



**Carver County Board of Commissioners
June 3, 2025
Board Meeting**

The County Board Room is open to the public

This meeting will be broadcast live at:
<https://youtube.com/@CarverCountyMN>

- 9:00 a.m. 1. **CONVENE**
- 1.1. Pledge of allegiance
 - 1.2. Public comments that relate to an item on the agenda may be heard when that agenda item is discussed. Please limit your public comments to five minutes or less.

Individuals unable to attend in person can provide public comments by email at admin-contact@carvercountymn.gov
 - 1.3. Agenda review and adoption
 - 1.4. Approve May 20, 2025 minutes.....4-7
 - 1.5. Community Announcements
- 9:20 a.m. 2. **CONSENT AGENDA**
- 2.1. Eliminate 1 vacant full time equivalent deputy (FTE) and accompanying revenue due to non-renewal of contract with SWMID8-10
 - 2.2. Renewal of Annual Tobacco License11-14
 - 2.3. Amendment 2 to Professional Services Agreement for Staff Augmentation and Engineering Services with Apex Engineering15-16
 - 2.4. Dillon Derner - Request to operate a Contractor's Yard (CUP)17-22
 - 2.5. Wm Mueller & Sons - Request to operate a Mining and Land Reclamation Activity (IUP)23-32
 - 2.6. Carver County - Request to amend the County Public Works Facility Master Plan (CUP)33-39

	2.7. National Opioid Settlement - Funding Approval for Carver County Internal Program Application	40-42
	2.8. LVC County Buildings Fire System Testing and Inspections 2025- 2027	43-44
	2.9. Amendment to PSA with SRF Consulting Group for Highway 40 Project – Silver/Bevens Creek Area.....	45-46
	2.10. Health and Human Services: Crossover Youth Practice Model Grant	47-49
	2.11. Settlement Agreement for Right of Way Acquisitions for the Highway 212 Project - Dahlgren Township.....	50-54
	2.12. Review Health & Human Services and Commissioner Warrants	
9:30 a.m.	3. RECESS AS THE COUNTY BOARD AND CONVENE AS REGIONAL RAIL AUTHORITY	
	3.1. Continuation of CD2-3 Redetermination of Benefits Public Hearing	55-63
10:00 a.m.	4. RECESS AS REGIONAL RAIL AUTHORITY AND RECONVENE AS COUNTY BOARD	
10:00 a.m.	5. REGULAR SESSION	
	5.1. MCIT (Minnesota Counties Intergovernmental Trust) Report to the Board	64-65
10:15 a.m.	6. COUNTY ADMINISTRATOR REPORT	
10:20 a.m.	7. CLOSED SESSION	
	7.1. Closed Session for Sale of Real Property Related to the Highway 212 Project - Dahlgren Township	66-67
10:50 a.m.	8. ADJOURN REGULAR SESSION	
10:50 a.m.	9. WORK SESSION	
	9.1. Communication Department Update	68-69

UPCOMING MEETINGS AND EVENTS

June 10, 2025	9:00 a.m.	County Board of Equalization
June 24, 2025	9:00 a.m.	Board Special & Work Session
	1:00 p.m.	Board of Equalization continuation (if needed)
July 1, 2025	9:00 a.m.	Board Meeting
July 8, 2025	9:00 a.m.	Board Meeting
July 22, 2025	9:00 a.m.	Board Work Session
August 5, 2025	8:00 a.m.	PEER Awards (EOC, 604 East 4 th St. Chaska)
	9:00 a.m.	Board Meeting
August 19, 2025	9:00 a.m.	Board Meeting
August 26, 2025	9:00 a.m.	Board Work Session
September 2, 2025	9:30 a.m.	Board Meeting
September 23, 2025	9:00 a.m.	Board Special & Work Session
October 7, 2025	9:00 a.m.	Board Meeting
October 21, 2025	9:00 a.m.	Board Meeting
October 28, 2025	9:00 a.m.	Board Work Session



