



HAMBURG CITY COUNCIL AGENDA OCTOBER 8, 2024

- 1. Call City Council Meeting to Order**
 - **Pledge of Allegiance**
- 2. Public Comment** *(Individuals may address the City Council about any non-agenda item(s) of concern. Speakers must state their name, address, and limit their remarks to three minutes. The City Council may not take official action on these items and may refer the matter to staff for a future report or direct that the matter be scheduled for a future meeting agenda.)*
- 3. Agenda Review (Added Items) and Adoption**
- 4. Consent Agenda** *(NOTICE TO PUBLIC: All those items listed as part of the Consent Agenda will be approved by a single motion, unless a request to discuss one of those items is made prior to that time. Anyone present at the meeting may request an item to be removed from the consent agenda. Please inform the Council when they approve the agenda for this meeting.)*
 - **Approve Payment of Added September 2024 Claims (\$7,524.24)**
 - **Approve Payment of October Claims (\$29,710.12)**
 - **Approve Minutes for September 10, 2024**
 - **Approve Contract for Prosecution (Carver County)**
 - **Notice of Public Hearing (County Code & Cannabis Regulations)**
- 5. Hamburg Fire Department – Chief Siewert**
 - **PERA Pension Increase**
- 6. Central High School Trap Team**
 - **December 14th Hall Rental (Bingo)**
 - **Approve Exempt Gambling Permit**
- 7. Old City Business**
 - **Carver County Absentee Ballot Board**
 - **Brad Street Project Update**
 - **Deputy Clerk/Utility Billing Clerk**
 - **Zoning for PID 45. 0282020/Combine Parcel with PID 45.0282500**
- 8. New City Business**
 - **Cannabis Regulations (Ordinance)**
- 9. City Council Reports**
 - **Councilmember Mitch Polzin (Streets)**
 - **Councilmember Eric Poppler (Parks)**
 - **Councilmember Jessica Weber (Buildings)**
 - **Councilmember Tim Tracy (Water/Sewer)**
 - **Mayor Chris Lund**
- 10. Adjourn City Council Meeting**

