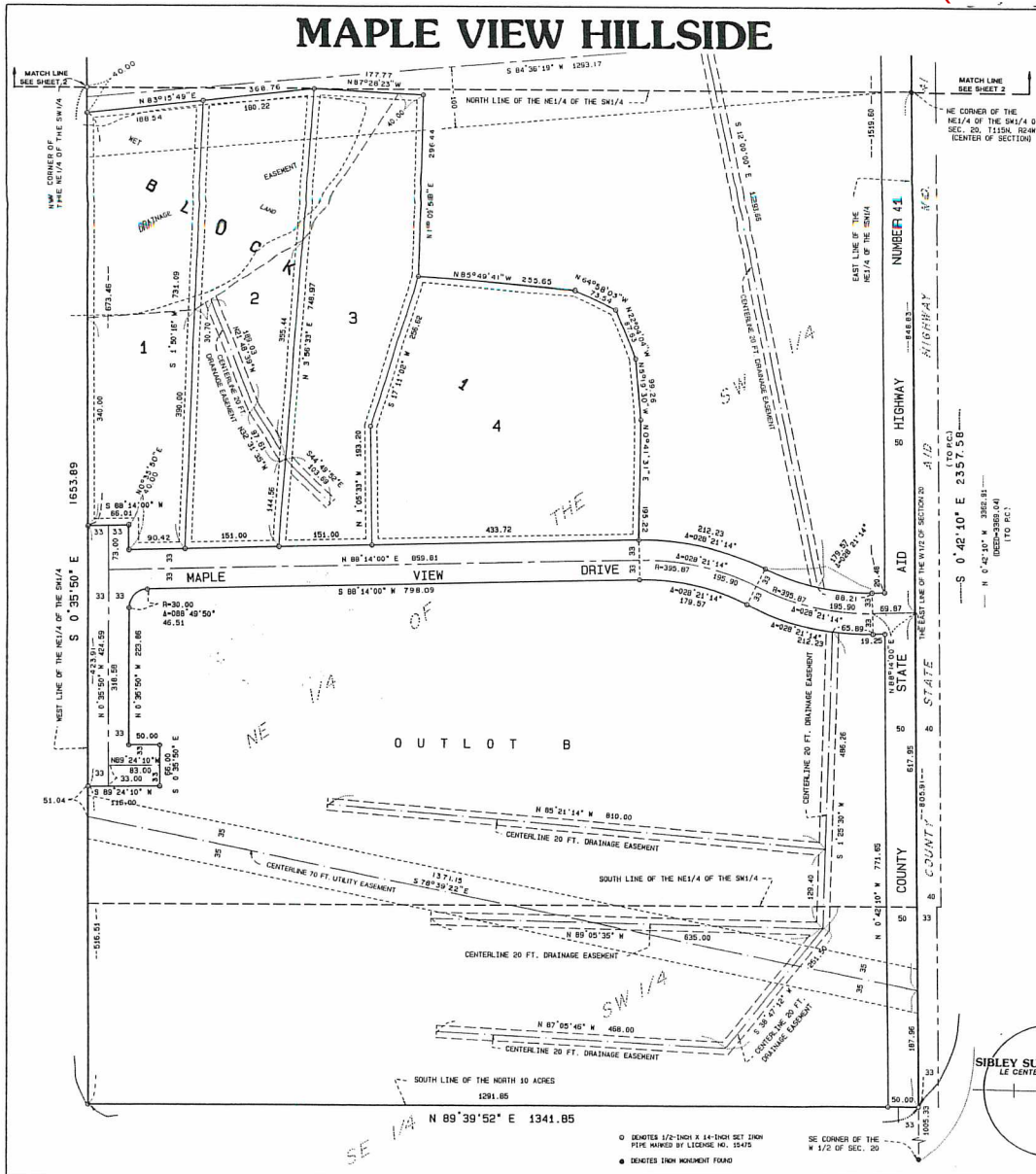
I, David Hemze, County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on May 7, 2024, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 7th day of May 2024.

David Hemze
Carver County Administrator

MAPLE VIEW HILLSIDE

PLAT FILE NO. 648 & 649
C.R. DOC. NO. 169681



KNOW ALL MEN THESE PRESENTS: That Harry K. Hartung and Gertrude Hartung, husband and wife, owners and proprietors of the following described property situated in the County of Carver, State of Minnesota to wit:

The Northeast Quarter of the Southwest Quarter, The North 10 acres of the Southeast Quarter of the Southwest Quarter and the Southeast Quarter of the Northwest Quarter, all in Section 20, Township 115 North, Range 24 West, Carver County, Minnesota, LESS AND EXCEPT that part of the said Southeast Quarter of the Northwest Quarter described as follows: Commencing at the southeast corner of the West Half of said Section 20; thence north along the east line of the said West Half of Section 20 a distance of 330.04 to the point of beginning of the line to be described; thence northwesterly along a tangential curve, concave to the southwest, having a radius of 630.02 feet and a central angle of 80 degrees 16 minutes; a distance of 1003.07 feet to a point on the north line of the said Southeast Quarter of the Northwest Quarter; thence easterly along the north line of said Southeast Quarter of the Northwest Quarter to the northeast corner of said Southeast Quarter of the Northwest Quarter; thence southerly along the east line of said Southeast Quarter of the Northwest Quarter to the point of beginning.

Have caused the same to be surveyed and platted as MAPLE VIEW HILLSIDE and do hereby dedicate to the public for public use forever the drive and highway and also dedicate the easements as shown on this plat for drainage and utility purposes only.

In witness whereof said Harry K. Hartung and Gertrude Hartung have hereunto set their hands this 18th day of July, 1994.

Harry K. Hartung Gertrude Hartung
Harry K. Hartung Gertrude Hartung

STATE OF MINNESOTA
COUNTY OF CARVER

The foregoing instrument was acknowledged before me this 18th day of July, 1994 by Harry K. Hartung and Gertrude Hartung, husband and wife.

J. Ann Wickham
Notary Public, Carver County, Minnesota
My Commission Expires 12-22-99

SURVEYOR'S CERTIFICATE

I hereby certify that I have surveyed and platted the property described on this plat as MAPLE VIEW HILLSIDE; that the plat is a correct representation of the survey; that all distances are correctly shown on the plat in feet and hundredths of a foot; that all monuments have been correctly placed in the ground as shown; that the outside boundary lines are correctly designated on the plat and that there are no wet lands as defined in Minnesota Statutes Section 505.02, Subdivision 1 or public highways to be designated other than as shown.

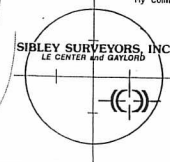
Dorothy R. Grochow
Avery Grochow, Land Surveyor
Minnesota License Number 15475

STATE OF MINNESOTA
COUNTY OF SIBLEY

The foregoing instrument was acknowledged before me this 18th day of July, 1994 by Avery Grochow, Land Surveyor, Minnesota License Number 15475.

Dorothy R. Grochow
Notary Public, Sibley County, Minnesota
My Commission Expires 1-31-00

SIBLEY SURVEYORS, INC.
111 CENTER ST. SAYBRO



DAHLGREN TOWNSHIP

This plat of MAPLE VIEW HILLSIDE was approved by the Board of Supervisors of the Town of Dahlgren, Carver County, Minnesota, at a regular meeting held this 18th day of July, 1994.

BOARD OF SUPERVISORS OF THE TOWN OF DAHLGREN,
CARVER COUNTY, MINNESOTA

John D. Swanson *James R. Paul*
Chair, Vice Attest

CARVER COUNTY BOARD OF COMMISSIONERS

This plat of MAPLE VIEW HILLSIDE was approved and accepted by the Board of Commissioners of Carver County, Minnesota at regular meeting held this 18th day of July, 1994, and is in compliance with the provisions on Minnesota Statutes Section 505.02, Subdivision 2.

BOARD OF COMMISSIONERS OF CARVER COUNTY, MN

John D. Swanson *James R. Paul*
Chair, Vice Attest

COUNTY SURVEYOR, CARVER COUNTY, MINNESOTA

Pursuant to Chapter 395, Minnesota Laws of 1971, this plat has been approved this 18th day of July, 1994.

John E. Freemyer
John E. Freemyer, Carver County Surveyor

COUNTY AUDITOR, CARVER COUNTY, MINNESOTA

I hereby certify that there are no delinquent taxes for all years prior to 1994 for land described on this plat and transfer entered. Dated this 18th day of July, 1994.

Mark Lundgren, Carver County Auditor

By *Mark Lundgren by Smith*

COUNTY TREASURER, CARVER COUNTY, MINNESOTA

I hereby certify that the taxes payable for the year 1994 for the land described on this plat as MAPLE VIEW HILLSIDE have been paid in full this 18th day of July, 1994.

D.F. Dahlke, Carver County Treasurer

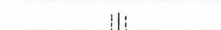
By *D.F. Dahlke*

COUNTY RECORDER, CARVER COUNTY MINNESOTA

I hereby certify that this plat of MAPLE VIEW HILLSIDE was filed this 18th day of July, 1994, at 10:10 o'clock A.M. as Document Number 169681.

Carl W. Hanson, Jr., County Recorder
Carl W. Hanson
By *Carl W. Hanson*

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



BEING 10 FEET IN WIDTH AND ADJOINING STREET LINES, PLAT BOUNDARY AND LOT LINES AS SHOWN ON PLAT. EASEMENT FOR UTILITIES ONLY ARE LABELED 'UTILITY EASEMENT'.

DRAINAGE EASEMENTS ARE SHOWN THUS:



BEING 10 FEET IN WIDTH AND ADJOINING STREET LINES, PLAT BOUNDARY AND LOT LINES AS SHOWN ON PLAT. EASEMENT FOR UTILITIES ONLY ARE LABELED 'UTILITY EASEMENT'.

DRAINAGE EASEMENTS ARE SHOWN THUS:

BEING 10 FEET IN WIDTH AND ADJOINING STREET LINES, PLAT BOUNDARY AND LOT LINES AS SHOWN ON PLAT. EASEMENT FOR UTILITIES ONLY ARE LABELED 'UTILITY EASEMENT'.

SHEET 1 OF 2 SHEETS

EASEMENT EXHIBIT B

EXISTING EASEMENTS

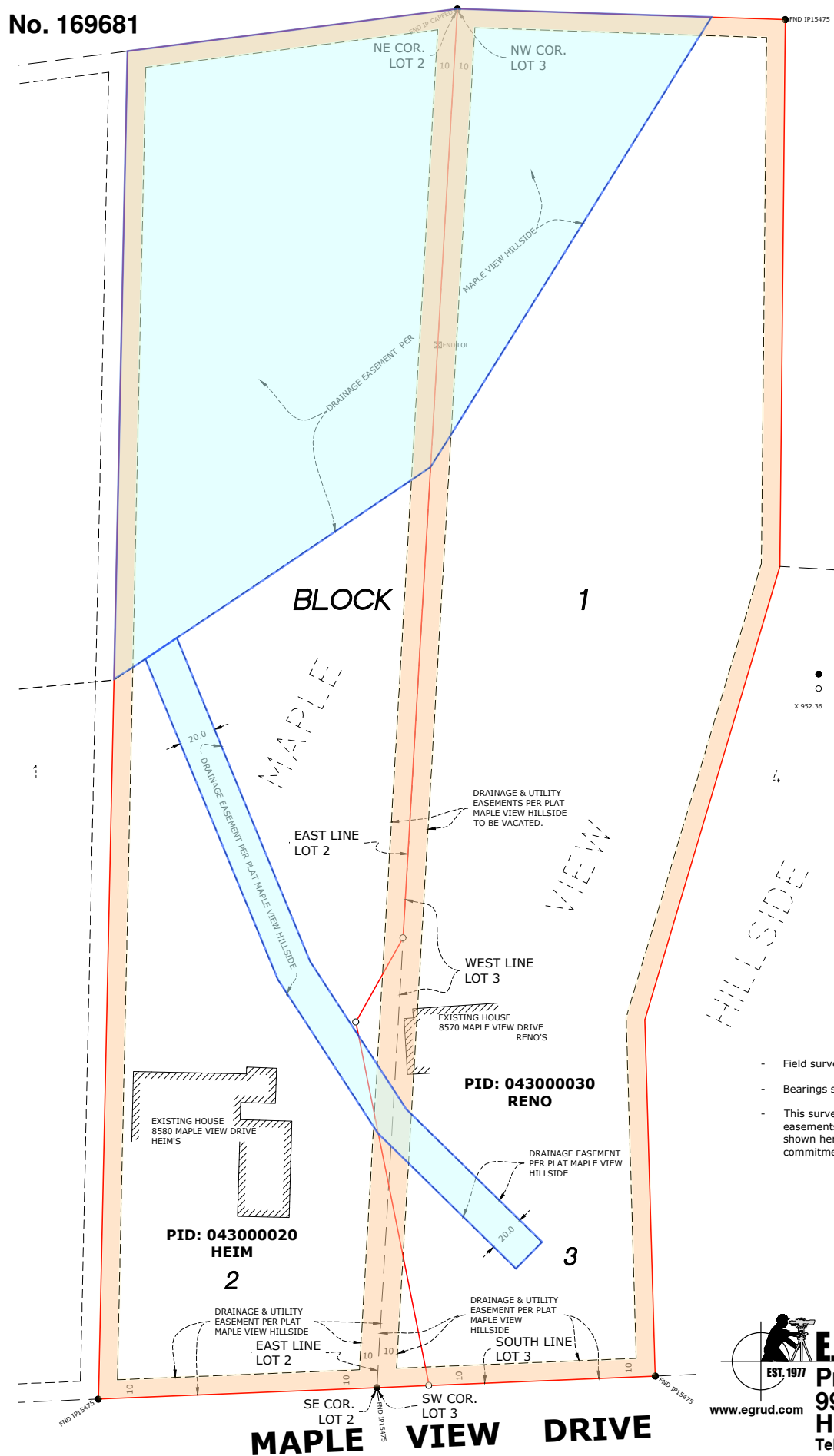
~for~ FNF FAMILY OF COMPANIES (RENO / HEIM)
~Part of~ Lots 2 & 3, Block 1, MAPLE VIEW HILLSIDE, Carver Co., MN.

AS DEDICATED WITH THE PLAT MAPLE VIEW HILLSIDE Doc. No. 169681



DENOTES DRAINAGE EASEMENT PER RECORD PLAT MAPLE VIEW HILLSIDE

DENOTES DRAINAGE & UTILITY EASEMENT PER RECORD PLAT MAPLE VIEW HILLSIDE



NORTH

GRAPHIC SCALE



SCALE IN FEET

LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
 ○ DENOTES IRON MONUMENT SET, MARKED #'s 45356 & 52705
 X 952.36 DENOTES EXISTING SPOT ELEVATION

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.


KURT D. NELSON

Date: 12APR24 License No. 45356

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 10/25/2023.
- Bearings shown are based on the record plat 'MAPLE VIEW HILLSIDE'.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.

DRAWN BY: KDN		JOB NO: 23.1114	DATE: 11/3/2024
CHECK BY: KDN		FIELD CREW: JWM	
1	11MAR24	PER CARVER CO. LAND MANAGER	KDN
2			
3			
NO.	DATE	DESCRIPTION	BY



E. G. RUD & SONS, INC.
Professional Land Surveyors
990 5th Ave SE, Suite 2
Hutchinson, MN 55350
Tel. (320) 587-2025

EASEMENT EXHIBIT C

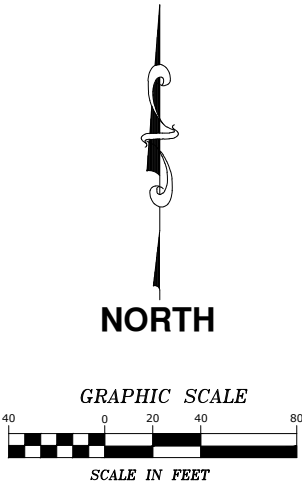
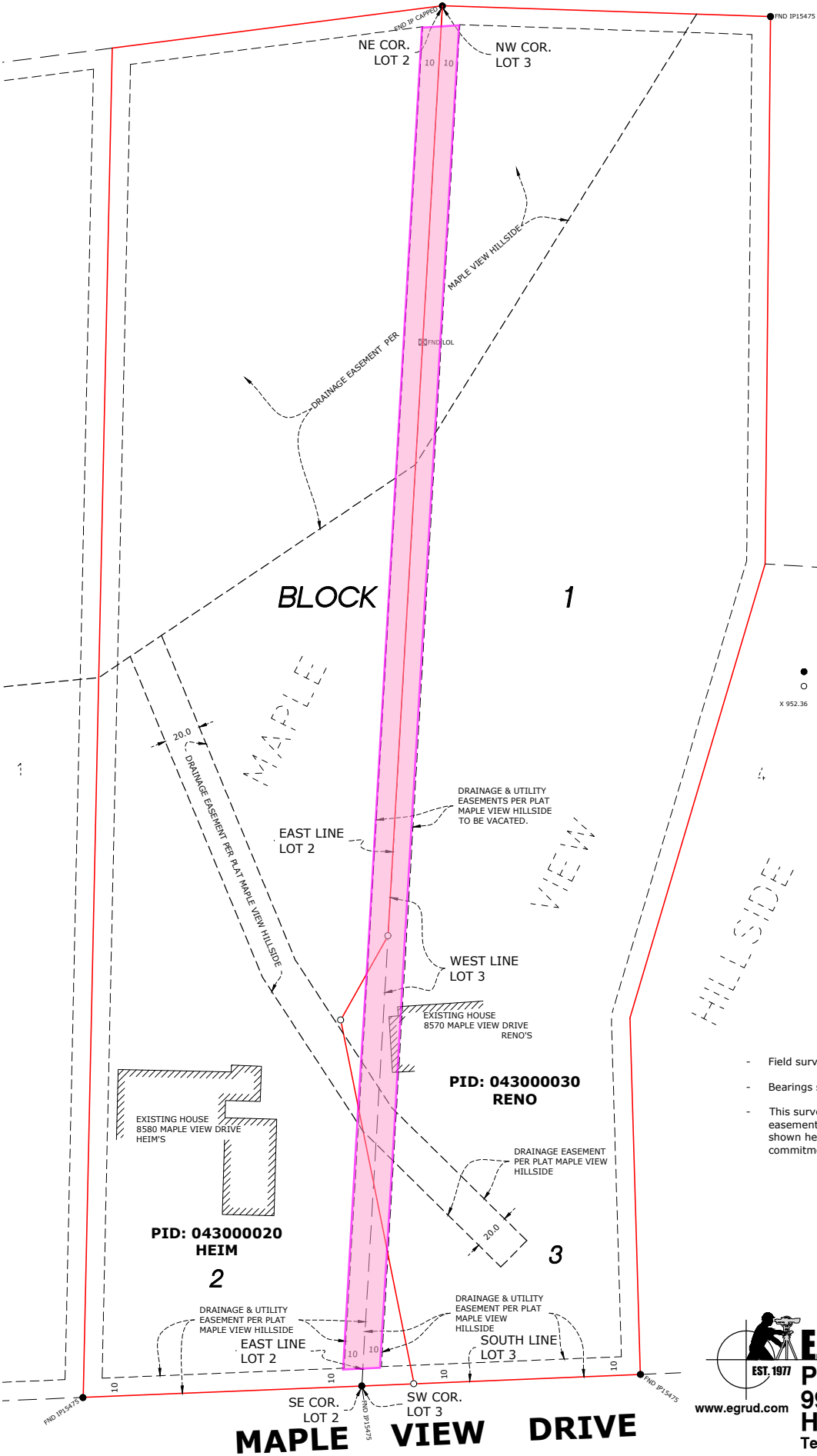
~for~ FNF FAMILY OF COMPANIES (RENO / HEIM)
~Part of~ Lots 2 & 3, Block 1, MAPLE VIEW HILLSIDE, Carver Co., MN.

EASEMENTS TO BE VACATED

DENOTES DRAINAGE & UTILITY EASEMENTS TO BE VACATED

DESCRIPTION OF EASEMENTS TO BE VACATED

The 10 foot wide drainage and utility easements lying to the west and to the east of the common lot line between Lots 2 and 3, Block 1, MAPLE VIEW HILLSIDE, according to the record plat thereof, Carver County, Minnesota.



- LEGEND
- DENOTES IRON MONUMENT FOUND AS LABELED
 - DENOTES IRON MONUMENT SET, MARKED #'s 45356 & 52705
 - DENOTES EXISTING SPOT ELEVATION

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

KURT D. NELSON
Date: 12APR24 License No. 45356

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 10/25/2023.
- Bearings shown are based on the record plat 'MAPLE VIEW HILLSIDE'.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.

