



**Carver County Board of Commissioners  
November 5, 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](mailto:admin-contact@carvercountymn.gov)

1.3. Agenda review and adoption

1.4. Approve October 22, 2024 minutes ..... 5-6

1.5. Community Announcements

9:20 a.m.     **2. CONSENT AGENDA**

2.1. Authorization to Pre-order a Critical Incident Response Vehicle..... 7-8

2.2. Office of Justice Programs Resolution Grant - ICPOET 2025 ..... 9-10

2.3. Two citizen's monetary donations (\$200 and \$100) to Sheriff's Office..... 11-12

2.4. Resolution approval of DPS-OTS Grant Agreement Traffic Safety Officer and creation of associated FTE and subsequent revenue 13-19

2.5. Authorization to Pre-order 2025 Equipment ..... 20-21

2.6. Local Recycling Development Grant Agreement ..... 22-23

2.7. Request for approval to contract with Emmons and Olivier Resources, Inc. .... 24-25

|                                                                                                                                                               |       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 2.8. CBR, LLC - Request for Adaptive Reuse in Rural Service District (CUP) .....                                                                              | 26-32 |
| 2.9. Approval of 2025 Charles J. Dahlke Grant Proposals .....                                                                                                 | 33-35 |
| 2.10. Elimination of Petty Cash Fund for Waconia Library .....                                                                                                | 36-37 |
| 2.11. Carver County Right of Way Plat No. 40 for the Highway 13 Project .....                                                                                 | 38-45 |
| 2.12. Purchase Agreement for Right of Way Acquisition for the Highway 11 Project - Carver Park Reserve .....                                                  | 46-50 |
| 2.13. Semi-Annual Report to the County Health Board .....                                                                                                     | 51-52 |
| 2.14. HIPAA Privacy Official Appointment.....                                                                                                                 | 53-55 |
| 2.15. Permanent Easement Agreement between the Regents of the University of Minnesota and Carver County for the Highway 18 Project - Arboretum Area. ....     | 56-58 |
| 2.16. Training equipment purchase.....                                                                                                                        | 59-60 |
| 2.17. Tree Planting Grant Program .....                                                                                                                       | 61-63 |
| 2.18. Cooperative Construction Agreement for the Highway 41/10 Project with the State of Minnesota .....                                                      | 64-66 |
| 2.19. Joint Powers Agreements for the County Highway 18 Project - Arboretum Area with the City of Victoria, Chaska and Chanhassen .....                       | 67-68 |
| 2.20. Temporary Construction Agreement between the Regents of the University of Minnesota and Carver County for the Highway 18 Project - Arboretum Area ..... | 69-70 |
| 2.21. Memorandum of Agreement with SMACC - 2025 Health Insurance Benefits .....                                                                               | 71-72 |
| 2.22. Review Health & Human Services and Commissioner Warrants                                                                                                |       |

9:30 a.m.

3. **REGULAR SESSION**

|                                        |       |
|----------------------------------------|-------|
| 3.1. 2025 Legislative Priorities ..... | 73-93 |
|----------------------------------------|-------|

9:50 a.m.

4. **RECESS AS COUNTY BOARD AND CONVENE AS CARVER COUNTY REGIONAL RAIL AUTHORITY**

|                                                                                            |       |
|--------------------------------------------------------------------------------------------|-------|
| 4.1. Authorization to Issue a Special Use Permit To The Southwest Trails Association ..... | 94-96 |
|--------------------------------------------------------------------------------------------|-------|

- 9:55 a.m.    5.    **ADJOURN AS CARVER COUNTY REGIONAL RAIL AUTHORITY  
AND RECONVENE AS COUNTY BOARD**
- 9:55 a.m.    6.    **COUNTY ADMINISTRATOR REPORT**
- 10:05 a.m.   7.    **ADJOURN REGULAR SESSION**

## UPCOMING MEETINGS AND EVENTS

|                   |            |                                                            |
|-------------------|------------|------------------------------------------------------------|
| November 5, 2024  | 9:00 a.m.  | Board Meeting                                              |
| November 12, 2024 | 9:00 a.m.  | Tentative Ditch Redetermination of Benefits Public Hearing |
| November 19, 2024 | 9:00 a.m.  | Board Meeting                                              |
| November 26, 2024 | 9:00 a.m.  | Board Work Session                                         |
| December 3, 2024  | 8:00 a.m.  | Farewell for Commissioner Degler                           |
| December 3, 2024  | 9:00 a.m.  | Board Meeting                                              |
| December 10, 2024 |            | No Board Meeting                                           |
| December 17, 2024 | 7:30 a.m.  | Legislative Breakfast                                      |
|                   | 10:00 a.m. | Board Meeting ** time change                               |
| December 24, 2024 |            | No Board Meeting                                           |
| December 31, 2024 |            | No Board Meeting                                           |

Carver County Board of Commissioners  
Special Session  
October 22, 2024

A Special Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on October 22, 2024. Chair Gayle Degler convened the session at 08:59 AM.

Members present: Gayle Degler, John P. Fahey, Tim Lynch, Matthew Udermann, Tom Workman

Under Public Comment:

Monique Lacroix, 10615 Poppitz Ln Chaska, MN, spoke about working as an election judge and on how accurate and safe elections are in Carver County.

Jennifer Ray, 775 West 96<sup>th</sup> St, Chanhassen stated that there is a major party imbalance in the elections in Carver County.

Dee Martineau, 14840 30<sup>th</sup> Street, Waconia, serves as an election judge and encourages everyone to show up and vote. Also addressed the need for paper ballots, same day voting, voter ID and everything that ensures voting is accurate. Martineau spoke about election fraud and wants everyone to do their part where they feel that there is fraud.

Patricia Williamson, 1997 Waterford Ln, Chaska, is an election judge speaking on behalf of the Republican Party. Williamson stated the number of election judges is uneven in almost all precincts and this violates statute 204b.21. Statute says you must use volunteers until they hit 50% in each party. This installs trust in citizens when everything is done accurately and by statute.

Nichole Nejezchleba, 4150 Red Oak Ln, Excelsior spoke on party imbalance, MN statutes and following the requirements of the law. Also stated the need to instruct city and townships to follow the law or you are compliant in the violation.

Linda Paulson, 7603 Frontier Trail, Chanhassen was co-chair of Hennepin County election returns. Paulson stated she was appalled by MN voting and wants to see Voter ID with Photo ID.

Deb Parrish, 13750 County Road 32, Cologne, stated the question has been asked for 2 years, why is there not party parody and why are you not following the law.

Tom Workman moved, Matthew Udermann seconded, to Approve the agenda . Motion Carried Unanimously.

John P. Fahey moved, Tim Lynch seconded, to approve the minutes of the October 15, 2024, Regular Session. Motion carried unanimously

Tim Lynch moved, Matthew Udermann seconded, to approve the following consent agenda items:

Motion to approve the Memorandum of Agreement with MNPEA Deputy Sheriffs Regarding 2025 Health Insurance Benefits Package.

Reviewed October 14, 2024, Community Social Services' actions/Commissioners' warrants in the amount of \$404,042.70; and reviewed October 18, 2024, Community Social Services' actions/Commissioners' warrants in the amount of \$251,713.39.

Motion carried Unanimously.

Darin Mielke, Assistant Public Works Director/Deputy Country Engineer spoke on the award of the construction contract for the Highway 18 Project - Arboretum Area. Mielke explained the Highway 18/Bavaria Road Roundabout will help reduce vehicle speed, the severity of crashes while also improving the traffic flow, and connectivity for people who walk, bike or roll. Construction will start in late fall 2024 through 2025.

Matthew Udermann moved, Tom Workman seconded, to award a construction contract for the Highway 18 Project - Arboretum Area to S.M. Hentges & Son, Inc. for \$16,136,255.26, pending finalization of the contract review process. Motion Carried Unanimously.

Dave Hemze, County Administrator, reminded about open enrollment beginning yesterday and the availability of virtual meetings and recordings. Also, recognition goes out to all retiree's and years of service recipients.

Tim Lynch moved, Matthew Udermann seconded, to adjourn the Regular Session at 10:14 a.m. and go into a work session to discuss 2025 Legislative Priorities. Motion carried unanimously.



Carver County Board of Commissioners  
Request for Board Action

**Agenda Item Name:** Authorization to Pre-order a Critical Incident Response Vehicle

**Department:** County Sheriff - Patrol Services

**Contact:** Brian Sloat, Lieutenant, 952-361-1870

**Presenter:**

**Contract Name & Number:**

**Meeting Date:** November 5, 2024

**Item Type:** Consent

**Strategic Initiative:**

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

**Background/Justification:**

The Carver County Sheriff's Office is seeking the purchase of a new 2024/2025 Mercedes-Benz Sprinter 3500XD 4x4 Van. The Sprinter Van has been upgraded with opaque advanced ballistic steel and composite materials for safety and protection to deputies and/or citizens during its use. This purchase was reviewed against the local preference policy and does not pertain as there are no local vendors. The purchase of the Sprinter Van would be multi-use purposed, and accessible to all sworn deputies throughout varying divisions (i.e. patrol, investigations, and special services). The use of the vehicle would be under special circumstances that pose a greater risk to the safety of deputies, communities, and citizens. The van would not be in use for daily patrol operations and duties.

The purchase of the Sprinter Van would look to replace the 2008 GMC C450 Truck (with 114,000+ miles), that is currently in use primarily by deputies when on assignment to the Tri-City Tactical Team and high risk response. Replacement of the 2008 GMC C450 is planned as parts are now, or becoming increasingly harder to source as service needs arise.

The Carver County Sheriff's Office received two quotes for similar styles and make/models of vans. The Sheriff's Office wishes to purchase the Van with least suspected on-going costs for repairs and maintenance. Therefore, the Sheriff's Office is requesting to pre-order the Sprinter Van to lock in the current contract pricing and avoid

an expected price increase in 2025. Payment would not be made until on or after January 2<sup>nd</sup>, 2025 and delivery made in 2025. The Sheriff's Office is requesting an advanced commitment total of \$232,000 from the county's 2025 Sheriff's Office Fleet Budget.

**Action Requested:**

Motion to authorize the pre-order of a critical incident response vehicle to hold 2024 negotiated price with vendor.

**Fiscal Impact:**

| <b>Funding:</b> | <b>Amount Budgeted:</b> |
|-----------------|-------------------------|
|                 |                         |

**Related Fiscal/FTE Comments:**

Included in 2025 budget.

**Attachments:**

None



Carver County Board of Commissioners  
Request for Board Action

**Agenda Item Name:** Office of Justice Programs Resolution Grant - ICPOET 2025

**Department:** County Sheriff - Patrol Services

**Contact:** George Pufahl, Lieutenant, 952-361-1886

**Presenter:**

**Contract Name & Number:** Office of Justice Programs Resolution Grant - ICPOET 2025

**Meeting Date:** November 5, 2024

**Item Type:** Consent

**Strategic Initiative:**

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

**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 and meet all hiring standards. In prior years, the Sheriff's Office utilized the Pathways to Policing grant and county funds to fund the Cadet program. Additionally, the County Board has approved hiring Cadets in vacant Deputy Sheriff's 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 state's critical shortage of peace officers. The ICPOET grant reimburses 100% of this program's tuition, salary, benefits, and other allowable costs, up to \$50,000 per cadet. Carver County has been awarded \$50,000 through the ICPOET grant to support the Sheriff's Office in hiring one Cadet to begin the education and training program in spring 2025. The program typically runs 6 months. A Deputy Sheriff position would be placed on hold for the Cadet selected and hired to begin education and training in spring 2025.

**Action Requested:**

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

**Fiscal Impact:**

| <b>Funding:</b> | <b>Amount Budgeted:</b> |
|-----------------|-------------------------|
| GRANT           | \$50,000                |

**Related Fiscal/FTE Comments:**

FTE impact: Adding one limited-term cadet. Upon successful graduation, the cadet will be eligible to fill vacant deputy position.

Fiscal impact: A reimbursement grant of up to \$50,000 per cadet for one cadet is expected to cover 100% of the total cost for each cadet under a six-month program.

**Attachments:**

None



Carver County Board of Commissioners  
Request for Board Action

**Agenda Item Name:** Two citizen's monetary donations (\$200 and \$100) to Sheriff's Office

**Department:** County Sheriff - Administration

**Contact:** Kate Miner, Administrative Services Manager, 952-361-1065

**Presenter:**

**Contract Name & Number:**

**Meeting Date:** November 5, 2024

**Item Type:** Consent

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

**Background/Justification:**  
A \$200 donation was made to the Sheriff's Office by a citizen who wanted to show appreciation for 2 recent incidents that the Sheriff's Office responded to. A \$100 donation was made to the Sheriff's Office by another citizen showing appreciation on behalf of Retired Eden Prairie Officer Steven Velner.

**Action Requested:**  
Review and authorize the receipt of two citizen's monetary donations of \$100 and \$200 to the Sheriff's Office.

**Fiscal Impact:**

| Funding: | Amount Budgeted: |
|----------|------------------|
|          |                  |

**Related Fiscal/FTE Comments:**  
\$200 to be deposited into Community Outreach (01-201-243-1604-6455)

**Attachments:**

None



Carver County Board of Commissioners  
Request for Board Action

**Agenda Item Name:** Resolution approval of DPS-OTS Grant Agreement Traffic Safety Officer and creation of associated FTE and subsequent revenue

**Department:** County Sheriff - Administration

**Contact:** George Pufahl, Lieutenant, 952-361-1886

**Presenter:**

**Contract Name & Number:** Resolution DPS-OTS Grant Agreement Traffic Safety Officer

**Meeting Date:** November 5, 2024

**Item Type:** Consent

**Strategic Initiative:**

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

**Background/Justification:**

The Sheriff's Office received a grant award from the Office of Traffic Safety for a Traffic Safety Officer (TSO). The TSO is a full-time FTE position focused on enhancing road safety. The DWI TSO works during peak times when impaired driving is most prevalent, and their primary focus is detecting and stopping impaired drivers. In addition to addressing impaired driving, the TSO enforces laws related to speeding, distracted driving, and occupant protection. The role involves proactive enforcement to prevent dangerous driving behaviors and engaging in activities to improve overall traffic safety. The grant award began October 1, 2024, carrying through to September 30, 2025. These are reimbursement grant funds for traffic safety education and enforcement. The awarded grant will result in an increase and creation of 1.05 FTE Deputy Sheriff. The increase in FTE will be maintained through additional grant applications and awards or if there is no award, absorbed through regular attrition or other policing contract increases, maintaining no additional levy impact.

**Action Requested:**

Approve the OTS grant award to Carver County, the attached resolution, and 1.05 FTE and subsequent revenue increase

**Fiscal Impact:**

| <b>Funding:</b> | <b>Amount Budgeted:</b> |
|-----------------|-------------------------|
| GRANT           | \$143,272.95            |

**Related Fiscal/FTE Comments:**

Reimbursement grant 01-201-236-1618-xxxx  
Budget Amendment included.

**Attachments:**

1. -FY25CarverGrantAgreement TSO Carver County Sheriff's Office
2. BudgetAmendmentFormSheriff



|                                                                                                                                                                                                                     |                                                                                                                                                                                                                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Minnesota Department of Public Safety (“State”)</b><br>Office of Traffic Safety<br>445 Minnesota Street, Suite 1620<br>Saint Paul, MN 55101                                                                      | <b>Grant Program:</b> 2025 NHTSA: DWI / Traffic Safety Officer<br><br><b>Grant Contract Agreement No.:</b><br>A-OFFICR25-2025-CARVERSO-002                                                                                      |
| <b>Grantee:</b><br>Carver County Sheriff’s Office<br>606 East 4 <sup>th</sup> Street<br>Chaska, MN 55318-2359                                                                                                       | <b>Grant Contract Agreement Term:</b><br><br><b>Effective Date:</b> 10/01/2024<br><b>Expiration Date:</b> 09/30/2025                                                                                                            |
| <b>Grantee’s Authorized Representative:</b><br>Sergeant Tyler Stahn<br>606 East 4 <sup>th</sup> Street<br>Chaska, MN 55318-2359<br>(952)457-7318<br>tstahn@carvercountymn.gov                                       | <b>Grant Contract Agreement Amount:</b><br>Original Agreement \$ 143,272.95<br>Matching Requirement \$ 0.00                                                                                                                     |
| <b>State’s Authorized Representative:</b><br>Duane Siedschlag, Impaired Driving Program<br>Coordinator<br>445 Minnesota Street, Suite 1620<br>Saint Paul, MN 55101<br>(651)221-7078<br>Duane.siedschlag@state.mn.us | <b>Federal Funding:</b> CFDA/ALN: 20.608 & 20.608 & 20.600<br><br><b>FAIN:</b> 69A37523300001640MNA &<br>69A37523300001640MNA &<br>69A37523300004020MNO<br><br><b>State Funding:</b> N/A<br><br><b>Special Conditions:</b> None |

Under Minn. Stat. § 299A.01, Subd 2 (4) the State is empowered to enter into this grant contract agreement.

**Term:** The creation and validity of this grant contract agreement conforms with Minn. Stat. § 16B.98 Subdivision 5. Effective date is the date shown above or the date the State obtains all required signatures under Minn. Stat. § 16B.98, Subdivision 7, whichever is later. Once this grant contract agreement is fully executed, the Grantee may claim reimbursement for expenditures incurred pursuant to the Payment clause of this grant contract agreement. Reimbursements will only be made for those expenditures made according to the terms of this grant contract agreement. Expiration date is the date shown above or until all obligations have been satisfactorily fulfilled, whichever occurs first.

The Grantee, who is not a state employee, will:

Perform and accomplish such purposes and activities as specified herein and in the Grantee’s approved 2025 NHTSA: DWI / Traffic Safety Officer Application [“Application”] which is incorporated by reference into this grant contract agreement and on file with the State at 445 Minnesota Street, Suite 620, Saint Paul, MN 55101. The Grantee shall also comply with all requirements referenced in the 2025 NHTSA: DWI / Traffic Safety Officer Guidelines and Application which includes the Terms and Conditions and Grant Program Guidelines (<https://app.dps.mn.gov/EGrants>), which are incorporated by reference into this grant contract agreement.

**Budget Revisions:** The breakdown of costs of the Grantee’s Budget is contained in Exhibit A, which is attached and incorporated into this grant contract agreement. As stated in the Grantee’s Application and Grant Program Guidelines, the Grantee will submit a written change request for any substitution of budget items or any deviation and in accordance with the Grant Program Guidelines. Requests must be approved prior to any expenditure by the Grantee.



**Matching Requirements:** (If applicable.) As stated in the Grantee's Application, the Grantee certifies that the matching requirement will be met by the Grantee.

**Payment:** As stated in the Grantee's Application and Grant Program Guidance, the State will promptly pay the Grantee after the Grantee presents an invoice for the services actually performed and the State's Authorized Representative accepts the invoiced services and in accordance with the Grant Program Guidelines. Payment will not be made if the Grantee has not satisfied reporting requirements.

**Certification Regarding Lobbying:** (If applicable.) Grantees receiving federal funds over \$100,000.00 must complete and return the Certification Regarding Lobbying form provided by the State to the Grantee.