2024 September Claims List

CHECK #	VENDOR	FUND	CLAIM DESCRIPTION	AMOUNT	APPROVED
ACH	EFTPS	Divided	Fed, Social Security, MC - August 2024	\$4,994.02	9/10/2024
ACH	MN Dept. of Revenue	Divided	State Withholding Tax Payment - August 2024	\$1,013.00	9/10/2024
ACH	HealthPartners	Divided	Health Insurance for September 2024	\$3,191.20	9/10/2024
ACH	PERA	Divided	PERA Withholding - August 2024	\$885.88	9/24/2024
ACH	PERA	Divided	PERA Withholding - August 2024	\$581.04	9/24/2024
ACH	PERA	Divided	PERA Withholding - September 2024	\$592.44	10/8/2024
ACH	Google	General Gov't	Email Accounts (14) Administered by Google G Suite	\$201.60	9/10/2024
ACH	METRONET	FD/Hall/Water	Fiber Phone Service for 08/16/24 to 09/15/24	\$75.43	9/10/2024
ACH	Melchert-Hubert-Sjodin, PLLP	General Gov't	Legal Fees for July and August 2024	\$1,159.30	9/10/2024
ACH	Security Bank & Trust	General Gov't	ACH Service Fees for August 2024	\$20.00	9/10/2024
ACH	Verizon Wireless	General Gov't	City Cell Phone/iPads for HFD	\$129.19	9/24/2024
ACH	Viking Bottling Co.	Hall	Pop for Hall	\$275.00	9/24/2024
ACH	Xcel Energy	Divided	XCEL ENERGY-MN XCELENERGY 00053491844	\$976.15	9/24/2024
ACH	Xcel Energy	Divided	XCEL ENERGY-MN XCELENERGY 00053491855	\$1,332.45	9/24/2024
ACH	Xcel Energy	Divided	XCEL ENERGY-MN XCELENERGY 00051366837	\$36.45	9/24/2024
ACH	Xcel Energy	Divided	XCEL ENERGY-MN XCELENERGY 00130099230	\$185.47	9/24/2024
ACH	ZOOM	General Gov't	Video Conferencing Service	\$17.33	9/10/2024
ACH	TASC	General Gov't	Administrative Fees for COBRA Administration	\$374.68	10/8/2024
DC	Amazon	Park	Seal Coating Broom, Wire Wheel, Asphalt Squeegee	\$120.13	9/10/2024
DC	Amazon	Park	Flagepole Truck with Internal and External Pulleys	\$39.98	9/24/2024
DC	Amazon	Hall/GG Bldgs/Park	Tork Hand Towel Roll (12 rolls)	\$133.58	9/24/2024
DC	Amazon	Hall/GG Bldgs/Park	Tork Toilet Paper Rolls	\$127.96	9/24/2024
DC	Amazon	Hall	Turbo Bee 1000 Pack 12oz Plastic Cups	\$67.99	9/24/2024
DC	Amazon	Hall	20" Buffer Floor Pads	\$31.20	10/8/2024
DC	Amazon	General Gov't	50 Ft Electrical Fish Tape/Wire Puller	\$24.54	10/8/2024
DC	Amazon	Hall	Cups, Garbage Bags, Door Stoppers, Stir Sticks, Connect	\$134.65	10/8/2024
DC	Amazon	General Gov't	3 Pack Screen Protector for Samsung Galaxy S22	\$11.99	10/8/2024
DC	Amazon	Public Works	(2) Class 3 Reflective Shirt (Steve)	\$26.76	10/8/2024
DC	Amazon	Hall	Heritage Repr 40-45 gal Can Liners - Case of 100	\$45.81	10/8/2024
DC	Amazon	Public Works	(1) Class 3 HV HD Safety Sweatshirt (Steve)	\$52.79	10/8/2024
DC	Amazon	Hall	Turbo Bee 1000 Pack 12 oz Cups (3)	\$175.92	10/8/2024
DC	Intuit.com	General Gov't	QuickBooks Online Monthly Payment	\$99.00	9/24/2024
DC	Fleet Farm	Park	Wire Wheel	\$22.99	9/10/2024
DC	Fleet Farm	Gen Govt Bldgs./Park	Packaged Nails, Itasca Footwear, Crack Sealer	\$97.21	9/10/2024
DC	UPS	Water	Overnight Water Samples	\$33.19	9/24/2024
DC	US Postal Service	General Gov't	September 13, 2024 Newsletter	\$88.53	9/24/2024
DD	Jan Shoemaker	Divided	Wages 8/26/24 to 9/08/24	\$1,005.22	9/24/2024
DD	Jason Buckentin	Divided	Wages 8/26/24 to 9/08/24	\$1,990.76	9/24/2024
DD	Steve Frensko	Park	Wages 8/26/24 to 9/08/24	\$731.60	9/24/2024
DD	Jeremy Gruenhagen	Divided	September Wages (Rounds)	\$2,361.08	9/24/2024
DD	Jan Shoemaker	Divided	Wages 9/09/24 to 9/22/24	\$1,033.56	10/8/2024
DD	Jason Buckentin	Divided	Wages 9/09/24 to 9/22/24	\$2,016.29	10/8/2024