DRAWN BY:	KDN	JOB NO:	23.1114	DATE:	11/3/2024
CHECK BY:	KDN	FIELD CREW:	JWM		
1	11MAR24	PER CARVER CO. LAND MANAGER	KDN		
2					
3					
NO.	DATE	DESCRIPTION	BY		

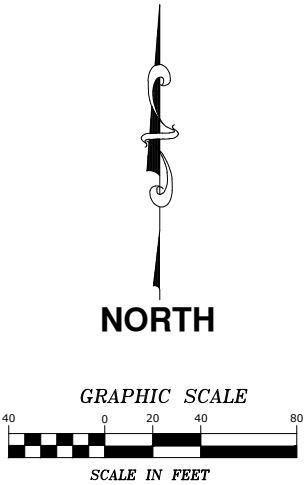
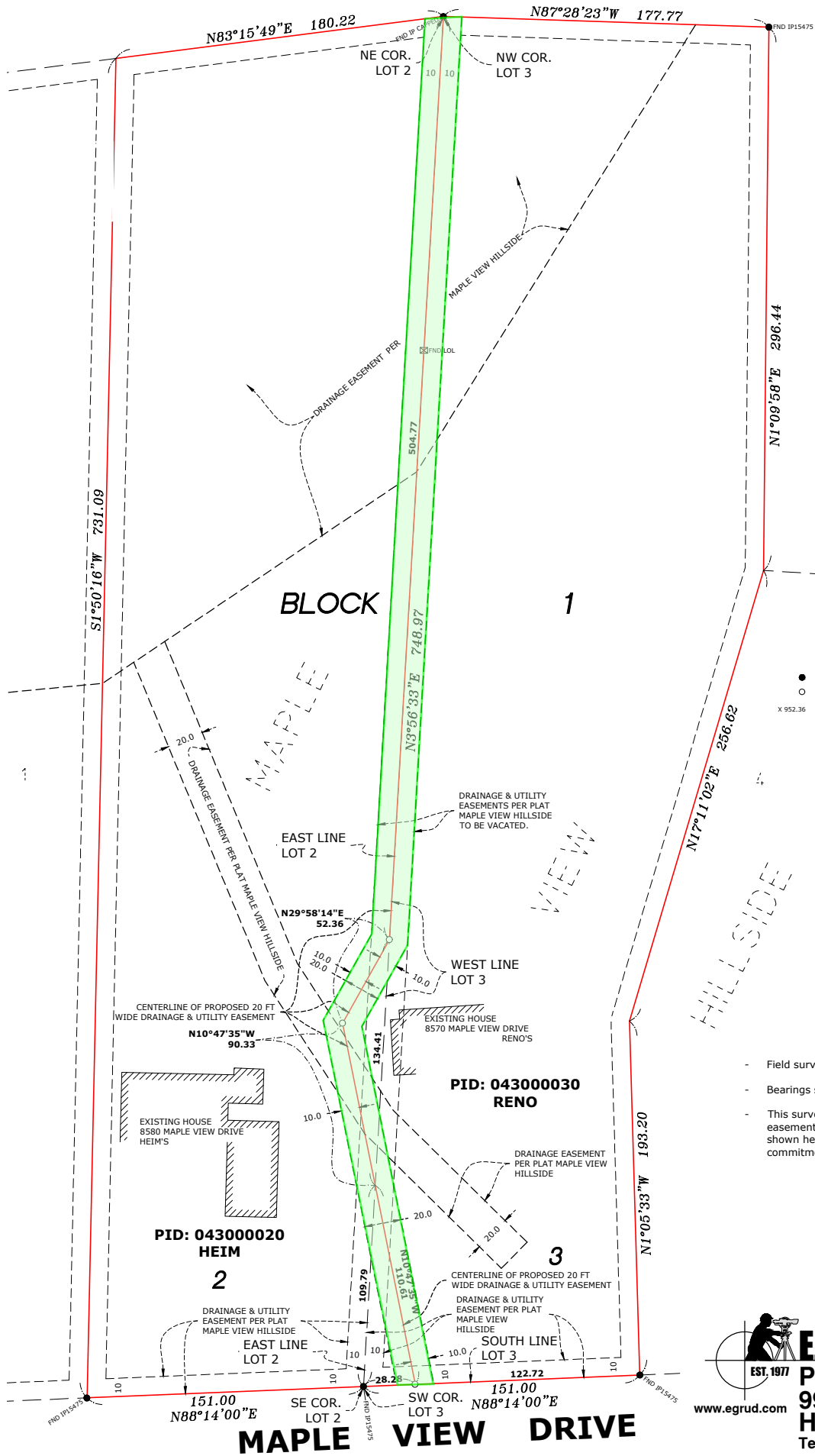
E.G. RUD & SONS, INC.
EST. 1977
Professional Land Surveyors
990 5th Ave SE, Suite 2
Hutchinson, MN 55350
Tel. (320) 587-2025

EASEMENT EXHIBIT D ~for~ FNF FAMILY OF COMPANIES (RENO / HEIM)
~Part of~ Lots 2 & 3, Block 1, MAPLE VIEW HILLSIDE, Carver Co., MN.
PROPOSED DRAINAGE & UTILITY EASEMENT

 DENOTES PROPOSED DRAINAGE & UTILITY EASEMENT

PROPOSED DRAINAGE & UTILITY EASEMENT DESCRIPTION

A 20.00 foot wide easement for drainage and utility purposes, over, under and across Lots 2 and 3, Block 1, MAPLE VIEW HILLSIDE, according to the record plat thereof, Carver County, Minnesota, the centerline of said easement described as follows:
Commencing at the southwest corner of said Lot 3;
thence on an assumed bearing of North 88 degrees 14 minutes 00 seconds East along the south line of said Lot 3, a distance of 28.28 feet to the point of beginning of said centerline to be described;
thence North 10 degrees 47 minutes 35 seconds West 110.61 feet to a point on the west line of said Lot 3, distant 109.79 feet northerly of said southwest corner of Lot 3;
thence continuing North 10 degrees 47 minutes 35 seconds West on the northwesterly prolongation of the last described line 90.33 feet;
thence North 29 degrees 58 minutes 14 seconds East 52.36 feet to the east line of said Lot 2;
thence North 03 degrees 56 minutes 33 seconds East along said east line of Lot 2 to the northeast corner of said Lot 2 and said centerline there terminating.



LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED #'s 45356 & 52705
- X 952.36 DENOTES EXISTING SPOT ELEVATION

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.


KURT D. NELSON
Date: 12APR24 License No. 45356

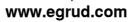
NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 10/25/2023.
- Bearings shown are based on the record plat 'MAPLE VIEW HILLSIDE'.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.

DRAWN BY:	KDN	JOB NO:	23.1114	DATE:	11/3/2024
CHECK BY:	KDN	FIELD CREW:	JWM		
1	11MAR24	PER CARVER CO. LAND MANAGER	KDN		
2					
3					
NO.	DATE	DESCRIPTION	BY		



E.G. RUD & SONS, INC.
Professional Land Surveyors
990 5th Ave SE, Suite 2
Hutchinson, MN 55350
Tel. (320) 587-2025





COUNTY OF CARVER
State of Minnesota

FILE #: PZ20240008

APPLICANT: Anthony Reno

PROPERTY OWNERS: Louis & Alyssa Heim and Anthony & Dana Reno

SITE ADDRESSES: 8580 and 8570 Mapleview Dr, Cologne, MN 55322

VARIANCE TYPE: Reduced Road Frontage and Width-to-Depth Ratio

PURSUANT TO: County Code Sections 152.033 (D)(1) & (4)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCELS #: 04-300-0030 & 04-300-0020

Drafted by: Land Management

Return to: Land Management

BOARD OF ADJUSTMENT
FINDINGS OF FACT AND ORDER

A public hearing was held on this matter on April 3, 2024, by the Carver County Board of Adjustment. Upon the evidence presented at said hearing by the applicant and other persons named and all the files, records, and proceedings herein, the Board makes the following:

FINDINGS OF FACT

1. Anthony and Dana Reno own an approximate 2.83-acre parcel located in the Northeast Quarter (NE¼) of the Southwest Quarter (SW¼) in Section 20, Dahlgren Township. Louis and Alyssa Heim own the adjoining approximate 2.79-acre parcel directly west. These properties are platted as Lot 3 and 2 respectively of Maple View Hillside Plat, recorded in 1994. Both properties are improved with existing single-family homes with attached garages, and wooded land. The properties are located in the Agricultural Zoning District and the Carver County Water Management Organization (CCWMO) – Bevens Creek watershed.
2. The applicant is requesting a multi-component variance that would allow for a lot line adjustment. The intent of the lot line adjustment is to reconfigure the property line separating the two properties to increase the side yard setback from Reno's existing house. If approved, both homes would meet all required setbacks; however, both properties would not meet the County's requirement for width-to-depth ratio and the Reno property would not meet the County's requirement for road frontage, and the Heim property would not maintain the minimum width standard the entire lot depth. Therefore, a variance has been requested pursuant to Sections 152.033 (D) (1) (2) & (4) of the Carver County Zoning Code.
3. The applicant is proposing a reconfiguration of existing parcels by swapping approximately 1,544 square feet (0.035 acres) along the common boundary between the properties to more accurately describe the land use. The County Code typically requires the platting process (Major Subdivision) be completed for any subdivision request that does not meet the criteria for the minor subdivision as follows: the subdivision must meet the frontage requirement on an existing road; and the subdivision would not require the construction of any public improvements or new road. The approval of the variance would negate the major subdivision requirement.

4. The applicant is proposing to adjust the side property line that separates the Heim and Reno properties, as shown in the site plan, dated March 11, 2024. The total acreage of each property will remain the same, as the applicants are proposing an equal "land swap" deeded to one another. Currently the road frontage for each parcel is 151 feet. With the proposed land swap, the Reno property will have approximately 122.72 feet, so the applicants are requesting a 27.07-foot variance.
5. Both properties have a depth of approximately 748.97 feet. Per Section 152.033 (D)(4), the depth of a lot may not exceed 5 times the width. To support the existing depth, each lot would need a width of at least 149.79 feet. With the reduced road frontage of 122.78 feet of the Reno property (PID 04-300-0030), a variance for reduced width-to-depth ratio is necessary. Code also requires that the minimum width of a lot must be maintained the entire depth of the property. The proposed Heim property configuration (PID 04-300-0020) has a reduced width of approximately 134.98 feet at the narrowest point in order to accommodate the setback from the Reno residence and enough space to maintain landscaping.
6. In the applicant's letter dated February 7, 2024, the applicant explains that they seek to fix the long-existing lot line issue. After they purchased the homes over 3 years ago, they discovered that the property line gets as close as 36 inches from the west facing wall of the Reno's home, and some of the landscaping is encroaching onto the Heims' property. The Renos also utilize the west side of their house to access the backyard for lawn mowing. To correct the issue, they wish to adjust the boundary line and exchange an equal amount of acreage. The lot line adjustment will allow Renos to access their backyard more effectively and ensure their home can meet the required 15' side yard setback.
7. The request was reviewed by Jacob McLain, Carver County Senior Environmentalist – Subsurface Sewage Treatment Systems (SSTS). Mr. McLain reported in an email (dated March 12, 2024) that both properties affected by this variance request have compliant septic systems and Certificates of Compliance on file.
8. The plight of the landowners is due to circumstances created by the previous landowners. The land was platted as two conforming lots, but the Reno's home was built in 1994 with an incorrect setback to the western property line in the narrowest part of the lot. When the Reno family purchased the property in 2020, the practical difficulty became obvious when examining property lines and existing setbacks. However, each variance application request is based on its own merit, property uniqueness, and reasons described by the applicant. As confirmed in his narrative, the applicant seeks to use the land in a reasonable manner for which it has been used for several years.
9. The applicant is proposing to use the property in a reasonable manner and in harmony with the general purpose and intent of the official control. The official control in this matter is to ensure adequate access is provided to accommodate future development. Although the proposal does not meet the road frontage standard, adjusting the lot lines appears to be a reasonable request and meets the parcel configuration standards for the residential parcel, as well as the intent of the regulations.
10. The granting of the variance does not appear to be in conflict with the intent of the Comprehensive Plan. The neighborhood is comprised of agricultural uses, residences, and wooded areas. The request would not cause a substantial change in the character of the neighborhood, nor would it have a negative impact on government services.
11. The granting of the variance would not materially, adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicants and would not be materially detrimental to the public welfare or injurious to property or improvements in the area adjacent to the properties.
12. The Dahlgren Town Board reviewed the request and recommended approval unanimously at their February 12, 2024, Town Board meeting, stating *"Town is in favor."*
13. During the April 3, 2024, Board of Adjustment meeting, staff addressed the need to include the following condition to be added to the approval. *"The County Board of Commissioners by Board Resolution shall vacate the existing platted portion of the common property line drainage & utility being changed pursuant to this variance request (V-PZ20240008)."*

4. The applicant is proposing to adjust the side property line that separates the Heim and Reno properties, as shown in the site plan, dated March 11, 2024. The total acreage of each property will remain the same, as the applicants are proposing an equal "land swap" deeded to one another. Currently the road frontage for each parcel is 151 feet. With the proposed land swap, the Reno property will have approximately 122.72 feet, so the applicants are requesting a 27.07-foot variance.
5. Both properties have a depth of approximately 748.97 feet. Per Section 152.033 (D)(4), the depth of a lot may not exceed 5 times the width. To support the existing depth, each lot would need a width of at least 149.79 feet. With the reduced road frontage of 122.78 feet of the Reno property (PID 04-300-0030), a variance for reduced width-to-depth ratio is necessary. Code also requires that the minimum width of a lot must be maintained the entire depth of the property. The proposed Heim property configuration (PID 04-300-0020) has a reduced width of approximately 134.98 feet at the narrowest point in order to accommodate the setback from the Reno residence and enough space to maintain landscaping.
6. In the applicant's letter dated February 7, 2024, the applicant explains that they seek to fix the long-existing lot line issue. After they purchased the homes over 3 years ago, they discovered that the property line gets as close as 36 inches from the west facing wall of the Reno's home, and some of the landscaping is encroaching onto the Heims' property. The Renos also utilize the west side of their house to access the backyard for lawn mowing. To correct the issue, they wish to adjust the boundary line and exchange an equal amount of acreage. The lot line adjustment will allow Renos to access their backyard more effectively and ensure their home can meet the required 15' side yard setback.
7. The request was reviewed by Jacob McLain, Carver County Senior Environmentalist – Subsurface Sewage Treatment Systems (SSTS). Mr. McLain reported in an email (dated March 12, 2024) that both properties affected by this variance request have compliant septic systems and Certificates of Compliance on file.
8. The plight of the landowners is due to circumstances created by the previous landowners. The land was platted as two conforming lots, but the Reno's home was built in 1994 with an incorrect setback to the western property line in the narrowest part of the lot. When the Reno family purchased the property in 2020, the practical difficulty became obvious when examining property lines and existing setbacks. However, each variance application request is based on its own merit, property uniqueness, and reasons described by the applicant. As confirmed in his narrative, the applicant seeks to use the land in a reasonable manner for which it has been used for several years.
9. The applicant is proposing to use the property in a reasonable manner and in harmony with the general purpose and intent of the official control. The official control in this matter is to ensure adequate access is provided to accommodate future development. Although the proposal does not meet the road frontage standard, adjusting the lot lines appears to be a reasonable request and meets the parcel configuration standards for the residential parcel, as well as the intent of the regulations.
10. The granting of the variance does not appear to be in conflict with the intent of the Comprehensive Plan. The neighborhood is comprised of agricultural uses, residences, and wooded areas. The request would not cause a substantial change in the character of the neighborhood, nor would it have a negative impact on government services.
11. The granting of the variance would not materially, adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicants and would not be materially detrimental to the public welfare or injurious to property or improvements in the area adjacent to the properties.
12. The Dahlgren Town Board reviewed the request and recommended approval unanimously at their February 12, 2024, Town Board meeting, stating "Town is in favor."
13. During the April 3, 2024, Board of Adjustment meeting, staff addressed the need to include the following condition to be added to the approval. *"The County Board of Commissioners by Board Resolution shall vacate the existing platted portion of the common property line drainage & utility being changed pursuant to this variance request (V-PZ20240008)."*

14. The Board of Adjustment has considered all the factors required by Section 152.215 of the Carver County Code and finds that the grounds for a variance are hereby satisfied.

ORDER #PZ20240008

IT IS HEREBY ORDERED: That the application of Anthony Reno on behalf of Louis & Alyssa Heim and Anthony & Dana Reno for a Variance for reduced road frontage and excessive width/depth ratio according to Section 152.033 of the Carver County Code, for property legally described on the attached Exhibit "A", is hereby **approved**. The Board of Adjustment further orders approval with the following conditions:

1. A Minor Subdivision (Boundary Line Adjustment) application shall be submitted and approved prior to the recording of any deed(s). The parcels shall be subdivided in accordance with the County Zoning Code requirements including by not limited to, a completed Minor Subdivision Application, Survey, SSTS Compliance, and vacation of drainage & utility easement along the common property line (Lot 2 & 3 of Maple View Hillside).
2. The County Board of Commissioners by Board Resolution shall vacate the existing platted portion of the common property line drainage & utility being changed pursuant to this variance request (V-PZ20240008).

Gerald Bruner
Gerald Bruner (Apr 4, 2024 13:07 CDT)
Gerald Bruner, Chairman
Carver County Board of Adjustment

04/04/24

IF ANY WORK OR ACTION, AS PERMITTED BY THIS ORDER IS NOT COMPLETED WITHIN ONE YEAR OF THE ISSUANCE OF THIS ORDER, THEN THIS ORDER SHALL BECOME NULL AND VOID UNLESS AN EXTENSION OF TIME IN WHICH TO COMPLETE THE WORK IS GRANTED BY THE BOARD OF ADJUSTMENT.

State of Minnesota

County of Carver

I certify that the foregoing document, BOARD OF ADJUSTMENT FINDINGS OF FACT AND ORDER, dated April 3, 2024, and containing four (4) pages is a true and correct copy of an electronic document bearing one or more electronic signatures this 4th day of April, 2024.

Nancy K. Buckentine
Nancy K. Buckentine
Signature of Notary Public

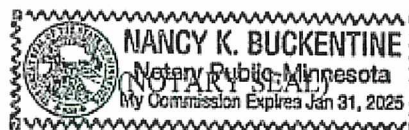


EXHIBIT "A" – LEGAL DESCRIPTION

**PID NUMBER: 04-300-0030
04-300-0020**

File# PZ20240008

APPLICANT: Anthony L Reno

OWNERS: Anthony L Reno & Dana R Reno (-0030)

Louis Ryan Heim & Alyssa Donna Heim (-0020)

04-300-0030 (Reno)

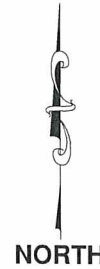
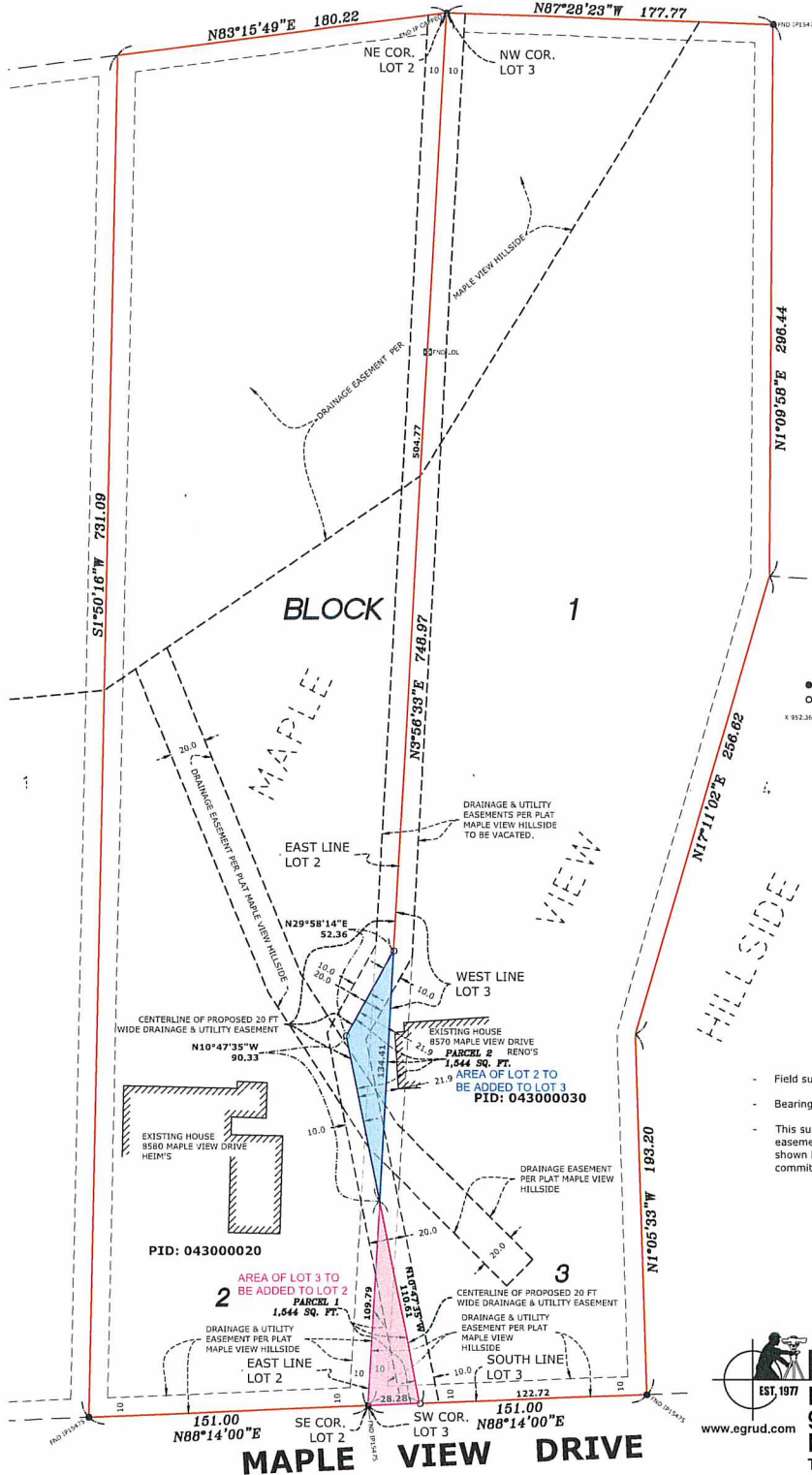
Lot 3, Block 1, Maple View Hillside, Carver County, Minnesota.

