



**Carver County Board of Commissioners
October 15, 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. **CONVENE**

1.1. Pledge of allegiance

1.2. 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@carvercountymn.gov

1.3. Agenda review and adoption

1.4. Approve October 1, 2024 minutes4-7

1.5. Community Announcements

9:20 a.m. 2. **CONSENT AGENDA**

2.1. Joint Powers Agreement for the Highway 11-14 Project with the City of Victoria.....8-9

2.2. Donation to the Carver County Sheriff's Office.....10-11

2.3. Professional Services Agreement with Avicado Consulting Services for Procore Implementation12-13

2.4. New Tobacco License for Tobacco King Chanhassen14-15

2.5. Public Works Building D Trench Drain Repair.....16-17

2.6. Professional Service Agreement between Carver County HHS Public Health & Mi C.A.S.A.18-19

2.7. Contract with Seiche LLC for Public Health Communications Plan Consultation	20-21
2.8. Liquor License Renewal.....	22-25
2.9. Authorization to Contract with 106 Group - Coney Island Interpretive Plan.....	26-27
2.10. PSA with [Contractor] for Highway 51 Culvert Replacement.....	28-29
2.11. Settlement Agreements for Right of Way Acquisitions for the Highway 18 Project - Arboretum Area	30-34
2.12. Highway18/82nd Street Project Local Road Improvement Program Grant Agreement (resolutions)	35-38
2.13. Application for 1 day to 4 day Temporary On-Sale Liquor License for Chaska Rotary Club.....	39-40
2.14. Review Health & Human Services and Commissioner Warrants	

9:30 a.m. 3. **REGULAR SESSION**

3.1. Comments on the Metropolitan Council's Imagine 2050 Policy Plan.....	41-52
--	-------

9:40 a.m. 4. **RECESS AS THE COUNTY BOARD AND CONVENE AS
COUNTY DITCH AUTHORITY**

4.1. Transitioning Carver CD 5 to a Joint Ditch Authority with Mcleod County	53-57
4.2 Transitioning Carver CD 7 to A Joint Ditch Authority with Mcleod County	58-62

10:05 a.m. 5. **ADJOURN AS COUNTY DITCH AUTHORITY AND RECONVENE
AS COUNTY BOARD**

10:05 a.m. 6. **COUNTY ADMINISTRATOR REPORT**

10:15 a.m. 7. **ADJOURN REGULAR SESSION**



Carver County Board of Commissioners
Request for Board Action

Agenda Item Name: Transitioning Carver CD 5 to a Joint Ditch Authority with Mcleod County

Department: Property & Financial Services

Contact: David Frischmon, Property and Finance Division
Director , 952-361-1506

Presenter: David Frischmon, Property and Finance Division
Director

Contract Name & Number:

Meeting Date: October 15, 2024

Item Type: Ditch/Rail Authority

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

Background/Justification:
The viewers appointed to redetermine drainage benefits for Carver CD 5 have determined that less than 1% of the drainage system has benefited property owners in Mcleod County. Thus, Carver County's ditch attorney is recommending that a new Joint Ditch Authority be established with Mcleod County consisting of 4 County Commissioners from Carver County and 1 County Commissioner from Mcleod County. Carver County's ditch attorney has prepared the attached resolution to create a new Carver/Mcleod Joint Ditch Authority to complete the redetermination of benefits process.

Action Requested:
Adopt the attached resolution creating a Joint Ditch Authority with Mcleod County for Carver CD 5

Fiscal Impact:	
Funding:	Amount Budgeted:

Related Fiscal/FTE Comments:

Ditch activities and projects are paid for by the benefiting property owners with no impact on the county budget or levy.