DD	Steve Frensko	Park	Wages 9/09/24 to 9/22/24	\$609.61	10/8/2024
DD	Jeremy Gruenhagen	Divided	September Wages (Rounds)	\$2,394.00	10/8/2024
22216	Carver Link	General Gov't	Internet Services August 2024	\$120.00	9/10/2024
22217	Coordinated Business Systems,	General Gov't	Monthly Equipment Base Rate for 08/01/2024 to 08/31/2024	\$57.91	9/10/2024
22218	Diversified Plumbing & Heating,	Park	Cleared Clogged Drain in Park	\$393.75	9/10/2024
22219	Gopher State One Call	Water/Sewer	August 2024 Email Tickets 2 at \$1.35	\$2.70	9/10/2024
22220	Hawkins Chemical	Water	Azone 15 - EPA Reg. No. 7870-5, 90 gal, Ball Valve Compac	\$1,034.53	9/10/2024
22221	Home Solutions	Sewer/Park	Miscellaneous Hardware	\$49.11	9/10/2024
22222	Jim's Excavating, LLC	Public Safety (FD)	Pumping/Disposal at Fire Dept Flammable Waste 8/16/2024	\$370.00	9/10/2024
22223	League of Minnesota Cities	General Gov't	Workers Compensation Coverage Premium	\$352.00	9/10/2024
22224	Loffler Companies, Inc.	General Gov't	August 2024 Copies	\$66.41	9/10/2024
22225	Mayer Lumber Company, Inc.	Park/Streets	Replacement Frame for Park (vandalism)	\$147.30	9/10/2024
22226	MN Department of Health	Water	3rd Qtr. 2024 Comm. Water Supply Serv. Conn. Fee	\$524.00	9/10/2024
22227	MNSPECT, LLC	Public Safety	(5) Building Permits	\$1,165.26	9/10/2024
22228	Municipal Emergency Services, I	Public Safety (FD)	Tango TX1 Single Gas Detector (3)	\$703.05	9/10/2024
22229	Route 1 Concrete	Sewer	Concrete Curb Patch and Pad Grinder Station	\$3,000.00	9/10/2024
22230	S.E.H. Inc.	Streets	General Engineering	\$399.00	9/10/2024
22231	USA Blue Book	Water	Hach Fluoride Rgt-Spadns AccuVac Ampules 25 pk (2)	\$138.71	9/10/2024
22232	W.W.O.T.A. Inc	Water/Sewer	Water/Wastewater Training & Assistance for August 2024	\$1,216.25	9/10/2024
22233	Waste Management, Inc.	Sanitation	30 Yard Recycle Container for 08/16/24-08/31/24	\$296.04	9/10/2024
22234	Wm Mueller & Sons, Inc.	Park/Streets	Fuel for City Vehicles, 3/4" Minus Red Rock (6 loads)	\$1,499.64	9/10/2024
22235	212 Equipment	Gen Govt Bldgs.	Edger for Trimmer	\$199.99	9/24/2024
22236	Business Essentials	GG/Hall/Park	Toilet Paper	\$88.76	9/24/2024
22237	Canon Financial Services, Inc.	General Gov't	Canon Copier Gov't Contract for August 2024	\$66.79	9/24/2024
22238	Core & Main	Water	Meters (5) - Water Meter Resetter	\$1,107.16	9/24/2024
22239	League of MN Cities Ins Trust	Divided	Property & Casualty Ins Renewal 2024-25	\$30,778.00	9/24/2024
22240	League of Minnesota Cities	General Gov't	Membership Dues 09/01/2024 to 12/31/2024 (Population 585	\$302.00	9/24/2024
22241	Menards	Park	SealBest 1000+ Asphalt Sealer (8)	\$271.84	9/24/2024
22242	MVTL Labs, Inc	Sewer	Discharge Samples	\$253.00	9/24/2024
22243	NAPA Auto Parts	Gen Govt Bldgs.	Valvoline Crimson #2 Multi-Purpose Grease (10)	\$67.06	9/24/2024
22244	Plunkett's Pest Control	General Gov't Bldgs.	City Hall Service Date 9/09/2024	\$177.04	9/24/2024
22245	Robb's Electric, Inc.	Sewer	Wire Jacob Street Lift Station	\$5,855.00	9/24/2024
22246	Wm Mueller & Sons, Inc.	Park/Streets	Fuel for City Vehicles/Patch Jacob Street	\$1,712.96	9/24/2024
			Total September Claims	\$81,932.23	
			Total September Claims	\$22,447.87	9/10/2024
			Added September Claims	\$51,960.12	9/24/2024
			Added September Claims	\$7,524.24	10/8/2024
				\$81,932.23	