04-300-0020 (Heim)

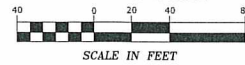
Lot 2, Block 1, Maple view Hillside, Carver County, Minnesota.

CERTIFICATE OF SURVEY

~for~ FNF FAMILY OF COMPANIES (RENO / HEIM)
~Part of~ Lots 2 & 3, Block 1, MAPLE VIEW HILLSIDE,
Carver Co., MN.



GRAPHIC SCALE



LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED #'s 45356 & 52705
- x 952.36 DENOTES EXISTING SPOT ELEVATION

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

KURT D. NELSON

Date: 3NOV23 License No. 45356

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 10/25/2023.
- Bearings shown are based on the record plat 'MAPLE VIEW HILLSIDE'.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.

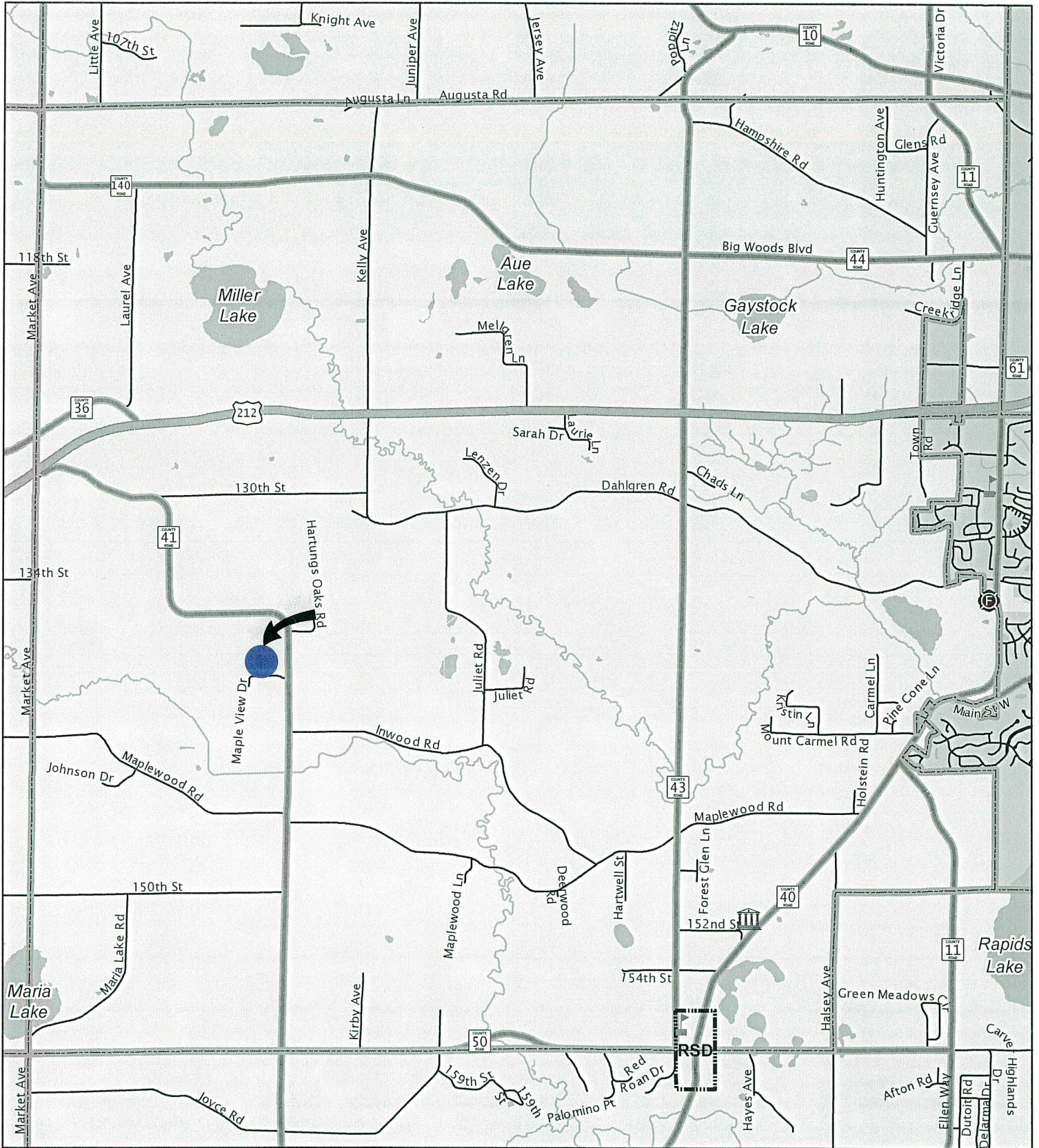
DRAWN BY: KDN		JOB NO: 23.1114	DATE: 11/3/2024
CHECK BY: KDN		FIELD CREW: JWM	
1	11MAR24	PER CARVER CO. LAND MANAGER	KDN
2			
3			
NO.	DATE	DESCRIPTION	BY



E.G. RUD & SONS, INC.
Professional Land Surveyors
990 5th Ave SE, Suite 2
Hutchinson, MN 55350
Tel. (320) 587-2025

23.1114

DAHLGREN TOWNSHIP



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



Map Created by Carver County GIS

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Carver County Right of Way Plat No. 36 for the Hwy 41/10 Project - City of Chaska

Primary Originating Division/Dept: Public Works - Program Delivery

Meeting Date: 5/7/2024

Contact: Luke Kranz

Title: Assistant County Surveyor

Item Type:

Consent

Amount of Time Requested: minutes

Presenter:

Title:

Attachments: ☒ Yes ☐ No

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

The 2025-2026 construction season includes the Hwy 41/10 Project, which is the reconstruction and expansion of County Highway 10 (Engler Boulevard) between Victoria Drive and Ravoux Road. In order to meet the needs of the project scope, additional right of way acquisition is necessary. SRF Consulting Group, Inc. has prepared a right of way plat on behalf of Carver County, as part of the project design to simplify the land acquisition process.

ACTION REQUESTED:

Motion to adopt a resolution to approve Carver County Right of Way Plat No. 36

FISCAL IMPACT: None

If "Other", specify:

FTE IMPACT: None

FUNDING

County Dollars =

Total

\$0.00

☒ Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2024 - 9761

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

Date: May 7, 2024

Resolution No: _____

Motion by Commissioner: _____

Seconded by Commissioner: _____

Carver County Right of Way Plat No. 36

WHEREAS, Carver County will be improving County State Aid Highway (CSAH) No. 10 from Victoria Drive in Chaska easterly to Ravoux Road; and

WHEREAS, SRF Consulting Group, on behalf of Carver County has prepared Carver County Right of Way Plat No. 36 to simplify the writing of legal descriptions and to identify to the public the County's interest in the highway right of way.

NOW, THEREFORE BE IT RESOLVED, that the Carver County Board of Commissioners approves Carver County Right of Way Plat No. 36 and authorizes the Chair of the County Board to sign the plat.

YES

ABSENT

NO

STATE OF MINNESOTA
COUNTY OF CARVER

I, Dave Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 7th day of May, 2024, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 7th day of May, 2024.

Dave Hemze

County Administrator

Carver County Board of Commissioners Request for Board Action



Agenda Item:

St. Peter Lutheran Church Maifest 2024 (Annual Special Event)

Primary Originating Division/Dept: Public Services - Land Mgmt.

Meeting Date: 5/7/2024

Contact: Christina Neel

Title: Lake Management Planner

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:

File #A20240047. St. Peter Lutheran Church has requested a One-Time Administrative Special Event Permit for the annual St. Peter Lutheran Church Maifest celebration on May 19, 2024, in Section 11, Watertown Township. The event would be similar to previous years and would be held entirely on property owned by St. Peter Lutheran Church at 3030 Navajo Avenue, with the exception of attendee parking, which would be located on the two parcels adjacent to the west. Festivities at the church property would run from 11:00 a.m. to 3:00 p.m. and include: a German meal in the dining hall, children's games, a silent auction, and musical entertainment.

The applicant has provided written permission from neighboring property owners for parking, invoices for portable restrooms and commercial water receptacles, proof of insurance, and the appropriate liquor permits for the event.

The Watertown Town Board has reviewed the request and did not have any objections.

ACTION REQUESTED:

A motion authorizing the issuance of a Certificate of Zoning Compliance (#A20240047) for the May 19, 2024, St. Peter Lutheran Church Maifest celebration.

FISCAL IMPACT: None

If "Other", specify:

FUNDING

County Dollars =

Total

\$0.00

FTE IMPACT: None

☒ Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2024 - 9762

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Professional Services Agreement with KENNEDY & GRAVEN for legal services for the Highway 212 Project - Dahlgren Township

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:

Amount of Time Requested: minutes

Presenter: Title:

Attachments: ☐ Yes ☒ No

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

The 2022-2023 construction seasons included the reconstruction of State Highway 212 from Carver on the east to just east of Cologne on the west. To complete the project, additional right of way needed to be acquired. Offers based on appraisals were made to affected landowners and all but 2 of the landowners have reached a settlement. Eminent domain was filed against the 2 unsettled parcels and hearings were held in December 2023 and January 2024. The condemnation commissioners made awards to the landowners but said parcel landowners elected to appeal the awards. The next step in the eminent domain process is a jury trial to set damage awards for the property owners. This contract is to engage outside legal assistance to handle the jury trials due to the complexity of this work.

ACTION REQUESTED:

Motion to contract with KENNEDY & GRAVEN for professional legal services for the Highway 212 Project - Dahlgren Township, pending finalization of the contract review process.

FISCAL IMPACT:

If "Other", specify:

FTE IMPACT:

FUNDING

County Dollars =

Trans. Sales Tax	\$100,000.00
------------------	--------------

MnDOT SRC Funding	\$100,000.00
-------------------	--------------

Total	\$200,000.00
--------------	---------------------

☒ Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2024- 9763

Carver County Board of Commissioners

Request for Board Action



Agenda Item:

Resolution of Support for Highway 5 Arboretum Area Mobility Project Federal RURAL Grant Application

Primary Originating Division/Dept: Public Works - Program Delivery

Meeting Date: 5/7/2024

Contact: Darin Mielke

Title: Deputy County Engineer

Item Type:

Consent

Amount of Time Requested: minutes

Presenter:

Title:

Attachments: ☒ Yes ☐ No

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

The U.S. Department of Transportation (USDOT) is soliciting applications for the Fiscal Year (FY) 2024 Rural Surface Transportation Grant program, which provides \$3.5 billion of dedicated, discretionary funding for transportation projects of national or regional significance. The subprogram Rural Surface Transportation Program funds projects that increase connectivity, improve safety, increase reliability for people and freight, improve quality of life, and generate regional economic growth directed towards projects in rural areas.

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

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

The resolution states that the County will provide funding towards the local match and partner with project partners to contribute to the overall local match and project funding as identified in the RAISE grant application. The grant application funding request is for \$25 million of the estimated \$114 million project. Funding secured to date includes \$12 million in federal funding through the Metropolitan Council's Regional Solicitation, \$9 million in federal Congressionally Directed Spending, \$10 million in federal PROTECT funding through the Met Council, \$10.8 million of Minnesota Highway Freight Program funding, \$20 million in State of Minnesota bond funds, as well as commitment from MnDOT of \$12.7 million. The County's share is identified as approximately \$20 million from the transportation sales tax and \$4.5 million of County State Aid Highway funding. Additional 2024 pursuit opportunities include, but are not limited to, MnDOT's Transportation Economic Development program, \$7M of additional Federal Congressionally Directed Spending, and the Metropolitan Council's Regional Solicitation for federal transportation funding.

ACTION REQUESTED:

Motion to adopt a resolution of support and approve the submittal of the Highway 5 Arboretum Area Mobility Project application to the FY 2024 Rural Surface Transportation Grant Program to reconstruct and expand Highway 5 and to authorize and direct the Carver County Engineer to submit the application.

FISCAL IMPACT: Other

If "Other", specify:

FUNDING

County Dollars =

See comment below

FTE IMPACT: None

Met Council Fed funding	\$12,000,000.00
CDS Fed Funding	\$9,000,000.00
MnDOT	\$12,700,000.00
Cities (Chanhassen, Vic...	\$3,000,000.00
County Sales Tax	\$7,000,000.00
County CSAH funding	\$4,500,000.00
RURAL Grant Request	\$25,000,000.00
State of MN Bond	\$20,000,000.00
PROTECT Funds	\$10,000,000.00
Fed. Hwy Freight	\$10,800,000.00
Total	\$114,000,000.00

Related Financial/FTE Comments:

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

Office use only:

RBA 2024 - 9766

BOARD OF COUNTY COMMISSIONERS

CARVER COUNTY, MINNESOTA

Date: May 7, 2023

Resolution No: _____

Motion by Commissioner: _____

Seconded by Commissioner: _____

Resolution of Support and Authorization for an Application to United States Department of Transportation (USDOT) for a FY24 Rural Surface Transportation Grant for the Highway 5 Mobility Improvement Project

WHEREAS, the USDOT recently announced a discretionary funding opportunity through the FY24 Multimodal Discretionary Grant Programs, which makes \$5.5 billion in federal funds available through multiple grant subprograms; and

WHEREAS, funded through the 2021 Infrastructure Investment and Jobs Act, the Rural Surface Transportation Program funds projects that increase connectivity, improve safety, increase reliability for people and freight, improve quality of life, and generate regional economic growth; and

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

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

WHEREAS, the Highway 5 Mobility Improvement Project is a high priority project to address critical transportation system failures on a trunk highway and regional thoroughfare; and

WHEREAS, Carver County is the fastest growing county in Minnesota and completion of the Highway 5 Mobility Improvement Project is critical to support planned growth for jobs and housing in the Minneapolis/St Paul Metropolitan region; and

WHEREAS, the Highway 5 Mobility Improvement Project meets program goals by serving the mobility and safety needs of rapidly growing urban fringe community; and

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

NOW THEREFORE BE IT RESOLVED, that the Carver County Board of Commissioners hereby supports and approves a 2024 Rural Surface Transportation Grant request for \$25 million to construct the Highway 5 Area Mobility Project and the board directs the Carver County Engineer to submit requested project information.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Carver County is committed to providing the 20% local funding match as required by the Rural Surface Transportation Program and ensuring all major project milestones are met. These funds will be provided either through capital investment funds or through local competitive funding sources.

YES

ABSENT

NO

STATE OF MINNESOTA
COUNTY OF CARVER

I, Dave Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 7th day of May, 2024, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 7th day of May, 2024.

Dave Hemze

County Administrator

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Request for approval to contract with SpiralFX, LLC

Primary Originating Division/Dept: Sheriff - Jail Services

Meeting Date: 5/7/2024

Contact: Ben Beyer

Title: Assistant Jail Administrator

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:

This contract will cover the initial start up costs of HealthSecure Electronic Medical Record System (EMR), including training, form creation, interfacing jail management software, integration with portable medical equipment, and any other costs associated with the product's implementation. The costs include 12 months of maintenance and support that will provide access to the product beginning upon implementation. The funds for purchase of the EMR will be reimbursed through a grant awarded to the Carver County Jail by the Minnesota Department of Health. Competitive quotes and demonstrations were evaluated and SpiralFX LLC provided the best service at a lower cost.

ACTION REQUESTED:

Motion to contract with SpiralFX, LLC for HealthSecure EMR.

FISCAL IMPACT: Included in current budget

If "Other", specify: Will be paid by MDH grant funds

FTE IMPACT: None

FUNDING

County Dollars =

MDH grant \$32,600.00

Total

\$32,600.00

☒ Insert additional funding source

Related Financial/FTE Comments:

Carver County Jail will pay \$32,600.00 to SpiralFX, LLC for access to, implementation of, and training for HealthSecure EMR. This amount includes 12 months of monthly subscription fees. These funds will be reimbursed through a grant awarded by MDH, 01-201-235-1890-xxxx, included in current budget.

Office use only:

RBA 2024 - 9769

Carver County Board of Commissioners

Request for Board Action



Agenda Item:

John Zimmerman - Request for Additional Density Development - Wooded Lots (2 lots)

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:

Amount of Time Requested: minutes

Attachments: ☒ Yes ☐ No

Presenter: Title:

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

File #PZ20240011. On April 16, 2024, the Carver County Planning Commission recommended approval of Jonn Zimmerman's Conditional Use Permit (CUP) for an Additional Density - Wooded Lot development on 30.0 acres, located in Section 35 of Waconia Township.

The proposed development would consist of a plat with two (2) residential lots approximately 3-acres in size. The proposed development would need to be platted (i.e. Preliminary & Final approvals) pursuant to the County's Subdivision Ordinance and Zoning Code.

Waconia Township has provided for the Additional Density - Wooded Lot option in its chapter of the Comprehensive Plan. The area for the proposed lots consists of a wooded area not in agricultural production, which is considered eligible land for the amenity. The development would comply with the limitation of 4 homes per 40 acres (i.e. no more than 4 per ¼).

The proposed development would gain access from an existing township road (110th Street). Therefore, no new public road construction is required, though driveway access permits would be required from the road authority (Waconia Township).

The development will be required to meet the Carver County Water Management Organization (CCWMO) standards, as well as Carver County Environmental Services Subsurface Sewage Treatment System (SSTS) requirements.

The Waconia Town Board has recommended approval of the request. A copy of the Planning Commission staff report is available for review at [638478234866570000 \(carvercountymn.gov\)](https://carvercountymn.gov/638478234866570000).