### 1. ENCUMBRANCE VERIFICATION

*Individual certifies that funds have been encumbered as required by Minn. Stat. § 16A.15.*

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

### 3. STATE AGENCY

Signed: \_\_\_\_\_  
(with delegated authority)

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Grant Contract Agreement No./ P.O. No. A-OFFICR25-2025-CARVERSO-002 / 3000098106

Project No.25-03-03

### 2. GRANTEE

*The Grantee certifies that the appropriate person(s) have executed the grant contract agreement on behalf of the Grantee as required by applicable articles, bylaws, resolutions, or ordinances.*

Signed: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Distribution: DPS/FAS  
Grantee  
State's Authorized Representative



Organization: Carver County Sheriff's Office

A-OFFICR25-2025-CARVERSO-002

Budget Summary

|                         |                     |             |  |  |
|-------------------------|---------------------|-------------|--|--|
| Budget                  |                     |             |  |  |
| Budget Category         | State Reimbursement | Local Match |  |  |
| DWI TSO Salary & Fringe |                     |             |  |  |
| Deputy Salary           | \$143,272.95        | \$0.00      |  |  |
| Total                   | \$143,272.95        | \$0.00      |  |  |
| Operating Expense       |                     |             |  |  |
| Misc. Expenses          | \$0.00              | \$0.00      |  |  |
| Total                   | \$0.00              | \$0.00      |  |  |
| TZD Conference          |                     |             |  |  |
| TZD Conference          | \$0.00              | \$0.00      |  |  |
| Total                   | \$0.00              | \$0.00      |  |  |
| Total                   | \$143,272.95        | \$0.00      |  |  |





Carver County Board of Commissioners  
Request for Board Action

**Agenda Item Name:** Authorization to Pre-order 2025 Equipment  
**Department:** Public Works - Operations  
**Contact:** Shelby Sovell, Operations Engineer - Assistant Public Works Director, 952-466-5209  
**Presenter:**  
**Contract Name & Number:**  
**Meeting Date:** November 5, 2024  
**Item Type:** Consent

**Strategic Initiative:**

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

**Background/Justification:**

The Public Works annual equipment budget for fleet replacement is projected in the County's Long Term Financial Plan to be \$785,000 in 2025.

The Public Works 2025 fleet replacement schedule includes the replacement of four portable changeable message signs used for traffic control and the addition of one tack wagon used for pavement patching. The County's existing portable changeable message signs will be 13 years old at the time of the proposed replacement. The tack wagon is an equipment addition to aid in producing durable pavement/pothole patches. Currently, for pavement/pothole patching, tack oil (the key component of bonding the patch to the pavement) is applied using a watering can, which is not industry standard and reduces the effectiveness of the patch. Carver County Operations staff worked with the City of Chanhassen to observe their tack wagon in operation and specified a similar unit. The tack wagon will bring efficiency and longevity to our annual pavement patching operations.

Public Works is requesting to pre-order the portable changeable message signs and tack wagon to lock in the current state contract pricing which expires November 29th, 2024 and January 31, 2025, respectively. The prices are expected to increase thereafter. The cost of the four portable changeable message signs from Warning Lites, Minneapolis, MN is \$79,094.96; less an option to trade our four existing portable changeable message signs at a value of \$8,000.00. The cost of the tack wagon from Stepp Manufacturing Co. Inc. of, North Branch, MN is

\$51,756.00. The portable changeable message signs and tack wagon are priced in accordance with the State Contract. If the County orders the portable changeable message signs via a purchase order before November 29th and the tack wagon before January 31, 2025, the pricing will be locked in, but payment will not be made until delivery is made in 2025.

**Action Requested:**

Motion to authorize the pre-order of four portable changeable message signs from Warning Lites of MN and one tack wagon from Stepp Manufacturing to hold current state contract pricing.

**Fiscal Impact:**

| <b>Funding:</b> | <b>Amount Budgeted:</b> |
|-----------------|-------------------------|
| County Dollars  | \$122,850.96            |

**Related Fiscal/FTE Comments:**

Included in the current budget.

**Attachments:**

None



Carver County Board of Commissioners  
Request for Board Action

**Agenda Item Name:** Local Recycling Development Grant Agreement  
**Department:** Public Services - Environmental Services  
**Contact:** Brad Hanzel, Environmental Services Manager -  
Government Center, 952-361-1805  
**Presenter:**  
**Contract Name & Number:** State FY25-29 Local Recycling Development Grant  
(LRDG) Agreement 24-542  
**Meeting Date:** November 5, 2024  
**Item Type:** Consent

**Strategic Initiative:**

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

**Background/Justification:**

The State of Minnesota provides Local Recycling Development Grant (LRDG) funding to metropolitan counties for the planning, development, and operation of yard waste composting and recycling programs. The grant must be matched by equal local expenditures.

This LRDG grant funding provides Carver County with the opportunity to enhance existing waste management programs and develop new initiatives to better serve Carver County residents at the Environmental Center and throughout the County.

The agreement carries a 5-year term, ending on June 30, 2029. The first-year funding amount is \$129,514.19, with annual amounts varying throughout the term due to the funding mechanism which is based on revenue generated from tip fees at metro area landfills. Staff estimates that the County will receive approximately \$647,570 over the 5-year term of the agreement.

**Action Requested:**

Motion to approve State FY25-29 LRDG Agreement with the Minnesota Pollution Control Agency and authorize the Assistant County Administrator to sign the agreement on behalf of the County, pending final approval through the contract review process.

**Fiscal Impact:**

| <b>Funding:</b>                    | <b>Amount Budgeted:</b> |
|------------------------------------|-------------------------|
| Minnesota Pollution Control Agency | \$647,570               |

**Related Fiscal/FTE Comments:**

The Environmental Services budget includes up to \$145,000 for the 2024 grant revenue. The LRDG grant is matched with \$129,514.19 in local funding derived from the County Solid Waste Service Fee.

**Attachments:**

None



Carver County Board of Commissioners  
Request for Board Action

**Agenda Item Name:** Request for approval to contract with Emmons and Olivier Resources, Inc

**Department:** Public Services - Planning & Water Management

**Contact:** Tim Sundby, Water Resources Supervisor, 952-361-1816

**Presenter:**

**Contract Name & Number:** Carver Creek Stream Realignment\_Engineering Services (Contract #24-505)

**Meeting Date:** November 5, 2024

**Item Type:** Regular Session

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

**Background/Justification:**  
Emmons and Olivier Resources (EOR) completed a feasibility study with options to stabilize a 60-foot bank failure along Carver Creek. This contract will allow for EOR to finalize construction plan sets, oversee permits and bidding, and have construction oversight for the first phase of this overall project. Phase 1 will encompass moving roughly 400 linear feet of Carver Creek 50 feet away from the current toe of the 60-foot bank. Carver County Water Management Organization (CCWMO) received a state grant from the Board of Water and Soil Resources (BWSR) to help fund this project. CCWMO funding for this project is required as a match for the state grant.

**Action Requested:**  
Motion to authorize the chair to sign the Professional Services Agreement with Emmons and Olivier Resources, Inc pending finalization of the contract review process.

|                       |                         |
|-----------------------|-------------------------|
| <b>Fiscal Impact:</b> |                         |
| <b>Funding:</b>       | <b>Amount Budgeted:</b> |

|                  |          |
|------------------|----------|
| BWSR State Grant | \$44,530 |
| CCWMO            | \$16,500 |

**Related Fiscal/FTE Comments:**

This contract includes work to be done in coordination with a BWSR Grant (\$44,530) and from CCWMO Levy (\$16,500). It is included in the 2025 Budget.

**Attachments:**

None



Carver County Board of Commissioners  
Request for Board Action

**Agenda Item Name:** CBR, LLC - Request for Adaptive Reuse in Rural Service District (CUP)

**Department:** Public Services - Land Management

**Contact:** Christina Neel, Land Management Planner, 952-361-1814

**Presenter:**

**Contract Name & Number:**

**Meeting Date:** November 5, 2024

**Item Type:** Consent

**Strategic Initiative:**

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

**Background/Justification:**

File #PZ20240042. On October 15, 2024, the Planning Commission voted unanimously to recommend approval of Roger Nitz's Conditional Use Permit (CUP) for an Adaptive Reuse of an existing building in the Maple Rural Service District (Waconia Township). The subject property consists of approximately 2.65 acres and is located in Section 3, Waconia Township.

Mr. Nitz is requesting a CUP for the adaptive reuse of the Maple Creamery building, as a change of use, to operate a boat winterization/storage facility and a K-Bid online auction business. He also plans to use a portion of the building and the rear area of the property for personal storage of vehicles and boats. A staging area to the north of the building would temporarily store boats for 4-6 weeks each spring and fall, with no summer/winter outdoor storage. The front gravel area has been identified and reserved for employee and customer parking only, with no vehicle or boat storage.

The K-Bid auction business involves storing up to 10 items in the south portion of the building and side parking area up to twice a month, until buyers pick up purchased items during specified load-out days. Hours of operations for both businesses are Monday-Friday 8:30AM – 5:00PM. The owner is the only full-time employee on site, with

1-4 part-time employees working 10–15 hours each. No signage or new screening is proposed at this time. No vehicles would be allowed to be parked in the County Road 10N right of way.

The Waconia Town Board reviewed and recommended approval of the request with specified conditions which have been included in the Planning Commission’s recommendation.

The Township location map and Planning Commission’s Resolution are attached for the County Board’s consideration. A copy of the Planning Commission packet is available for review on the Carver County Planning Commission [website page](#).

**Action Requested:**

A motion to adopt Findings of Fact and issue Order #PZ20240042 for the issuance of a Conditional Use Permit.

**Fiscal Impact:**

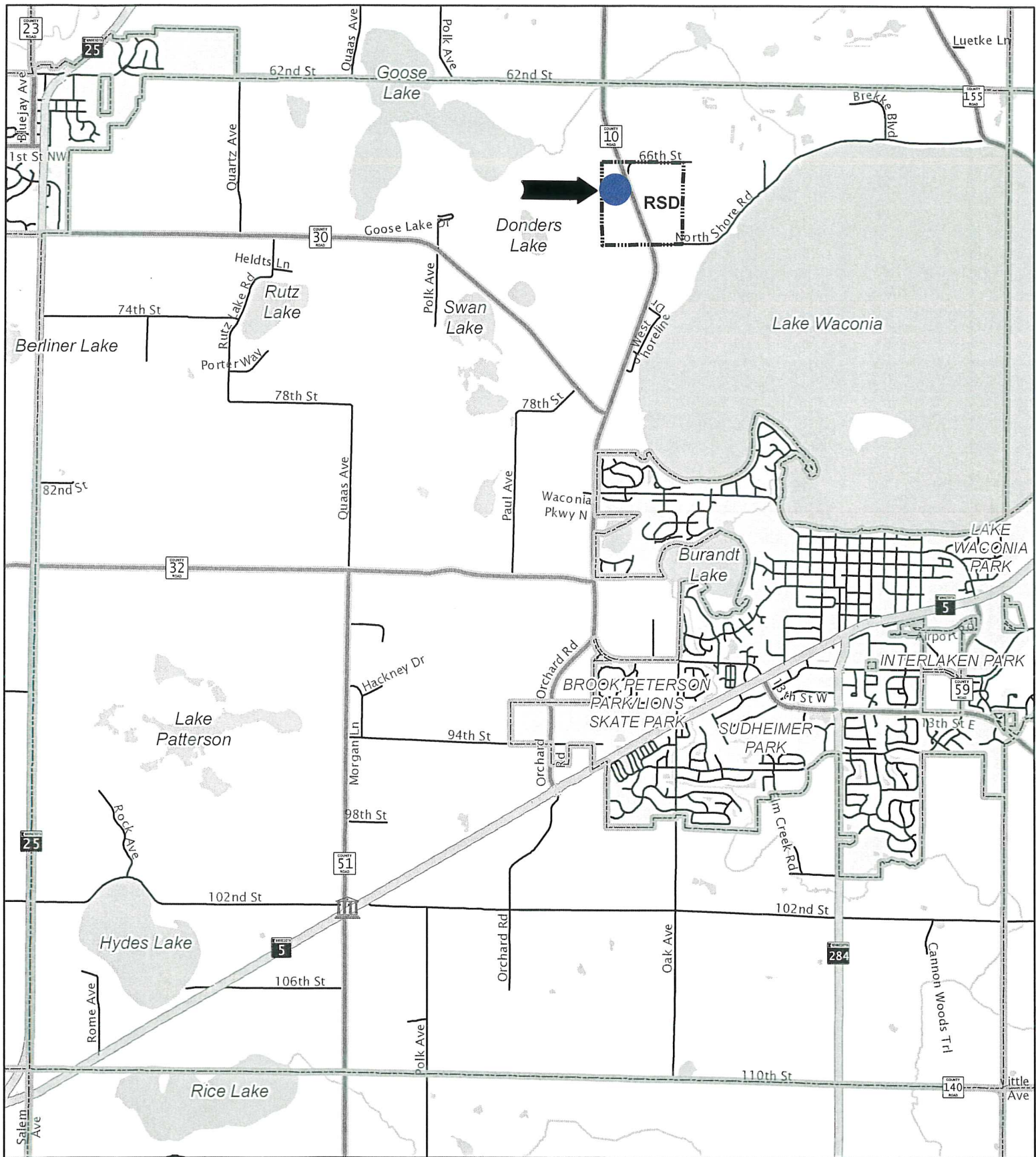
| <b>Funding:</b> | <b>Amount Budgeted:</b> |
|-----------------|-------------------------|
|                 |                         |

**Related Fiscal/FTE Comments:**

**Attachments:**

1. Waconia Township Location Map
2. CU-PZ20240042 - PLC Resolution-signed

# 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.



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

**FILE #: PZ20240042**

**RESOLUTION #: 24-14**

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

**FILE #:** PZ20240042

**APPLICANT:** Roger Nitz

**OWNER:** CBR, LLC

**SITE ADDRESS:** 6750 County Rd 10 N Waconia 55387

**PERMIT TYPE:** Adaptive Reuse of an Existing Building in a Rural Service District

**PURSUANT TO:** Carver County Code: Section 152.097 (B)

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

**PARCEL #:** 09-003-0500

**WHEREAS**, said application was duly considered at a public hearing held by the Carver County Planning Commission at its regular meeting of October 15, 2024; and,

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

1. CBR, LLC owns an approximate 2.65-acre parcel located in the West Half (W½) of the Southeast Quarter (SE¼) of Section 3, Waconia Township. The property consists of the Maple Creamery building, which was built in the 1930s and is approximately 25,000 square feet in size. The parcel is located in the Agricultural Zoning District, Rural Service Overlay District (Maple) and Carver County Water Management Organization - CCWMO (Carver Creek watershed).
2. The applicant, Roger Nitz, is requesting a Conditional Use Permit (CUP) to operate a seasonal boat storage facility and a K-Bid online auction facility on the subject parcel, with storage in the existing building as well as outdoors. The CUP for an adaptive re-use of an existing structure would be allowed pursuant to Section 152.097 (B) of the Carver County Zoning Code.
3. The property and the Maple Creamery building have been utilized by various Conditional Use Permits since the adoption of the Carver County Code in 1974. It was used as a mechanical and electrical machine shop and warehouse (#2871), then a newspaper shredding and recycling facility (#7822 and #8162), a fitness equipment manufacturing facility (#10185) and most recently, adaptive reuse for 6 bays to be leased for warehouse and storage uses. The current CUP (#PZ20060049) was issued November 7, 2006, prior to CBR, LLC purchasing the property in 2014. Mr. Nitz would like to depart from the prior business and utilize the building in a way that he believes supports the community and surrounding area by offering seasonal boat storage and winterization as well as K-Bid online auctions.
4. The subject property is within the Maple Rural Service District and is located on the west side of County Road 10 N. The applicant has submitted an operational plan (dated: September 17, 2024) outlining the details of the operation. According to the applicant, there are two separate businesses that would operate from the site: boat storage and winterization and a K-Bid online auction company. For the boat storage and winterization, the applicant is requesting to seasonally store up to 30 boats in the 17,000 square feet (0.4 acre) grass area on the north portion of the site. This staging process will be utilized for approximately 4-6 weeks in the spring and in the fall (usually April and October, depending on the weather). The narrative states: "There will be no storage of boats during the winter and summer months."

5. For the K-Bid use of the building, the applicant states up to 10 items (cars, trucks, personal watercraft, etc.) will be stored outside during auction periods, for up to two weeks. K-Bid auctions take place online, then buyers schedule pickup during specific load out days. This helps control the number of cars and people arriving to the site. Load out days are from 10:00AM to 3:00PM and up to 10-15 individuals, plus employees would be utilizing the front parking area during those times. The applicant plans to have no more than 2 auctions per month, with one load out day per auction.
6. The applicant has submitted a site plan (dated September 23, 2024) showing the operational area of the building and grounds of the site. The indoor storage area consists of seasonal boat storage and winterization, as well as some of the applicant's personal storage (cars, boats, trailers and property upkeep machinery) within approximately 14,000 square feet of the building. Additional personal storage use may be in the rear of the building, provided the applicant maintains an emergency access easement along the rear property driveway. The site plan also identifies approximately 5,000 square feet of the building interior to be used for K-Bid auction storage, as well as up to 4,000 square feet of outdoor temporary storage directly south of the building. Employee and customer parking shall be located along the front of the building, with no storage or parking within the County right-of-way. There is space for up to 20 parking spaces, which exceeds the maximum expected visitors to the site on a K-Bid load out day.
7. Hours of operation for each business are 8:30AM to 5:00PM Monday-Friday. The applicant works on site an average of 40 hours per week, and 1-4 additional employees work 10-15 hours each. There is no bathroom in the building, so a biff-type portable restroom is rented and maintained on site. There is a well for water, but it is shut off during the winter months. At peak operations during the spring and fall boat season, the applicant estimates up to 10 trips per day. Off season would be 1-5 trips per day, plus 1-4 employee trips each day.
8. The site is partially screened by existing trees to the east, south, and north. The applicant has not proposed additional screening at this time.
9. The applicant has not proposed any signage for the location. All future signage would be required to meet the Carver County Sign Regulations of Chapter 154 of the Code of Ordinances.
10. The Permittee would be required to contact the Carver County Environmental Services Department to further discuss the requirements of obtaining a Hazardous Waste Generator's License, if applicable.
11. The neighborhood is comprised of residential, agricultural and commercial land uses within the Maple Rural Service District and surrounding agricultural zoned district area. The request would not cause a substantial change in the character of the neighborhood, nor would it result in a detriment to neighboring properties.
12. The proposed use appears to meet the general requirements for a conditional use in the Rural Service District (i.e. adaptive re-use of existing structures).
13. The request was sent to the road authority, Carver County Public Works, for review. On October 2, 2024, Whitney Schroeder, Traffic Engineer, commented "*Please ensure boat storage is kept outside of County right of way (ROW) limits.*"
14. On September 27, 2024, Jacob McLain, Senior Environmentalist - Carver County Environmental Services Department, reviewed the application and commented in an email:
  - "*The narrative states that there is no bathroom on the property, but we have a record of a holding tank being installed. If the holding tank is not in use and there are no plans for future use, it should be abandoned in accordance with Carver County Ordinance 52.058.*"
  - "*Since there is a proposed change in property use that will impact water consumption due to the addition of on-site auctions, a compliance inspection on the existing system must be conducted per Carver County Ordinance 52.197 (A)(2).*"
  - "*There is planned spring and fall staging very close to the holding tank, and precautions should be taken to ensure that boats and trailers are not placed over the existing tanks.*"

15. The subject property is located within the CCWMO jurisdiction. Tim Sundby of the CCWMO reviewed the application and in an email dated September 26, 2024, stated that *“the site is not having any additional disturbance, so nothing is needed for WMO permitting at this time.”*
16. The Waconia Township Board reviewed the application request at their September 9, 2024, meeting. The Township Board provided the following comments:  
*“Only concern is limiting outside boat storage to 15 and not to be seen from County Rd 10! This would be for winter storage also! No objections to auctions.”*
17. On October 15, 2024, Land Management staff received an email from Bob Hilk, a neighbor. Mr. Hilk stated that he *“does not have a problem with the permit as long as it is kept up and with stipulations as doing so.”*
18. During the October 15, 2024, Planning Commission public hearing, the board members reviewed the site plan with Mr. Nitz and reiterated the exterior storage limitations as shown on the submitted site plan (dated 9/23/2024), and directed him to remove all personal storage from the identified customer and employee parking area located between the building and County Road 10 right of way.
19. 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 Adaptive Reuse of a building in the Maple Rural Service District on the parcel described in Exhibit A. The previous CUP (#PZ20060049) and any other prior permits, amendments, or renewals would be terminated upon final approval (and recording) of the new CUP #PZ20240042. The Planning Commission further recommends that the following conditions should be considered part of the permit:

1. The permit is subject to administrative review. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners and/or operators are encouraged to contact Land Management as early in the timeline of the proposed change as possible.
2. The operation shall be substantially in accordance with the submitted operational plan (dated: September 17, 2024). and site plan (dated September 23, 2024). These plans shall be attached to and become part of this permit. The hours of the operation shall typically conform to the hours of 8:30AM – 5:00PM Monday-Friday.
3. All business-related trucks, equipment, supplies and customers’ boats shall be stored within the approved operational area. Any expansion of the approved operational area shall constitute an expansion of the use and may require a review by Land Management for determination as to an amended Conditional Use Permit will be required.
4. All structures, utilized as part of the business, shall meet the applicable requirements of the County Zoning Code and MN State Building Code. Any required building permit(s) shall be applied for and issued prior to using the structure(s). Any future remodeling or construction shall be reviewed by the Zoning Administrator to determine if an amendment to the CUP is necessary.
5. Permittee shall contact Environmental Services to determine whether the holding tank on site will require either abandonment or a compliance inspection. The permittee shall ensure that no vehicles will be placed over the existing tanks on the north end of the property.
6. The permittee shall comply with the road authority’s (Carver County Public Works) access requirements, improvements and/or standards, if any. Parking along County Road 10 N shall be prohibited.
7. Permittee shall contact the Environmental Services Department to determine if a Hazardous Waste Generator License is required.