2024 October Claims List

ACH	EFTPS	Divided	Fed, Social Security, MC - September 2024	\$3,814.12	10/8/2024
ACH	MN Dept. of Revenue	Divided	State Withholding Tax Payment - September 2024	\$767.00	10/8/2024
ACH	PERA	Divided	PERA Withholding - September 2024	\$906.88	10/8/2024
ACH	Google	General Gov't	Email Accounts (14) Administered by Google G Suite	\$201.60	10/8/2024
ACH	HealthPartners	Divided	Health Insurance for October 2024	\$3,191.20	10/8/2024
ACH	METRONET	FD/Hall/Water	Fiber Phone Service for 9/16/24 to 10/15/24	\$75.79	10/8/2024
ACH	Security Bank & Trust	General Gov't	ACH Service Fees for September 2024	\$20.00	10/8/2024
ACH	ZOOM	General Gov't	Video Conferencing 10/06/2024 - 11/05/2024	\$17.33	10/8/2024
ACH	Viking Bottling Co.	Hall	Pop for Hall (2 Liter Bottles)	\$215.80	10/8/2024
DD	Jeremy Gruenhagen	Divided	October Wages	\$2,324.66	10/8/2024
DC	Hamburg Post Office	Water/Sever	Post Card Stamps (2 rolls)	\$112.00	10/8/2024
DC	Intuit.com	General Gov't	QuickBooks Online Monthly Payment	\$99.00	10/8/2024
22247	Carver Link	General Gov't	Internet Services August 2024	\$120.00	10/8/2024
22248	Carver County Attorney's Office	General Gov't	2024 Quarterly Surcharge/Fines Collected	\$281.02	10/8/2024
22249	Clarey's Safety Equipment	Public Safety (FD)	RAE Sensor, RAW, Liquid OR, 4R	\$278.63	10/8/2024
22250	Coordinated Business Systems, Ltd.	General Gov't	Monthly Equipment Base Rate for 9-01-24 to 9-30-24	\$58.03	10/8/2024
22251	Gopher State One Call	Water/Sewer	September 2024 Email Tickets 14 at \$1.35	\$18.90	10/8/2024
22252	Home Solutions	GG/Water	Supplies and Parts	\$133.61	10/8/2024
22253	John Egan	Park	Animal and Feed Reimbursement for Ducks at Pond	\$288.85	10/8/2024
22254	Loffler Companies, Inc.	General Gov't	September Copies	\$67.08	10/8/2024
22255	Mayer Lumber	General Gov't Bldgs	Garage Door, Parts & Springs for Old WTP (Wind Rated)	\$221.60	10/8/2024
22256	Melchert-Hubert-Sjodin, PLLP	General Gov't	Revised Legal Description (Deeds) - Record Deeds	\$1,963.90	10/8/2024
22257	MN Fire Service Cert. Board	Public Safety (FD)	Recertifications for Buckentin (FFI), Egan (FFII), Kranz (FF1)	\$78.75	10/8/2024
22258	MN State Fire Chief Association	Public Safety (FD)	Annual Chiefs Conference (Siewert, Mackenthun, Buckentin)	\$1,125.00	10/8/2024
22259	MNSPECT, LLC	Public Safety	Building Permit Services for September 2024	\$395.09	10/8/2024
22260	Municipal Emergency Services, Inc	Public Safety (FD)	TecGen Coat/Pants & Aeroflex Coat/Pants	\$10,953.35	10/8/2024
22261	MVTL Labs, Inc.	Water	Wastewater Lab Fees	\$393.25	10/8/2024
22262	Per Mar Security Services	Water/Sewer	Base Alarm Monitoring for WTP 10/24/24 to 1/23/25	\$108.57	10/8/2024
22263	W.W.O.T.A. Inc	Water/Sewer	Water/Sewer Training & Assistance for September 2024	\$1,257.50	10/8/2024
22264	Wm Mueller & Sons, Inc.	Park/Streets	Fuel for City Vehicles, Parts for Bobcat	\$221.61	10/8/2024
			Total October Claims	\$29,710.12	



HAMBURG CITY COUNCIL MEETING
SEPTEMBER 10, 2024

Mayor Chris Lund called the Hamburg City Council Meeting to order at 7:00 PM. Those in attendance were: Councilmembers Eric Poppler, Jessica Weber, Mitch Polzin, City Clerk Jeremy Gruenhagen, Deputy Clerk Jan Shoemaker, Public Works Jason Buckentin, Chief Steven Siewert, Nate Fillbrant from Cub Scouts Pack 361, Jennifer Ray and Allen Chapman from League of Women Voters of Minnesota. Councilmember Tim Tracy was absent.

Public Comment – Jennifer Ray discussed the Absentee Ballot Process at Carver County. The goal is to move Carver County to have vetted major party balance and processes A-to-Z through absentee ballot board members. She is going to every City and Township Council meeting to take action. The action item is the City or Township will support the Commissioners to pass a resolution where they require vetted major party balance and processes A-to-Z on the Absentee Ballot Board.

Agenda Review (Added Items) and Adoption

MOTION: Councilmember Eric Poppler moved to approve the Agenda as written. Seconded by Councilmember Mitch Polzin. Motion was approved by all present.

Consent Agenda

- Approve Payment of Added July 2024 Claims (\$1,421.63)
- Approve Payment of Added August 2024 Claims (\$7,614.56)
- Approve Payment of September 2024 Claims (\$22,447.87)
- Approve Minutes for August 20, 2024
- Approve On-Sale Liquor Licenses for Hamburg Lions
 - November 9, 22, 23 & December 14, 2024
- Approve Time-Off Request (Jeremy Gruenhagen)
- Approve Cash Flow Statement for July 2024
- Delinquent Utility Bills Report

MOTION: Councilmember Eric Poppler moved to approve the Consent Agenda as written. Seconded by Councilmember Mitch Polzin. Motion was approved by all present.