ACTION REQUESTED:

A motion to adopt Findings of Fact and issue Order #PZ20240011 for the issuance of a Conditional Use Permit.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT:

Total

☒ Insert additional funding source

Related Financial/FTE Comments:

COUNTY OF CARVER
PLANNING COMMISSION RESOLUTION

FILE #: PZ20240011

RESOLUTION #: 24-03

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

FILE #: PZ20240011

APPLICANT: John Zimmerman

OWNER: John M & Barbara I Zimmerman

SITE ADDRESS: 10850 110th Street, Cologne, 55322

PERMIT TYPE: Additional Density (Wooded Lots)

PURSUANT TO: County Code, Chapter 152, Section 152.078 (B)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 09-035-0400

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

WHEREAS, the Carver County Planning Commission finds as follows:

1. John and Barbara Zimmerman own an approximately 30-acre parcel located in the East Half (E½) of the Southwest Quarter (SW¼) of Section 35, Waconia Township. The property includes a large, wooded area, wetlands, and is improved with a single-family residence with an attached garage. The property also improved with Mr. Zimmerman's woodworking business (CUP #PZ20230045) consisting of a sawmill complex and accompanying wood and equipment storage buildings. The site is located in the Agricultural Zoning District and the Carver County Water Management Organization - CCWMO (Carver Creek watershed).
2. Mr. Zimmerman is proposing to develop two (2) residential parcels on the subject property. The proposed development would result in a total of two (2) building sites (single family dwellings) along an existing township road (110th Street). The applicant is requesting a Conditional Use Permit (CUP) pursuant to the "Additional Density Options" in Section 152.078 (A) and (B) of the Carver County Zoning Code.
3. Waconia Township has provided for the Wooded Lot additional density option in its chapter of the 2040 Comprehensive Plan. The Wooded Lot provision may only be exercised once for each parcel that was of record as of July 1, 1974. The subject property consists of wooded area not in agricultural production and is considered eligible land. The proposed development would comply with the limitation of 4 homes per 40 acres (i.e. no more than 4 per ¼¼) based on the configuration of the parcel on July 1, 1974. Also, a Conditional Use Permit (CUP) has not been previously issued for additional density on the subject parcel.
4. As shown in the submitted concept plan (dated January 17, 2024) the applicant is proposing two (2) residential lots, each meeting the 2.5-acre minimum lot size required by the Zoning Code. A total of two (2) buildable lots would be proposed, each lot approximately 3 acres in area. Each lot would meet the requirements for public road frontage along 110th Street; therefore, no additional township roadway design or construction is being proposed. All future driveway access point locations serving each building site would need to be reviewed and approved by the Waconia Town Board as the road authority. Since 110th Street is the boundary between Waconia and Benton townships, the townships share maintenance duties. Waconia Township maintains the road during the summer and Benton Township during the winter.

5. During the preliminary platting process, the applicant must document a suitable one (1) acre building site for each lot. A licensed SSTS professional has provided appropriate soils reports for the County's review. Environmental Services has reviewed the material and conducted a site visit. In an email dated March 28, 2024, Senior Environmentalist Lori Brinkman reported *"All lots include suitable areas for primary and alternative sites. Soils have been reviewed and approved."*
6. Mike Wanous, District Manager of the Carver Soil & Water Conservation District, reviewed the proposed parcel subdivision and in an email dated March 28, 2024, had the following comments: *"I see no issues with the proposed wooded lots. However, it appears that the proposed lots could contain areas that may be considered wetlands. At some point during the permitting process (either now, or when building permit applications are submitted) the wetland areas should be identified. Any land disturbing activities that impact wetlands will need to follow Minnesota Wetland Conservation Act (WCA) statutes and rules."*
7. The development falls under the CCWMO Water Rules provisions. The individual lot owner(s) would be required to comply with the CCWMO Water Rules Standards. Each lot would be subject to review and approval by Carver County Planning and Water Management Department pursuant to Chapter 153. More specific details for each lot would need to be submitted to Carver County Planning & Water Management at the time of design for review and approval prior to the issuance of building permit(s) on individual lots. Abigail Ernst of the CCWMO reviewed the CUP application and reported in an email dated March 26, 2024, that she had no comments.
8. The entire layout as proposed will properly be addressed during the preliminary plat process.
9. The Waconia Town Board reviewed and recommended approval of the request during their February 12, 2024, meeting with the comment: *"Null & void if there is no secondary septic system site!"*
10. 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 Conditional Use Permit application for an Additional Density Option "Wooded Lots" permit on the parcel described in Exhibit A. The following conditions should be considered part of the permit:

1. Two (2) residential lots are permitted, provided the building site requirements and minimum lot standards are satisfied. The entire subject property shall be platted in accordance with M.S. Chapter 505 and the Carver County Code. A total of two (2) buildable lots (building eligibilities) shall be properly addressed as part of the platting process.
2. The proposed lots must have a one-acre building site, which shall be reviewed as a part of the Platting Process. Primary and alternate SSTS locations for each building site must be submitted with the application for preliminary plat. SSTS locations must be identified by a licensed SSTS contractor, for review/approval by the Environmental Services Department. It shall be the responsibility of the property owner to preserve and protect the soil treatment and dispersal areas from compaction, building, or other activities which could conceivably limit the use of the sites for sewage treatment and dispersal. The building sites must be located so that all buildings and SSTS systems shall meet County Code setback requirements.
3. The lots shall be laid out on the preliminary plat substantially as agreed upon by the Township, the County, and the developer during the Conditional Use Permit (CUP) process. The preliminary plat shall stipulate, at a minimum, the building eligibility status for each parcel, a statement regarding agricultural uses in the area, and the protection of environmentally sensitive land(s). The potential for future easement(s) shall be evaluated during the preliminary platting process.
4. Access permits must be approved by Waconia Township (road authority) prior to any work occurring within the proposed interior road right-of-way.

5. As a part of the platting process the applicant will develop covenants to be filed with the plat. The covenants will address at least the following:
 - A. A covenant must clearly state the building eligibility status for each parcel in the development. The keeping of animals, with the exception of dogs, cats and similar animals kept as household pets, is prohibited on any lot in the residential area.
 - B. A covenant stating that the area is rural in nature and that commercial agriculture and other rural land use activities will likely be occurring in the area. A notification must be provided regarding “odors, dirt, dust, noises, long hours of operation and other factors associated with agriculture and feedlot activities”. Complaints relating to these activities shall be considered unwarranted so long as such activities are being conducted in accordance with existing standards. A condition clearly stating and restricting the use of the land in the agricultural area to agriculture and to certain conditional uses listed in the “A” district.
 - C. If the home sites include any environmentally sensitive land then restrictions must be placed in the covenants addressing: clear cutting of land, vegetation removal, plus the development and implementation of an erosion control plan to control erosion during and after building construction.
 - D. A covenant must be added requiring that the alternative sewer site must be preserved for a future sewer site. No buildings can be erected on the alternative site and no trees can be planted on the site. Heavy equipment must be kept off the site. If the lot owner must build on the site, he will have to submit percolation tests and soil borings for another site before any building permit will be issued.
6. The above-required covenants shall become part of the permit.
7. A completed CCWMO Water Rules application, with required attachments, shall be submitted with the Preliminary Plat application, if applicable.
8. Driveways and drainage ways will be designed so that public utilities can be installed at a later date.

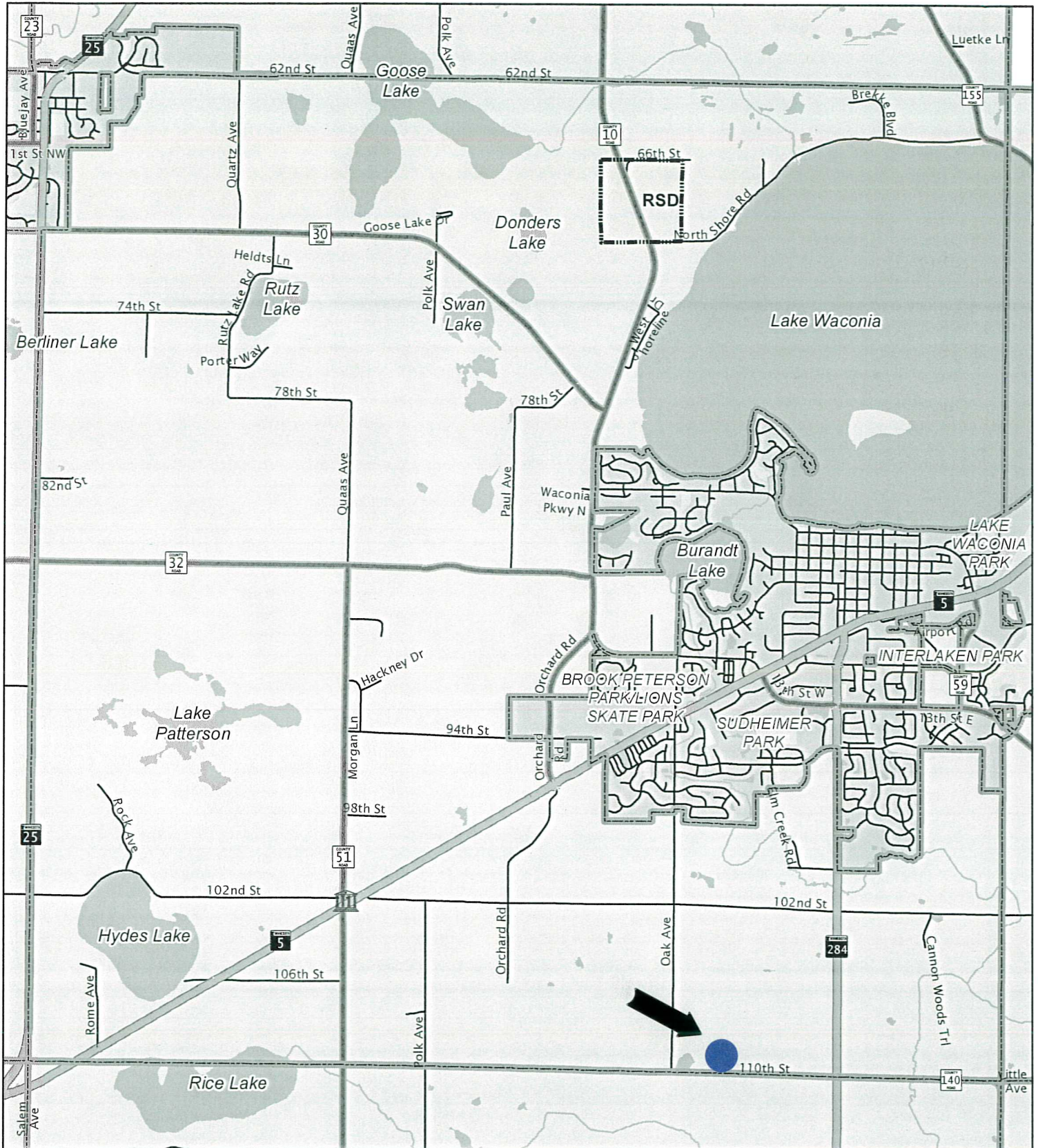
ADOPTED by the Carver County Planning Commission this 16th day of April 2024.


Scott Hoese (Apr 18, 2024 19:34 CDT)

Scott Hoese, Chairman
Carver County Planning Commission

04/18/24

WACONIA TOWNSHIP



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



Map Created by Carver County GIS

ZIMMERMAN WOODED LOTS CONCEPT



Carver County Board of Commissioners Request for Board Action



Agenda Item:

Resolution of Support for Highway 5 Safety Project Federal Safe Streets for All (SS4A) Grant Application

Primary Originating Division/Dept: Public Works - Program Delivery

Meeting Date: 5/7/2024

Contact: Darin Mielke

Title: Deputy County Engineer

Item Type:

Consent

Amount of Time Requested: minutes

Presenter:

Title:

Attachments: ☒ Yes ☐ No

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

The U.S. Department of Transportation (USDOT) is soliciting applications for the Fiscal Year (FY) 2024 Safe Streets for All (SS4A) Program, which provides dedicated, discretionary funding for local transportation projects to prevent roadway deaths and serious injuries.

Carver County, in partnership with the Minnesota Department of Transportation (MnDOT) and the City of Victoria is seeking funds to implement specific safety and pedestrian improvements in connection with the larger reconstruction of Highway 5 from 80th St. in Victoria to Century Blvd. in Chanhassen and reconstruction of Rolling Acres Road (Highway 13) from Highway 5 to Interlaken. Highway 5 within the project area experiences significant congestion, mobility limitations and higher-than-average crash rates. Within the larger project area, 187 crashes occurred between 2014-2018, including a fatality. This results in a crash rate 2.5 times higher than the state average for similar roadways. The proposed project elements include a roundabout on Highway 5 at Commercial Ave. in Victoria, regional trail improvements to the Lake Minnetonka Regional Trail including a separated grade crossing at Rolling Acres Rd., access management on Highway 5 at Stieger Lake Ln./78th St., a pedestrian overpass at Stieger Lake Ln./78th St., reconstruction of Rolling Acres Rd from Highway 5 to Interlaken to a divided section with pedestrian amenities on both sides and including a roundabout at Interlaken and Overlook Ln./Tamarack Trail, and median on Highway 5 between Park Dr/Kochia Ln. and Rolling Acres Rd.

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

The resolution states that the County will provide funding towards the local match and partner with project partners to contribute to the overall local match and project funding as identified in the grant application. The grant application funding request is for \$16.1 million of the estimated \$114 million in project components.

ACTION REQUESTED:

Motion to adopt a resolution of support and approve the submittal of the Highway 5 Safety Project application to the FY 2024 Safe Streets for All Transportation Grant Program to reconstruct Highway 5 and Rolling Acres Road with specific safety and pedestrian infrastructure components and to authorize and direct the Carver County Engineer to submit the application.

FISCAL IMPACT: Included in current budget

If "Other", specify:

FTE IMPACT: None

FUNDING

County Dollars =

Federal Funding - RS \$12,000,000.00

State Bond Funding \$20,000,000.00

Total \$114,000,000.00

County Dollars =	
CDS Fed Funding	\$9,000,000.00
PROTECT Funding	\$10,000,000.00
Fed. Hwy Freight	\$10,800,000.00
MnDOT	\$12,700,000.00
Local City Funding	\$3,000,000.00
County CSAH Funds	\$4,500,000.00
Trans. Sales Tax	\$15,900,000.00
SS4A grant request	\$16,100,000.00
Total	
 Insert additional funding source	

Related Financial/FTE Comments:

Costs shown above including agency cost share are estimates and will be further refined for the applicaiton.

Office use only:

RBA 2024 - 9789

BOARD OF COUNTY COMMISSIONERS CARVER COUNTY, MINNESOTA

Date: May 7, 2024

Resolution No: _____

Motion by Commissioner: _____

Seconded by Commissioner: _____

RESOLUTION OF SUPPORT FOR SAFE STREETS AND ROADS FOR ALL DISCRETIONARY GRANT APPLICATION FOR THE HIGHWAY 5 SAFETY PROJECT

WHEREAS, Safe Streets and Roads for All (SS4A) Grant Opportunity provides dedicated discretionary funding to improve roadway safety by significantly reducing or eliminating roadway fatalities and serious injuries through safety action plan development and implementation focused on all users; and

WHEREAS, the United States Department of Transportation (USDOT) is soliciting applications for \$1 billion in FY 2024 SS4A funds, authorized by the Bipartisan Infrastructure Law; and

WHEREAS, the SS4A grant program funds projects that improve roadway safety by significantly reducing or eliminating roadway fatalities and serious injuries; and

WHEREAS, Carver County's County Roadway Safety Plan identifies effective safety strategies that meet the SS4A program eligibility requirements; and

WHEREAS, Carver County partnered with the Minnesota Department of Transportation (MnDOT), the City of Victoria, the City of Chaska, and the City of Chanhassen to develop the Arboretum Area Transportation Plan that identified transportation system deficiencies along a 4-mile stretch of Highway 5 and intersecting roadways; and

WHEREAS, today the project area experiences poor operating conditions and a high crash rate. These conditions are expected to worsen without improvements; and

WHEREAS, Carver County, MN is seeking funds to implement pedestrian and safety specific improvements along Highway 5; and

WHEREAS, the project aligns with the USDOT's criteria for Safety Impact; Equity, Engagement, and Collaboration; Effective Practices and Strategies; and Climate Change; and

NOW THEREFORE BE IT RESOLVED, that the Carver County Board of Commissioners hereby supports and approves a 2024 Safe Streets and Roads for All request for \$16.2 million to construct the Highway 5 Arboretum Area Mobility Project and the board directs the Carver County Engineer to submit requested project information.

BE IT FURTHER RESOLVED that Carver County is committed to the required local match of 20% and fully funding the project as proposed and on schedule; and,

BE IT FURTHER RESOLVED that a Safe Streets and Roads for All award would fill the final funding gap to deliver the project as Carver County has worked with project partners to secure 80% of the project funds

to date from partner commitments and secured state and federal funding sources; and,

BE IT FURTHER RESOLVED that the Carver County Board approved contingency plan for full project funding and any unforeseen circumstances include our Local Option Sales Tax implemented in 2017 and County State Aid Funds (CSAH) which would fill gaps in the funding plan above and beyond commitments from our local partners and MnDOT and secured amounts from other competitive sources.

YES	ABSENT	NO

STATE OF MINNESOTA
COUNTY OF CARVER

I, Dave Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 7th day of May, 2024, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 7th day of May, 2024.

Dave Hemze

County Administrator

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Resolution Authorizing Petition for Eminent Domain For The Highway 41/10 Project

Primary Originating Division/Dept: Public Works - Program Delivery

Meeting Date: 5/7/2024

Contact: Patrick Lambert

Title: Senior Right of Way Agent

Item Type:

Consent

Amount of Time Requested: minutes

Presenter:

Title:

Attachments: ☒ Yes ☐ No

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

The 2024-2026 construction seasons includes the Highway 41/10 Project, which is the reconstruction and expansion of Highway 10 from just west of Ravoux Road on the east to just west of Bavaria Road on the west and includes other improvements on State Highway 41. 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 February 6, 2024, the County Board authorized Public Works staff to make offers for direct purchase of the impacted properties.

Public Works staff and the consultant land acquisition team 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 along the construction corridor.

A resolution, including the exhibits listing the affected property owners, is attached for the County Board to consider for approval. There are (24) Twenty-four parcel owners identified as the following property identification numbers: 30.4580010, 30.4680010, 30.4680020, 30.1710030, 30.1660020, 30.0041000, 30.6050010, 30.6080030, 30.6050010, 30.6080010, 30.6070010, 30.6070070, 30.6070130, 30.6070140, 30.4520060, 30.6570010, 30.5810040, 30.5810030, 30.5800170, 30.5800010, 30.4690040, 30.0321500, 30.0332400, 30.0044520.

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 41/10 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 =

\$0.00

FTE IMPACT: None

Total

\$0.00

☒ Insert additional funding source

Related Financial/FTE Comments:

BOARD OF COUNTY COMMISSIONERS CARVER COUNTY, MINNESOTA

Date: May 7th, 2024

Motion by Commissioner: _____

Resolution No: _____

Seconded by Commissioner: _____

Resolution Authorizing Eminent Domain to Acquire Real Property Interests Needed for the Highway 41/10 Project

WHEREAS, Carver County (the “County”), acting by and through its Board of Commissioners, is authorized by law, and pursuant to Minnesota Statutes, § 163.02, subd. 2, to acquire land and other real property interests in Carver County which the County needs for right-of-way for highway purposes; and

WHEREAS, the County proposes to construct highway and related improvements for the safety of the traveling public in Carver County for the reconstruction and expansion of Highway 10 to a four-lane roadway and includes several roundabouts as part of the Highway 41/10 Project (“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 to undertake the Project; and

WHEREAS, on February 6, 2024, by Resolution No. 08-24, the County Board found that the acquisitions for the Project described in Exhibit A to that resolution constitute a valid public use or public purpose and authorized offers of just compensation to purchase the acquisitions; and

WHEREAS, in finalizing the Project plans, minor adjustments were made to the proposed acquisitions; and

WHEREAS, the County finds that it is reasonably necessary, convenient, and in the interest of the general welfare that the County acquire for the Project the real estate interests depicted on Exhibit A-2, attached (“Acquisitions”);

WHEREAS, the County finds that title to and possession of the Acquisitions is required before construction of the Project can begin and before the filing of the final report of the condemnation commissioners to be appointed by the district court; and

WHEREAS, the County obtained appraisals from an independent licensed real estate appraiser for the Acquisitions; and

WHEREAS, City staff and consultants will continue to work with the property owners to purchase the Acquisitions if possible;

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Carver County that:

1. County ownership of Acquisitions of the real property interests described in Exhibit A-2 is necessary and for a public purpose in furtherance of the Project;
2. The proper County officers and agents are authorized and directed to secure the County's ownership of the Acquisitions by direct purchase and, if necessary, through the exercise of eminent domain;
3. The Public Works Division Director or his delegee is authorized to approve the appraised values for the Acquisitions for the purposes of using the "quick take" procedure under Minn. Stat. § 117.042;
4. The law firm of Kennedy & Graven, Chartered, is authorized and directed to take all steps reasonably necessary on behalf of the County to commence eminent domain proceedings to take the Acquisitions that cannot be timely purchased, including using the "quick take" procedure under Minn. Stat. § 117.042.

Yes	No	Absent

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 May 7th, 2024, now on file in the Administration office, and have found the same to be a true and correct copy thereof

Dated this 7th day of May, 2024.