8. The Permittee shall comply at all times with the County standards as detailed in Chapter 152 – Zoning Code, Chapter 154 – Sign Regulations, Chapter 51 – Hazardous Waste Management, Chapter 52 - Subsurface Sewage Treatment System (SSTS) regulations, MN State Building Code requirements, and all other applicable local, state, and federal regulations. No signage shall be allowed within the public road right-of-way.
9. The Permittee shall submit Certificate of Workers' Compensation Insurance to the Land Management Department annually when there are additional employees beyond the owner/operator. The insurance shall be maintained for the duration of the CUP.

**ADOPTED** by the Carver County Planning Commission this 15<sup>th</sup> day of October 2024.

  
Scott Hoese (Oct 20, 2024 21:04 CDT)

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Scott Hoese, Chairman  
Carver County Planning Commission



Carver County Board of Commissioners  
Request for Board Action

**Agenda Item Name:** Approval of 2025 Charles J. Dahlke Grant Proposals  
**Department:** Public Services - Library Services  
**Contact:** Jodi Edstrom, Library Director, 952-361-1432  
**Presenter:**  
**Contract Name & Number:**  
**Meeting Date:** November 5, 2024  
**Item Type:** Consent

**Strategic Initiative:**

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

**Background/Justification:**

Carver County resident Charles Dahlke donated half of his estate at his death to the Carver County Library to fund creative library enhancement projects. On March 16, 2021, the County Board approved the parameters of the granting process and the grant form.

Per the approved grant parameters, grant applications were written by staff members in the system. Staff consulted with their branch manager and library director. To ensure public input on projects, a branch manager met with their Friends' group to solicit input on the potential project. The grant proposal was brought forward to the grant board which includes the library director, a branch manager, library board member, friends of the library representative and assistant county administrator. The grant board recommended the grant proposals be brought forward to the library advisory board.

The library board reviewed and recommended that the County Board approve the following grant proposals:

-Discovering More – Expanding Adult Services' Offerings: \$15,000 in funds to expand in-house staff-led art and craft programming to meet the intellectual and creative needs of our adult patrons.

- Learning for All – ALL 2.0: \$15,000 in funding will support improvements in several key areas: enhancing the non-English language collections for adults and adding a Teen Spanish collection, translating critical documents, creating bilingual signage, and offering staff training in language and cultural skills. Additionally, it will strengthen community engagement by expanding diverse programming across six library branches and providing support for outreach events.

-Victoria Library Extended Access: \$63,640 in funds for extended access hardware and software for three years at the Victoria

Library that will allow patrons to access the library's collection, their holds, equipment, study areas, and Wi-Fi outside traditional staffed hours.

-Video Magic: \$4,750 in funds for all-in-one mobile video solutions to aid staff in creating video of outreach activities, social media content, and allow an avenue for patron content creation in a controlled environment.

\*The Learning for All and Video Magic projects include funds to increase the library's Seasonal, Temporary, On-Call (STOC) budget for 2025. No additional STOC staff will be needed. However, with additional funds in the budget, we will be able to utilize the STOC employees for more hours.

### **Action Requested:**

Motion to approve the following Charles Dahlke grant proposals: Discovering More - Expanding Adult Services' Offerings, Learning for All - ALL 2.0, Victoria Library Extended Access, and Video Magic.

### **Fiscal Impact:**

| <b>Funding:</b>          | <b>Amount Budgeted:</b> |
|--------------------------|-------------------------|
| Charles J. Dahlke Estate | \$98,390.00             |

### **Related Fiscal/FTE Comments:**

Per the grant guidelines, up to \$100,000 per year can be allocated. The total requests are for \$98,390.00. A Budget Amendment is attached.

Carver County Library received \$1,014,420.61 from the estate of Charles Dahlke. This is the fourth year of grants. The first-year grants totaled \$38,360.75, second year \$91,438.34 and third year \$13,106.00.

### **Attachments:**

1. BudgetAmendmentForm



## Carver County Board of Commissioners Budget Amendment Request Form

### Approval of 2025 Charles J. Dahlke Grant Proposals

Agenda Item:

Department: Public Services - Library Services

Meeting Date: 11/5/2024 Requested By: Jodi Edstrom

Fund: ☐ 01 - General ☒ 02 - Reserve ☐ 03 - Public Works ☐ 11 - CSS  
☐ 15 - CCRRA ☐ 16 - CCWMO ☐ 30 - Building CIP  
☐ 32 - Road/Bridge CIP ☐ 34 - Parks & Trails ☐ 35 - Debt Service

| DEBIT                                   | TOTAL                | \$98,390.00 |
|-----------------------------------------|----------------------|-------------|
| Description of Accounts                 | Acct #               | Amount      |
| Miscellaneous Expenses                  | 02-500-000-8018-6379 | \$15,000.00 |
| Subscriptions                           | 02-500-000-8020-6243 | \$20,970.00 |
| Service Agreements                      | 02-500-000-8020-6346 | \$7,042.00  |
| Equipment                               | 02-500-000-8020-6480 | \$33,099.00 |
| Professional and Tech Fees for Services | 02-500-000-8020-6260 | \$2,529.00  |
| Salaries - Short-term On-call (STOC)    | 02-500-000-8021-6119 | \$590.00    |
| Office Equipment                        | 02-500-000-8021-6414 | \$4,160.00  |
| Salaries - Short-term On-call (STOC)    | 02-500-000-8024-6119 | \$600.00    |
| Miscellaneous Expenses                  | 02-500-000-8024-6379 | \$7,400.00  |
| Community Events                        | 02-500-000-8024-6382 | \$1,000.00  |
| Reference Books and Materials           | 02-500-000-8024-6453 | \$6,000.00  |

| CREDIT                  | TOTAL                | \$98,390.00 |
|-------------------------|----------------------|-------------|
| Description of Accounts | Acct #               | Amount      |
| Dahlke Estate Donation  | 02-500-000-1121-6660 | \$98,390.00 |

Reason for Request: Allocate \$98,390 of the donated funds to the four projects proposed for 2025.



Carver County Board of Commissioners  
Request for Board Action

**Agenda Item Name:** Elimination of Petty Cash Fund for Waconia Library  
**Department:** Public Services - Library Services  
**Contact:** Jodi Edstrom, Library Director, 952-361-1432  
**Presenter:**  
**Contract Name & Number:**  
**Meeting Date:** November 5, 2024  
**Item Type:** Consent

**Strategic Initiative:**

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

**Background/Justification:**

State Statute 412.271, subd. 5, allows the Board to establish petty cash funds.

The Library currently maintains a separate petty cash fund for the Waconia Library (\$50). After analyzing use of the Waconia petty cash account, it has been determined it is not necessary to keep that account open due to minimal use.

The Library recommends closing the Waconia Library petty cash account.

**Action Requested:**

Approve the elimination of the Waconia Library petty cash account.

**Fiscal Impact:**

| <b>Funding:</b> | <b>Amount Budgeted:</b> |
|-----------------|-------------------------|
|                 |                         |

**Related Fiscal/FTE Comments:**

**Attachments:**

None



Carver County Board of Commissioners  
Request for Board Action

**Agenda Item Name:** Carver County Right of Way Plat No. 40 for the Highway 13 Project

**Department:** Public Works - Program Delivery

**Contact:** Luke Kranz, Assistant County Surveyor, 952-361-1024

**Presenter:**

**Contract Name & Number:**

**Meeting Date:** November 5, 2024

**Item Type:** Consent

**Strategic Initiative:**

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

**Background/Justification:**

The 2026 construction season includes the reconstruction of Highway 13 from approximately 80th Street north to Fribourg Court. In order to meet state and federal regulations, additional rights-of-way or land acquisition in some areas is necessary.

Bolton and Menk, Inc., on behalf of Carver County, has prepared CARVER COUNTY RIGHT OF WAY PLAT NO. 40 to simplify the writing of easement descriptions and to identify to the public the County's interest in the highway rights-of-way.

**Action Requested:**

Motion to adopt a resolution to approve CARVER COUNTY RIGHT OF WAY PLAT NO. 40 and authorize the Chair of the County Board to sign the plat.

**Fiscal Impact:**

| Funding: | Amount Budgeted: |
|----------|------------------|
|          |                  |

**Related Fiscal/FTE Comments:**

None

**Attachments:**

1. CSAH13ROWPlatResolution
2. 9-24-24 Plat Draft

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

Date: November 5, 2024  
Motion by Commissioner: \_\_\_\_\_

Resolution No: \_\_\_\_\_  
Seconded by Commissioner: \_\_\_\_\_

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**Carver County Right of Way Plat No. 40**

WHEREAS, Carver County will be improving County State Aid Highway (CSAH) No. 13 from 80<sup>th</sup> St northerly to Fribourg Court; and

WHEREAS, Bolton and Menk, on behalf of Carver County has prepared Carver County Right of Way Plat No. 40 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. 40 and authorizes the Chair of the County Board to sign the plat.

| YES   | ABSENT | NO    |
|-------|--------|-------|
| _____ | _____  | _____ |
| _____ | _____  | _____ |
| _____ | _____  | _____ |
| _____ | _____  | _____ |
| _____ | _____  | _____ |

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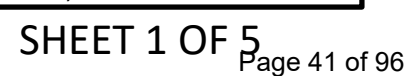
STATE OF MINNESOTA  
COUNTY OF CARVER

I, Dave Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 5th day of November, 2024, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 5th day of Nov, 2024.

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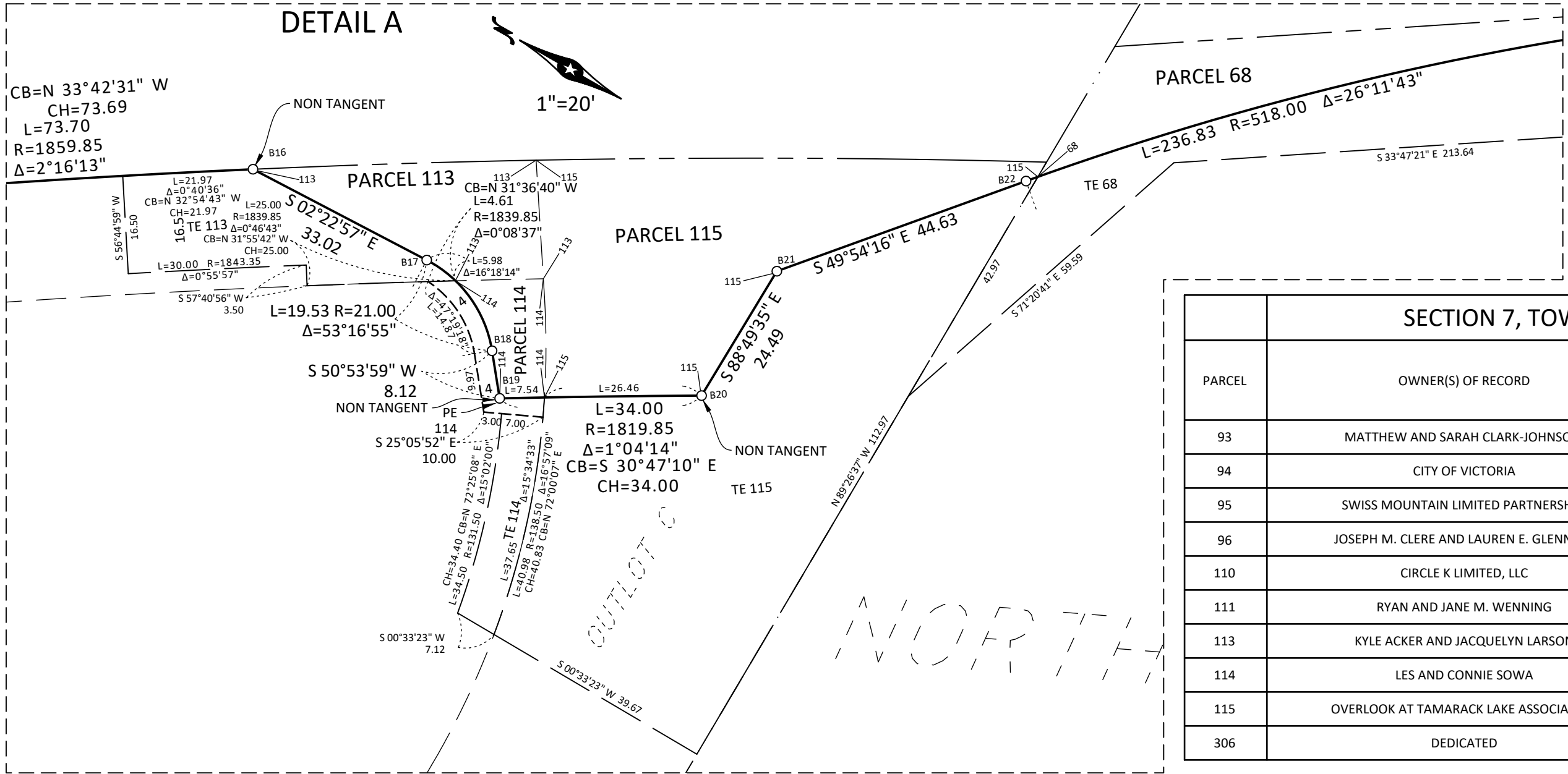
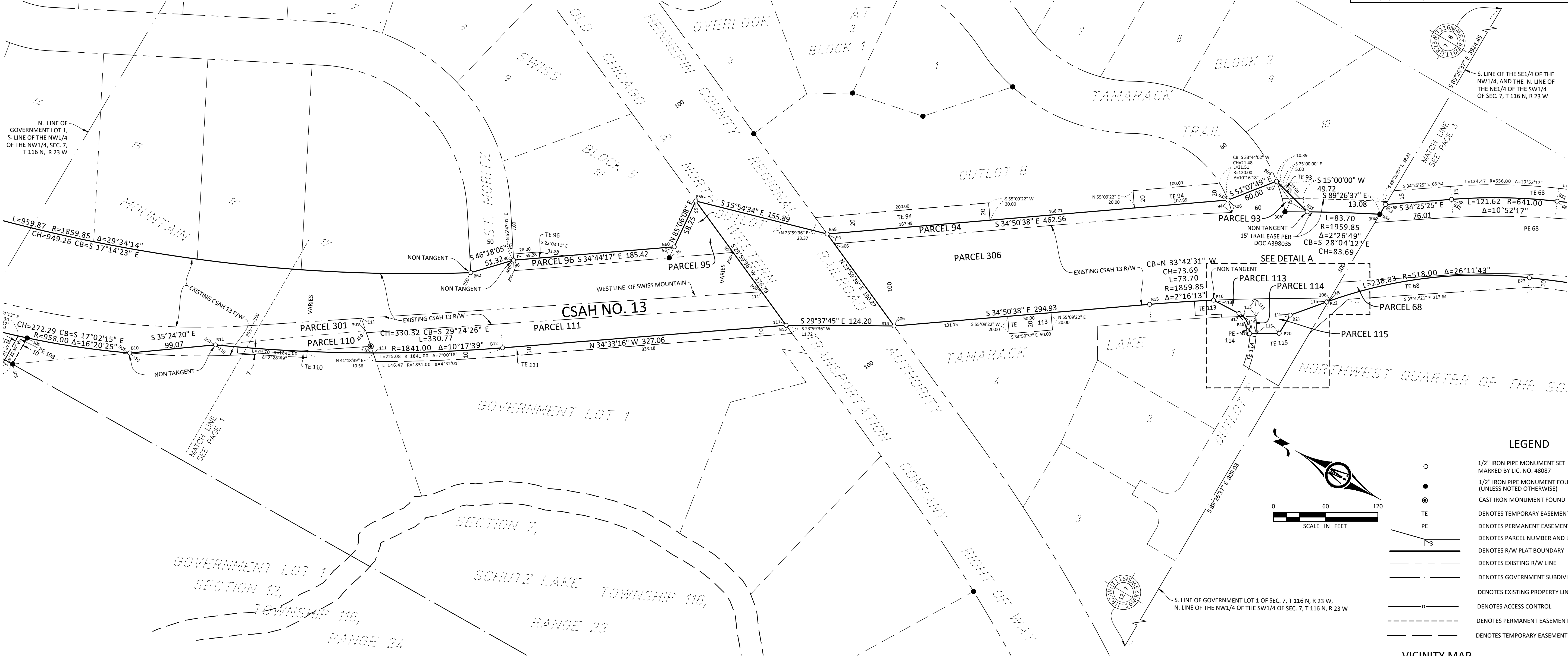
Dave Hemze County Administrator