Zummerfest Committee – Chief Siewert

- City Zummerfest Celebration September 21, 2024
 - Approve Resolution Number 2024-06
 - **MOTION: Councilmember Mitch Polzin moved to approve Resolution Number 2024-06 to make Zummerfest a City Celebration. Seconded by Councilmember Eric Poppler. Motion was approved by all present.**
 - Chief Siewert is asking to have Railroad Street closed Saturday, September 21 at 4:00pm to Sunday, September 22 at 10:00am for set-up and clean-up.



HAMBURG CITY COUNCIL MEETING
SEPTEMBER 10, 2024

- **MOTION: Councilmember Mitch Polzin moved to close Railroad Street Saturday, September 21 at 4:00pm to Sunday, September 22 at 10:00am for Zummerfest. Seconded by Councilmember Eric Poppler. Motion was approved by all present.**

Hamburg Fire Department – Chief Siewert

- On Call Pay/PERA Raise
 - On Call Pay – There are currently 24 Fire Fighter Members. The city has \$10,000 budgeted for \$10 paid on call and \$10 paid training. If we were to move up to \$12 paid on call and \$12 paid training, HFD would still be within budget. The budget was set for a 30-member department. With the increase it would not cost the city.
 - PERA Raise Retirement Benefit – Current \$2,000 per Fire Fighter per year. PERA's formula move to \$2,200 per Fire Fighter per year would result in a zero cost to the city. Chief Siewert will reach out to the PERA Rep to find out what percent level funding that puts the HFD at. With a zero contribution, it tells him they are over 100%. The amount in this account for the Hamburg Fire Department, has enough money to pay all active members if they were to walk off the job plus everybody that is retired, and there would be money left in the account. The increase in the account is based on interest incurred in the account and how the money markets have played out.

Old City Business

- Parcel 45.0282010 (MHS) – nothing further at this time to have MHS attend a council meeting.
- Park Incidents – July 13 & 15, 2024 – two juveniles have hearings later this month. One juvenile had their hearing and plead not guilty, will go to a pretrial.
- 2024 Street Improvement Project (Brad Street)
 - Start Date: September 11th
 - Park Walking Path – Wm. Mueller & Sons will compete the Park Walking Path with the Street Project.
 - Change Order for Curb Replacement – estimated amount of \$4,000 for additional curb replacement, 58 feet of the 100 feet is on the County Road. City to check with the County first to see if they will replace the section on the County Road. Otherwise look at replacing the additional curbs with the project, depending on the cost.
 - Change Order (Water for City Outlet) – Clerk to check if Wm. Mueller & Sons have time to add water to the outlot and receive an estimate.
- Carver County Aging Population (Annual Meeting) - Clerk Gruenhagen attended the annual meeting on aging. Suggestions received: book club, coffee, cards, geek squad, streaming and have discussion. The first step would be to create an aging board. Clerk put it in the Newsletter to see if there is interest in joining the aging board.



HAMBURG CITY COUNCIL MEETING SEPTEMBER 10, 2024

- **Nate Fillbrant - Cub Scouts Pack 361**
 - Follow-up from the July 2024 Council Meeting where the Cub Scouts Pack 361 meets the 1st and 3rd Monday, September to May. Discussed meeting in the Community Center or the Hall Basement. If they were to meet in the Community Center, they would need to adjust their dates due to a scheduling conflict. Nate meet with his committee and they are not able to change their dates. The council discussed and agreed to allow the Cub Scouts Pack 361 to meet in the Community Hall Basement.

MOTION: Councilmember Mitch Polzin motioned to allow Cub Scouts Pack 361 to use the Hall Basement facilities the 1st and 3rd Monday of the month for their meetings. Seconded by Councilmember Eric Poppler. Motion was approved by all present.