Carver County Board of Commissioners
Request for Board Action

Agenda Item Name: Continuation of CD2-3 Redetermination of Benefits
Public Hearing

RBA Number: 2025-790

Department: Property & Financial Services

Contact:

Presenter: John Kolb
Ditch Attorney

Contract Name & Number:

Meeting Date: June 3, 2025

Item Type: Ditch/Rail Authority

Strategic Initiative:

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

Background/Justification:

On February 4th, the CD2-3 Ditch Authority continued their Redetermination of Benefits Public Hearing to May 20, 2025 and directed the Viewers to reexamine ditch benefits for a portion of the watershed areas in section 20 and 21 of Laketown township, City of Waconia stormwater discharges (including schools), Mr. Niesens property, time of travel issue for remote areas of watershed, whether a 5th land class with benefits can be justified and whether the watershed areas of the township tile ditches identified during the hearing should be included in the benefitted area of CD 2-3.

On May 20th, the CD2-3 Ditch Authority continued their Redetermination of Benefits Public Hearing to June 3, 2025 and requested additional information on how the ditch benefits for urban residential properties were determined by the Viewers. The Viewers response is below:

Viewers Clarification on Urban Residential Outlet Benefits – Carver County Ditch 2-3:

As requested during the continuation of the final hearing on May 20th, the following summary is provided to clarify how drainage benefits were applied to municipalities within the watershed, specifically the Cities of Waconia and Cologne.

Outlet benefits were assigned to these municipalities based on their use of the public drainage system as a primary outlet for urban runoff. This runoff burden is generally more significant in urban residential areas due to the prevalence of impervious surfaces, which contribute increased volumes of water to the system compared to rural settings. This higher level of hydrologic impact translates into greater usage and dependency on the system's capacity and maintenance.

To reflect this, urban residential parcels were assigned a benefit level approximately double that of rural residential properties within the watershed. This approach is grounded in established drainage benefit methodologies, supported by hydrologic principles, and informed by existing Best Management Practices (BMPs) and municipal water management plans. These tools help illustrate the scale and concentration of drainage reliance that urban development brings to the public system.

This clarification is being shared to enhance transparency around the process and provide additional context to landowners and stakeholders on how the viewer's determinations were made. The overall goal remains a fair, consistent, and technically informed application of benefits in accordance with Minnesota drainage law and policy.

Action Requested:

Ditch Attorney Kolb comments (remote)

Consider adopting the attached Findings and Order Adopting the Redetermination of Benefits for CD2-3. (**Exhibit A: Viewers Report** and **Exhibit B: Benefits and Damage Statement** are available on the Carver County Drainage Website:

<https://www.carvercountymn.gov/government/county-board-of-commissioners/drainage-authority-for-public-ditches/redetermination-of-drainage-ditch-benefits>)

Fiscal Impact:

Funding:	Amount Budgeted:

Related Fiscal/FTE Comments:

All ditch costs are paid by benefiting land owners. No property tax dollars are spent on ditch related activities.

Attachments:

1. Final Hearing - Findings and Order Adopting Redetermined Benefits (CD 2-3) 1

STATE OF MINNESOTA
CARVER COUNTY BOARD OF COMMISSIONERS
SEATED AS DRAINAGE AUTHORITY UNDER STATUTES CHAPTER 103E
FOR CARVER COUNTY DITCH 2-3

The Matter of the Redetermination of
Benefits for Carver County Ditch 2-3

**Findings and Order Adopting
Redetermination of Benefits**

At a public hearing conducted by the Carver County Board of Commissioners, Drainage Authority for Carver County Ditch 2-3 (CD 2-3), on February 4, 2025, continued to May 20, 2025, and further continued to June 3, 2025, the Board considered the viewers' report, as amended, public comment and other evidence presented in the proceedings. Upon due consideration, Commissioner _____ moved, seconded by Commissioner _____ for adoption of the following Findings and Order:

Findings:

1. Both original establishment of CD 2-3 and current benefits pre-date several changes in the drainage code related to the scope and nature of benefits; changes to laws regulating drainage of wet and overflowed lands; and changes to farming and drainage practices in Carver County.
2. The current benefits roll reflects the benefitted properties, benefitted areas and benefit values as determined by viewers based on assumptions regarding the ability of landowners to convert wetlands for agricultural purposes.
3. Additionally, since the most recent determination of benefits and damages, land uses and drainage practices have evolved, changing the nature and value of benefits accruing to lands from the drainage system's construction.
4. Since the most recent determination of benefits and damages, additional lands not previously determined to be benefitted have improved drainage to take advantage of CD 2-3 as an outlet for drainage.
5. Since the most recent determination of benefits and damages, land values have changed within the benefitted area of CD 2-3.
6. Based on findings that the conditions required for the initiation of a redetermination of benefits existed, the Drainage Authority ordered a redetermination of benefits and appointed and qualified viewers for the redetermination of benefits.

7. As required, the Drainage Authority amended or rescinded viewer appointments to ensure qualified viewers remained in the proceedings.
8. Upon taking their oath, the viewers proceeded to redetermine benefits according to statutes chapter 103E.
9. CD 2-3 provides an outlet for lands, municipalities, public roads and Township Ditches in Sections 4, 5, 6, 7, 8, and 9 of Dahlgren Township; Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, and 21 of Benton Township; Section 12 of Young America Township; Sections 6, 7, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33 of Laketown Township; Sections 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36 of Waconia Township; Sections 24, 25, and 36 of Camden Township; and Sections 25, 26, 32, 33, 34, 35, and 36 of Watertown Township all in Carver County.
10. The viewers completed their report which included a Benefits and Damages Statement in August 2024 for all property affected by CD 2-3 and filed their report with the Drainage Authority.
11. Upon the direction, and under supervision, of the Drainage Authority, the viewers prepared Property Owners' Reports and mailed them to the owners of property identified in the Viewers' Report.
12. The Drainage Authority noticed and held an informational meeting on a proposed redetermination of benefits for CD 2-3 on September 3, 2024.
13. The initial final hearing was held on February 4, 2025. Subsequent continued hearings are outlined herein.
14. The Drainage Authority prepared and provided notice of the final hearing as required by statutes section 103E.325.
15. Evidence of all actions in this matter, including preliminary orders, appointments, oaths, affidavits of mailing, publication and posting as well as hearing agendas and presentation materials are present in the record of proceedings and are incorporated herein by reference.
16. At the February 4, 2025, hearing, the viewers appeared and presented the Viewers' Report, Benefits and Damages Statement and redetermined benefits.
17. The viewers included, in their determinations, the amount of damages necessary to acquire and establish a one rod grass buffer strip along all reaches of open ditch on CD 2-3.