CARVER COUNTY RIGHT OF WAY PLAT NO. 40

County State Aid Highway No.13

|               |
|---------------|
| PLAT FILE NO. |
| C.R DOC. NO.  |
| R.T DOC. NO.  |
| PW JOB NO.    |

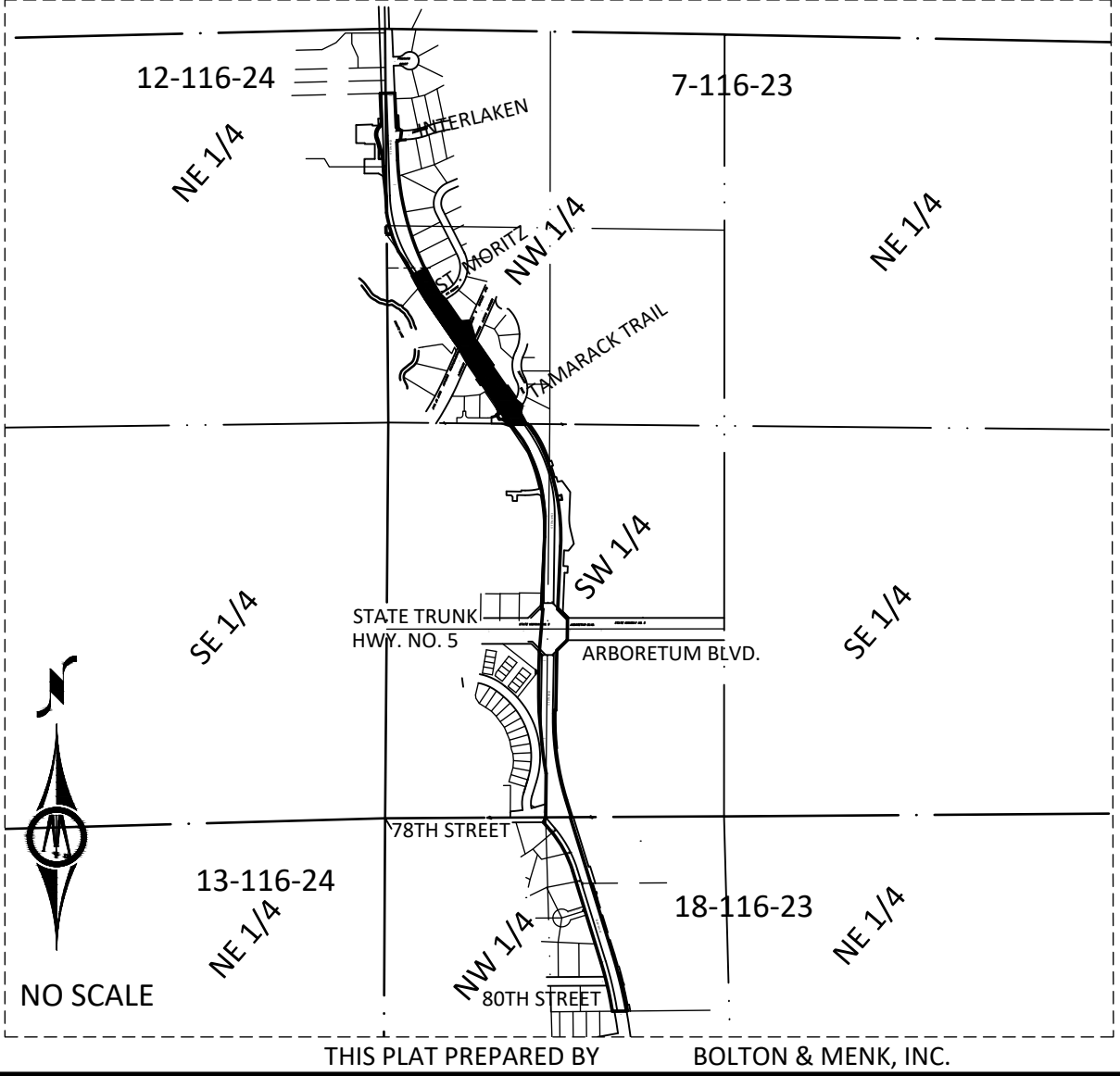


LEGEND

- 1/2" IRON PIPE MONUMENT SET MARKED BY LIC. NO. 48087
- 1/2" IRON PIPE MONUMENT FOUND (UNLESS NOTED OTHERWISE)
- ⊙ CAST IRON MONUMENT FOUND
- TE DENOTES TEMPORARY EASEMENT
- PE DENOTES PERMANENT EASEMENT
- DENOTES PARCEL NUMBER AND LIMITS
- - - - DENOTES R/W PLAT BOUNDARY
- - - - DENOTES EXISTING R/W LINE
- - - - DENOTES GOVERNMENT SUBDIVISION LINES
- - - - DENOTES EXISTING PROPERTY LINES
- - - - DENOTES ACCESS CONTROL
- - - - DENOTES PERMANENT EASEMENT LINES
- - - - DENOTES TEMPORARY EASEMENT LINES

0 60 120  
SCALE IN FEET

VICINITY MAP  
SECTIONS 7 & 18, TOWNSHIP 116 NORTH, RANGE 23 WEST &  
SECTION 12 TOWNSHIP 116 NORTH, RANGE 24 WEST,  
CARVER COUNTY, MINNESOTA

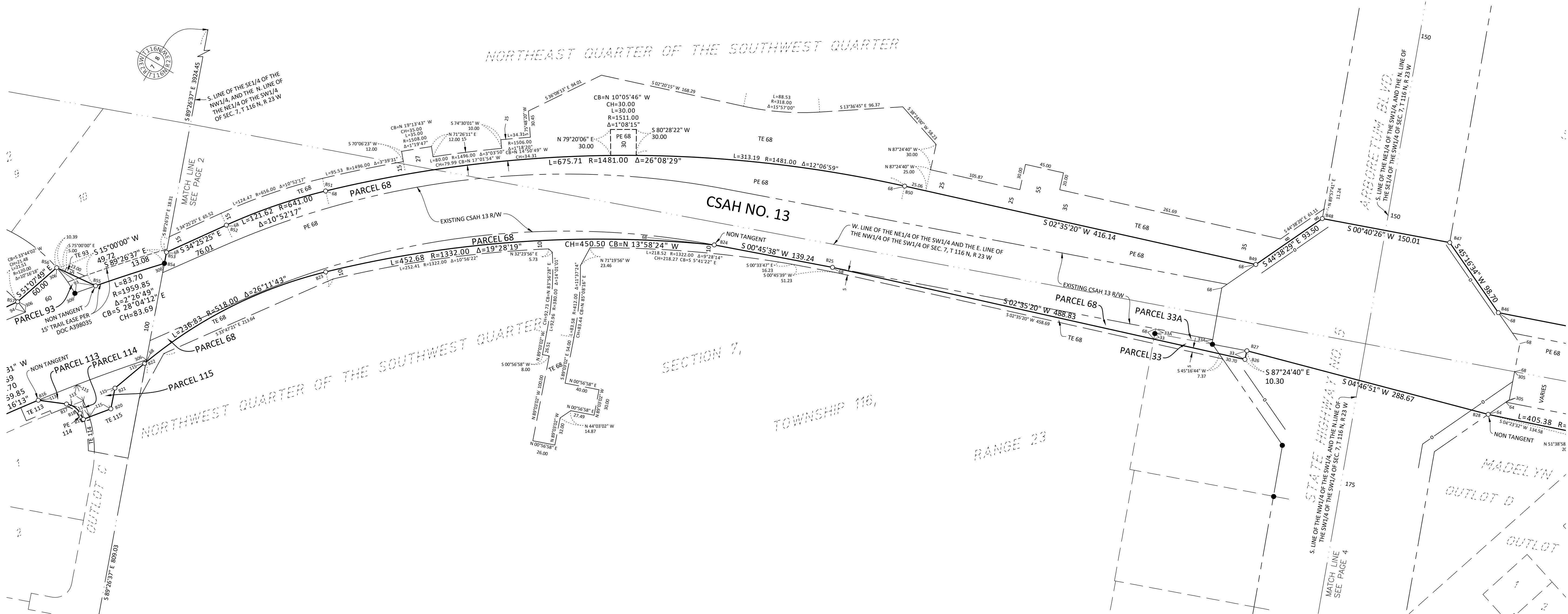


|        | SECTION 7, TOWNSHIP 116, RANGE 23     |                                                 |                  |                                   |                             | HIGHWAY RIGHT-OF-WAY (R/W) |                          |                         | EASEMENTS                    |                        |                 | INTEREST |
|--------|---------------------------------------|-------------------------------------------------|------------------|-----------------------------------|-----------------------------|----------------------------|--------------------------|-------------------------|------------------------------|------------------------|-----------------|----------|
| PARCEL | OWNER(S) OF RECORD                    | LOCATION                                        | PARCEL ID NUMBER | DEED RECORD DOC. NO. OR BOOK/PAGE | EXISTING ROAD R/W (SQ. FT.) | NEW ROAD R/W (SQ. FT.)     | TOTAL ROAD R/W (SQ. FT.) | TEMP EASEMENT (SQ. FT.) | PERMANENT EASEMENT (SQ. FT.) | TEMP. EASEMENT EXPIRES | EASEMENT OR FEE |          |
| 93     | MATTHEW AND SARAH CLARK-JOHNSON       | OVERLOOK AT TAMARACK LAKE LOT 10, BLOCK 2       | 65.3500130       | A747575                           | -                           | 424                        | 424                      | 102                     | -                            | 12-31-28               | FEE & EASEMENT  |          |
| 94     | CITY OF VICTORIA                      | OVERLOOK AT TAMARACK LAKE OUTLOT B              | 65.3500190       | A390783                           | -                           | 5,613                      | 5,613                    | 5,966                   | -                            | 12-31-28               | FEE & EASEMENT  |          |
| 95     | SWISS MOUNTAIN LIMITED PARTNERSHIP    | SWISS MOUNTAIN OUTLOT A                         | 65.4640670       | A218248                           | -                           | 2,312                      | 2,312                    | -                       | -                            | -                      | FEE             |          |
| 96     | JOSEPH M. CLERE AND LAUREN E. GLENNON | SWISS MOUNTAIN LOT 10, BLOCK 5                  | 65.4640450       | A757151                           | -                           | 2,231                      | 2,231                    | 305                     | -                            | 12-31-28               | FEE & EASEMENT  |          |
| 110    | CIRCLE K LIMITED, LLC                 | PART OF GOVERNMENT LOT 1 OF SEC. 7, T116N, R23W | 65.0071500       | A640133                           | 3,505                       | 344                        | 2,551                    | 559                     | -                            | 12-31-28               | FEE & EASEMENT  |          |
| 111    | RYAN AND JANE M. WENNING              | PART OF GOVERNMENT LOT 1 OF SEC. 7, T116N, R23W | 65.0072200       | T157967                           | 7,896                       | 12,231                     | 20,127                   | 4,779                   | -                            | 12-31-28               | FEE & EASEMENT  |          |
| 113    | KYLE ACKER AND JACQUELYN LARSON       | OVERLOOK AT TAMARACK LAKE LOT 4, BLOCK 3        | 65.3500170       | A581203                           | -                           | 612                        | 612                      | 1,677                   | -                            | 12-31-28               | FEE & EASEMENT  |          |
| 114    | LES AND CONNIE SOWA                   | OVERLOOK AT TAMARACK LAKE LOT 1, BLOCK 3        | 65.3500140       | A736057                           | -                           | 201                        | 201                      | 253                     | 95                           | 12-31-28               | FEE & EASEMENT  |          |
| 115    | OVERLOOK AT TAMARACK LAKE ASSOCIATION | OVERLOOK AT TAMARACK LAKE OUTLOT C              | 65.3500200       | A406772                           | -                           | 1,926                      | 1,926                    | 3,582                   | -                            | 12-31-28               | FEE & EASEMENT  |          |
| 306    | DEDICATED                             | OVERLOOK AT TAMARACK LAKE                       | -                | PLAT A390777                      | 58,104                      | -                          | 58,104                   | -                       | -                            | -                      | -               |          |

CARVER COUNTY RIGHT OF WAY PLAT NO. 40

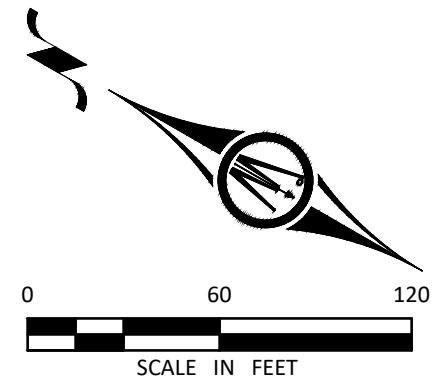
County State Aid Highway No.13

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|---------------|
| PLAT FILE NO. |
| C.R DOC. NO.  |
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| PW JOB NO.    |

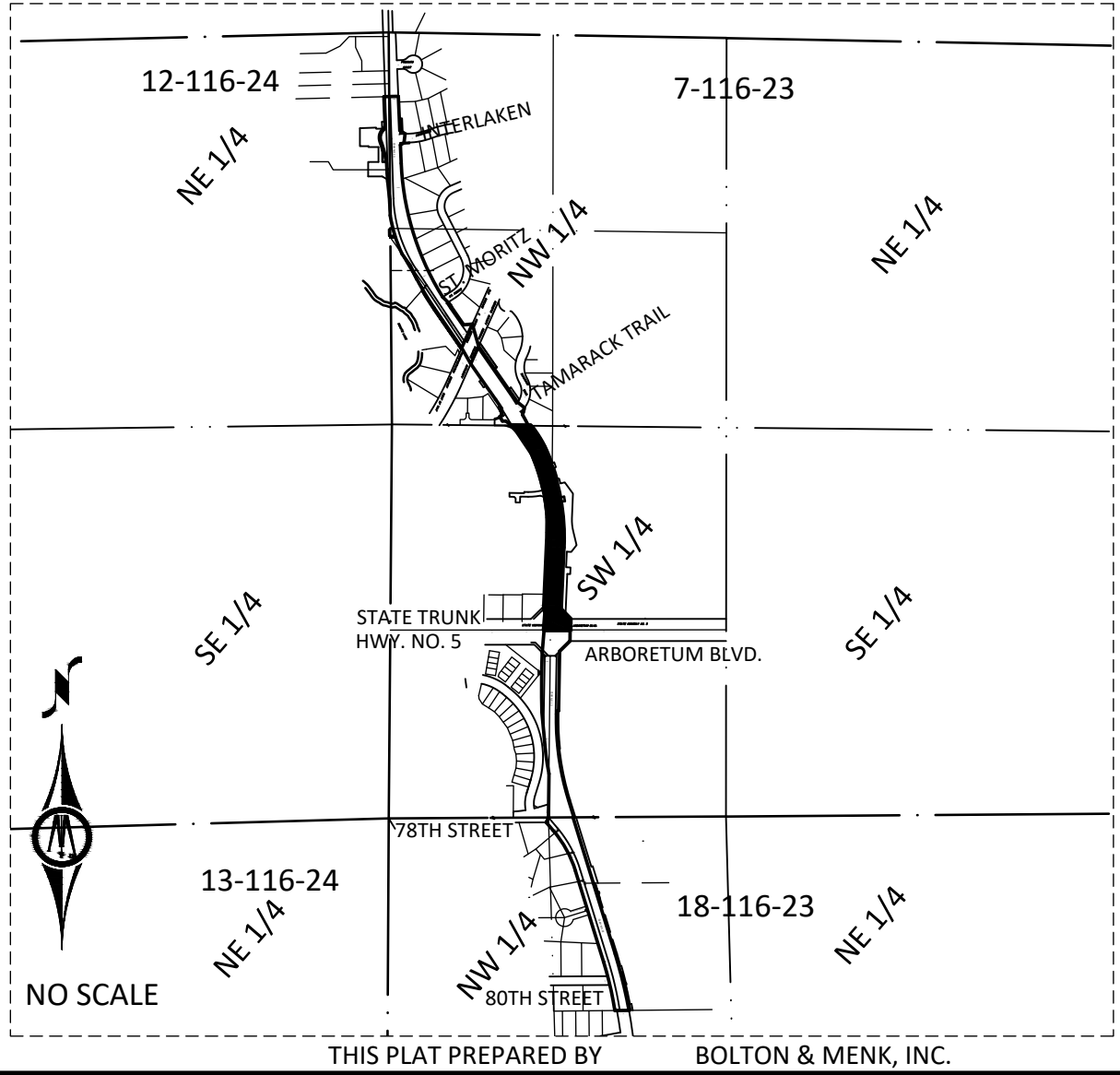


| SECTION 7, TOWNSHIP 116, RANGE 23 |                                         |                                                    |                  |                                                                                               | HIGHWAY RIGHT-OF-WAY (R/W)  |                        |                          | EASEMENTS               |                              |                        | INTEREST        |
|-----------------------------------|-----------------------------------------|----------------------------------------------------|------------------|-----------------------------------------------------------------------------------------------|-----------------------------|------------------------|--------------------------|-------------------------|------------------------------|------------------------|-----------------|
| PARCEL                            | OWNER(S) OF RECORD                      | LOCATION                                           | PARCEL ID NUMBER | DEED RECORD DOC. NO. OR BOOK/PAGE                                                             | EXISTING ROAD R/W (SQ. FT.) | NEW ROAD R/W (SQ. FT.) | TOTAL ROAD R/W (SQ. FT.) | TEMP EASEMENT (SQ. FT.) | PERMANENT EASEMENT (SQ. FT.) | TEMP. EASEMENT EXPIRES | EASEMENT OR FEE |
| 68                                | REGENTS OF THE UNIVERSITY OF MINNESOTA  | PART OF THE SW1/4 OF SEC.7, T116N, R23W            | 65.0073600       | 20982 (BK. 18 DEEDS, PG. 352)<br>37327 (BK. 32 DEEDS, PG. 46)<br>37464 (BK. 32 DEEDS, PG. 67) | 157,226                     | 58,893                 | 216,119                  | 76,702                  | 891                          | 12-31-28               | EASEMENT        |
| 33                                | KIMBERLY MARIE AND NICHOLAS ADAM SPAETH | PART OF THE NW 1/4 OF SW1/4 OF SEC. 7, T116N, R23W | 65.0132100       | A630367                                                                                       | -                           | 920                    | 920                      | 400                     | -                            | 12-31-28               | FEE & EASEMENT  |
| 33A                               | OWNER NOT KNOWN                         | PART OF THE NW 1/4 OF SW1/4 OF SEC. 7, T116N, R23W | -                | -                                                                                             | 363                         | -                      | 363                      | -                       | -                            | -                      | FEE             |

- LEGEND
- 1/2" IRON PIPE MONUMENT SET MARKED BY LIC. NO. 48087
  - 1/2" IRON PIPE MONUMENT FOUND (UNLESS NOTED OTHERWISE)
  - ⊙ CAST IRON MONUMENT FOUND
  - TE DENOTES TEMPORARY EASEMENT
  - PE DENOTES PERMANENT EASEMENT
  - 3 DENOTES PARCEL NUMBER AND LIMITS
  - DENOTES R/W PLAT BOUNDARY
  - DENOTES EXISTING R/W LINE
  - DENOTES GOVERNMENT SUBDIVISION LINES
  - DENOTES EXISTING PROPERTY LINES
  - DENOTES ACCESS CONTROL
  - DENOTES PERMANENT EASEMENT LINES
  - DENOTES TEMPORARY EASEMENT LINES