David Hemze, County Administrator

EXHIBIT A-2

TO RESOLUTION AUTHORIZING EMINENT DOMAIN

Highway 41/10 Project

Carver County Public Works No. 178820

Property Tax Identification No. 30.4580010

Parcel Number(s): 2

Fee Owners: SB Chaska Partners, LLC

Property Address: 325 Engler Blvd, Chaska, MN 55318

Description of Portion of Subject Property to be Encumbered Herein by Permanent Easement for Public Right-of -Way Purposes:

Parcel 2 of CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota.

Description of Portion of Subject Property to be Encumbered Herein By Temporary Easement For Construction Purposes:

TE Parcel 2, as shown on CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota

Term of Temporary Easement:

The subject property will be encumbered by a temporary construction easement for a duration of 35 months beginning August 1, 2024 and expiring on June 30, 2027.

Property Tax Identification No. 30.4680010

Parcel Number(s): 5

Fee Owners: 1580 White Oak Drive, LLC

Property Address: 1580 White Oak Drive, Chaska, MN 55318

Description of Portion of Subject Property to be Encumbered Herein by Permanent Easement for Public Right-of -Way Purposes:

Parcel 5 of CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota.

Description of Portion of Subject Property to be Encumbered Herein by Permanent Easement for Drainage and Utility Purposes:

PE Parcel 5 of CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota.

Description of Portion of Subject Property to be Encumbered Herein By Temporary Easement For Construction Purposes:

TE Parcel 5, as shown on CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota

Term of Temporary Easement:

The subject property will be encumbered by a temporary construction easement for a duration of 35 months beginning August 1, 2024 and expiring on June 30, 2027.

Property Tax Identification No. 30.4680020

Parcel Number(s): 6

Fee Owners: Security Bank Waconia

Property Address: 1575 White Oak Drive, Chaska, MN 55318

Description of Portion of Subject Property to be Encumbered Herein by Permanent Easement for Public Right-of -Way Purposes:

Parcel 6 of CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota.

Description of Portion of Subject Property to be Encumbered Herein by Permanent Easement for Drainage and Utility Purposes:

PE Parcel 6 of CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota.

Description of Portion of Subject Property to be Encumbered Herein By Temporary Easement For Construction Purposes:

TE Parcel 6, as shown on CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota

Term of Temporary Easement:

The subject property will be encumbered by a temporary construction easement for a duration of 35 months beginning August 1, 2024 and expiring on June 30, 2027.

Property Tax Identification No. 30.1710030

Parcel Number(s): 7

Fee Owners: Chaska Grandview Owner's Association, Inc.

Property Address: 1475 & 1485 White Oak Drive, Chaska, MN 55318

Description of Portion of Subject Property to be Encumbered Herein by Permanent Easement for Public Right-of -Way Purposes:

Parcel 7 of CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota.

Description of Portion of Subject Property to be Encumbered Herein By Temporary Easement For Construction Purposes:

TE Parcel 7, as shown on CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota

Term of Temporary Easement:

The subject property will be encumbered by a temporary construction easement for a duration of 35 months beginning August 1, 2024 and expiring on June 30, 2027.

Property Tax Identification No. 30.1660020
Parcel Number(s): 8

Fee Owners: Holiday Station Stores, Inc.
Property Address: 1465 White Oak Drive, Chaska, MN 55318

Description of Portion of Subject Property to be Encumbered Herein by Permanent Easement for Public Right-of -Way Purposes:

Parcel 8 of CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota.

Description of Portion of Subject Property to be Encumbered Herein by Permanent Easement for Drainage and Utility Purposes:

PE Parcel 8 of CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota.

Description of Portion of Subject Property to be Encumbered Herein By Temporary Easement For Construction Purposes:

TE Parcel 8, as shown on CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota

Term of Temporary Easement:

The subject property will be encumbered by a temporary construction easement for a duration of 35 months beginning August 1, 2024 and expiring on June 30, 2027.

Property Tax Identification No. 30.0041000

Parcel Number(s): 9

Fee Owners: Shepherd of the Hill Presbyterian Church of Chaska

Property Address: 145 Engler Blvd, Chaska, MN 55318

Description of Portion of Subject Property to be Encumbered Herein by Permanent Easement for Public Right-of -Way Purposes:

Parcel 9 of CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota.

Description of Portion of Subject Property to be Encumbered Herein by Permanent Easement for Drainage and Utility, and Wall Maintenance Purposes:

PE Parcel 9 of CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota.

Description of Portion of Subject Property to be Encumbered Herein By Temporary Easement For Construction Purposes:

TE Parcel 9, as shown on CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota

Term of Temporary Easement:

The subject property will be encumbered by a temporary construction easement for a duration of 35 months beginning August 1, 2024 and expiring on June 30, 2027.

Property Tax Identification No. 30.6050010

Parcel Number(s): 10

Fee Owners: Troy P. Wagener, Daniel J. Wagener, & Bonita L. Wagener

Property Address: 1595 Crest Drive, Chaska, MN 55318

Description of Portion of Subject Property to be Encumbered Herein by Permanent Easement for Public Right-of -Way Purposes:

Parcel 10 of CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota.

Description of Portion of Subject Property to be Encumbered Herein by Permanent Easement for Drainage and Utility Purposes:

PE Parcel 10 of CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota.

Description of Portion of Subject Property to be Encumbered Herein By Temporary Easement For Construction Purposes:

TE Parcel 10, as shown on CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota

Term of Temporary Easement:

The subject property will be encumbered by a temporary construction easement for a duration of 35 months beginning August 1, 2024 and expiring on June 30, 2027.

Property Tax Identification No. 30.6080030
Parcel Number(s): 11

Fee Owners: Imrose Alam & Farzana H. Alam
Property Address: 1552 Sunshine Circle, Chaska, MN 55318

Description of Portion of Subject Property to be Encumbered Herein by Permanent Easement for Public Right-of -Way Purposes:

Parcel 11 of CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota.

Description of Portion of Subject Property to be Encumbered Herein by Permanent Easement for Drainage and Utility Purposes:

PE Parcel 11 of CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota.

Description of Portion of Subject Property to be Encumbered Herein By Temporary Easement For Construction Purposes:

TE Parcel 11, as shown on CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota

Term of Temporary Easement:

The subject property will be encumbered by a temporary construction easement for a duration of 35 months beginning August 1, 2024 and expiring on June 30, 2027.

Property Tax Identification No. 30.6050010
Parcel Number(s): 12

Fee Owners: Michael D. Hammers & Rose A. Hammers
Property Address: 1558 Sunshine Circle, Chaska, MN 55318

Description of Portion of Subject Property to be Encumbered Herein by Permanent Easement for Public Right-of -Way Purposes:

Parcel 12 of CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota.

Description of Portion of Subject Property to be Encumbered Herein by Permanent Easement for Drainage and Utility Purposes:

PE Parcel 12 of CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota.

Description of Portion of Subject Property to be Encumbered Herein By Temporary Easement For Construction Purposes:

TE Parcel 12, as shown on CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota

Term of Temporary Easement:

The subject property will be encumbered by a temporary construction easement for a duration of 35 months beginning August 1, 2024 and expiring on June 30, 2027.

Property Tax Identification No. 30.6080010

Parcel Number(s): 13

Fee Owners: CD Gemini Properties, LLC

Property Address: 1564 Sunshine Circle, Chaska, MN 55318

Description of Portion of Subject Property to be Encumbered Herein by Permanent Easement for Public Right-of -Way Purposes:

Parcel 13 of CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota.

Description of Portion of Subject Property to be Encumbered Herein by Permanent Easement for Drainage and Utility Purposes:

PE Parcel 13 of CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota.

Description of Portion of Subject Property to be Encumbered Herein By Temporary Easement For Construction Purposes:

TE Parcel 13, as shown on CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota

Term of Temporary Easement:

The subject property will be encumbered by a temporary construction easement for a duration of 35 months beginning August 1, 2024 and expiring on June 30, 2027.

Property Tax Identification No. 30.6070010

Parcel Number(s): 14

Fee Owners: John F. Miller & Donna M. Miller

Property Address: 1570 Sunshine Circle, Chaska, MN 55318

Description of Portion of Subject Property to be Encumbered Herein by Permanent Easement for Public Right-of -Way Purposes:

Parcel 14 of CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota.

Description of Portion of Subject Property to be Encumbered Herein by Permanent Easement for Drainage and Utility Purposes:

PE Parcel 14 of CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota.

Description of Portion of Subject Property to be Encumbered Herein By Temporary Easement For Construction Purposes:

TE Parcel 14, as shown on CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota

Term of Temporary Easement:

The subject property will be encumbered by a temporary construction easement for a duration of 35 months beginning August 1, 2024 and expiring on June 30, 2027.

Property Tax Identification No. 30.6070070

Parcel Number(s): 15

Fee Owners: Stephen R. Duvick & Courtney J. Duvick

Property Address: 1569 Skyview Drive, Chaska, MN 55318

Description of Portion of Subject Property to be Encumbered Herein by Permanent Easement for Public Right-of -Way Purposes:

Parcel 15 of CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota.

Description of Portion of Subject Property to be Encumbered Herein by Permanent Easement for Drainage and Utility Purposes:

PE Parcel 15 of CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota.

Description of Portion of Subject Property to be Encumbered Herein By Temporary Easement For Construction Purposes:

TE Parcel 15, as shown on CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota

Term of Temporary Easement:

The subject property will be encumbered by a temporary construction easement for a duration of 35 months beginning August 1, 2024 and expiring on June 30, 2027.

Property Tax Identification No. 30.6070130
Parcel Number(s): 16

Fee Owners: Scott A. Stanger & Nancy A. Stanger
Property Address: 1521 Sunshine Court, Chaska, MN 55318

Description of Portion of Subject Property to be Encumbered Herein By Temporary Easement For Construction Purposes:

TE Parcel 16, as shown on CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota

Term of Temporary Easement:

The subject property will be encumbered by a temporary construction easement for a duration of 35 months beginning August 1, 2024 and expiring on June 30, 2027.

Property Tax Identification No. 30.6070140
Parcel Number(s): 17

Fee Owners: James E. Finelli & Rachel M. Finelli
Property Address: 1517 Sunshine Court, Chaska, MN 55318

Description of Portion of Subject Property to be Encumbered Herein By Temporary Easement For Construction Purposes:

TE Parcel 17, as shown on CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota

Term of Temporary Easement:

The subject property will be encumbered by a temporary construction easement for a duration of 35 months beginning August 1, 2024 and expiring on June 30, 2027.

Property Tax Identification No. 30.4520060

Parcel Number(s): 22

Fee Owners: David C. Liebelt & Kayleen A. Liebelt

Property Address: 1665 Highwood Drive, Chaska, MN 55318

Description of Portion of Subject Property to be Encumbered Herein by Permanent Easement for Public Right-of -Way Purposes:

Parcel 22 of CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota.

Description of Portion of Subject Property to be Encumbered Herein By Temporary Easement For Construction Purposes:

TE Parcel 22, as shown on CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota

Term of Temporary Easement:

The subject property will be encumbered by a temporary construction easement for a duration of 35 months beginning August 1, 2024 and expiring on June 30, 2027.

Property Tax Identification No. 30.6570010

Parcel Number(s): 23

Fee Owners: Valley Evangelical Free Church

Property Address: 150 Engler Blvd, Chaska, MN 55318

Description of Portion of Subject Property to be Encumbered Herein by Permanent Easement for Public Right-of -Way Purposes:

Parcel 23 of CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota.

Description of Portion of Subject Property to be Encumbered Herein by Permanent Easement for Drainage and Utility, and Wall Maintenance Purposes:

PE Parcel 23 of CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota.

Description of Portion of Subject Property to be Encumbered Herein By Temporary Easement For Construction Purposes:

TE Parcel 23, as shown on CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota

Term of Temporary Easement:

The subject property will be encumbered by a temporary construction easement for a duration of 35 months beginning August 1, 2024 and expiring on June 30, 2027.

Property Tax Identification No. 30.5810040

Parcel Number(s): 24

Fee Owners: Parrott Nest, LLC

Property Address: 1601 White Oak Drive, Chaska, MN 55318

Description of Portion of Subject Property to be Encumbered Herein by Permanent Easement for Public Right-of -Way Purposes:

Parcel 24 of CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota.

Description of Portion of Subject Property to be Encumbered Herein by Permanent Easement for Drainage and Utility Purposes:

PE Parcel 24 of CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota.

Description of Portion of Subject Property to be Encumbered Herein By Temporary Easement For Construction Purposes:

TE Parcel 24, as shown on CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota

Term of Temporary Easement:

The subject property will be encumbered by a temporary construction easement for a duration of 35 months beginning August 1, 2024 and expiring on June 30, 2027.

Property Tax Identification No. 30.5810030

Parcel Number(s): 25

Fee Owners: Rebecca Lewis

Property Address: 1610 White Oak Drive, Chaska, MN 55318

Description of Portion of Subject Property to be Encumbered Herein by Permanent Easement for Public Right-of -Way Purposes:

Parcel 25 of CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota.

Description of Portion of Subject Property to be Encumbered Herein By Temporary Easement For Construction Purposes:

TE Parcel 25, as shown on CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota

Term of Temporary Easement:

The subject property will be encumbered by a temporary construction easement for a duration of 35 months beginning August 1, 2024 and expiring on June 30, 2027.

Property Tax Identification No. 30.5800170
Parcel Number(s): 27

Fee Owners: Michael J. Maley & Diane L. Maley
Property Address: 355 Pondview Lane, Chaska, MN 55318

Description of Portion of Subject Property to be Encumbered Herein by Permanent Easement for Public Right-of -Way Purposes:

Parcel 27 of CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota.

Description of Portion of Subject Property to be Encumbered Herein by Permanent Easement for Drainage and Utility Purposes:

PE Parcel 27 of CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota.

Description of Portion of Subject Property to be Encumbered Herein By Temporary Easement For Construction Purposes:

TE Parcel 27, as shown on CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota

Term of Temporary Easement:

The subject property will be encumbered by a temporary construction easement for a duration of 35 months beginning August 1, 2024 and expiring on June 30, 2027.

Property Tax Identification No. 30.5800010

Parcel Number(s): 29

Fee Owners: SFR Borrower 2022-A, LLC

Property Address: 1600 Royal Oak Drive, Chaska, MN 55318

Description of Portion of Subject Property to be Encumbered Herein by Permanent Easement for Public Right-of -Way Purposes:

Parcel 29 of CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota.

Description of Portion of Subject Property to be Encumbered Herein by Permanent Easement for Drainage and Utility Purposes:

PE Parcel 29 of CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota.

Description of Portion of Subject Property to be Encumbered Herein By Temporary Easement For Construction Purposes:

TE Parcel 29, as shown on CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota

Term of Temporary Easement:

The subject property will be encumbered by a temporary construction easement for a duration of 35 months beginning August 1, 2024 and expiring on June 30, 2027.

Property Tax Identification No. 30.4690040

Parcel Number(s): 31

Fee Owners: North Meadows Office Condominiums Association, Inc.

Property Address: 542-586 Bavaria Lane, Chaska, MN 55318

Description of Portion of Subject Property to be Encumbered Herein by Permanent Easement for Public Right-of -Way Purposes:

Parcel 31 of CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota.

Description of Portion of Subject Property to be Encumbered Herein By Temporary Easement For Construction Purposes:

TE Parcel 31, as shown on CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota

Term of Temporary Easement:

The subject property will be encumbered by a temporary construction easement for a duration of 35 months beginning August 1, 2024 and expiring on June 30, 2027.

Property Tax Identification No. 30.0321500

Parcel Number(s): 32

Fee Owners: Kierstin Case

Property Address: 1695 Bavaria Road, Chaska, MN 55318

Description of Portion of Subject Property to be Encumbered Herein By Temporary Easement For Construction Purposes:

TE Parcel 32, as shown on CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota

Term of Temporary Easement:

The subject property will be encumbered by a temporary construction easement for a duration of 35 months beginning August 1, 2024 and expiring on June 30, 2027.

Property Tax Identification No. 30.0332400

Parcel Number(s): 35

Fee Owners: Brandondale Estates, LLC, a Delaware Limited Liability Company

Property Address: 23 Thomas Lane, Chaska, MN 55318

Description of Portion of Subject Property to be Encumbered Herein by Permanent Easement for Public Right-of-Way Purposes:

Parcel 35 of CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota.

Description of Portion of Subject Property to be Encumbered Herein by Permanent Easement for Drainage and Utility, and Wall Maintenance Purposes:

PE Parcel 35 of CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota.

Description of Portion of Subject Property to be Encumbered Herein By Temporary Easement For Construction Purposes:

TE Parcel 35, as shown on CARVER COUNTY RIGHT OF WAY PLAT NO. 36, according to the recorded plat thereof, Carver County, Minnesota

Term of Temporary Easement:

The subject property will be encumbered by a temporary construction easement for a duration of 35 months beginning August 1, 2024 and expiring on June 30, 2027.

Property Tax Identification No. 30.0332400

Parcel Number(s): 37

Fee Owners: Longview Ventures, LLC, and Cornerstone Investors, LLC

Property Address: Vacant Land

Description of Portion of Subject Property to be Encumbered Herein By Temporary Easement For Construction Purposes:

TE Parcel 37, as shown on CARVER COUNTY RIGHT OF WAY PLAT NO. 36,
according to the recorded plat thereof, Carver County, Minnesota

Term of Temporary Easement:

The subject property will be encumbered by a temporary construction easement for a duration of 35 months beginning August 1, 2024 and expiring on June 30, 2027.

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Professional Services Agreement with Bolton and Menk, Inc. for Highway 5 Final Design Project

Primary Originating Division/Dept: Public Works - Program Delivery

Meeting Date: 5/7/2024

Contact: Darin Mielke

Title: Assistant Public Works Director

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 20, 2022 the board approved an agreement for professional transportation engineering services with Bolton and Menk, Inc. for the Highway 5 Project.

Arboretum Area, which included preliminary design, environmental documentation, geotechnical exploration and engineering and land acquisition documentation. This work built upon the adopted Arboretum Area Transportation Plan, which established a vision for improvements along State Highway 5.

This new agreement will continue work on items such as project administration and coordination, visual quality, survey, geotechnical engineering, permitting, construction staging, property acquisition, utility coordination, final design, utility design, bridge design, communications, and environmental investigation. This work is for approximately 3.5 miles of State Highway 5 from 80th Street in the City of Victoria to Century Boulevard in the City of Chanhassen, and approximately 1.5 miles of County Highway 13 (Rolling Acres Road) from approximately 82nd Street to Fribourg Court in the City of Victoria.

The goal is to bring the project through final design and maintain the schedule goals of a 2025 federal project authorization aligning with the project funding. This work is funded by County Transportation Sales Tax funding. The project team will continue working with the project partners to align their cost responsibilities as we develop a Cooperative Agreement with MnDOT and Joint Power Agreements with the City of Victoria and City of Chanhassen, and the University of Minnesota - Landscape Arboretum.

ACTION REQUESTED:

Motion to approve a Professional Services Agreement with Bolton and Menk, Inc. for professional engineering services for the Highway 5 Project - Arboretum Area, in the amount of \$7,476,312.75, pending review and finalization of the contract review process.

FISCAL IMPACT: Included in current budget

If "Other", specify:

FTE IMPACT: None

FUNDING

County Dollars =

Trans. Sales Tax \$7,476,312.75

Total \$7,476,312.75

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Office of Justice Programs Resolution Grant - ICPOET

Primary Originating Division/Dept: Sheriff

Meeting Date: 5/7/2024

Contact: George Pufahl Title: Lieutenant

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 Carver County Sheriff's Office started a Sheriff's Cadet Program in 2018. Sheriff's Cadets are individuals the Sheriff's Office has committed to employing as licensed peace officers once they become qualified by meeting all usual hiring standards. In prior years the Sheriff's Office has utilized the Pathways to Policing grant and County funds to fund the Cadet program. Additionally, the County Board has provided approval to hire Cadets in vacant Deputy Sheriffs positions when education and training programs are available.

In 2023, Minnesota Statutes 626.8516 established the Intensive Comprehensive Peace Officer Education and Training Program to address the critical shortage of peace officers in the state. The ICPOET grant reimburses 100% of the tuition, salary, benefits and other allowable costs with this program, up to \$50,000 per Cadet. Carver County has been awarded \$100,000 through the ICPOET grant to support the Sheriff's Office in hiring two Cadets to begin the education and training program in October 2024, the program typically runs 6 months. A Deputy Sheriff position would be placed on hold for each Cadet selected and hired to begin education and training in October 2024.