Attachments:

1. Carver County Resolution Forming JDA CD 5 1

**STATE OF MINNESOTA
CARVER COUNTY BOARD OF COMMISSIONERS
SEATED IN ITS CAPACITY AS A MEMBER OF THE PROPOSED JOINT COUNTY DRAINAGE
AUTHORITY OF CARVER AND MCLEOD COUNTIES FOR CARVER COUNTY DITCH 5**

At a duly noticed and public meeting, the Carver County Board of Commissioners, seated as a member of the Joint County Drainage Authority of Carver and McLeod Counties for Carver County Ditch (CD) 5, met to review the Resolution below. After a presentation and discussion of the matters herein, Commissioner _____ moved, seconded by Commissioner _____, to adopt the following Resolution:

**RESOLUTION TO CONFIRM AND RATIFY CARVER AND MCLEOD JOINT COUNTY DRAINAGE
AUTHORITY FOR CD 5, CONFIRMING SELECTION OF MEMBERS TO JOINT COUNTY DRAINAGE
AUTHORITY BOARD, DETERMINING SELECTION OF MEMBERS TO FILL VACANCIES, AND
DESIGNATING MAJORITY COUNTY**

WHEREAS, pursuant to Minnesota Statutes, section 103E.235, subdivision 2, a public drainage system established or benefitting land in two or more counties requires the formation of a joint county drainage authority board consisting of five members, with at least one member from each county board of commissioners; and

WHEREAS, Carver CD 5 is an established public drainage system with currently benefitted lands only in Carver County; and

WHEREAS, by Resolution 01-22, Carver County initiated a redetermination of benefits for CD 5; and

WHEREAS, during viewing, viewers have identified benefitted properties in McLeod County; and

WHEREAS, Carver and McLeod Counties must establish a Joint Drainage Authority ("Carver and McLeod JDA" or "JDA") to serve as the public drainage authority over McLeod County property benefitted by CD 5 and the Carver and McLeod JDA for CD 5 must include at least one member from McLeod County; and

WHEREAS, a vacancy in the membership of the joint county drainage authority must be filled by joint action of the boards.

NOW, THEREFORE, BE IT RESOLVED by this Board of Commissioners as follows:

1. The Boards of Commissioners of Carver and McLeod Counties are taking joint and concurrent action through identical resolutions to each select members from their respective boards of commissioners for appointment to the Carver and McLeod JDA for CD 5 and to proscribe the process for filling future vacancies in membership of the Carver and McLeod JDA.

2. That the Carver County Board of Commissioners appoints the following initial members from Carver County as members for appointment to the Carver and McLeod JDA for CD 5:

Gayle Degler (District 1)
Matt Udermann (District 3)
Tim Lynch (District 4)
John Fahey (District 5)

3. That the Carver County Board of Commissioners confirms the concurrent appointment by the McLeod County Board of Commissioners the following initial members from McLeod County as members for appointment to the Carver and McLeod JDA for CD 5:

Doug Krueger (District 2)

4. Future vacancies on the Carver and McLeod JDA for CD 5 from Carver County shall be filled by the successor Commissioner from the District indicated herein.
5. That since a majority of land benefited by CD 5 is located within Carver County, Carver County shall be the “majority” county under Minnesota Statutes, chapter 103E.
6. That this Resolution, upon being adopted by all counties constituting members of the Carver and McLeod JDA for CD 5, constitutes the joint meeting directed under Minnesota Statutes, section 103E.235, subdivision 2, and that said Resolutions by other member counties are cross-ratified by this Board for the formation of the Carver and McLeod Joint County Drainage Authority for CD 5 and for fulfilling all future vacancies by and through the process described herein.
7. That should the redetermination of benefits for CD 5 be adopted to include property in McLeod County, the Carver and McLeod JDA for CD 5 established herein shall be perpetual until either dissolved or modified by future action of the Carver and McLeod County Boards of Commissioners, seated jointly or through joint action.
8. That should the redetermination of benefits for CD 5 be adopted to include property in McLeod County, the Carver and McLeod JDA for CD 5 established herein shall redesignate CD 5 as a Joint Drainage System and assign a number not in conflict with current system designations in either County.
9. By this Resolution, the Carver County Board confirms and ratifies all of its prior acts in initiating the redetermination of benefits and appointing viewers in the proceedings.