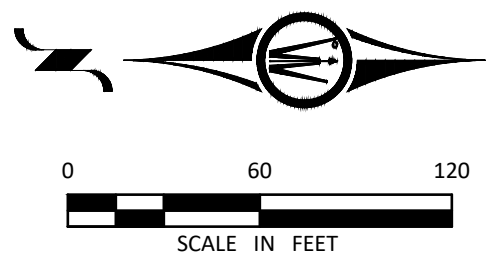
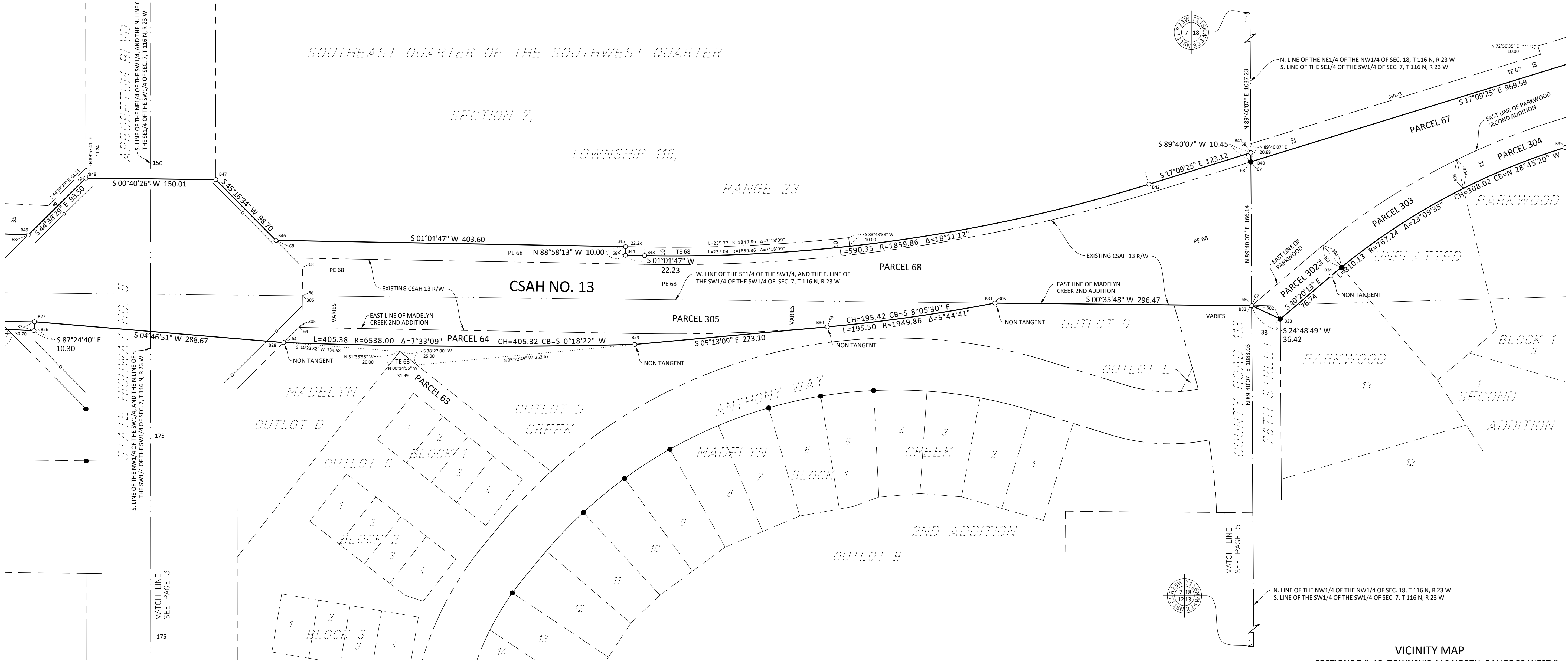
VICINITY MAP  
SECTIONS 7 & 18, TOWNSHIP 116 NORTH, RANGE 24 WEST, CARVER COUNTY, MINNESOTA



CARVER COUNTY RIGHT OF WAY PLAT NO. 40

County State Aid Highway No.13

|               |
|---------------|
| PLAT FILE NO. |
| C.R DOC. NO.  |
| R.T DOC. NO.  |
| PW JOB NO.    |

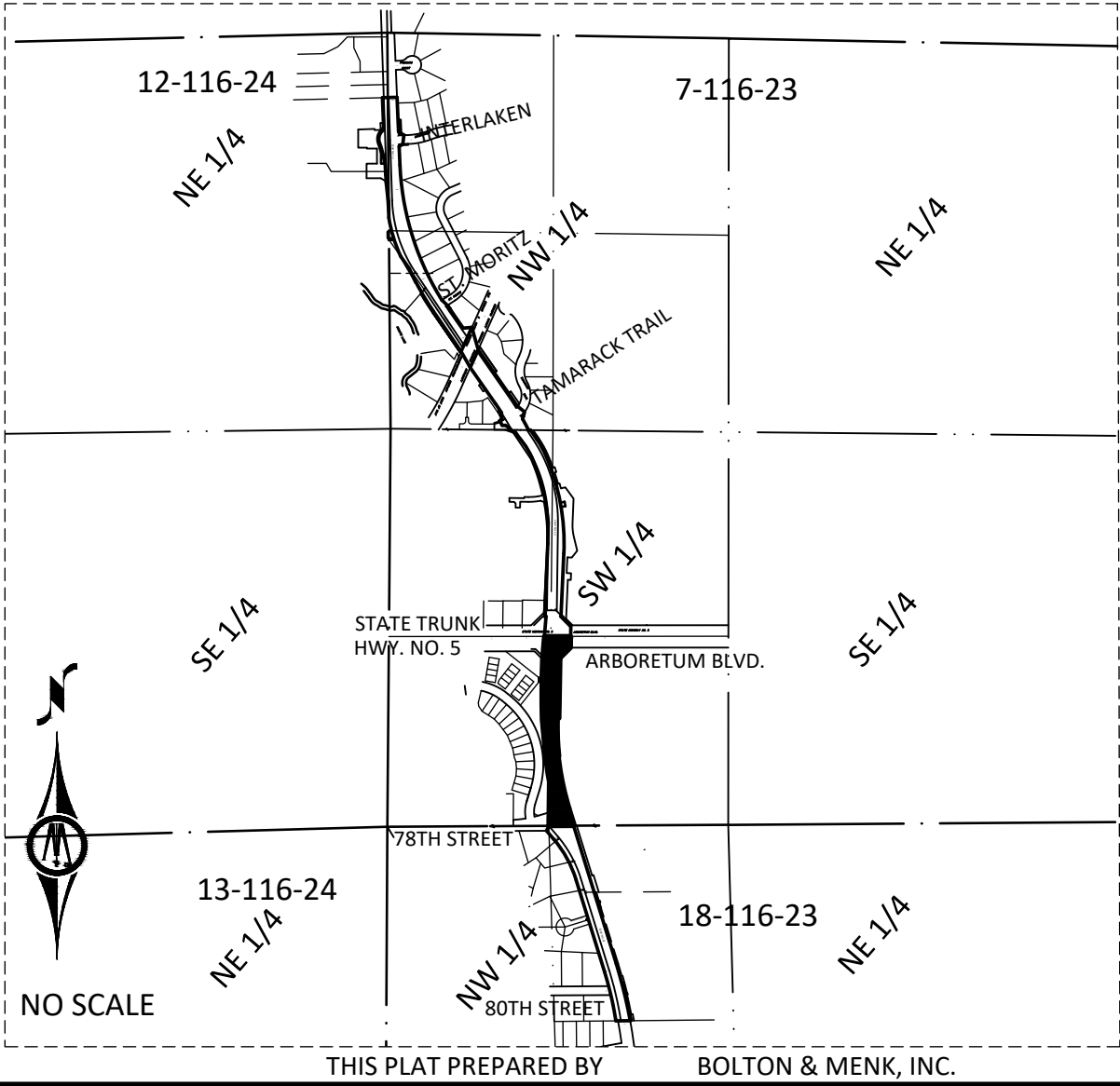


LEGEND

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- DENOTES TEMPORARY EASEMENT LINES

| SECTION 7, TOWNSHIP 116, RANGE 23 |                                                 |                                         |                  |                                                                                               | HIGHWAY RIGHT-OF-WAY (R/W)  |                        |                          | EASEMENTS               |                              |                        | INTEREST        |
|-----------------------------------|-------------------------------------------------|-----------------------------------------|------------------|-----------------------------------------------------------------------------------------------|-----------------------------|------------------------|--------------------------|-------------------------|------------------------------|------------------------|-----------------|
| PARCEL                            | OWNER(S) OF RECORD                              | LOCATION                                | PARCEL ID NUMBER | DEED RECORD DOC. NO. OR BOOK/PAGE                                                             | EXISTING ROAD R/W (SQ. FT.) | NEW ROAD R/W (SQ. FT.) | TOTAL ROAD R/W (SQ. FT.) | TEMP EASEMENT (SQ. FT.) | PERMANENT EASEMENT (SQ. FT.) | TEMP. EASEMENT EXPIRES | EASEMENT OR FEE |
| 63                                | MADELYN CREEK TWINHOMES HOMEOWNER'S ASSOCIATION | MADELYN CREEK 2ND ADDITION OUTLOT C     | 65.3260180       | A551895                                                                                       | -                           | -                      | -                        | 250                     | -                            | 12-31-28               | EASEMENT        |
| 64                                | CITY OF VICTORIA                                | MADELYN CREEK 2ND ADDITION OUTLOT D     | 65.3260190       | A538437                                                                                       | -                           | 7,820                  | 7,820                    | -                       | -                            | -                      | FEE             |
| 65                                | INTENTIONALLY OMITTED                           | -                                       | -                | -                                                                                             | -                           | -                      | -                        | -                       | -                            | -                      | -               |
| 68                                | REGENTS OF THE UNIVERSITY OF MINNESOTA          | PART OF THE SW1/4 OF SEC.7, T116N, R23W | 65.0073600       | 20982 (BK. 18 DEEDS, PG. 352)<br>37327 (BK. 32 DEEDS, PG. 46)<br>37464 (BK. 32 DEEDS, PG. 67) | 157,226                     | 58,893                 | 216,119                  | 76,702                  | 891                          | 12-31-28               | EASEMENT        |
| 305                               | DEDICATED                                       | MADELYN CREEK                           | -                | PLAT A444372                                                                                  | 25,891                      | -                      | 25,891                   | -                       | -                            | -                      | -               |

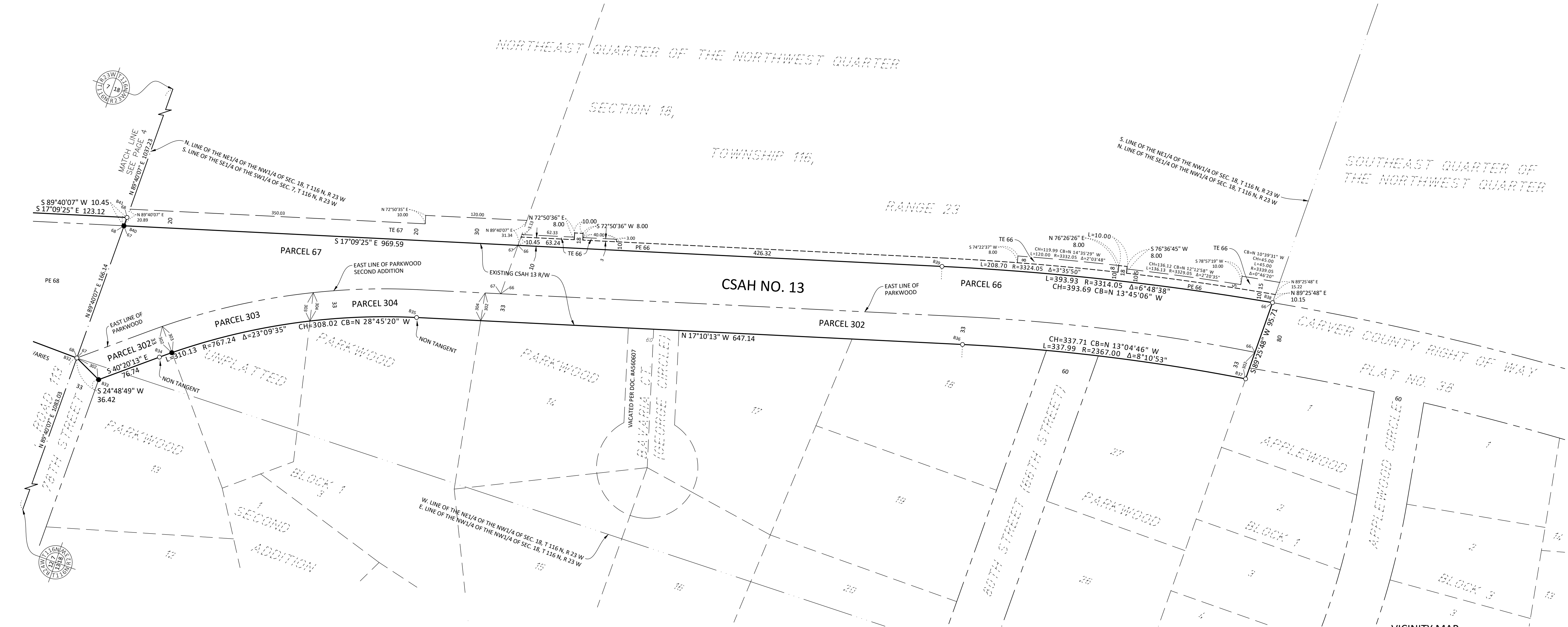
VICINITY MAP  
SECTIONS 7 & 18, TOWNSHIP 116 NORTH, RANGE 23 WEST &  
SECTION 12 TOWNSHIP 116 NORTH, RANGE 24 WEST,  
CARVER COUNTY, MINNESOTA



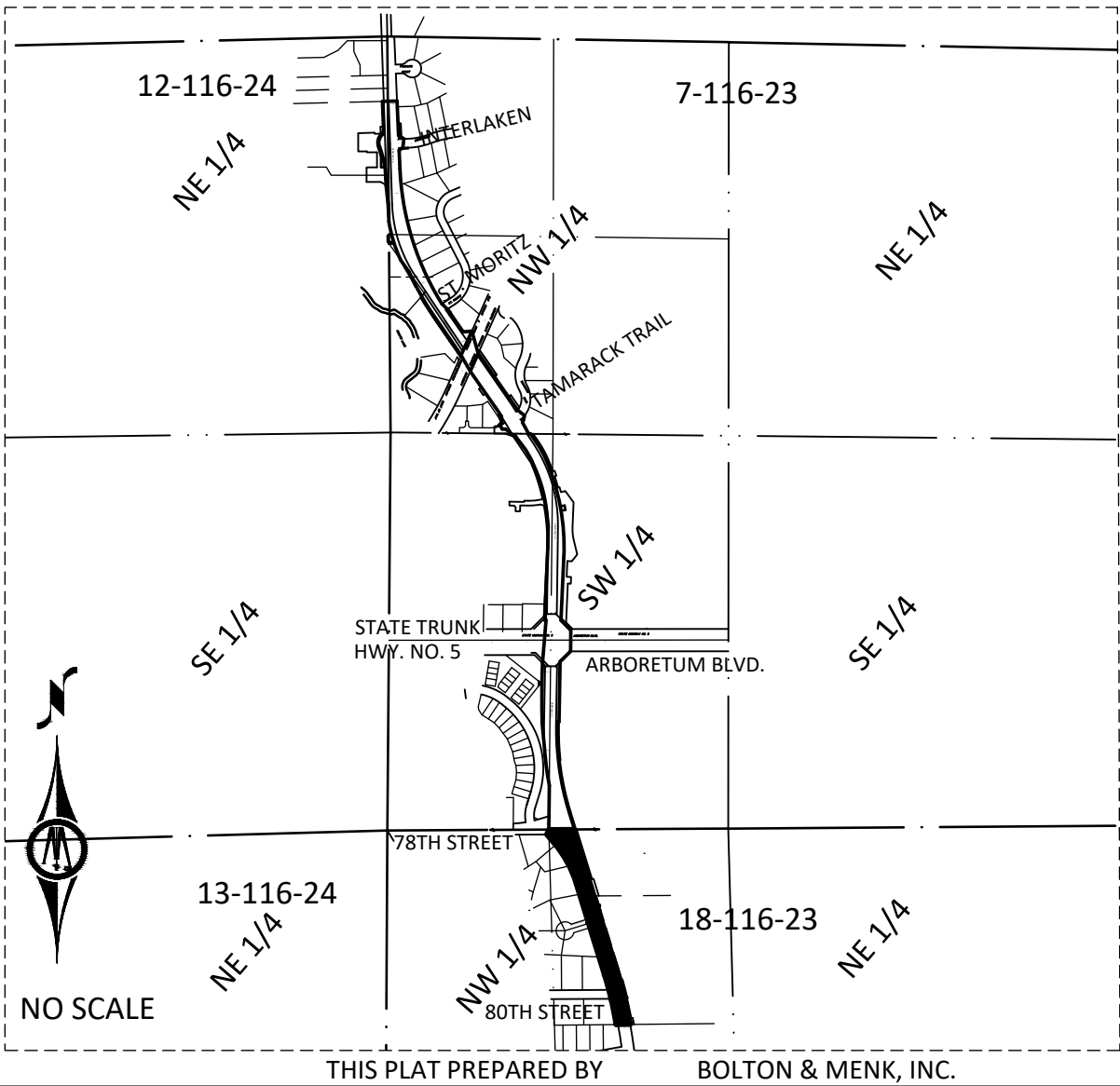
CARVER COUNTY RIGHT OF WAY PLAT NO. 40

County State Aid Highway No.13

|               |
|---------------|
| PLAT FILE NO. |
| C.R DOC. NO.  |
| R.T DOC. NO.  |
| PW JOB NO.    |



VICINITY MAP  
SECTIONS 7 & 18, TOWNSHIP 116 NORTH, RANGE 23 WEST &  
SECTION 12 TOWNSHIP 116 NORTH, RANGE 24 WEST,  
CARVER COUNTY, MINNESOTA



| SECTION 18, TOWNSHIP 116, RANGE 23 |                                      |                                                    |                  |                                   | HIGHWAY RIGHT-OF-WAY (R/W)  |                        |                          | EASEMENTS               |                              |                       | INTEREST        |
|------------------------------------|--------------------------------------|----------------------------------------------------|------------------|-----------------------------------|-----------------------------|------------------------|--------------------------|-------------------------|------------------------------|-----------------------|-----------------|
| PARCEL                             | OWNER(S) OF RECORD                   | LOCATION                                           | PARCEL ID NUMBER | DEED RECORD DOC. NO. OR BOOK/PAGE | EXISTING ROAD R/W (SQ. FT.) | NEW ROAD R/W (SQ. FT.) | TOTAL ROAD R/W (SQ. FT.) | TEMP EASEMENT (SQ. FT.) | PERMANENT EASEMENT (SQ. FT.) | TEMP EASEMENT EXPIRES | EASEMENT OR FEE |
| 66                                 | JHL PROPERTIES, LLC                  | PART OF THE NE1/4 OF NW1/4 OF SEC. 18, T116N, R23W | 65.0180610       | A589966, A589967                  | 52,363                      | -                      | 52,363                   | 2,602                   | 9,124                        | 12-31-28              | FEE & EASEMENT  |
| 67                                 | CITY OF VICTORIA                     | PART OF THE NE1/4 OF NW1/4 OF SEC. 18, T116N, R23W | 65.0180611       | A583836                           | 39,321                      | -                      | 39,321                   | 10,525                  | -                            | 12-31-28              | FEE & EASEMENT  |
| 302                                | DEDICATED                            | PARKWOOD                                           | -                | PLAT A05648                       | 33,360                      | -                      | 33,360                   | -                       | -                            | -                     | FEE             |
| 303                                | SUZANNE TSCHIDA AND PETER BLANCHETTE | PART OF THE NE1/4 OF NW1/4 OF SEC. 18, T116N, R23W | 65.0180500       | A765115                           | 5,806                       | -                      | 5,806                    | -                       | -                            | -                     | FEE             |
| 304                                | DEDICATED                            | PARKWOOD SECOND ADDITION                           | -                | PLAT A371664                      | 6,701                       | -                      | 6,701                    | -                       | -                            | -                     | FEE             |



Carver County Board of Commissioners  
Request for Board Action

**Agenda Item Name:** Purchase Agreement for Right of Way Acquisition for the Highway 11 Project - Carver Park Reserve

**Department:** Public Works - Program Delivery

**Contact:** Anthony Stucchi, Assistant Right of Way Agent, 952-466-5285

**Presenter:**

**Contract Name & Number:**

**Meeting Date:** November 5, 2024

**Item Type:** Regular Session

**Strategic Initiative:**

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

**Background/Justification:**

The 2025 construction season includes the Highway 11 Project - Carver Park Reserve. This project involves shoulder widening, grading, and resurfacing of Highway 11 from 0.27 miles north of Highway 5 to 0.1 miles south of Highway 7. To complete the project, additional land acquisition and rights-of-way are required. Appraisals have been conducted and reviewed by certified appraisers to determine the fair market value for the necessary rights-of-way. On October 1, 2024, the County Board authorized Public Works staff to make offers for the direct purchase of the affected properties.