ACTION REQUESTED:

Request the County Board to adopt the Resolution Authorizing Execution of Agreement and the Grant Agreement.

FISCAL IMPACT: Budget amendment request form

If "Other", specify: ICPOET Grant

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

FUNDING

County Dollars =

ICPOET Grant \$100,000.00

Total \$100,000.00

☒ Insert additional funding source

Related Financial/FTE Comments:

FTE impact: Adding two limited term cadets. Upon successful graduation, cadets will be eligible to fill vacant deputy positions.

Fiscal impact: Reimbursement grant up to \$50,000 per cadet for two cadets which is expected to cover 100% of the total cost for each cadet under a 6 month program.

Office use only:

RBA 2024 - 9747

RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT

Be it resolved that Carver County Sheriff's Office will enter into a
(Name of your organization)
cooperative agreement with the Office of Justice Programs in the
Minnesota Department of Public Safety.

Sheriff Jason Kamerud is hereby authorized to execute
(Title of authorized official)
such agreements and amendments, as are necessary to implement
the project on behalf of Carver County Sheriff's Office.
(Name of your organization)

I certify that the above resolution was adopted by the

_____ of _____ on
(Executive Body) (Name of your organization)
_____.
(Date)

SIGNED:

(Signature)

(Title)

(Date)

WITNESSETH:

(Signature)

(Title)

(Date)

Budget Amendment Request Form



To be filled out AFTER RBA submittal

Agenda Item: Office of Justice Programs Resolution Grant - ICPOET

Department:

Meeting Date: 5/7/2024

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: Commander Mike Wollin

DEBIT			CREDIT		
Description of Accounts	Acct #	Amount	Description of Accounts	Acct #	Amount
Sal/Ben	01-201-236-1612-6111	\$100,000.00	ICPOET Grant	01-201-236-1612-...	\$100,000.00
TOTAL		\$100,000.00	TOTAL		\$100,000.00

Reason for Request:

Budget for State grant reimbursement for ICPOET cadet program (pathway to policing program)

Carver County Board of Commissioners Request for Board Action

**Agenda Item:**

Request to accept a grant from the Minnesota Department of Health

Primary Originating Division/Dept: Sheriff - Jail Services

Meeting Date: 5/7/2024

Contact: Ben Beyer

Title: Assistant Jail Administrator

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 Carver County Jail accepted a \$20,000 grant on 6/10/2022 from MDH. Since that date, MDH has awarded the jail an additional \$150,000 in 10/2023, upon county board approval the jail can accept an additional \$96,600 to fund site improvement projects and cleaning/sanitizing items. The amendment would extend the expiration date of the grant from 06/30/2024 to 07/30/2024.

ACTION REQUESTED:

Accept the grant amendment of additional funds and an extension in the grant expiration date.

FISCAL IMPACT: Budget amendment request form

If "Other", specify:

FTE IMPACT: None

FUNDING

County Dollars =

MDH Grant Amendment \$96,600.00

Total \$96,600.00

☒ Insert additional funding source

Related Financial/FTE Comments:

Budget Amendment included to reflect additional funds to account #01-201-235-1890-5469

Office use only:

RBA 2024 - 9783

Budget Amendment Request Form



To be filled out AFTER RBA submittal

Agenda Item: Request to accept a grant from the Minnesota Department of Health

Department:

Meeting Date: 5/7/2024

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: Ben Beyer

DEBIT		
Description of Accounts	Acct #	Amount
General Operating Supplies	01-201-235-1890-6420	\$96,600.00
TOTAL		\$96,600.00

CREDIT		
Description of Accounts	Acct #	Amount
MDH Federal Grant	01-201-235-1890-...	\$96,600.00
TOTAL		\$96,600.00

Reason for Request:

Budget for additional grant funds awarded by the Minnesota Department of Health to fund site improvement projects & cleaning/sanitizing items

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Public Hearing of Ordinance No. 105-2024 and Ordinance No. 106-2024 (Cannabis Public Use) and Adoption of Ordinances

Primary Originating Division/Dept: Attorney

Meeting Date: 5/7/2024

Contact: Mark Metz Title: County Attorney

Item Type:

Regular Session

Amount of Time Requested: 20 minutes

Presenter: Jennifer Tichey & Marty Walsl Title: Assistant County Attorney

Attachments: ☒ Yes ☐ No

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

At a County Board Work Session on August 22, 2023, staff presented information to the Board about the new Adult Use Cannabis law that went into effect on August 1, 2023, which decriminalized and allows for the possession, use, and home grow of cannabis in Minnesota for people 21 and older. Zoning, licensing, and legal use implications were discussed. At a County Board Work Session on February 27, 2024, County Attorney and Parks staff presented specific information about the proposed adoption of a new ordinance, as well as amendments to Chapter 91 Parks and Recreation Ordinance, regulating the use of cannabis and cannabis derived products in "public places." With the County Board's direction on how to proceed, the attached proposed Ordinance No. 105-2024 (Amending Ch. 91) and Ordinance No. 106-2024 (Adopting Ch. 94) were prepared. Notice of the Public Hearing and Intent to Enact both of the Ordinances of the Carver County Code were properly published in the Official Newspaper.

ACTION REQUESTED:

1. Motion to enter into public hearing to consider amendments to Ch. 91 of the Carver County Code of ordinances and to consider adoption of Ch. 94 of the Carver County Code of Ordinances.
2. Motion to conclude the public hearing.
3. Motion to adopt the resolution approving Adoption of the Ordinance Regulating the Use of Cannabis and Cannabis Derived Products in Public Places and Amending the Parks and Recreation Ordinance.

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 - 9664

COUNTY OF CARVER
STATE OF MINNESOTA

ORDINANCE No.: 106-2024

**AN ORDINANCE REGULATING THE USE OF CANNABIS
AND CANNABIS DERIVED PRODUCTS IN PUBLIC PLACES**

THE CARVER COUNTY BOARD OF COMMISSIONERS HEREBY
ORDAINS AS FOLLOWS:

SECTION 1. STATUTORY AUTHORITY

This ordinance is adopted pursuant to the authorization contained in Minn. Stat. Ch. 342 and Minn. Stat. §152.0263, subd. 5, as it may be amended from time to time, that allows County Boards to limit the use of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place.

SECTION 2. PURPOSE AND INTENT

This Ordinance is adopted by the Carver County Board of Commissioners for the purpose of protecting public health and safety by prohibiting the use of cannabis and cannabis derived products in public places and places of public accommodation within Carver County.

The County intends to be proactive in protecting public health and safety by enacting an ordinance that will mitigate threats presented to the public and public health by the public use of cannabis. State Law authorizes adoption of ordinances to regulate actual or potential threats to the public health. See Minn. Stat. § 145.04 and § 145A.05.

Carver County (hereinafter “the County”) recognizes the risks that unintended access and use of cannabis products and exposure to cannabis and its effects present to the health, welfare, and safety of members of the public and in particular the youth of the County.

SECTION 3. DEFINITIONS

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. The following words, terms, and phrases, when used in this ordinance, shall have the meanings ascribed to them except where the context clearly indicates a different meaning.

- (a) **Adult-use cannabis flower.** “Adult-use cannabis flower” means cannabis flower that is approved for sale by the Minnesota Office of Cannabis Management or is substantially similar to a product approved by the office. Adult-use cannabis flower does not include medical cannabis flower, hemp plant parts, or hemp-derived consumer products.

(b) **Adult-use cannabis products.** “Adult-use cannabis products” means a cannabis product that is approved for sale by the office or is substantially similar to a product approved by the office. Adult-use cannabis product includes edible cannabis products but does not include medical cannabinoid products or lower-potency hemp edibles.

(c) **Cannabis flower.** “Cannabis flower” means the harvested flower, bud, leaves, and stems of a cannabis plant. Cannabis flower includes adult-use cannabis flower and medical cannabis flower. Cannabis flower does not include cannabis seed, hemp plant parts, or hemp-derived consumer products.

(d) **Cannabis product.** “Cannabis product” means any of the following:

- (1) cannabis concentrate;
- (2) a product infused with cannabinoids, including but not limited to tetrahydrocannabinol, extracted or derived from cannabis plants or cannabis flower; or
- (3) any other product that contains cannabis concentrate.

(e) **Hemp derived consumer products.**

(1) “Hemp derived consumer products” means a product intended for human or animal consumption, does not contain cannabis flower or cannabis concentrate, and:

- (i) contains or consists of hemp plant parts; or
- (ii) contains hemp concentrate or artificially derived cannabinoids in combination with other ingredients.

(2) Hemp-derived consumer products does not include artificially derived cannabinoids, lower-potency hemp edibles, hemp-derived topical products, hemp fiber products, or hemp grain.

(f) **Lower-potency hemp edible.** A “lower-potency hemp edible” means any product that:

- (1) is intended to be eaten or consumed as a beverage by humans;
- (2) contains hemp concentrate or an artificially derived cannabinoid; in combination with food ingredients;
- (3) is not a drug;
- (4) consists of servings that contain no more than five milligrams of delta-9 tetrahydrocannabinol, 25 milligrams of cannabidiol, 25 milligrams of cannabidiol, or any combination of those cannabinoids that does not exceed the identified amounts;
- (5) does not contain more than a combined total of 0.5 milligrams of all other cannabinoids per serving;
- (6) does not contain an artificially derived cannabinoid other than

delta-9 tetrahydrocannabinol;

(7) does not contain a cannabinoid derived from cannabis plants or cannabis flower; and

(8) is a type of product approved for sale by the office or is substantially similar to a product approved by the office, including but not limited to products that resemble nonalcoholic beverages, candy, and baked goods.

(g) **Public place.** A “public place” means (a) any and all properties and places within the County of Carver owned, leased, or controlled by the County of Carver, and (b) any and all private properties and places within the County of Carver that are made open to, accessible to, or available for use by the public. The term “public place” includes, but is not limited to, a public park; beach; recreation area or trail; parking lot; in a vehicle or recreational vehicle within a County park or trail; public street; right-of-way; or sidewalk; any enclosed, indoor area used by the general public, including, but not limited to, theaters; restaurants; bars; food establishments; places licensed to sell intoxicating liquor wine, or malt beverages; retail businesses; gyms; common areas in buildings; public shopping areas; auditoriums; arenas; or other places of public accommodation.

(h) **Place of public accommodation.** “Place of public accommodation” means a business, refreshment, entertainment, recreation, or transportation facility of any kind, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.”

(i) **Exceptions to the definition of public place or place of public accommodation.** “A public place” or “a place of public accommodation” does not include the following:

(1) a private residence, including the individual’s curtilage or yard.

(2) a private property, not generally accessible by the public, unless the individual is explicitly prohibited from consuming cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products on the property by the owner of the property; or

(3) on the premises of an establishment or event licensed to permit on-site consumption.

(j) **Smoking.** “Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated product containing cannabis flower, cannabis products, artificially derived cannabinoids, or hemp-derived consumer products. Smoking includes carrying or using an activated electronic delivery device for human consumption through inhalation of aerosol or vapor from the product.

SECTION 3. PROHIBITED ACTS

Subd. 1. No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp- derived consumer products in a public place or a place of public accommodation unless the premises is an establishment or event licensed to permit on-site consumption of adult-use

cannabis flower and adult use cannabis products.

Subd. 2. No person shall vaporize or smoke cannabis flower, cannabis products, artificially derived cannabinoids, or hemp-derived consumer products in any location where the smoke, aerosol, or vapor would be inhaled by a minor.

SECTION 4. PENALTY

Subd. 1. Criminal Penalty. A violation of this ordinance shall be a petty misdemeanor punishable by a fine of up to \$300. Nothing in this ordinance shall prohibit the United States, the State of Minnesota, or the County from investigating or prosecuting any other activity that is a crime under any other federal or state statute or county ordinance.

Subd. 2. An alleged violation or violation of this ordinance may be investigated by a peace officer as defined in Minn. Stat. 626.84, Subd. 1. Any alleged violation or violation of this ordinance shall be prosecuted by the Office of the Carver County Attorney.

SECTION 5. JURISDICTION

Subd. 1. If a city or town located in Carver County has enacted or enacts an ordinance for the purpose of regulating consumption of cannabis and cannabis derived products in public places, the city or town ordinance shall preempt and supersede the Carver County ordinance so as to control the consumption of regulated products in public places within that city or town. This ordinance will continue to govern any Carver County owned property and Carver County owned parks regardless of any local government adopted ordinance.

SECTION 6. SEVERABILITY

If any section or provision of this ordinance is held invalid, such invalidity will not affect any other section or provision that can be given force and effect without the invalidated section or provision.

SECTION 7. EFFECTIVE DATE

This ordinance shall be in full force and effect immediately from and after its passage and publication as required by law.

ADOPTED by the Carver County Board of Commissioners this _____ day of ____, 2024.

Commissioner John P. Degler
Carver County Board Chair

Attest: _____
Dave Hemze
Carver County Administrator

CHAPTER 91: PARKS AND RECREATION

Section

- [91.01](#) Purpose
- [91.02](#) Authority
- [91.03](#) Definitions
- [91.04](#) Public use regulations
- [91.05](#) Conduct; personal behavior
- [91.06](#) Operation requirements
- [91.07](#) Protection of property, structures and resources
- [91.08](#) Recreation activities
- [91.09](#) Traffic regulations
- [91.10](#) Enforcement
- [91.11](#) Slow-no wake watercraft restrictions on designated lakes
- [91.99](#) Penalty

Cross-reference:

Park Commission, see § [30.01](#)

§ 91.01 PURPOSE.

The purpose of this chapter, which is enacted pursuant to M.S. Chapter 398, as it may be amended from time to time, is for the Board to secure the quiet, orderly and suitable use and enjoyment of public County Park properties, and to protect the health, safety, and welfare of all Persons using County Parks.

(Ord. 30, passed 4-14-87; Am. Ord. 72-2011, passed 1-17-12; Am. Ord. 86-2018, passed 8-21-18)

§ 91.02 AUTHORITY.

The Board, under M.S. §§ 398.31 to 398.36, as it may be amended from time to time, in performing its primary duty of the acquisition, development, and maintenance of County Parks, wildlife sanctuaries, forest, and other reservations, and providing the means for public access to historic sites, lakes, rivers, streams, and other natural phenomena is granted full power and authority to acquire and establish County Parks and to operate, maintain, protect, and improve a Park system and conduct a recreational program. As an aid to the accomplishment of these duties, the Board is granted the authority to enact ordinances and to declare that the violation thereof shall be a payable or a penal offense.

The Board, under M.S. Chapter 342, or successor statute chapter, M.S. §§ 145A.04 and 145A.05 or successor statutes, M.S. § 144.414 or successor statute, and M.S. § 152.0263 or successor statute, has the power and authority to limit the use of alcohol, Tobacco, Cannabis Flower, Cannabis Products, Hemp-Derived Consumer Products, and Lower-Potency Hemp Edibles in public places in Carver County, Minnesota.

(Ord. 30, passed 4-14-87; Am. Ord. 72-2011, passed 1-17-12; Am. Ord. 86-2018, passed 8-21-18)

§ 91.03 DEFINITIONS.

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

AMUSEMENT CONTRAPTIONS. Any device, contrivance, gadget, machine, or structure designed to test the skill or strength of the user or to provide the user with any sort of ride, lift, swing, or fall experience including, but not limited to, ball throwing contest devices, pinball type devices, electronic videos, animal ride devices, dunk tanks, ball and hammer devices, trampoline devices, and the like.

AREA or **AREAS.** A specified place within a **PARK**.

ASSISTED MOBILITY DEVICE. Any permitted single passenger, electric powered device, which provides access for a **PERSON(S)** in need of assistance due to a medical condition.

BEACH. The part of a body of water and shore designated for swimming.

BICYCLE. Any non-motorized **VEHICLE** which is driven by means of pedaling. Such **VEHICLES** include, but are not limited to, road bicycles, mountain bicycles, recumbent bicycles, tricycles, and mopeds with the motor off.

BOARD. The appointed and elected members of the County Board of Commissioners.

CANNABIS FLOWER. The harvested flower, bud, leaves, and stems of a cannabis plant. Cannabis flower includes adult-use cannabis flower and medical cannabis flower. Cannabis flower does not include cannabis seed, hemp plant parts, or hemp-derived consumer products.

CANNABIS PRODUCTS. Any of the following:

- (1) cannabis concentrate;
- (2) a product infused with cannabinoids, including but not limited to tetrahydrocannabinol, extracted, or derived from cannabis plants or cannabis flower; or
- (3) any other product that contains cannabis concentrate.

CONTROLLED SUBSTANCE. Any drug substance or immediate precursor in M.S. § 152.02, as it may be amended from time to time.

COUNTY. The County of Carver.

CREATIVE PLAY AREA. An outdoor area set aside for recreation and play, especially one containing equipment such as slides and swings.

DISK GOLF. A game played much like traditional golf. Instead of using a ball and clubs, players use a flying disc or frisbee from a tee area to an elevated target basket which is the "hole."

GEOCACHING. An outdoor recreational activity that involves the use of a global positioning system (GPS) receiver to find an object or geocache placed at a pre-determined location. The internet is often used to provide the direction and coordinates of the geocache.

HEMP-DERIVED CONSUMER PRODUCTS.

(1) "Hemp-derived consumer products" means a product intended for human or animal consumption, does not contain cannabis flower or cannabis concentrate, and:

(i) contains or consists of hemp plant parts; or

(ii) contains hemp concentrate or artificially derived cannabinoids in combination with other ingredients.

(2) Hemp-derived consumer products does not include artificially derived cannabinoids, lower-potency hemp edibles, hemp-derived topical products, hemp fiber products, or hemp grain.

HIKING. Traveling on foot, specifically, walking, running, or with an **ASSISTIVE MOBILITY DEVICE**.

HORSE. A horse, mule, donkey, llama, alpaca, or other ungulate or ruminant that is used to transport people, equipment, or materials.

LOWER-POTENCY HEMP EDIBLES. A "lower-potency hemp edible" means any product that:

(1) is intended to be eaten or consumed as a beverage by humans;

(2) contains hemp concentrate or an artificially derived cannabinoid; in combination with food ingredients;

(3) is not a drug;

(4) consists of servings that contain no more than five milligrams of delta-9 tetrahydrocannabinol, 25 milligrams of cannabidiol, 25 milligrams of cannabivarin, or any combination of those cannabinoids that does not exceed the identified amounts;

(5) does not contain more than a combined total of 0.5 milligrams of all other cannabinoids per serving;

- (6) does not contain an artificially derived cannabinoid other than delta-9 tetrahydrocannabinol;
- (7) does not contain a cannabinoid derived from cannabis plants or cannabis flower; and
- (8) is a type of product approved for sale by the office or is substantially similar to a product approved by the office, including but not limited to products that resemble nonalcoholic beverages, candy, and baked goods.

MALT LIQUOR. Any beer, ale, or other beverage made from malt by fermentation and containing not less than .5% alcohol by volume.

METAL DETECTING. To use an electronic or mechanical device to locate metals or other artifacts that are underground or under water.

MOTORIZED RECREATION VEHICLE. Any self-propelled, off the road or all-terrain **VEHICLE** including, but not limited to, snowmobile, mini-bike, amphibious **VEHICLE**, motorcycle, go-cart, trail bike, dune buggy, or all terrain cycle.

NATURAL RESOURCES. All flora and fauna within the Parks and the physical factors upon which they depend, including air, water, soil, and minerals.

PARK. Any land, water area, or trail corridor, and all facilities thereon, owned, leased, controlled, or under the jurisdiction of the County, whether through a lease, rental agreement, license agreement, or any other such agreement or instrument, for the recreational enjoyment of the public.

PARKS AND RECREATION DIRECTOR. The Person selected by the **BOARD** to serve as the Chief Administrative Officer of the **PARKS DEPARTMENT**.

PARKS DEPARTMENT. An operating unit of the Public Works Division responsible for the planning, development, operation, and maintenance of County Parks.

PERSON or **PERSONS.** Any individual natural human being, partnership, firm, corporation, association, society, or any group or gathering whatsoever.

PET. Any animal that is tamed and domesticated and kept as a companion.

POLLUTANT. Any substance, solid, liquid, or gas, which could cause contamination of air, land, or water, so as to create or cause a nuisance or render unclean or noxious or impure so as to be actually or potentially harmful or detrimental or injurious to public health, safety, or welfare, or that of wildlife or vegetation.

PROPERTY. Any land, waters, facilities, or possessions of the county.