After discussion, the Board Chair called the question. The question was on the adoption of the foregoing Resolution and there were _____ yeas, _____ nays, _____ absent, and _____ abstentions as follows:

	Yea	Nay	Absent	Abstain
DEGLER	☐	☐	☐	☐
WORKMAN	☐	☐	☐	☐
UDERMANN	☐	☐	☐	☐
LYNCH	☐	☐	☐	☐
FAHEY	☐	☐	☐	☐

Upon vote, the Chair declared the motion passed and the Findings and Order adopted.

Gayle Degler, Chairman

Dated: _____

* * * * *

I, Crystal Campos, Carver County Auditor, do hereby certify that I have compared the above motion; findings and order with the original thereof as the same appears of record and on file with the Carver County drainage authority and find the same to be a true and correct transcript thereof. The above order was filed with me, Carver County Auditor, on _____, 2024.

IN TESTIMONY WHEREOF, I hereunto set my hand this ____ day of _____, 2024.

Crystal Campos, Auditor



Carver County Board of Commissioners
Request for Board Action

Agenda Item Name: Transitioning Carver CD 7 to Joint Ditch Authority with Mcleod County

Department: Property & Financial Services

Contact: David Frischmon, Property and Finance Division Director , 952-361-1506

Presenter: David Frischmon, Property and Finance Division Director

Contract Name & Number:

Meeting Date: October 15, 2024

Item Type: Ditch/Rail Authority

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

Background/Justification:
The viewers appointed to redetermine drainage benefits for Carver CD 7 have determined that less than 5% of the drainage system have benefiting property owners in Mcleod County. Thus, Carver County's ditch attorney is recommending that a new Joint Ditch Authority be established with Mcleod County consisting of 4 County Commissioners from Carver County and 1 County Commissioner from Mcleod County. Carver County's ditch attorney has prepared the attached resolution to create a new Carver/Mcleod Joint Ditch Authority to complete the predetermination of benefits process.

Action Requested:
Adopt the attached resolution creating a Joint Ditch Authority with Mcleod County for Carver CD 7

Fiscal Impact:	
Funding:	Amount Budgeted:

Related Fiscal/FTE Comments:

Ditch activities and projects are paid for by the benefiting property owners with no impact on the county budget or levy.

Attachments:

1. Carver County Resolution Forming JDA CD 7 1

**STATE OF MINNESOTA
CARVER COUNTY BOARD OF COMMISSIONERS
SEATED IN ITS CAPACITY AS A MEMBER OF THE PROPOSED JOINT COUNTY DRAINAGE
AUTHORITY OF CARVER AND MCLEOD COUNTIES FOR CARVER COUNTY DITCH 7**

At a duly noticed and public meeting, the Carver County Board of Commissioners, seated as a member of the Joint County Drainage Authority of Carver and McLeod Counties for Carver County Ditch (CD) 7, met to review the Resolution below. After a presentation and discussion of the matters herein, Commissioner _____ moved, seconded by Commissioner _____, to adopt the following Resolution:

**RESOLUTION TO CONFIRM AND RATIFY CARVER AND MCLEOD JOINT COUNTY DRAINAGE
AUTHORITY FOR CD DITCH 7, CONFIRMING SELECTION OF MEMBERS TO JOINT COUNTY
DRAINAGE AUTHORITY BOARD, DETERMINING SELECTION OF MEMBERS TO FILL VACANCIES,
AND DESIGNATING MAJORITY COUNTY**

WHEREAS, pursuant to Minnesota Statutes, section 103E.235, subdivision 2, a public drainage system established or benefitting land in two or more counties requires the formation of a joint county drainage authority board consisting of five members, with at least one member from each county board of commissioners; and