A portion of the additional rights-of-way required for the project is owned by Three Rivers Park District (TRPD) and was originally purchased using grant funds from the Land and Water Conservation Act (LAWCON). Under LAWCON requirements, any impacts to lands funded by this program necessitate the provision of replacement land of at least equal fair market value and equivalent usefulness to TRPD, serving as compensation for the County's acquisition of these interests for the project.

Offers were submitted, and County staff reached an agreement with the landowner of Hennepin County PID #s 3511724430003 and 3511724430002 to provide this replacement land. Staff recommends approval of this land purchase agreement with the owner.

**Action Requested:**

Motion to adopt a resolution to approve entering into a purchase agreement for real property for Hennipin County Parcel PID #'s 3511724430003 and 3511724430002 for the Highway 11 Project - Carver Park Reserve for replacement of LAWCON land impacts.

**Fiscal Impact:**

| <b>Funding:</b> | <b>Amount Budgeted:</b> |
|-----------------|-------------------------|
| Wheelage Tax    | \$152,200.00            |

**Related Fiscal/FTE Comments:**

Included in the current budget.

**Attachments:**

1. 218931 Hwy 11-Carver Park\_Resolution Authorizing Settlements 11-05-24

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

Date: November 5, 2024

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

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

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

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**Resolution Authorizing the Purchase of Real Property Interests Needed for Highway 11  
Project – Carver Park Reserve**

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

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

WHEREAS, the County proposes to construct highway and related improvements in Carver County for shoulder widening and pavement improvements as part of the Highway 11 Project – Carver Park Reserve (“Project”); and

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

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

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

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

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

WHEREAS, the Carver County Board of Commissioners authorized the Public Works Division Director or agents under his supervision, to make initial written offers of just compensation to the Owners within the Project from whom property interests are required; and

WHEREAS, the Public Works Division Director or agents under his supervision, have negotiated the purchase price with the Owners impacted by the Project as described in said Exhibit A.

NOW, THEREFORE, BE IT RESOLVED that County’s acquisition of the real property interests described in said Exhibit A and the construction of highway and related improvements part of the Highway 11 Project – Carver Park Reserve constitute a valid public use or public purpose; and

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

BE IT FURTHER RESOLVED that the Carver County Board of Commissioners hereby authorizes and directs the Carver County Board Chairman and Carver County Administrator to enter into Stipulation of Settlement Agreement with said property owner(s), in the name of the County of Carver for the Project.

| YES   | ABSENT | NO    |
|-------|--------|-------|
| <hr/> | <hr/>  | <hr/> |
| <hr/> | <hr/>  | <hr/> |
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STATE OF MINNESOTA  
COUNTY OF CARVER

I, Dave Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on November 5, 2024, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 5th day of November 2024

|            |                      |
|------------|----------------------|
| <hr/>      | <hr/>                |
| Dave Hemze | County Administrator |

**Exhibit A**  
**to**  
**Resolution Authorizing the Purchase of Real Property Interests**

**Highway 11 Project – Carver Park Reserve**

Carver County Public Works No. 218931

**Hennepin County Property Tax Identification No. 3511724430003, 3511724430002**

Fee Owners: Life Science Foundation; now known as Charlson Meadows, a Minnesota non-profit organization.  
Property Address: Vacant Land adjacent to 1601 Highway 7, Excelsior, MN 55386

Subject property being acquired in fee simple contains **5.8 acres.**

**\$150,000.00**

Estimated attorney fees.

**\$2,200.00**

Settlement Amount: **\$152,200.00**



Carver County Board of Commissioners  
Request for Board Action

**Agenda Item Name:** Semi-Annual Report to the County Health Board  
**Department:** Health & Human Services - Public Health  
**Contact:** Richard Scott, Deputy Division Director, 952-361-1320  
**Presenter:** Richard Scott, Deputy Division Director  
**Contract Name & Number:** Not applicable  
**Meeting Date:** November 5, 2024  
**Item Type:** PH Board (CHB)

**Strategic Initiative:**

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

**Background/Justification:**

Dr. Richard Scott, Carver County Community Health Services Administrator and Deputy Division Director for Health Services, will provide Carver County Board of Health with a Semi-Annual Update as required by MS 145A. The update will include key accomplishments and activities from the current year, updates on the status of the Community Health Improvement Plan (CHIP) for 2025-2029, and major state and local public health initiatives for the next three to five years.

**Action Requested:**

Motion to convene the Carver County Community Health Board and receive the semi-annual report from the Community Health Services Administrator.

**Fiscal Impact:**

| Funding: | Amount Budgeted: |
|----------|------------------|
|          |                  |

**Related Fiscal/FTE Comments:**

No fiscal impact. No impact of FTE.

**Attachments:**

None



Carver County Board of Commissioners  
Request for Board Action

**Agenda Item Name:** HIPAA Privacy Official Appointment  
**Department:** Health & Human Services  
**Contact:**  
**Presenter:**  
**Contract Name & Number:** N/A  
**Meeting Date:** November 5, 2024  
**Item Type:** Consent

**Strategic Initiative:**

Culture: Provide culture that fosters accountability to achieve goals and sustain public trust.

**Background/Justification:**

Federal law requires a covered entity to designate a "Privacy Official" to fulfill responsibilities under the Health Insurance Portability and Accountability Act (HIPAA). After discussion between Health and Human Services and the County Attorney's Office, the role best fits within Health and Human Services. See Resolution for more details.

**Action Requested:**

Motion to adopt the resolution appointing Richard Scott, Deputy Division Director of Health Services & Community Health Services Administrator, as the Health Insurance Portability and Accountability Act (HIPAA) Privacy Official.

**Fiscal Impact:**

| Funding: | Amount Budgeted: |
|----------|------------------|
|          |                  |

**Related Fiscal/FTE Comments:**

No fiscal impact. No FTE impact.

**Attachments:**

1. Resolution HIPAA Privacy Official

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

Date: November 5, 2024  
Motion by Commissioner: \_\_\_\_\_

Resolution No: \_\_\_\_\_  
Seconded by Commissioner: \_\_\_\_\_

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**HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA) APPOINTMENTS**

**WHEREAS**, 45 CFR 164.530 (a) requires a covered entity to designate a Privacy Official to fulfill the privacy responsibilities under HIPAA; and

**WHEREAS**, on January 16, 2018, the Carver County Board of County Commissioners passed Resolution No 03-18 appointing Thomas W. Haines as the HIPAA Privacy Official for the covered entity components of Carver County, a HIPAA hybrid entity; and

**WHEREAS**, Carver County Administration recommends that, due to staffing changes, Richard Scott, Deputy Division Director of Health Services & Community Health Services Administrator, be appointed as the HIPAA Privacy Official for the covered entity components of Carver County, a HIPAA hybrid entity; and

**WHEREAS**, Heather Goodwin, Health and Human Services Division Director, supports this change.

**NOW, THEREFORE BE IT RESOLVED**, the Carver County Board of Commissioners hereby removes Thomas W. Haines from his appointment and appoints Richard Scott, Deputy Division Director of Health Services & Community Health Services Administrator, as the HIPAA Privacy Official for the covered entity components of Carver County, a HIPAA hybrid entity.

**BE IT FURTHER RESOLVED**, appointments made by this resolution supersede any previous appointments.

| YES   | ABSENT | NO    |
|-------|--------|-------|
| _____ | _____  | _____ |
| _____ | _____  | _____ |
| _____ | _____  | _____ |
| _____ | _____  | _____ |
| _____ | _____  | _____ |

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STATE OF MINNESOTA  
COUNTY OF CARVER

I, Dave Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 5<sup>th</sup> day of November, 2024, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 5<sup>th</sup> day of November, 2024.

---

Dave Hemze

County Administrator



Carver County Board of Commissioners  
Request for Board Action

**Agenda Item Name:** Permanent Easement Agreement between the Regents of the University of Minnesota and Carver County for the Highway 18 Project - Arboretum Area.

**Department:** Public Works - Program Delivery

**Contact:** Lyndon Robjent, Public Works Division Director / County Engineer, 952-466-5206

**Presenter:**

**Contract Name & Number:** Permanent Easement Agreement for the Highway 18 Project - Arboretum Area (24-562)

**Meeting Date:** November 5, 2024

**Item Type:** Consent

**Strategic Initiative:**

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

**Background/Justification:**

The Highway 18 (82nd Street) Project aims to connect Highway 13 to Highway 41, providing a vital link for Victoria, and improved access to the Minnesota Landscape Arboretum, Chaska, and Chanhassen. Key features include upgrading the gravel road to a two-lane paved urban highway and adding a multiuse trail enhancing community connectivity. Construction is planned to begin late 2024 and conclude at the end of the 2025 construction season.

This project requires additional right-of-way from the University of Minnesota to complete the project scope. Carver County has been working closely with the University of Minnesota / Minnesota Landscape Arboretum for the past 5 years in the development of the projects which has led us to the development and approval of a Memorandum of Understanding (MOU) this summer which describes the project scope and objectives, roles and responsibilities, timeline and milestones, financial considerations, legal and regulatory compliance, communication and coordination, and risk management. This MOU allows Carver County to assemble the needed property to complete the Highway 18 Project while we continue to work together on other outstanding items. The MOU

includes terms for permanent and temporary easements to be provided at no cost subject to the completion of the transfer of city-owned property in the Lake Tamarack Area to the University for rusty patched bumblebee habitat enhancement, conservancy and public use. This transfer will not occur in time for the start of the Highway 18 project, however, the University is willing to provide the needed easements to meet the project schedule. The County and University have agreed to negotiate in good faith for the easements if the Lake Tamarack land transfer is not completed.

The easement agreement between the Regents of the University of Minnesota and Carver County grants the County a permanent easement for public right-of-way and drainage and utility purposes over certain areas of the University's property. The agreement outlines the terms and conditions under which the easements are granted, including the rights and responsibilities of both parties. Key findings and restrictions include the following: The County is granted the right to construct, operate, and maintain public right-of-way uses, including highway, utility, and drainage improvements, within the easement areas. The County is also granted the right to cut, trim, or remove vegetation and to permanently grade or alter the land within the easement areas as necessary for the easement purposes. The University retains the right to use the easement areas for any purpose that does not unreasonably interfere with the County's use, including maintaining and repairing existing utilities. The County is responsible for restoring any damage to the University's property outside the easement areas. The agreement includes provisions for environmental matters, requiring the County to comply with environmental laws and to notify the University if hazardous materials are encountered. If the easement is no longer used for its intended purposes, the County must provide a quit claim deed to extinguish the agreement and restore the easement areas to a condition acceptable to the University. Overall, the document establishes a framework for cooperation between the University and the County to facilitate the construction and maintenance of public infrastructure while protecting the interests of both parties.

**Action Requested:**

Motion to approve the Permanent Easement Agreement between the Regents of the University of Minnesota and Carver County for the Highway 18 Project - Arboretum Area subject to completion of the contract review process.

**Fiscal Impact:**

| <b>Funding:</b> | <b>Amount Budgeted:</b> |
|-----------------|-------------------------|
|                 |                         |

**Related Fiscal/FTE Comments:**

**Attachments:**

None



Carver County Board of Commissioners  
Request for Board Action

**Agenda Item Name:** Training equipment purchase  
**Department:** County Sheriff - Patrol Services  
**Contact:** Mike Wollin, Commander, 952-361-1857  
**Presenter:**  
**Contract Name & Number:**  
**Meeting Date:** November 5, 2024  
**Item Type:** Consent

**Strategic Initiative:**

Culture: Provide culture that fosters accountability to achieve goals and sustain public trust.

**Background/Justification:**

The Sheriff's Office desires to further foster its initiatives of community safety and recruitment and retention through development of a robust training program. In 2024, the Sheriff's Office separated from its contract and utilization of the SCALE facility to develop space allocated in the Sheriff's Office for a training area. The Sheriff's Office is looking to purchase training equipment to build on initiatives and development of the existing space. This training equipment consists of Glock training sidearms (\$7,024.00) modeled after the already implemented Glock45 agency issued sidearm. Training sidearms allow for the utilization of simunition in reality/scenario-based training in skill-building and decision-making exercises. In the training area in the lower level of the Sheriff's Office, the Sheriff's Office purchased a smokeless range, a system utilizing projector screen and laser technology for marksmanship and decision-making development. This system requires additional equipment purchase (\$8,373.00) to equip multiple users simultaneously to further time management of the instructors and students scheduled for training.

**Action Requested:**

Approve utilization of \$15,397.00 of public safety aid funds received from the State of MN for the purchase of training equipment to further skill building and decision-making when conducting scenario-based training in preparation for real world application.

**Fiscal Impact:**

| <b>Funding:</b> | <b>Amount Budgeted:</b> |
|-----------------|-------------------------|
|                 |                         |

**Related Fiscal/FTE Comments:**

Budget amendment request. In 2023, the Sheriff's Office received one-time public safety aid of \$1,474,582 from the State of MN. If the Sheriff's request is approved, the remaining balance of public safety aid after these purchases will be \$925,389.00.

Ongoing costs for equipment maintenance or replacement will be managed through existing budget practices.

**Attachments:**

None



Carver County Board of Commissioners  
Request for Board Action

**Agenda Item Name:** Tree Planting Grant Program  
**Department:** Public Works - Parks  
**Contact:** Martin Walsh, Parks Director, 952-361-1570  
**Presenter:**  
**Contract Name & Number:** SG-25P7-03-01 Grant for Tree Planting, 24-516  
**Meeting Date:** November 5, 2024  
**Item Type:** Consent

**Strategic Initiative:**

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

**Background/Justification:**

The 2024 Legislature appropriated funding to Regional Park Implementing Agencies for the purpose of reimbursing costs associated with the planting of trees with more diverse, climate-adapted species in the regional park and trail system within the grantees jurisdiction.

**Action Requested:**

Motion to approve grant SG 25P7-03-01 from the Tree Planting Grant Program upon completion of the contract review process.

**Fiscal Impact:**

| Funding:           | Amount Budgeted: |
|--------------------|------------------|
| State General Fund | \$36,328         |

**Related Fiscal/FTE Comments:**

Budget Amendment is needed for \$36,328

**Attachments:**

1. BudgetAmendmentForm- Parks CIP







Carver County Board of Commissioners  
Request for Board Action

**Agenda Item Name:** Cooperative Construction Agreement for the Highway 41/10 Project with the State of Minnesota

**Department:** Public Works - Program Delivery

**Contact:** Darin Mielke, Assistant Public Works Director/Deputy County Engineer, 952-466-5222

**Presenter:**

**Contract Name & Number:** Cooperative Construction Agreement 1055714 for TH 41 at CSAH 10 in the City of Chaska (24-508)

**Meeting Date:** November 5, 2024

**Item Type:** Consent

**Strategic Initiative:**

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

**Background/Justification:**

Carver County, the City of Chaska and MnDOT are partnering to complete the Highway 41/10 Project, which includes the reconstruction of approximately 3/4 a mile of Highway 10 from Bavaria Road to Park Ridge Drive in the City of Chaska. Included with this work are improvements to the State Highway 41 and Highway 10 intersection to improve traffic operations. Pedestrian improvements are planned to include trails, walks and pedestrian underpasses under both State Highway 41 and Highway 10. Carver County and the City of Chaska have been successful in obtaining \$8.8 million in federal funding through the 2020 Regional Solicitation and \$3 million in 2021 MnDOT TED funding, and \$0.71 million in 2024 Local Partnership Program (LPP) funds. The project is scheduled for construction in 2025..

An agreement is needed with MnDOT to utilize the state funds and define maintenance responsibilities in the State Highway 41 right of way.

**Action Requested:**

Motion to approve a resolution to enter into a Cooperative Construction Agreement with the State of Minnesota and the City of Chaska for the Highway 41/10 Project, pending finalization of the contract review process.

**Fiscal Impact:**

| <b>Funding:</b>     | <b>Amount Budgeted:</b> |
|---------------------|-------------------------|
| Federal             | \$8,758,520             |
| MnDOT LPP           | \$710,000               |
| MnDOT TED           | \$3,000,000             |
| City of Chaska      | \$7,506,222             |
| County Sales Tax    | \$4,847,622             |
| County CSAH Regular | \$9,508,401             |

**Related Fiscal/FTE Comments:**

The budget is based on the current cost estimate for total project cost (engineering, property acquisition and construction including contingency).

**Attachments:**

1. Resolution

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

Date: November 5, 2024

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

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

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

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**COOPERATIVE CONSTRUCTION AGREEMENT  
NO. 1055714  
WITH THE STATE OF MINNESOTA**

IT IS RESOLVED that Carver County enter into MnDOT Agreement No. 1055714 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for payment by the State to the County of the State's share of the costs of the roundabout construction and other associated construction to be performed upon, along, and adjacent to Trunk Highway No. 41 from 700 feet south of CSAH 10 to 520 feet north of CSAH 10 and on CSAH 10 from 590 feet west of Bavaria Road to 510 feet east of Park Ridge Drive under State Project No. 1008-106.

IT IS FURTHER RESOLVED that the County Board Chair and the County Administrator are authorized to execute the Agreement and any amendments to the Agreement.

YES

ABSENT

NO

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STATE OF MINNESOTA  
COUNTY OF CARVER

I, Dave Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 5<sup>th</sup> day of November, 2024, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 5<sup>th</sup> day of November, 2024.

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

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



Carver County Board of Commissioners  
Request for Board Action

**Agenda Item Name:** Joint Powers Agreements for the County Highway 18 Project - Arboretum Area with the City of Victoria, Chaska and Chanhassen

**Department:** Public Works - Program Delivery

**Contact:** Lyndon Robjent, Public Works Division Director / County Engineer, 952-466-5206

**Presenter:**

**Contract Name & Number:** 24-552 (Victoria), 24-553 (Chanhassen), 24-554 (Chaska)

**Meeting Date:** November 5, 2024

**Item Type:** Consent

**Strategic Initiative:**

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

**Background/Justification:**

The Highway 18 (82nd Street) Project is identified in the 2021 Arboretum Area Transportation Plan. It aims to connect Highway 13 to Highway 41, providing a vital link for Victoria, and improve access to the Minnesota Landscape Arboretum, Chaska, and Chanhassen. Key features include upgrading the gravel road to a two-lane paved urban highway and adding a multi-use trail enhancing community connectivity. This initiative is a joint effort led by Carver County, in partnership with the cities of Chaska, Chanhassen, and Victoria. Construction is planned to begin late 2024 and conclude at the end of the 2025 construction season. The JPA outlines the roles, responsibilities, and cost share for the project. The State funds offset the local shares on this project.