RESOLUTION. Official control promulgated by the **BOARD** establishing additional rules and regulations relative to this chapter, and as on file in the County Auditor's Office.

RESPONSIBLE PERSON. The parent, guardian, or **PERSON** having lawful custody and control of a minor.

ROLLER SKATER. Any **PERSON** riding or propelling oneself by human power or gravity on wheeled devices that are worn on a **PERSON'S** feet or stood upon by a **PERSON**. Such devices specifically include, but are not limited to, roller skates, in-line skates, roller skis, skateboards, and scooters.

SMOKE/SMOKING. Inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated product containing, made, or derived from nicotine, Tobacco, marijuana, or any other plant intended for inhalation, whether natural or synthetic, including but not limited to Cannabis Flower, Cannabis Products, or Hemp-Derived Consumer Products. **SMOKING** includes the inhaling, exhaling, burning, or carrying of nicotine, tobacco, or any other substance intended for human consumption through inhalation of a vapor or aerosol from an electronic delivery device manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

TOBACCO. Tobacco has the meaning given in M.S. § 609.685, Subd. 1(a), as it may be amended from time to time.

USE. To ingest, inhale, or otherwise consume or introduce a substance into the human body in any manner, to leave, discard, or abandon a substance, or to smoke, vaporize, or aerosolize a substance through burning, heating, spraying, or any other method whatsoever.

USE PERMIT. The written permission that must be obtained from the Parks Division to carry out a given activity.

VEHICLE. Every device in, upon, or by which any **PERSON** or **PROPERTY** is or may be transported or drawn upon a roadway, except devices moved by human power or used exclusively upon stationary rails or tracks.

WATERCRAFT. Any contrivance used or designated for navigation on water other than seaplanes.

WEAPON. Any device, including, but not limited to, firearms, bows, electronic weapons, slings, and pellet or BB, guns from which a shot or projectile of any type is discharged or propelled by means of an explosive, gas, compressed air, or other means. An **ELECTRONIC WEAPON** means a portable device which is designed, used, or intended to be used, offensively or defensively, to immobilize or incapacitate Persons by the use of an electronic current.

WILDLIFE. Any living creature, not human, wild by nature, endowed with sensation, power of voluntary motion, including, but not limited to, mammals, birds, fish, amphibians, reptiles, crustaceans, and mollusks.

WINE. A vinous beverage containing no more than 14% alcohol by volume.

(Ord. 30, passed 4-14-87; Am. Ord. 72-2011, passed 1-17-12; Am. Ord. 82-2015, passed 1-5-16; Am. Ord. 86-2018, passed 8-21-18)

§ 91.04 PUBLIC USE REGULATIONS.

(A) *Hours of operation.*

(1) County Parks shall be open to the public daily at hours established by the Board. It shall be unlawful for any Person to enter or remain in a Park at any other time without a Use Permit, except when the Park area or facility is otherwise designated open to the public by the Board.

(2) Either the Board, the Parks and Recreation Director or his or her designee, is authorized to close any Park or portion thereof at any time for the protection of Park property or for the public health, safety, or welfare.

(B) *Use Permits.*

(1) Use Permits shall be required for the exclusive or special use of all or portions of County Park areas, buildings, or trails; for use of Park areas and facilities when they are closed to the public; to conduct certain activities not normally permitted as per conditions of this chapter; for regulation of large group activities, as defined herein; or to reduce or eliminate certain user fees for groups, as defined herein.

(2) Procedures to issue Use Permits shall be in accordance with guidelines established by Board resolution.

(3) Use Permits shall be approved by the Director or his or her authorized designee, or if required by this chapter, by the Board. However, the Director reserves the right to defer any Use Permit approval to the Board.

(4) It shall be unlawful for a Person or Persons to violate any provisions of an approved Use Permit.

(5) It shall be unlawful for a Person or Persons to engage in any activity requiring a Use Permit without first obtaining the permit.

(C) *User and special use fees/modifications.*

(1) User fees for entrance into County Parks and special use fees for various Park uses shall be set by Board resolution.

(2) It shall be unlawful for any Person to use, without payment, any facility or area for which a user fee or special use fee is charged, unless payment is reduced or waived by Use Permit.

(3) Upon group request for reduction or elimination of fees, the issuing authority shall evaluate the request including, but not limited to, the following factors:

- (a) Charitable nonprofit;
- (b) Property or income tax supported; and
- (c) Educational or religious.

(4) Use permits to reduce or eliminate fees shall be approved by the Board, the Director or his or her authorized designee. The Director reserves the right to defer any fee modification request to the Board.

(D) *Use by groups.* Use permits shall be required for any entertainment, tournament, exhibition, or any other special use which can reasonably be expected to have 20 or more Persons involved or potentially have a detrimental effect on Park property or other Park users.

(E) *Vehicle permits.* It shall be unlawful for any Person to bring a motor vehicle into a Park (where a vehicle permit is required) without appropriately displaying an approved annual, daily, or temporary vehicle permit, attached with its own adhesive, hung from a rear-view mirror or otherwise displayed as directed, unless exempted by a Use Permit.

(Ord. 30, passed 4-14-87; Am. Ord. 65-2009, passed 8-4-09; Am. Ord. 72-2011, passed 1-17-12; Am. Ord. 86-2018, passed 8-21-18) Penalty, see § [91.99](#)

§ 91.05 CONDUCT; PERSONAL BEHAVIOR.

(A) *Drug and alcohol use.* It shall be unlawful for any Person to:

(1) Use, possess, or sell any controlled substance in violation of state statutes; and/or

(2) Serve, possess, or consume any alcoholic beverage, except malt liquor and wine, within a County Park, except at areas designated by either the Board, or by Use Permit approved by the Board; and/or

(3) Serve, possess, consume, or bring beer or wine into a Park in kegs, barrels, or other bulk tap quantities.

(4) Smoke or Use Cannabis Flower, Cannabis Products, Lower-Potency Hemp Edibles, or Hemp-Derived Consumer Products anywhere within the County Parks, including within a motor vehicle as defined in Minn. Stat. § 169A.03, Subd. 15, or within a recreational vehicle as defined in Minn. Stat. § 168.002, Subd. 27, when such vehicle is parked or otherwise present within the County Parks.

(B) *Gambling.* It shall be unlawful for any Person to gamble or participate in any game of chance for a consideration of items of value, except charitable gambling as approved by either the Board or by Use Permit approved by the Board.

(C) *Disorderly conduct.* It shall be unlawful for any Person to engage in disorderly conduct as defined in M.S. § 609.72, subd. 1, as it may be amended from time to time.

(D) *Property of others.* It shall be unlawful for any Person to:

(1) Intentionally disturb, harass, or interfere with a Park visitor's property; and/or

(2) Leave or store personal property on Park property without prior authorization from either the Board, the Director his or her designee, or by Use Permit.

(E) *Littering.* It shall be unlawful for any Person to deposit, scatter, drop, or abandon bottles, cans, broken glass, hot coals, ashes, sewage, waste, or other materials in a Park, except in receptacles provided for those purposes.

(F) *Firearms; dangerous weapons; fireworks.* It shall be unlawful for any Person to:

(1) Have in their possession within a Park, fire or discharge, or cause to be fired or discharged across, in, or into any portion of a Park, any gun or firearm, spear, bow and arrow, crossbow, sling shot, air or gas weapon, paintball gun, or any other dangerous weapon or projectile, except for purposes designated by either the Board, the Director or his or her designee, or by Use Permit approved by the Board, in areas and at times designated by the Director; and/or Persons who possess a valid Minnesota permit, or a valid permit from another state which is recognized in Minnesota, may carry, hold, keep, store, or possess a pistol within the Park lands, facilities, and buildings to the extent permitted by state law. Employees or volunteers when acting in the course and scope of their employment or duties are prohibited from carrying, holding, keeping, storing, or possessing a pistol within Park lands, facilities, and buildings. Licensed peace officers are exempt from the provisions of this division.

(2) Set off or attempt to set off or ignite any firecracker, fireworks, smoke bombs, rockets, black powder guns, or other pyrotechnics without authorization from either the Board or by Use Permit approved by the Board.

(G) *Smoking and use of Tobacco and cannabis.* It shall be unlawful for any Person to:

(1) Smoke or use any Tobacco product, Cannabis Flower, Cannabis Product, Lower-Potency Hemp Edible, or Hemp-Derived Consumer Product in or within 25 feet of any indoor area; or

(2) Smoke or use any Tobacco product, Cannabis Flower, Cannabis Product, Lower-Potency Hemp Edible, or Hemp-Derived Consumer Product inside the designated perimeter of any creative play area or beach.

(H) *Child safety.* It shall be unlawful for any Person to:

(1) Permit a child age 10 or under to be in a creative play area unless under the supervision of a responsible Person;

(2) Permit a child age 10 or under to swim or wade at beaches or swim ponds within a County Park, unless under the supervision of a responsible Person. Swimming is not permitted in other areas; or

(3) Permit a child age 10 or under to be in a designated sledding hill area unless under the supervision of a responsible Person.

(I) *Interference with employee performance of duty.* It shall be unlawful for any Person to impersonate any employee of the Parks Department or interfere with, harass, or hinder any employee in the discharge of their duties.

(Ord. 30, passed 4-14-87; Am. Ord. 72-2011, passed 1-17-12; Am. Ord. 82-2015, passed 1-5-16; Am. Ord. 86-2018, passed 8-21-18) Penalty, see § [91.99](#)

§ 91.06 OPERATION REQUIREMENTS.

(A) *Commercial use; solicitation; advertising and photography.* It shall be unlawful for any Person to:

(1) Solicit, sell, or otherwise peddle any goods, wares, merchandise, services, liquids, or edibles in a Park, except by authorized concession or written permission granted by the Board;

(2) Operate a still, motion picture, video, or other camera for commercial purposes in a Park without prior authorization from either the Board, the Director or his or her designee, or by Use Permit approved by the Board; and

(3) Expose, distribute, or place any sign, advertisement, notice, poster, or display in a Park without authorization from the Parks Department.

(B) *Pets in Parks.* It shall be unlawful for any Person to:

(1) Bring any dog, cat, or other pet into a Park, unless caged or kept on a leash not more than six feet in length and under the handler's control, unless in a pet exercise area designated by the Board;

(2) Allow any dog, cat, or other pet to enter a beach area, nature center area, refuge area, picnic area, Park building, or other "no pet" designated areas within a Park;

(3) Permit a pet under his or her control to disturb, harass, or interfere with any Park visitor, a Park visitor's property, or a Park employee;

(4) Tether any animal to a tree, plant, building, or Park equipment; and/or

(5) Have custody or control of any dog or domestic pet in a designated area of a Park without possessing an appropriate device for cleaning up pet feces and disposing of it in a sanitary manner.

(C) *Noise; amplification of sound.*

(1) It shall be unlawful for any Person, without the prior authorization either of the Board, the Director or his or her designee, or by Use Permit, to:

(a) Install, use, or operate within the Park a loudspeaker or sound amplifying equipment in a fixed or movable position or mounted upon any sound truck for the purposes of giving instructions, directions, talks, addresses, lectures, or transmitting music to any Persons or assemblages of Persons in or upon any place within the Park;

(b) Use or operate, or permit the use or operation of any radio, tape player, phonograph, television set, music amplifier, or other machine or device for the production or reproduction of sound in a manner as to be disturbing or a nuisance to reasonable Persons of normal sensitivity within the area of audibility; and/or

(c) Willfully make or continue, or cause to be made or continued, any loud, unnecessary, or unusual noise which disturbs the peace or quiet within any Park or which causes discomfort or annoyance to any reasonable Park visitor of normal sensitivity, except as duly authorized for special programs at dates and times.

(2) The standards which shall be considered in determining whether a violation of the provisions of this section exists shall include, but not be limited to, the following:

(a) Level of the noise;

- (b) The intensity of the noise;
- (c) Whether the nature of the noise is usual or unusual;
- (d) The level and intensity of the background noise, if any;
- (e) The type of area within which the noise emanates;
- (f) The intensity of human use of the area during the time at which the noise emanates;
- (g) The time of the day or night the noise occurs;
- (h) The duration of the noise; and
- (i) Whether the noise is recurrent, intermittent, or constant.

(D) *Fires*. It shall be unlawful for any Person to:

- (1) Start a fire in a Park, except in a designated area, and then only in fire rings, portable stoves, or grills, except by Use Permit;
- (2) Leave a fire unattended or fail to fully extinguish a fire; and/or
- (3) Scatter or leave unattended lighted matches, ashes, burning Tobacco, paper, or other combustible material.

(E) *Assemblies, meetings, and the like*. It shall be unlawful for any Person to conduct public meetings, assemblies, worship services, entertainment, parades, or demonstrations within a Park without a Use Permit or prior authorization from either the Board, the Director or his or her designee, or by Use Permit.

(F) *Amusement contraptions*. It shall be unlawful to bring in, set up, construct, manage, or operate any amusement or entertainment contraption, device, or gadget without prior authorization from either the Board, the Director or his or her designee, or by Use Permit.

(G) *Engine-powered models and toys*. It shall be unlawful for any Person to start, fly, or use any fuel or battery powered model aircraft, model boat, rocket, or like powered toy or model.

(H) *Unlawful occupancy*. It shall be unlawful for any Person to enter in any way any building, installation, or area that may be under construction or locked or closed to public use, or to enter or be upon any building, installation, or area after the posted closing time or before the posted opening time, or contrary to posted notice in any Park.

(I) *Aviation*. It shall be unlawful to use Park property for a starting or landing field for aircraft, hot air balloons, parachutes, hang gliders, or other flying apparatus without a permit.

(Ord. 30, passed 4-14-87; Am. Ord. 61-2007, passed 11-6-07; Am. Ord. 72-2011, passed 1-17-12; Am. Ord. 86-2018, passed 8-21-18) Penalty, see § [91.99](#)

§ 91.07 PROTECTION OF PROPERTY, STRUCTURES AND RESOURCES.

(A) *Disturbance of natural features.* It shall be unlawful for any Person to:

- (1) Intentionally remove, alter, injure, or destroy any tree, other plant, rock, soil, or mineral;
- (2) Dig trenches, holes, or other excavations;
- (3) Introduce any plant, animal, or other agent within a Park without a Use Permit, and other permits as required by state and federal law;
- (4) Harvest/grow/cultivate a controlled substance;
- (5) Cut or gather wood;
- (6) Engage in metal detecting for reclaiming lost personal property without a permit; and/or
- (7) Transport, possess, or burn firewood in a County Park unless the firewood is purchased from the County or a Minnesota Department of Natural Resources approved firewood vendor.

(B) *Disturbance of wildlife.* It shall be unlawful for any Person to:

- (1) Kill, trap, hunt, pursue, or in any manner disturb or cause to be disturbed, any species of wildlife, except in nuisance situations as permitted by a Use Permit;
- (2) Remove any animal, living or dead, from a Park without a Use Permit; and any animal so removed or taken contrary to the provisions of this chapter or laws of the state shall be considered contraband and subject to seizure and confiscation; and/or
- (3) Release or abandon any animal within a Park.

(C) *Destruction or defacement.* It shall be unlawful for any Person to:

- (1) Intentionally deface, vandalize, or otherwise cause destruction to Park property; and/or
- (2) Intentionally deface, destroy, cover, damage, or remove any placard, notice, sign, or parts thereof, whether permanent or temporary, posted or exhibited by the Public Works Division.

(D) *Release of harmful or foreign substances.* It shall be unlawful for any Person to:

- (1) Place any debris or other pollutant in or upon any Park lands or any body of water in or adjacent to a Park, or any tributary, stream, storm sewer, or drain flowing into the waters; and/or
- (2) Discharge waste water or any other wastes in a Park, except into designated containers, drains, or dumping stations.

(E) *Interference of Park property.* It shall be unlawful for any Person to cause or permit physical encroachment upon Park property including, but not limited to, actions such as mowing of grasses, and/or placement of personal property, debris, materials,

buildings, sheds, other structures, informal trails, or signs on Park lands unless permitted.

(Ord. 30, passed 4-14-87; Am. Ord. 72-2011, passed 1-17-12; Am. Ord. 86-2018, passed 8-21-18) Penalty, see § [91.99](#)

§ 91.08 RECREATION ACTIVITIES.

(A) *Camping*. It shall be unlawful for any Person to:

- (1) Camp in a Park, except in areas provided and designated for that purpose;
- (2) Camp without a Use Permit from the Park system;
- (3) Occupy camp sites in a Park contrary to a permit or otherwise violate provisions of a Use Permit;
- (4) Operate any vehicle within a campground during posted quiet hours, except in emergencies;
- (5) Camp overnight in a Park if under 18 years of age, unless accompanied by parent or legal guardian, or possessing written permission from a parent or legal guardian;
- (6) Camp in a Park longer than ten consecutive days; and/or
- (7) Camp in a Park more than 14 days in a calendar month without approval of the Director or his or her designee.

(B) *Picnicking*. It shall be unlawful for any Person to:

- (1) Assume exclusive use of a reservation picnic site without a Use Permit;
- (2) Use a portion of a reservation picnic area without a permit if the area is reserved by permitted group;
- (3) Conduct picnic activity at reservation picnic sites contrary to a Use Permit or otherwise violate provisions of a Use Permit; and/or
- (4) Set up temporary shelters, such as tents, tarps, canopies, and other devices, other than in designated camping areas, without authorization by a Use Permit.

(C) *Swimming*. It shall be unlawful for any Person to:

- (1) Wade or swim within a Park, except at beaches and at times designated by the Board for those uses;
- (2) Wade, swim, or use any beach in a Park without proper attire;
- (3) Take glass bottles or glass containers of any kind into designated beach areas;
- (4) Use outside of a beach area so designated, any innertube, life raft, or other inflatable or buoyant object or flotation device intended to support a Person, except Persons are permitted to use a U.S. Coast Guard approved life jacket or vest when properly attached; and/or

(5) Fail to obey posted beach safety rules as established by Board resolution for each Park system beach.

(D) *Boating*. It shall be unlawful for any Person to:

(1) Launch or land any watercraft upon any waters within a Park, except at designated locations and times;

(2) Leave any watercraft unattended on land or in the water, except in designated areas;

(3) Operate any watercraft in a designated swimming area or other prohibited area;

(4) Operate a watercraft in a Park; and/or

(5) Tow a Person on water skis, surf board, knee board, innertube, or jet ski in a designated swimming area, boat launching area, or other unauthorized area, or enter a designated swimming area on the device.

(E) *Fishing*. It shall be unlawful for any Person to:

(1) Fish in a Park in violation of any provision; and/or

(2) Fish in a prohibited area.

(F) *Horses and horseback riding*. It shall be unlawful for any Person to ride, lead, or allow a horse within a Park except as authorized by the Board for Park patrolling and by Use Permit.

(G) *Bicycling*. It shall be unlawful for any Person to:

(1) Operate any type of bicycle, except on roadways, paved or aggregate surfaced trail, and designated trails;

(2) Operate any type of bicycle except as close to the right-hand side of the authorized trail or roadway as conditions permit, or to cross to the left of a solid yellow centerline;

(3) Operate a bicycle in violation of M.S. Chapter 169, as it may be amended from time to time;

(4) Ride or operate a bicycle, except in a prudent and careful manner, and at speed faster than is reasonable and safe with regard to the safety of the operator and other Persons in the immediate area; and/or

(5) Park a bicycle at any Park beach except at a bicycle rack if the rack is provided.

(H) *Snowmobiling*. It shall be unlawful for any Person to:

(1) Operate a snowmobile anywhere in a Park, except on designated trails and then only on the right-hand side of the trail;

(2) Operate a snowmobile in a Park contrary to rules and regulations issued by the Board;

(3) Operate a snowmobile in a Park in excess of posted speed limits when present or at a rate of speed greater than reasonable or proper under current conditions, or in a careless, reckless, or negligent manner so as to endanger the Person or property of another or to cause injury or damage thereto;

(4) Operate a snowmobile in violation of M.S. §§ 84.81 to 84.91, as they may be amended from time to time, and published annually in the Minnesota Department of Natural Resources Snowmobile Rules and Regulations (all rules and regulations therein pertaining to "public land and water" shall apply on Park property);

(5) Operate a snowmobile in violation of any posted trail sign; and/or

(6) Tow another Person or thing, except through the use of a rigid tow bar attached to the rear of the snowmobile, except in emergencies.

(I) *Cross-country skiing*. It shall be unlawful for any Person to:

(1) Cross-country ski in any Park, except on designated trails at designated times when weather and grounds conditions permit;

(2) Conduct an organized meet or race on Park cross-country ski trails without a Use Permit;

(3) Cross-country ski in a Park in violation of M.S. §§ 85.40 to 85.45, as they may be amended from time to time; and/or

(4) Operate a dog sled or any motorized recreation vehicle on cross-country ski trails.