WHEREAS, Carver CD 7 is an established public drainage system with currently benefitted lands only in Carver County; and

WHEREAS, by Resolution 01-22, Carver County initiated a redetermination of benefits for CD 7; and

WHEREAS, during viewing, viewers have identified benefitted properties in McLeod County; and

WHEREAS, Carver and McLeod Counties must establish a Joint Drainage Authority ("Carver and McLeod JDA" or "JDA") to serve as the public drainage authority over McLeod County property benefitted by CD 7 and the Carver and McLeod JDA for CD 7 must include at least one member from McLeod County; and

WHEREAS, a vacancy in the membership of the joint county drainage authority must be filled by joint action of the boards.

NOW, THEREFORE, BE IT RESOLVED by this Board of Commissioners as follows:

1. The Boards of Commissioners of Carver and McLeod Counties are taking joint and concurrent action through identical resolutions to each select members from their respective boards of commissioners for appointment to the Carver and McLeod JDA for CD 7 and to proscribe the process for filling future vacancies in membership of the Carver and McLeod JDA.

2. That the Carver County Board of Commissioners appoints the following initial members from Carver County as members for appointment to the Carver and McLeod JDA for CD 7:

Gayle Degler (District 1)
Matt Udermann (District 3)
Tim Lynch (District 4)
John Fahey (District 5)

3. That the Carver County Board of Commissioners confirms the concurrent appointment by the McLeod County Board of Commissioners the following initial members from McLeod County as members for appointment to the Carver and McLeod JDA for CD 7:

Nathan Schmalz (District 1)

4. Future vacancies on the Carver and McLeod JDA for CD 7 from Carver County shall be filled by the successor Commissioner from the District indicated herein.
5. That since a majority of land benefited by CD 7 is located within Carver County, Carver County shall be the “majority” county under Minnesota Statutes, chapter 103E.
6. That this Resolution, upon being adopted by all counties constituting members of the Carver and McLeod JDA for CD 7, constitutes the joint meeting directed under Minnesota Statutes, section 103E.235, subdivision 2, and that said Resolutions by other member counties are cross-ratified by this Board for the formation of the Carver and McLeod Joint County Drainage Authority for CD 7 and for fulfilling all future vacancies by and through the process described herein.
7. That should the redetermination of benefits for CD 7 be adopted to include property in McLeod County, the Carver and McLeod JDA for CD 7 established herein shall be perpetual until either dissolved or modified by future action of the Carver and McLeod County Boards of Commissioners, seated jointly or through joint action.
8. That should the redetermination of benefits for CD 7 be adopted to include property in McLeod County, the Carver and McLeod JDA for CD 7 established herein shall redesignate CD 7 as a Joint Drainage System and assign a number not in conflict with current system designations in either County.
9. By this Resolution, the Carver County Board confirms and ratifies all of its prior acts in initiating the redetermination of benefits and appointing viewers in the proceedings.

After discussion, the Board Chair called the question. The question was on the adoption of the foregoing Resolution and there were _____ yeas, _____ nays, _____ absent, and _____ abstentions as follows:

	Yea	Nay	Absent	Abstain
DEGLER	☐	☐	☐	☐
WORKMAN	☐	☐	☐	☐
UDERMANN	☐	☐	☐	☐
LYNCH	☐	☐	☐	☐
FAHEY	☐	☐	☐	☐

Upon vote, the Chair declared the motion passed and the Findings and Order adopted.

Gayle Degler, Chairman

Dated: _____

* * * * *

I, Crystal Campos, Carver County Auditor, do hereby certify that I have compared the above motion; findings and order with the original thereof as the same appears of record and on file with the Carver County drainage authority and find the same to be a true and correct transcript thereof. The above order was filed with me, Carver County Auditor, on _____, 2024.

IN TESTIMONY WHEREOF, I hereunto set my hand this ____ day of _____, 2024.

Crystal Campos, Auditor