18. Comments were offered during the public comment portion of the hearing as follows:
- a. Mike & Colleen Klingelhutz, 7940 Airport Rd, Waconia asked questions on the lake area and the city of Waconia's portion of CD 2-3, citing statute 103E.411.
 - b. Will Swanson, 10985 Little Ave, Cologne, inquired on how much they will be assessed.
 - c. Leon Worm, 9020 Laketown Road, Chaska asked about exempt acreage and had questions on the 24 hours to drain area.
 - d. Joe Neisen, 11255 100th St, Cologne has 20 acres that flood. Neisen advised Carver Creek is supposed to be a private ditch.
 - e. Cathy Hayes, 10405 Knight Ave, questioned how much has been spent and if there are any upcoming projects.
19. Following public comment, the Board invited staff to respond to several of the comments. Attorney John Kolb advised there are multiple statutes that need to be looked at when reviewing benefits and explained these statutes. Scott Henderson addressed exempt acreages and the 24-hour time of travel analysis applied by the viewers. David Frischmon addressed the questions on assessments. Frischmon will have a total in the next few weeks and the percentage owed is on the documents sent to residents. Mike Wanous advised there are currently no projects for CD 2-3. Kolb explained that maintenance fees up to \$10,000 do not need to be approved. Anything above \$10,000 will be brought to the board for approval. More than \$175,000 would require a hearing before that repair is approved. A notice to all residents that would need to pay for it would be sent.
20. Additionally, during public comment, mention was made of the existence of township ditches draining portions of the watershed area of CD 2-3 and using CD 2-3 as an outlet for drainage.
21. After opening the public comment period and receiving and replying to comments, the Drainage Authority adopted a motion to: close the hearing to public comment and to continue the hearing to its regular meeting on May 20, 2025 – directing the viewers to reexamine certain properties and watershed areas. Specifically, the Board directed the viewers to reexamine the benefits portion of watershed areas in section 20 and 21 of Laketown Township; City of Waconia stormwater discharges (including schools); Mr. Niesens property; time of travel issue for remote areas of watershed; whether there is a 5th land class with benefits can be justified; and whether the watershed areas of the township ditches identified during the hearing should be included in the benefitted area of CD 2-3 or assigned an outlet charge.
22. During their reexamination, the viewers, among other things, discovered four active township ditches within the watershed area of CD 2-3. All four ditches provide drainage to subwatershed portions of CD 2-3 and utilize CD 2-3 as their outlet. The township ditches identified are Benton Township ditches 1 and 2 and Waconia Township ditches 2 and 4-5.

23. In order to identify owners of property affected by the township ditches, the viewers investigated the Carver County Auditor's and township records to determine whether benefits rolls existed for the township ditches. Finding none, the viewers delineated the watershed areas of each township ditch and prepared mailing lists of owners of property within watershed areas of the township ditches. The mailing lists were used to give notice to owners of the consideration of an outlet charge. Additionally, these same owners and the townships themselves received notice of the original hearing by virtue of their inclusion in the original benefits recommendation of the viewers.
24. At the continued hearing the viewers presented their report on reexamination and amended report. The Viewers' Report, as amended, is attached as **Exhibit A**.
25. The viewers prepared a Benefits and Damages Statement outlining the basis of their benefits and damages determinations. The Benefits and Damages Statement is attached as **Exhibit B**.
26. The viewers determined the amount of damages to be paid for the acquisition of property for the establishment of best management practices, including grass strips, necessary to control erosion, sedimentation, improve water quality, or maintain the efficiency of the drainage system as required under statutes section 103E.021. The viewers compared sales in the area in arriving at an average sales price used in establishing a payment rate.
27. The viewers used maps, LIDAR data and other information, along with visual inspection of the watershed of the drainage system to determine the boundaries of the benefiting area.
28. Based on their detailed observations, the viewers determined benefit classifications, classified acres and assigned economic benefit on a per acre basis.
29. Outlet charges for the township ditches were calculated based on originally determined benefits within the subwatershed areas.
30. The Board finds that the method used by the viewers to determine outlet charges is reasonable and directly related to the burden, and costs of such burden, placed on the receiving drainage system by the outletting system.
31. Notice was given to each landowner on systems affected by the outlet charge determination and an opportunity to comment on the outlet charge determination was provided during the hearing.
32. Additional comments were offered at the continued hearing as follows:

- a. Joe Neisen commented that his property floods. The viewers responded that Mr. Neisen's property was on that was reexamined with reductions given for property demonstrating recurring flooding. Remaining acres on the Neisen property is recommended for the lowest benefits classification.
 - b. Mike Klingelhutz commented and displayed photos of municipal outlets from the school property in Waconia. Mr. Klingelhutz asked why the City of Waconia is only being recommended for approximately 9% of total benefits. The viewers responded by explaining their process for evaluating acres, whether urban or agricultural, for benefits. Mr. Klingelhutz further asked whether in their study the viewers or Houston Engineering identified all municipal outlets. Mr. Klingelhutz further questioned whether the viewers studied retention time on his various properties.
 - c. Coleen Klingelhutz commented regarding traditional agricultural vs. urban drainage and the relative burden placed on the drainage system by each.
 - d. Steve Rademacher (lives in the area of township ditch 2) commented regarding the impact of large rains on his property due to water backing up onto his property days after a rain event.
 - e. Sue Lowe commented regarding impacts to her property after a large rain.
33. Following public comment, the Board further continued the hearing to June 3, 2025, and asked the viewers to provide an explanation of how municipal outlet benefits are calculated as compared to non-municipal land classifications. The viewers provided an explanation which has been reviewed by the Board.
34. As explained by the viewers:

Outlet benefits were assigned to municipalities based on their use of the public drainage system as a primary outlet for urban runoff. This runoff burden is generally more significant in urban residential areas due to the prevalence of impervious surfaces, which contribute increased volumes of water to the system compared to rural settings. This higher level of hydrologic impact translates into greater usage and dependency on the system's capacity and maintenance.

To reflect this, urban residential parcels were assigned a benefit level approximately double that of rural residential properties within the watershed. This approach is grounded in established drainage benefit methodologies, supported by hydrologic principles, and informed by existing Best Management Practices (BMPs) and municipal water management plans. These tools help illustrate the scale and concentration of drainage reliance that urban development brings to the public system.
35. The Board finds the viewers' method for calculating municipal stormwater outlet benefits is reasonable, reflects the burden and capacity demand placed on the drainage system by municipal stormwater flows, reflects the added maintenance costs for providing said

capacity and considers the municipal stormwater management infrastructure and practices of the municipalities.

36. The viewers kept an accurate account of all time engaged in viewing, examination and every item of expense incurred by the viewers in said work.
37. The viewers' account of work has been filed with the Drainage Authority.
38. Upon review of information provided to the Drainage Authority during the public hearing, the Drainage Authority further finds and confirms that the benefits and damages determined in the original proceedings as well as the benefitted and damaged areas determined in the original proceedings, do not reflect current, existing, actual benefits and benefitted areas.
39. The Drainage Authority finds that the viewers applied appropriate and reasonable considerations in determining drainage benefits and damages. The considerations included but were not limited to: accelerated runoff and sediment delivery; pre- and post-establishment condition comparison; economic, productivity and income analyses; land values; drainage system efficiency; soils, land use, slope and cover conditions; and, historical conditions and land use changes.
40. Based on the record before it, and the comments of those present at the hearing, the Drainage Authority determines that the redetermined benefits, as reflected in the Viewers' Report at **Exhibit A** are proper, reasonable and conform to the drainage code.

Order:

- A. The redetermined benefits on CD 2-3, the amended Viewers' Report and the Benefits and Damages Statement, prepared by the viewers and attached hereto as **Exhibits A and B** are hereby adopted by the Drainage Authority.
- B. The viewers are allowed payment of their account of work.
- C. The Carver County Auditor shall ensure that the redetermined benefits replace the existing benefits previously determined for the ditch.
- D. Pending resolution of any appeals, the damages for the acquisition of the grass buffer area shall be paid and the grass buffer areas established and seeded as required by statute.
- E. The Drainage Authority staff is directed to work with the County Recorder's office to ensure that the drainage system and the grass buffer area acquisition is reflected on the property record of affected landowners.

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

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

Upon vote, the Board Chair declared the Resolution passed and the findings and order adopted.

Dated this ____ day of _____, 2025.

CARVER COUNTY, SEATED AS DRAINAGE
AUTHORITY UNDER STATUTES CHAPTER 103E
FOR CARVER COUNTY DITCH 2-3.

By _____
Chairperson

* * * * *

I, David Frischmon, Carver County Ditch Administrator, do hereby certify that I have compared the above motion; Findings and Order with the original thereof as the same appears of record and on file with the Carver County Board of Commissioners and find the same to be a true and correct transcript thereof. The above Order was filed with me, Carver County Auditor on _____, 2025.

IN TESTIMONY WHEREOF, I hereunto set my hand this ____ day of _____, 2025.

David Frischmon