(J) *Other special activity uses*. It shall be unlawful for any Person to participate in or conduct any activity, except those uses for which a Park area or facility has been planned or promoted by the Parks Department, without a Use Permit.

(K) *Other winter activities*. It shall be unlawful for any Person to:

(1) Ice skate, sled, coast, snowshoe, or ski in a Park except at designated times and places; and/or

(2) Enter an area marked by signs indicating thin ice.

(L) *Hiking*. It shall be unlawful for any Person to:

(1) Hike in a Park except in recreation use areas and on designated trails and roadways, unless authorized by special Use Permit; and/or

(2) Hike on designated packed or groomed cross-country ski trails after a two-inch or more snowfall.

(M) *Geocaching*. It shall be unlawful for any Person to place a geocache in a Park except by permit.

(N) *Disc golfing*. It shall be unlawful for any Person to play disc golf in a Park except in designated areas or by permit.

(Ord. 30, passed 4-14-87; Am. Ord. 72-2011, passed 1-17-12; Am. Ord. 86-2018, passed 8-21-18) Penalty, see § [91.99](#)

§ 91.09 TRAFFIC REGULATIONS.

(A) *Motorized recreation vehicles.* It shall be unlawful for any Person to operate a motorized recreation vehicle within a Park, except in areas and at times as designated by either the Board, the Director or his or her designee, or by Use Permit.

(B) *Vehicle operation.* It shall be unlawful for any Person to:

- (1) Operate a vehicle at a speed in excess of 25 mph or posted speed limits;
- (2) Operate any vehicle within a Park, except upon roadways, parking areas, or other designated locations therefore, unless it is an assisted mobility device permitted by the Parks Department;
- (3) Operate a vehicle within a Park in violation of posted regulations, M.S. Chapter 169, as it may be amended from time to time, or municipal traffic codes, or orders or directions of traffic officers authorized to direct traffic;
- (4) Operate a vehicle in a careless or reckless manner;
- (5) Operate a vehicle which emits excessive or unusual noise, noxious fumes, dense smoke, or other pollutants; and/or
- (6) Fail to yield right-of-way to pedestrians and other trail users.

(C) *Parking vehicles.* It shall be unlawful for any Person to:

- (1) Park or leave a vehicle standing, except in a designated area and then only in a manner so as not to restrict normal traffic flow;
- (2) Leave a vehicle standing after posted closing hours without a valid Use Permit;
- (3) Park in a space designated for handicapped parking only, except with handicapped vehicle license or permit;
- (4) Park or leave a vehicle without a boat trailer in a parking space designated for vehicles with boat trailers;
- (5) Park a vehicle with a boat trailer, except in designated vehicle/boat-trailer parking areas;
- (6) Leave a vehicle unattended with keys in the ignition; and/or
- (7) Park on the grass or sides of campground roads. Vehicles in campsites must be parked on the gravel pads or designated campground parking areas.

(D) *Maintenance of personal vehicles.* It shall be unlawful for any Person to wash, polish, grease, change oil, or perform other maintenance on any vehicle on Park property, except in emergencies.

(Ord. 30, passed 4-14-87; Am. Ord. 72-2011, passed 1-17-12; Am. Ord. 86-2018, passed 8-21-18) Penalty, see § [91.99](#)

§ 91.10 ENFORCEMENT.

(A) The County Sheriff's Department, local law enforcement agencies, and agents of the State Department of Natural Resources, in connection with duties imposed by law, shall enforce the provisions of this chapter and may issue citations and eject from any Park Persons acting in violation of the provisions of this chapter. The above agencies shall have the authority to seize, confiscate, and impound any substance, plant, animal, vehicle, or other article which upon probable cause, is found to be used or possessed in violation of this chapter.

(B) The Board shall have the right to adopt by resolution additional rules and regulations relative to this chapter.

(C) The County Sheriff's Department or local law enforcement agencies shall have the authority to impound pets found in violation of this chapter and shall collect an impoundment fee, plus a per diem fee, specified in the contract for impounding of animals which may be in force within an animal control service district.

(D) Either the Board or the Parks Department, shall have the authority to revoke for good cause any Use Permit. Any permit or reservation may be revoked upon violation by the permittee of any ordinance, rule, or regulation of the County.

(E) Nothing in this chapter shall prevent employees or agents of the Parks Department from performing their assigned duties.

(Ord. 30, passed 4-14-87; Am. Ord. 72-2011, passed 1-17-12; Am. Ord. 86-2018, passed 8-21-18)

§ 91.11 SLOW-NO WAKE WATERCRAFT RESTRICTIONS ON DESIGNATED LAKES.

(A) *Title.* This section shall be known, cited, and referred to as the Carver County Slow-No Wake Ordinance.

(B) *Definitions.* Terms used in this section related to boating are defined in M.S. § 86B.005.

(C) *Statutory authorization and purpose.*

(1) This section is enacted under the general powers delegated to the counties by the State of Minnesota, pursuant to M.S. §§ 375.51, 86B.205, and 459.20, and Minn. Rules 6110.3000 through 6110.3800 as now in effect and as hereafter amended.

(2) It is the intent and purpose of this section to:

(a) To promote the full use and enjoyment by all of the people, now and in the future, and to promote safety for all Persons and property in connection with the use of waters of Carver County;

(b) To conserve the quality of the natural environment;

- (c) To harmonize and integrate the varying uses of said waters; and
- (d) To promote the general health, safety, and welfare of the general public.

(D) *Declaration and designated lakes.*

(1) The County Board of Commissioners declares a high water emergency on the designated lakes as defined by division (D)(2) and imposes a slow-no wake restriction pursuant to Minn. Rule 6110.3700, Subpart 9.

(2) *Designated lakes.* This section shall control and regulate the use of the waters of the following lakes located in Carver County along with the following triggers:

Lake	Area of lake	Water level at which slow-no wake restrictions apply
Lake Bavaria	Entire water body	At or above the ordinary high water level of 972.7'
Reitz Lake	Entire water body	At or above ordinary high water level of 937.8'
Lake Waconia	600' from shore	At or above FEMA 100-yr. flood elevation 962.92'
Lake Waconia	Entire water body	At or above ordinary high water level of 963.1'
Piersons Lake	Entire water body	At or above FEMA 100-yr. flood elevation 962.98'

(E) *Watercraft speed restrictions.* During the period this section is in effect, including any extensions herein, it shall be unlawful for any Person to operate a watercraft at greater than a slow-no wake speed (five miles per hour), 24 hours per day within the slow-no wake restriction area specified on any designated lake.

(F) *Removal of speed restrictions.* The slow-no wake restrictions shall be promptly removed from any designated lake, pursuant to this section, once the water body has been 0.1 feet below the elevation that triggers the slow-no wake restriction for three consecutive days.

(G) *Enforcement.* The primary responsibility for enforcement of this section shall rest with the Carver County Sheriff's Office. Other licensed peace officers, including conservation officers of the Minnesota Department of Natural Resources, are also authorized to enforce the provisions of this section.

(H) *Penalty.* A Person guilty of violating any provision of this chapter shall be guilty of a misdemeanor as defined in M.S. § 609.02(3), as it may be amended from time to time.

(I) *Exceptions.* All authorized resource management, emergency and enforcement personnel, while acting in the performance of their assigned duties, are exempt from the foregoing restrictions.

(J) *Notification.* It shall be the responsibility of Carver County to provide for adequate notification to the public, which shall include notification on its website and news releases. Carver County is also responsible for placement of a sign at each designated lake public watercraft access, outlining essential elements of this section.

(Ord. 98-2022, passed 5-3-22)

§ 91.99 PENALTY.

Unless otherwise specified herein, a Person guilty of violating any provision of this chapter shall be guilty of a misdemeanor pursuant to M.S. § 398.34 and as defined in M.S. § 609.02(3), as they may be amended from time to time. A Person guilty of violating Section 91.05, Paragraph (A)(4) herein, shall be guilty of a petty misdemeanor as defined in M.S. § 609.02(4a), as it may be amended from time to time. All fines collected under this chapter shall be deposited into the County Park Fund.

(Ord. 30, passed 4-14-87; Am. Ord. 72-2011, passed 1-17-12; Am. Ord. 86-2018, passed 8-21-18)

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

DATE May 7, 2024

RESOLUTION NO. _____

MOTION BY COMMISSIONER _____ SECONDED BY COMMISSIONER _____

**A RESOLUTION ADOPTING ORDINANCE 105-2024 and 106-2024,
REGULATING THE USE OF CANNABIS AND CANNABIS DERIVED PRODUCTS IN PUBLIC
PLACES**

WHEREAS, the County Board of Commissioners may adopt regulations that limits the use of cannabis and cannabis-derived products in public places; and

WHEREAS, there is a need to be proactive in protecting the public health and safety by mitigating the effects of cannabis products and exposure that threaten the public health, welfare and safety, particularly to the youth of the County; and

WHEREAS, Minnesota Statutes state that these regulations must be established by ordinance.

NOW, THEREFORE BE IT RESOLVED, that the Carver County Board of Commissioners hereby ordains adoption Ordinance No. 105-2024 and Ordinance No. 106-2024, effective upon adoption and publication.

YES

ABSENT

NO

STATE OF MINNESOTA
COUNTY OF CARVER

I, David Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 7th day of May, 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, County Administrator

Carver County Board of Commissioners Request for Board Action



Agenda Item:

CCHHS Mental Health Overview & Resolution to proclaim May 2024 as Mental Health Awareness Month

Primary Originating Division/Dept: Health & Human Services

Meeting Date: 5/7/2024

Contact: Richard Scott

Title: Deputy Division Director

Item Type:

Regular Session

Amount of Time Requested: 40 minutes

Presenter: Richard Scott

Title: Deputy Division Director & CHS A

Attachments: ☒ Yes ☐ No

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

Nationally since 1949, the month of May has been designated as "Mental Health Awareness Month". While mental health is important to address year-round, Mental Health Awareness Month provides a dedicated time for people, organizations, and communities to join their voices to acknowledge that good mental health is a vital aspect of society's well-being, encourage everyone to attend to their own mental health, and as a system look at investments in prevention.

Carver County Health and Human Services (CCHHS) has a strong commitment to provide Behavioral/Mental Health services to those in need. Services include Outpatient Therapy, School-Linked Mental Health, ANICCA Adolescent Day Treatment, Mobile Crisis Response Program, 988 Suicide & Crisis Lifeline, Adult Mental Health Case Management and Community Support Program, Childrens Mental Health Case Management, Substance Use Assessment and Referral, and coordination of mental health services with Carver County Corrections/Jail and the Sheriff's Office. Health and Human Services will give the County Board an overview of Behavioral/Mental Health services offered to the community, many through the county owned and operated mental health clinic, First Street Center.

CCHHS is proud of the impactful work that our many dedicated employees perform every day to help make our county a healthy place to "live, learn, work, and play." In recognition of this work, we are requesting that the Carver County Board of Commissioners adopt the proclamation acknowledging May 2024 as Mental Health Awareness Month.

ACTION REQUESTED:

Motion to approve a Proclamation recognizing May as "Mental Health Awareness Month".

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:



PROCLAMATION

National Mental Health Awareness Month: May 2024

WHEREAS mental health impacts the health and well-being of our children, families, schools, businesses, and communities; and

WHEREAS the COVID-19 pandemic and current economic conditions have exacerbated the stress, trauma, anxiety, depression, and suicide ideation across our communities making mental health awareness and provision of services more important now than ever; and

WHEREAS one in five adults and one in five young person between the ages of 13 to 17 years experiences a mental health problem in any given year; and

WHEREAS suicide is a leading cause of death for U.S. children ages 10 to 14, the 11th leading cause of death across the nation, and a higher percentage of older adults (age 65+) commit suicide more often than any other age group; and

WHEREAS it is critical to increase the awareness and knowledge of mental health problems and how to get help when it is needed; and

WHEREAS early identification and treatment are vital to the prevention of suicide and successful management of mental health problems and recovery; and

WHEREAS every citizen and community can make a difference in helping end the silence and stigma that surrounds mental illness and discourages people from getting help; and

WHEREAS public education and civic activities can encourage mental wellness and help improve the lives of individuals and families affected by mental illness.

THEREFORE, BE IT RESOLVED, that we the Carver County Board of Commissioners do hereby acknowledge the month of **May 2024 as "Mental Health Month"** in Carver County, in honor of the dedicated professionals who work to create a safer and healthier community in Carver County.

**Carver County
Board of Commissioners**

Gayle Degler, Chair
John P. Fahey, Vice Chair
Tim Lynch
Matt Udermann
Tom Workman

Carver County Board Chair

April 16, 2024

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Court Services/Department of Corrections Comprehensive Plan 2024

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

Meeting Date: 5/7/2024

Contact: Eric D Johnson

Title: Court Services Director

Item Type:

Regular Session

Amount of Time Requested: 15 minutes

Presenter: Eric D Johnson

Title: Court Services Director

Attachments: ☐ Yes ☒ No

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

In 2024, in order to qualify for the State subsidy, probation agencies were required to submit a comprehensive plan. As per MN Statute 401.02 Subd 1(a)2, agencies *must prepare a comprehensive plan for developing, implementing, and operating the correctional services under this chapter.*

Health and Human Services through its Court (Probation) Services department, in conjunction with our local Department of Corrections office, submitted the required comprehensive plan in March 2024. A copy of this plan was sent to the members of the Justice Advisory Team, which includes Judges, Law Enforcement, Prosecutors, Public Defenders, and Court Administration.

ACTION REQUESTED:

Motion to approve the Comprehensive Plan submitted by Carver County Court Services/Department of Corrections.

FISCAL IMPACT: None

If "Other", specify:

FTE IMPACT: None

FUNDING

County Dollars =

Total

\$0.00

☒ Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2024 - 9784

Carver County Board of Commissioners Request for Board Action

**Agenda Item:****Motorcycle Awareness Month in Carver County**

Primary Originating Division/Dept: County Board

Meeting Date: 5/7/2024

Contact: Dave Hemze

Title: County Administrator

Item Type:

Regular Session

Amount of Time Requested: 5 minutes

Presenter:

Title:

Attachments: ☒ Yes ☐ No

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

Commissioner Workman requested the Board adopt the attached Proclamation recognizing May 2024 as Motorcycle Awareness Month in Carver County.

ACTION REQUESTED:

Adopt attached Proclamation.

FISCAL IMPACT: None

If "Other", specify:

FTE IMPACT: None**FUNDING**

County Dollars =

Total

\$0.00

☒ Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2024 - 9653



BOARD OF COUNTY COMMISSIONERS CARVER COUNTY, MINNESOTA

Date: May 7, 2024

Resolution No.: _____

Motion by Commissioner: _____

Seconded by Commissioner: _____

Proclamation

WHEREAS: Motorcycles provide fuel efficient transportation for commuting, touring, and relaxation; and

WHEREAS: Motorcycles relieve congestion and reduce wear on our roadways; and

WHEREAS: Increased awareness of motorcyclists by motorists can reduce the number of crashes on our roadways; and

WHEREAS: Observance of Motorcycling Awareness Month calls attention of the promotion of safe motorcycle operation, motorcycle rider training, and improved motorcycle licensing efforts;

Now, therefore; be it resolved that the Carver County Board of Commissioners Proclaims;

The Month of May 2024 as: Motorcycle Awareness Month in Carver County

YES

ABSENT

NO

STATE OF MINNESOTA
COUNTY OF CARVER

I, David Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 7th day of May, 2024, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

County Administrator

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Advisory Committee Appointments

Primary Originating Division/Dept: Administration (County)

Meeting Date: 5/7/2024

Contact: Dave Hemze

Title: County Administrator

Item Type:

Regular Session

Amount of Time Requested: minutes

Presenter:

Title:

Attachments: ☐ Yes ☒ No

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

Bernard Hime, residing in Commissioner District 2, has submitted an application to fill a vacancy on the Mental Health Advisory Committee.

Jeremy Landkammer Ely, Commissioner District 3, and Susan Kibler, Commissioner District 2, have submitted their application to fill the vacancy in District 1 on the Community Development Agency.

ACTION REQUESTED:

Approve appointment to Mental Health Advisory Committee to fill at large vacancy and an appointment to the Carver County Community Development Agency to fill vacancy in Commissioner District 1.

FISCAL IMPACT: None

If "Other", specify:

FUNDING

County Dollars =

Total

\$0.00

Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2024 - 9790

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Special Event Use Permit - T Road Tavern, Classic Car Shows & RibFest BBQ Competition

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:

Ditch/Rail Authority

Amount of Time Requested: minutes

Presenter: Title:

Attachments: ☐ Yes ☒ No

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

The local business, T-Road Tavern of New Germany, has requested special event use permits for planned events over the summer season. The request is for two permits, as the planned events are separate intentions.

Permit one is requested to conduct a series of classic car show roll-ins. The Dakota Rail Regional Trail, owed by the CCRRA, would be used to accommodate parking capacity for attendees. The consumption of alcohol is anticipated on CCRRA property. The events are scheduled to start in early June and continue through the end of October, on each Thursday evening (15+ occurrences).

Permit two is requested to conduct a Ribfest BBQ competition cook-off. The CCRRA property is also requested for this event to be used as the primary location. Planned activities are BBQ cooking & eating area, social area/seating, temporary tents for shelter, amplified music and a temporary bar service will be placed on the property. The planned event at the time of this report is August 10 2024. The Permittee has indicated interest to expand this event to other dates within the summer season.

For efficiencies in working with the permittee, staff have requested authorization to further permit T-Road Tavern with appropriate notice of additional event dates.

Liquor liability coverage, meeting County requirements, has been obtained for both events. Estimated attendance for the car shows is 100-200 people per occurrence, weather dependent. The RibFest BBQ competition is not expected to exceed 200 people.

By County Ordinance, Chapter 91: issuance of a special use permit is required for use of the park/trail property for groups exceeding 20 participants and/or when there is conflict with Park Ordinance. County Policy for Use Permitting outlines this request to be a tier 2 event, due to its size, scope, and planned activities.

The Park & Recreation Commission reviewed these requests at their April 10 2024 meeting and recommended approval of both.

ACTION REQUESTED:

Motion to authorize the issuance of special use event permit(s) to T-Road Tavern for the planned 2024 classic car show event series and RibFest BBQ competition on the CCRAA property.

FISCAL IMPACT: None *If "Other", specify:* **FTE IMPACT:** None **FUNDING**County Dollars = **\$0.00****Total** **\$0.00** Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2024 - 9798

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Closed Session for Highway 41/10 Project Property Acquisitions

Primary Originating Division/Dept: Public Works - Program Delivery

Meeting Date: 5/7/2024

Contact: Patrick Lambert

Title: Senior Right of Way Agent

Item Type:

Closed Session

Amount of Time Requested: 30 minutes

Presenter: Patrick Lambert

Title: Senior Right of Way Agent

Attachments: ☐ Yes ☒ No

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

The 2024-2026 construction seasons include the Highway 41/10 Project, which is the reconstruction and expansion of Highway 10 to a four-lane roadway and includes several roundabouts. 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 February 6, 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 (22) Twenty-Two parcel owners identified as the following property identification numbers: 30.4580010, 30.4680010, 30.4680020, 30.1710030, 30.1660020, 30.0041000, 30.6050010, 30.6080030, 30.6050010, 30.6080010, 30.6070010, 30.6070070, 30.6070130, 30.6070140, 30.4520060, 30.6570010, 30.5810040, 30.5810030, 30.5800170, 30.5800010, 30.4690040, 30.0321500.

ACTION REQUESTED:

Motion to enter into closed session to discuss confidential appraisal data and last written offers for the purchase of real property, pursuant to Minn. Stat. Section 13D.05, Subd. 3 (c).

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:

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Carver County Community Development Agency Governance and Restructuring Options

Primary Originating Division/Dept: Administration (County) ▼

Meeting Date: 5/7/2024

Contact: David Hemze

Title: County Administrator

Item Type:

Work Session ▼

Amount of Time Requested: 60 minutes

Presenter: David Hemze

Title: County Administrator

Attachments: ☐ Yes ☒ No

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

Governance and restructuring options related to the Carver County Community Development Agency (CCDA) will be reviewed during this work session.

ACTION REQUESTED:

Provide direction regarding the future governance and structure of the CCDA.

FISCAL IMPACT: Other ▼

If "Other", specify: Fiscal impacts will be discussed.

FUNDING

County Dollars =

FTE IMPACT: None ▼

Total

\$0.00

☒ Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2024 - 9776