**Project Costs**

- Project Development: \$2.15M
- Legal/Communications: \$0.13M
- Right of Way: \$2.1M
- Construction: \$16.14M

- Construction Contingency (5%): \$0.81M
- Construction Admin (8%):\$1.36M
- Total: \$22.69M

**Action Requested:**

1. Motion to approve a Joint Powers Agreement with the City of Victoria for the Highway 18 Project - Arboretum Area.
2. Motion to approve a Joint Powers Agreement with the City of Chaska for the Highway 18 Project - Arboretum Area.
3. Motion to approve a Joint Powers Agreement with the City of Chanhassen for the Highway 18 Project - Arboretum Area.

**Fiscal Impact:**

| <b>Funding:</b>     | <b>Amount Budgeted:</b> |
|---------------------|-------------------------|
| State GO Bonds      | \$3,760,000             |
| State General Funds | \$6,240,000             |
| County Funds        | \$12,690,000            |
| City of Victoria    | \$0.00                  |
| City of Chanhassen  | \$0.00                  |
| City of Chaska      | \$0.00                  |

**Related Fiscal/FTE Comments:**

Included in the current budget

**Attachments:**

None



Carver County Board of Commissioners  
Request for Board Action

**Agenda Item Name:** Temporary Construction Agreement between the Regents of the University of Minnesota and Carver County for the Highway 18 Project - Arboretum Area

**Department:** Public Works - Program Delivery

**Contact:** Lyndon Robjent, Public Works Division Director / County Engineer, 952-466-5206

**Presenter:**

**Contract Name & Number:** Temporary Construction Agmt for Hwy 18 Proj - Arb Area (24-561)

**Meeting Date:** November 5, 2024

**Item Type:** Consent

**Strategic Initiative:**

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

**Background/Justification:**

The Highway 18 (82nd Street) Project aims to connect Highway 13 to Highway 41, providing a vital link for Victoria, and improved access to the Minnesota Landscape Arboretum, Chaska, and Chanhassen. Key features include upgrading the gravel road to a two-lane paved urban highway and adding a multiuse trail enhancing community connectivity. Construction is planned to begin late 2024 and conclude at the end of the 2025 construction season.

This project requires additional right-of-way from the University of Minnesota to complete the project scope. Carver County has been working closely with the University of Minnesota / Minnesota Landscape Arboretum for the past 5 years in the development of the projects which has led us to the development and approval of a Memorandum of Understanding (MOU) this summer which describes the project scope and objectives, roles and responsibilities, timeline and milestones, financial considerations, legal and regulatory compliance, communication and coordination, and risk management. This MOU allows Carver County to assemble the needed property to complete the Highway 18 Project while we continue to work together on other outstanding items. The MOU

includes terms for permanent and temporary easements to be provided at no cost subject to the completion of the transfer of city-owned property in the Lake Tamarack Area to the University for rusty patched bumblebee habitat enhancement, conservancy and public use. This transfer will not occur in time for the start of the Highway 18 project, however, the University is willing to provide the needed easements to meet the project schedule. The County and University have agreed to negotiate in good faith for the easements if the Lake Tamarack land transfer is not completed.

A Temporary Construction Agreement between the Regents of the University of Minnesota and Carver County grants the County a temporary construction license over portions of the University's property to facilitate improvements on County State Aid Highway 18. It allows the County access to specific areas for construction-related activities. The agreement is effective from November 1, 2024, to December 31, 2025, with an option for a six-month extension. The County is responsible for informing the University about the project's status, ensuring minimal interference with the University's property, and restoring any damage caused during construction. Additionally, the County must obtain and maintain specific insurance coverage, indemnify the University against any loss or damage, comply with environmental laws, and ensure no hazardous materials are used or stored without approval. Special conditions include informing the University about pre-construction meetings, conducting a photo survey of the property, and coordinating temporary road closures. Overall, the document establishes a framework for cooperation between the University and the County to facilitate the construction and maintenance of public infrastructure while protecting the interests of both parties.

**Action Requested:**

Motion to approve the Temporary Construction Agreement between the Regents of the University of Minnesota and Carver County for the Highway 18 Project - Arboretum Area, subject to completion of the contract review process.

**Fiscal Impact:**

| <b>Funding:</b> | <b>Amount Budgeted:</b> |
|-----------------|-------------------------|
|                 |                         |

**Related Fiscal/FTE Comments:**

NA

**Attachments:**

None



Carver County Board of Commissioners  
Request for Board Action

**Agenda Item Name:** Memorandum of Agreement with SMACC - 2025 Health Insurance Benefits

**Department:** Employee Relations

**Contact:** Kerie Anderka, Employee Relations Division Director, 952-361-1570

**Presenter:**

**Contract Name & Number:**

**Meeting Date:** November 5, 2024

**Item Type:** Consent

**Strategic Initiative:**

Culture: Provide culture that fosters accountability to achieve goals and sustain public trust.

**Background/Justification:**

The County and the Supervisors and Managers Association of Carver County (SMACC) are parties to a Collective Bargaining Agreement in effect from January 1, 2023 through December 31, 2024. Open enrollment for 2025 insurance benefits is occurring before the parties will conclude negotiations for the 2025 successor collective bargaining agreement.

SMACC has agreed to a Memorandum of Agreement (MOA) for 2025 health insurance. The MOA outlines plan design changes and cafeteria contributions effective January 1, 2025. The County's existing HSA Plan deductibles will be updated to reflect single/family deductible amounts of \$3,300/\$6,600 from \$3,200/\$5,400. Additionally, the HRA High Deductible Plan option will be discontinued after 12/31/2024 and the County will offer a \$5,000/\$10,000 HSA High Deductible Plan option.

The MOA outlines County cafeteria contributions as reflected below and maintains the percentages currently defined in contract language for employee-only and full-family coverage tiers.

- Employee: \$933.34
- Employee + Child(ren): \$1,525.06

- Employee + Spouse: \$2,207.33
- Family: \$2,448.13

The MOA also outlines County HSA Contributions for 2025 of \$1,325.00 for those with single insurance, and \$3,000.00 for those with family insurance.

**Action Requested:**

Motion to approve the Memorandum of Agreement with SMACC Regarding 2025 Health Insurance Benefits Package.

**Fiscal Impact:**

| <b>Funding:</b> | <b>Amount Budgeted:</b> |
|-----------------|-------------------------|
| County Funding  | \$1,474,206             |

**Related Fiscal/FTE Comments:**

The 2025 Budget for the 2025 SMACC MOA for employer cafeteria contribution is \$1,474,206.

**Attachments:**

None



Carver County Board of Commissioners  
Request for Board Action

**Agenda Item Name:** 2025 Legislative Priorities  
**Department:** County Administration  
**Contact:** Dave Hemze, County Administrator, 952-361-1526  
**Presenter:** Dave Hemze, County Administrator  
**Contract Name & Number:**  
**Meeting Date:** November 5, 2024  
**Item Type:** Regular Session

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

**Background/Justification:**  
Proposed 2025 Carver County Legislative Priorities are attached for review and approval. These priorities were reviewed by the County Board during an October 22 work session.

**Action Requested:**  
Motion to approve Carver County's 2025 Legislative Priorities.

**Fiscal Impact:**

| Funding: | Amount Budgeted: |
|----------|------------------|
|          |                  |

**Related Fiscal/FTE Comments:**  
Legislative issues have various impacts, some of which are summarized in the attached document.

- Attachments:**
1. 2025 Legislative Priorities - Draft 5 - Printed Version



# LEGISLATIVE PRIORITIES

2025

“

*Where the future embraces the past in keeping Carver County a great place to live, work, and play for a lifetime.*



# LOCAL POLICY CONTROL

The Carver County Board of Commissioners supports local decision-making authority and opposes legislation that removes the ability for local elected officials to respond to the needs of its businesses and constituents or that restricts local decision-making authority.

Locally elected decision-makers hold the best position to determine what health, safety, and welfare regulations best serve their constituents. Like state and federal legislative leaders, local elected officials are held accountable through Minnesota's robust elections process. Ordinances at the local level are enacted only after a comprehensive, legal, and open process.

The public's access to local officials is much easier, as is attending local county board and city council meetings.

Counties are often laboratories for determining public policy approaches to the challenges that face residents and businesses. Preserving local control in our state has yielded widespread benefits such as the 2007 Freedom to Breathe Act, and an amendment to the Minnesota Clean Indoor Air Act.



# 2025 LEGISLATIVE PRIORITIES

## I) GENERAL GOVERNMENT

1. Unfunded State and Federal Mandates .....Page 4
2. Employee Relations .....Page 5
3. Housing Initiatives.....Page 7
4. Local Affordable Housing Aid (LAHA): County Administrative Costs .....Page 8

## II) ROAD & BRIDGE

5. Greenhouse Gas Emissions and Vehicle Miles Travelled Impact Assessment .....Page 9

## III) PARKS AND TRAILS

6. Metropolitan Council's Parks Future Reimbursement Program .....Page 10
7. Support for Phase III for Lake Waconia Regional Park .....Page 11
8. Support for the Regional Park System Bonding Bill .....Page 12
9. Parks and Trails Legacy Funding .....Page 13
10. Operations and Maintenance Funding for Regional Parks .....Page 14

## IV) HEALTH AND HUMAN SERVICES

11. Mental Health – Does Not Meet Criteria (DNMC) .....Page 15
12. Child Protection and Justice-Involved Youth: Major Barriers for Appropriate Care .....Page 16
13. MnCHOICES: Reduce the Frequency of Reassessments .....Page 17
14. Child Protection: Minnesota African American Family Preservation Act (MAAFPA) .....Page 18

\*Items listed in this order does not mean priority listing

# UNFUNDED STATE & FEDERAL MANDATES

## BACKGROUND

Carver County opposes state or federal mandates and costs without full and stable funding. These unfunded mandates unfairly shift financial responsibility to counties. Examples of more than \$2 million in annual, unfunded mandates/funding shifts with the estimated cost to Carver County residents include:

- **\$500,000** = Unfunded children's mental-health case management services (non-medical assistance)
- **\$125,000** = Unfunded adult mental-health case management services (non-medical assistance)
- **\$600,000** = "Does Not Meet Criteria" notification from state operated facilities
- **\$300,000** = After-hours coverage as the state "Safety Net" for adult and child protection/mental health crisis
- **\$200,000** = Civil commitment pre-petition screening process
- **\$15,600** = Publication of financial statements, County Board meeting minutes, and budget hearing notices
- **\$100,000** = Providing federally mandated health benefits to pre-trial inmates
- **\$150,000 - \$200,000** = Various public safety mandates, including emergency management planning and training; 911 dispatch training and equipment requirements; and detention-related costs (underfunded transportation costs, inmate custody boarding costs, inmate programming and mental-health commitment costs)

## REQUESTED POSITION

State or federal legislation not accompanied with commensurate funding be revised or removed. Further, the state legislature should pass legislation to sunset all county-level mandates, reviewing each legislative item to determine if it should continue or be eliminated. Finally, all legislation impacting local government needs to include a "local impact note" to determine if it increases local government costs.

# EMPLOYEE RELATIONS PRIORITIES

## BACKGROUND

Minnesota statutory changes made during recent legislative sessions impacted local government's ability to effectively manage its operations and workforce. Provisions imposed increased unfunded state mandates with direct and indirect costs, and complex requirements in the areas of employment law and labor relations, affecting ability to address and manage benefits and wages as affordable subjects of bargaining, and imposing provisions that reduce local government's ability to effectively manage workforce availability and deliver essential services.

## REQUESTED POSITION

Maintain the ability of the public sector and local government to effectively manage its operations and workforce, including staffing levels, employee leave and benefits programs, and workforce management provisions through mandates, earned sick and safe time, Minnesota Paid Family Medical Leave, the Public Employment Labor Relations Act, and staffing ratios.

## MANDATES

Refrain from creating, and instead reduce or eliminate increased state mandates regarding employment law, employee benefits, and labor relations matters, especially additional unfunded requirements and administrative burdens.

## EARNED SICK AND SAFE TIME (ESST)

Support adjustments to ESST provisions for effective application of the law within reasonably defined and equitable parameters, and position public employers to ensure adequate staffing for delivery of essential services.

- Effective January 2025, as required under Minn. Stat., Sect. 181.9445 – 181.9448 and amendments per Session Laws 2024, Chapter 127, Article 11, Sects. 15-17, virtually all provisions and characteristics of ESST will expand to apply to other forms of paid time off and paid leave which can be used for personal illness or injury, made available to employees by an employer in excess of the minimum ESST hours required per Minn. Stat., Sect. 181.9446.
- Employers that provide and have collectively bargained expansive additional leave programs beyond the minimum accruals required under ESST law will, beginning in 2025, be subject to an “ESST takeover” of leave banks and leave programs that were never designed or intended for such expansive use or to be administered via rules revised by the state.
- Repeal the mandate to expand ESST provisions to apply to paid time off and paid leave hours beyond the minimum accrued ESST hours required by law.

# EMPLOYEE RELATIONS PRIORITIES

## MINNESOTA PAID FAMILY MEDICAL LEAVE (PFML)

Provide appropriate flexibility in Minnesota PFML law to support effective delivery of public services without added undue burden.

- Recognize the additional constriction this new mandate places on a strained workforce given existing challenges in staffing certain essential and public safety service areas. Support provision of paid leave during federal FMLA-qualifying events but allow exemptions from PFML expanded leave provisions in certain areas to avoid undue disruption to delivery of essential and public safety services to the public.
- Pursue language to clarify that employers meet the expectations and mandates of the Minnesota PFML law and shall not be required to bargain concerning, the implementation of a 50/50 split of premium payments between employer and employee. Nothing in this provision shall prohibit an employer from electing to pay a greater percentage of the premium nor does this provision prohibit unions from collectively bargaining a greater employer contribution.

## PUBLIC EMPLOYMENT LABOR RELATIONS ACT (PELRA)

Streamline and reduce administrative burden and complexity of mandates requiring local governments to provide expansive reporting to unions, as well as coordinate scheduling and manage various requirements (administrative, security, scheduling, logistics, communications) related to expansive union access mandates. Protect the private personnel data of public employees by defining parameters for union use and retention of data by unions. Repeal additional timeline mandates placed on local government employers to respond to union data requests.

## STAFFING RATIOS

Support the repeal of “staffing ratios” in Minn. Stats. 179A.03, Subd. 19, and reversal of changes made in Minnesota Session Laws 2023, Chapter 53, Article 11, Section 14 regarding the scope of inherent managerial policy under Minn. Stats. 179A.07, Subd. 1. Setting specific staffing levels for individual classes of employees through contractual agreements:

- Diminishes critical flexibility, efficiency, and affordability of government services
- Promotes misalignment of staff workloads and allocation of resources over time
- Diminishes the ability or prevents organizations from pursuing innovation, using new or different technology or methods, and sensibly reorganizing functions
- Will result in establishment of ratios that will become ineffective and outdated as conditions change
- And may force counties to discontinue certain functions

# HOUSING INITIATIVES

## BACKGROUND

A recent **Carver County Community Development Agency (CDA)** housing study identified a significant need for a variety of housing types for Carver County. This detailed report can be found online: [carvercda.org/news/p/item/57180/2024-comprehensive-housing-needs-analysis-for-carver-county](https://carvercda.org/news/p/item/57180/2024-comprehensive-housing-needs-analysis-for-carver-county).

Carver County has a long history of addressing housing needs through collaborative projects such as working with public, nonprofit and private community partners to build West Creek in Chaska, an 18-unit affordable, supportive housing apartment complex, that opened in August 2024. This facility helped close the housing gap for qualified young adults, ages 18 to 26. Another example is Carver Place in the City of Carver which is currently under construction and will supply the local community with 60 affordable units. There are numerous other examples which illustrate that local control and coordination of efforts across the various sectors is the best model to address this difficult problem.

The state legislature is also an important partner in these efforts, but recent legislation to meet housing needs falls short. Proposed “Missing Middle” legislation would have preempted city zoning and land use authorities, removed public input in the residential development process, ignored long-range comprehensive plans, and lacked consideration for how cities utilize zoning and land use authorities ensured investments in utilities and infrastructure. In addition, the **Local Affordable Housing Aid (LAHA)** created by the 2023 legislature provided Carver County with a nominal funding amount of **\$1.6 million** with no allowance to cover administrative costs.

Finally, the 2024 legislature adopted a historic \$2.6 billion housing stability package, but Carver County’s share of state funding to support those who are unhoused or are at risk of homelessness was only **\$1.5 million**. This excluded expanding the Housing Support Demonstration Project leaving Carver with only two beds (with a local bed need of 20) and resulted in Carver County expending all Emergency Assistant (EA), Local Homeless Assistant Prevention Aid (LHPA), and State Affordable Housing Aid (SAHA) funds by September of 2024.

## REQUESTED POSITION

Carver County supports state legislative assistance which provides additional funding and supports the coordinated efforts of achieving a sustained and increased availability of options across the housing lifecycle. The prevailing objective for any housing initiative must prioritize local control to increase production of residential units, the preservation of existing homes, and housing stability programs for individuals and families.

# LOCAL AFFORDABLE HOUSING AID (LAHA): COUNTY ADMINISTRATIVE COSTS

## BACKGROUND

Local Affordable Housing Aid (LAHA) was created by the 2023 legislature. The annual appropriation for LAHA comes from a sales and use tax imposed within metropolitan counties as defined in Minnesota Statutes, section 473.121, subdivision 4. Amendments to LAHA were made by the 2024 legislature. Those amendments added additional allowable projects, among other things. As counties plan to implement projects related to the intended use for the aid, no allowance was made in the law to cover county costs of administering qualified projects.

## REQUESTED POSITION

Amend applicable Minnesota Statutes to allow for up to 10 percent of LAHA funds to cover County costs related to administering LAHA projects, reporting, and other tasks related to distribution of funds.

# GREENHOUSE GAS EMISSIONS AND VEHICLE MILES TRAVELLED IMPACT ASSESSMENT

## BACKGROUND

Carver County appreciates the 2024 changes to the statute which revises the transportation greenhouse gas (GHG) emissions and vehicle miles travelled (VMT) impact assessment to a portfolio, not individual project, level.

The 2023 Omnibus Transportation Finance and Policy Bill established a new requirement for an assessment of GHG emissions and VMT for grade separated interchange projects and capacity improvement projects on the trunk highway system. As enacted, the new law will apply to capacity expansion projects, which are defined as major highway projects, with a cost of \$15 million or more in the metro area, and \$5 million or more in greater Minnesota, and adds highway traffic capacity or provides for grade separation at an intersection, excluding auxiliary lanes with a length of less than 2,500 feet. For a portfolio of projects covered by the new law, if the portfolio is not in conformance with GHG and VMT reduction targets, there must be:

1. A change in the scope or design of the any projects within the portfolio and a revised assessment must be performed, or
2. Interlink sufficient impact mitigation, or
3. Halt the project development and disallow inclusion of the project in the STIP.

Carver County continues to lead important mobility and safety improvement projects on the State's Trunk Highway System including Highway 212, Highway 5, Highway 7, Highway 41, and Highway 101. Improvements to these transportation corridors are critical to accommodating growth and ensuring safe and reliable travel in the region. The county invests millions in local revenue to fund these projects so adding the burden to mitigate for Greenhouse Gas impacts or increases in VMT puts additional burden on the county for state owned infrastructure.

## REQUESTED POSITION

Carver County supports limiting the greenhouse gas (GHG) emissions and vehicle miles traveled (VMT) assessments to trunk highway corridors only and requests the legislature establish additional funding to pay for mitigation efforts so they will not have to be included in the costs of individual projects.

# METROPOLITAN COUNCIL'S PARK FUTURE REIMBURSEMENT PROGRAM

## BACKGROUND

Since the early 1990s, the Parks Future Reimbursement Program has enabled implementing agencies to request council approval to acquire land and develop regional parks (and trails) using agency funds and then be eligible for reimbursement in the future using council tax exempt bonds (no state funding has supported this program). The Parks Future Reimbursement Program is part of the council's Regional Parks Bonding Program and has policy guidance from the Regional Parks Policy Plan and the Parks Fund Distribution Policy.

In 2021, the council stopped reimbursing agencies for certain eligible expenses because the Metropolitan Council's Bond Counsel determined that the Parks Future Reimbursement Program did not comply with IRS regulations. Since 2021, council and agency parks staff have unsuccessfully brainstormed potential new options to restart reimbursing agencies for all eligible expenses.

According to council records, \$8.6 million in Carver County taxpayer funds have been spent on eligible expenses (primarily acquiring land for Lake Waconia Regional Park) but Carver County has only received \$4.4 million from the Parks Future Reimbursement Program, which means Carver County taxpayers have not been reimbursed for **\$4.2 million** in eligible expenses.

## REQUESTED POSITION

Support legislation to reimburse Carver County taxpayers for spending **\$4.2 million** acquiring land and developing regional parks and trails.

# SUPPORT FOR PHASE III OF THE LAKE WACONIA REGIONAL PARK DEVELOPMENT

## BACKGROUND

Lake Waconia Regional Park is a 160-acre Metropolitan Regional Park, minimally developed, and located on the second largest lake in the Twin Cities area. Carver County received past funding from the state for the phased development of Lake Waconia Regional Park.

In 2018, the county received \$1.5 million of state bonds for phase I of the park development, which included site grading, installation of municipal utility lines, and the construction of roadways and parking lots.

In 2020, the County received an additional \$2.5 million of state bonds for phase II of development. The funds were secured helped construct a new waterfront pavilion with restrooms, rental concessions, and assist in making utility connections. Carver County provided **\$7 million**, 70 percent of the project costs, in local funds towards phase I and phase II developments.

## REQUESTED POSITION

Provide **\$3.264 million** in state funds for predesign, design, and construction of a playground, parking lot, trails, walkways, fishing piers, and other site amenities at Lake Waconia Regional Park.

# SUPPORT FOR THE REGIONAL PARK SYSTEM BONDING BILL

## BACKGROUND

The Metropolitan Council's Regional Park Capital Improvement Plan (CIP) is based on the issuance of up to \$10 million of Metropolitan Council bonds to provide a 40 percent match to a 2025 state bond request of \$15 million. This results in a 2025 CIP requested total for the Metropolitan Regional Park System of **\$25 million**.

## REQUESTED POSITION

Support legislation which provides up to \$25 million for the Regional Park CIP for 2025. \$15 million of state bonds are to be matched with \$10 million of Metropolitan Council bonds for a combined total of **\$25 million** for the Metropolitan Regional Parks System.

# PARKS & TRAILS LEGACY FUNDING

## BACKGROUND

Parks and Trails Legacy Funding was established in 2012 and is funded with the 3/8th of 1 percent sales tax that is administered by the agencies of the State Park System, Metropolitan Regional Park System, and the Greater Minnesota Regional Park System.

## THE FUNDING SPLIT INCLUDES:

- .25 percent off the top for coordination among partners for marketing and promotional efforts for all parks and trails of state or regional significance
- .25 percent off the top to fund resources to establish criteria to allocate Legacy Funds

## THE REMAINDER TO BE SPLIT:

- 40 percent Minnesota Department of Natural Resources
- 40 percent Metropolitan Regional Parks and Trails
- 20 percent Greater Minnesota Regional Parks

Carver County receives approximately \$600,000 annually to fund park and trail capital improvements, asset management of its regional park facilities, providing recreation programs, and other forms of public parks and recreation outreach activities.

## REQUESTED POSITION

The Metropolitan area generates substantially more sales tax revenue than it receives through Parks and Trail Legacy Funding. Further, the Regional Park System generates substantially more users than the Greater Minnesota Regional Park System. Ideally, the funding should be split by sales tax generated or by annual parks and trail usage figures. Funding from SFY 2026 and 2027 Parks and Trail Legacy funding shall be no less than 40 percent to the Metropolitan Regional Parks and Trails.

# OPERATIONS & MAINTENANCE FUNDING FOR REGIONAL PARKS

## BACKGROUND

Carver County receives a portion of its Operations and Maintenance (O&M) funding for the regional parks it administers. O & M funding comes from funding sources of the state general fund.

Carver County supports the request of the Metropolitan Council of \$9,140,000 in state funds for O & M funding of regional parks. The amount is the same as requested in 2023.

In past years Regional Park Implementing Agencies received approximately 9 percent of their O & M expenditures from the state. For Carver County, the anticipated funding amount is approximately **\$200,000**.

## BENEFITS

- Reduces County property tax to maintain its regional parks
- Continues a satisfactory levels of park services
- Helps off-set cost of by users outside of Carver County

## REQUESTED POSITION

Support legislation for Operations and Maintenance expenditures for regional parks.

# MENTAL HEALTH: DOES NOT MEET MEDICAL CRITERIA (DNMC)

## BACKGROUND

Beds at state-operated facilities continue to be at capacity and there are Carver County residents “stuck” in beds that are at a higher level of care than is needed but they are unable to move to a lesser level of care bed because there are not adequate beds in state-operated facilities available. Carver County was being billed 100 percent of the cost of care for one individual when the 2023 state legislature granted relief to counties for these costs for those civilly committed Mentally Ill and Dangerous (MI&D). The state legislature seemed to understand that counties are powerless to expand state capacity and powerless when an individual is “stuck” in that high level of care with nowhere else to safely go. Charging counties for this cost only removes dollars from the County that instead could be used to support mental health needs locally.

## REQUESTED POSITION

- The legislation passed (Minnesota Statute §246.54, Subd. 1a & 1b) only granted financial relief for counties from July 1, 2023, through June 30, 2025. Carver County requests that the legislation passed in 2023 be amended to eliminate the end date of the relief and instead make that relief permanent and ongoing, essentially ending the county’s cost share.
- Carver County requests that the 2025 legislature pass relief for Carver County’s DNMC debt incurred between July 1, 2022, and June 30, 2023, for those who were “stuck” in a state-operated facility due to lack of bed capacity at another state-operated facility. For Carver County, that cost equals **\$518,130**.

# CHILD PROTECTION AND JUSTICE-INVOLVED YOUTH: MAJOR BARRIERS FOR APPROPRIATE CARE

## BACKGROUND

The 2023 legislature established and tasked a working group on youth interventions to evaluate the out-of-home placement options in Minnesota for youth adjudicated to be either in need of protection or services through the child protection or juvenile delinquency system (2023 Minnesota Session Law, Chapter 62, Article 2, §119) and develop recommendations. The Carver County Health and Human Services Director was one of the metro representatives on the working group. The working group submitted a final report in February 2024 to the legislature, but no action was taken in response to that report during the 2024 legislative session. Most of the metro counties have come together and are working to explore a metro-area approach to address the lack of placement options for youth served by our counties. Most are either justice-involved or have child protection involvement or both and have high behavioral health needs.

## REQUESTED POSITION

Support regional cost-effective evidenced-based solutions outlined in the “Working Group on Youth Interventions” report, for example:

- Align licensing and certification requirements for facilities and programs, both in human services and corrections, to strengthen the continuum of care and support healthy outcomes for youth involved in the system
- Ensure expanded capacity in state-operated facilities
- Allocate ongoing funding for culturally appropriate, intensely therapeutic, community-based placement options for youth involved in the justice/child protection system
- Provide funding for the creation of community-based services that allow youth to receive supports close to their home and family

# MnCHOICES: REDUCE THE FREQUENCY OF REASSESSMENTS

## BACKGROUND

**What is MnCHOICES?** A person-centered assessment to help people with long-term or chronic-care needs make care decisions and select support and service options to remain safely in their home or community-based living facility.

We need to simplify the assessment process. For many years, the State of Minnesota has attempted to revise the assessment tool that determines service and support eligibility for persons with disabilities or related conditions or older adults (those ages 65+). As the tool moved from a paper document to an electronic assessment (version 1.0) and now to version 2.0, it has become clear that assessments are cumbersome, difficult for assessors to use, fraught with system issues, and are taking significantly longer to complete, creating a **multi-month wait list** in almost all Minnesota counties for initial assessments (12 months in Carver).

These lengthy assessments are challenging and time-consuming for residents to participate in and at times require multiple visits from the assessor. When a consumer is stable, doesn't want, and doesn't need an annual reassessment, they should be allowed the choice to reduce the frequency of receiving a reassessment and delay their reassessment for up to three years. Knowing that if a change in condition occurs, an assessment can be requested and completed at any time.

## THIS CHANGE WOULD:

1. Provide relief to individuals and families who sit through lengthy unnecessary reassessments
2. Enable **MnCHOICES** assessors to divert their time to be more responsive to initial assessment requests thus reducing the current wait list
3. Address County workforce issues by slowing the need to add additional FTEs to complete this work.

## REQUESTED POSITION

- Support state legislation directing Minnesota Department of Human Services (MN-DHS) to seek all necessary federal authority (pursue a federal demonstration waiver) through Centers for Medicare and Medicaid Services (CMS) to simplify the MnCHOICES reassessment process
- Support state legislation allowing for the frequency reduction of MnCHOICES reassessments and update of Minnesota Statute §256B.0911 accordingly
- Support state legislation to sunset the County cost share for MnCHOICES administration and revert the 50 percent state share back to the state to share equally with the federal government

# CHILD PROTECTION: MINNESOTA AFRICAN AMERICAN FAMILY PRESERVATION ACT (MAAFPA)

## BACKGROUND

The 2024 African American Family Preservation and Child Welfare Disproportionality Act (MAAFPA) was signed into law (Minnesota Statutes §260.61 to §260.693) with an effective date of January 1, 2027. MAAFPA is an impactful and bold change for our system, and when engaged in significant changes, significant financial investments are necessary to ensure successful outcomes for all Minnesota families. The child protection system is one of the most complex social systems in our society, governed by both federal and state policy, involving a myriad of partners including law enforcement, judges, attorneys, child welfare workers, and community partners.

The application of the “Active Efforts” standard will apply to approximately 90 percent of all Carver County child protection cases. Active efforts require more of the County staff who work with families - more time and more resources. Lower caseload sizes will be needed to accommodate the staff time needed to properly apply the standard which will result in the need for more staff. More supervisory time will be needed to support an increase in staffing.

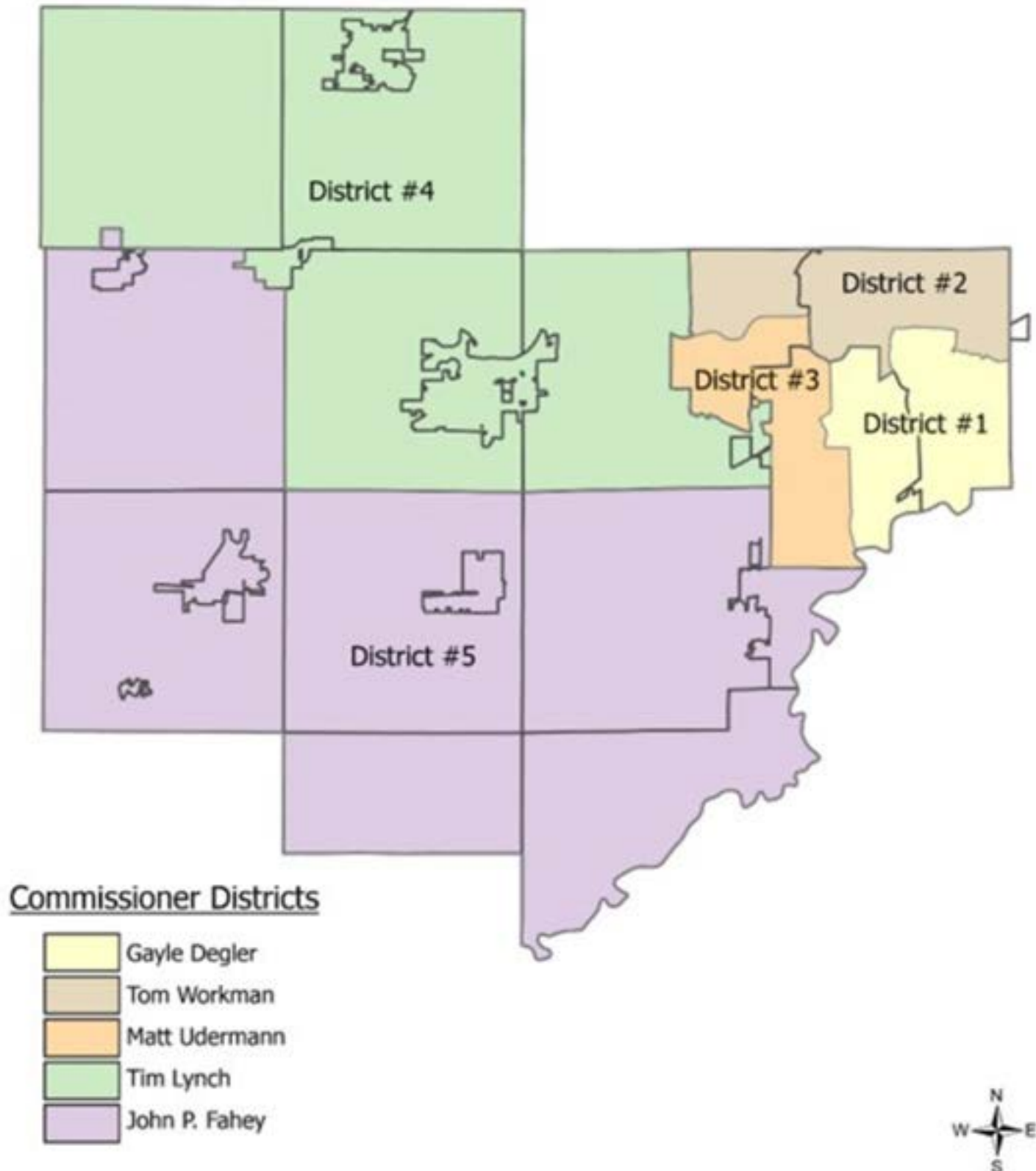
“Active Efforts” will require the County to provide financial support to MAAFPA families with dollars for transportation (e.g., gas cards), housing (rent, utilities, mortgages), and household and daily living expenses, for example. The County will need to financially invest in creating culturally specific services and securing culturally specific providers to meet the requirements of the law.

Sixteen separate and distinct elements are currently not built into SSIS (the state software) that are required as a part of MAAFPA. With anticipating an increase in expenses, services, data analysis, and contracting, investments in administrative support will be required to meet office support, program oversight, and billing requirements.

## REQUESTED POSITION

- Allocate adequate funding to counties during the 2025 legislative session (since it is a budget year) to meet the basic requirements of the law when it goes into effect statewide on January 1, 2027. Carver County has evaluated the current cases that would fall under MAAFPA, if it were effective today, and estimates an additional cost to the county of **\$2.8 million** to implement and meet MAAFPA statutory requirements.
- Allocate funding to the State of Minnesota to update software (SSIS) to allow for efficient capture of the data required under the law.

# CARVER COUNTY MAP OF DISTRICTS



# CARVER COUNTY KEY CONTACTS

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Carver County Board of Commissioners  
Request for Board Action

**Agenda Item Name:** Authorization to Issue a Special Use Permit To The Southwest Trails Association

**Department:** Public Works - Parks

**Contact:** Martin Walsh, Parks Director, 952-361-1570

**Presenter:** Martin Walsh, Parks Director

**Contract Name & Number:** NA

**Meeting Date:** November 5, 2024

**Item Type:** Ditch/Rail Authority

**Strategic Initiative:**

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

**Background/Justification:**

The Southwest Trail Association has made a request to use a portion of the Dakota Rail Regional Trail and Carver County Regional Railroad Authority property for snowmobiling from December 1, 2024, to March 31, 2025 snow conditions permitting.

The request is consistent with the 2006 Long Range Plan for the Dakota Rail Regional Trail which recognized the interest by local snowmobile enthusiasts that the trail could serve to provide trail connections.

The proposed route extends from the west county line following the Dakota Rail Regional Trail corridor into the City of New Germany. The alignment of the trail crosses County Road 33 and Adams Street before heading south off the Dakota Rail Regional Trail and Carver County Regional Railroad corridor, connecting with the existing snowmobile trail system.

The Southwest Trail Association has received support from Camden Township and the City of New Germany for the snowmobile trail.

Also, a representative of the Association has contacted and worked with property owners along the trail for their awareness and to address concerns.

The Southwest Trail Association is aware that the west bridge over Crane Creek may be under repair. If this is the case, snowmobiling would not be permitted on the section of trail from the west county line to County Road 33.

The County Park Commission reviewed and recommended approval of the Special Use Permit at its October 23rd, 2024 meeting including the below conditions.

The permit is for the 2024-2025 season. Future permitting to be evaluated after the conclusion of the season.

- Due to possible bridge reconstruction at Crane Creek, near the County line, the permitted area may only be between County Road 33 to Co. Road 32.
- Best practices for wayfinding, traffic control, and safety for snowmobiling signage are to be followed
- Speed limit signage will be posted through the City of New Germany at 30 mph
- Trail hours of usage be posted from 8:00am to 10:00pm
- "No snowmobiling beyond this point" to be posted at appropriate locations
- "Stay on trail" signage to be posted at appropriate locations
- Signage to be posted that snowmobile studs are not allowed
- A map showing the type of signage and signage location will be provided to County Staff for review and comment before signage is posted
- Trail maintenance of the area permitted is to be provided by the Southwest Trail Association.
- Any vegetation removal from areas of the Dakota Rail Regional Trail and CCRRA property to be approved by County Staff
- Wooden bridges are to be protected with rubber belting, matting, or an approved material by County Staff
- Any hazards such as bridge abutments will be reflectorized
- Certificate of insurance meeting County insurance requirements will be provided
- Complaints about snowmobiling are to be addressed by the Southwest Trail Association in consultation with Camden Township and/or the City of New Germany
- Signed Permit Agreement is obtained
- Permit Fee of \$100.00 is paid

**Action Requested:**

Motion to approve a Special Use Permit with the Southwest Trail Association upon receipt of proper insurance coverage and permit fee.

**Fiscal Impact:**

|                 |                         |
|-----------------|-------------------------|
| <b>Funding:</b> | <b>Amount Budgeted:</b> |
|-----------------|-------------------------|

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**Related Fiscal/FTE Comments:**

Permit fee of \$100.00 to apply.

**Attachments:**

None