New City Business

- 2025 Proposed Budget
 - 2024/2025 Budget Items– the Council discussed the 2025 proposed budget and 2024/2025 budget items.
 - Budget Workshop Meeting
 - **MOTION: Councilmember Jessica Weber motioned to hold a Budget Workshop on September 18, 2024 at 6:00pm. Seconded by Councilmember Eric Poppler. Motion was approved by all present.**
 - Hold Second Council Meeting on September 24, 2024
 - **MOTION: Councilmember Jessica Weber motioned to hold a Second Council Meeting on September 24, 2024 at 7:00pm. Seconded by Councilmember Eric Poppler. Motion was approved by all present.**

City Council Reports

- Councilmember Mitch Polzin (Streets) had nothing further to report for Streets. Mitch wanted to discuss the Delinquent Utility Bills. Clerk Gruenhagen shared the process of the Past Due Notice and Shut Off Notice that are sent to those that are delinquent.
- Councilmember Eric Poppler (Parks) had nothing further to report.
- Councilmember Jessica Weber (Buildings) had nothing further to report.
- Mayor Chris Lund – the Newsletter will go out this week. Mayor's In Time will be Monday, October 7, 2024 at 5:00pm.

Adjourn City Council Meeting

MOTION: Councilmember Jessica Weber moved to adjourn the City Council Meeting at 8:13 PM. Seconded by Councilmember Eric Poppler. Motion was approved by all present.



2025 Prosecution Contract

Carver County Attorney's Office

Who We Serve

- Carver
- Chaska
- Cologne
- Hamburg
- Mayer
- New Germany
- Norwood
- Young America
- Victoria
- Waconia
- Watertown



Cases by Location (2020 – 2022)

Cases listed: Adult (PM/MD/GM)

Updated: 06/27/2024

	2021	2022	2023	3 Yr Avg	% Total
Carver	77	55	37	56	7.38%
Chaska	345	312	328	328	43.03%
Cologne	13	8	15	12	1.57%
Hamburg	4	6	7	6	0.74%
Mayer	22	13	13	16	2.10%
New Germany	5	3	4	4	0.52%
Norwood Young America	41	44	42	42	5.55%
Victoria	53	83	60	65	8.56%
Waconia	176	152	172	167	21.84%
Watertown	60	79	60	66	8.69%
	796	755	738	763	100.00%

Usage and Rate Comparison

	2024		2025		2024		2025	
	Contract	3 Yr Avg	Contract	3 Yr Avg	Contract	Rate	Contract	Rate
With usage change								
and 9.34% increase					Change			Change
					+/-			+/-
Carver	7.49%	7.49%	7.38%	7.38%	-0.11%	\$6,039.29	\$6,504.88	\$ 465.59
Chaska	42.12%	42.12%	43.03%	43.03%	0.91%	\$33,938.18	\$37,913.07	\$ 3,974.90
Cologne	1.34%	1.34%	1.57%	1.57%	0.23%	\$1,083.13	\$1,385.66	\$ 302.52
Hamburg	0.73%	0.73%	0.74%	0.74%	0.01%	\$590.80	\$654.34	\$ 63.54
Mayer	2.32%	2.32%	2.10%	2.10%	-0.22%	\$1,870.87	\$1,847.54	\$ (23.33)
New Germany	0.65%	0.65%	0.52%	0.52%	-0.13%	\$525.16	\$461.89	\$ (63.27)
Norwood Young America	6.60%	6.60%	5.55%	5.55%	-1.05%	\$5,317.20	\$4,888.28	\$ (428.92)
Victoria	8.88%	8.88%	8.56%	8.56%	-0.32%	\$7,155.24	\$7,544.12	\$ 388.88
Waconia	20.98%	20.98%	21.84%	21.84%	0.87%	\$16,903.44	\$19,245.21	\$ 2,341.77
Watertown	8.88%	8.88%	8.69%	8.69%	-0.19%	\$7,155.24	\$7,659.60	\$ 504.35
						\$ 80,578.55	\$ 88,104.59	\$ 7,526.04

County Attorney Update:

- Caseload Trends
- Veterans and Drug Treatment Courts
- New case management system implemented
- Other trends in the County Attorney's Office

Our Office

Mark Metz, County Attorney

Peter Ivy, Chief Deputy

Rhonda Betcher, Executive Assistant

John Rekow, Law Office Manager

Nancy Yates, Victim Witness Manager

1 Victim Witness Coordinator

1 Victim Witness Legal Admin

1 Victim Witness/Outreach Coordinator

17 Assistant County Attorneys

3 Paralegals

7 Legal Administrative Assistants

www.carvercountymn.gov



2025 PROSECUTION CONTRACT

THIS JOINT POWERS AGREEMENT is made and entered into between the Carver County Attorney, the Carver County Board of Commissioners, a political subdivision of the State of Minnesota, and the City of Hamburg, a municipal corporation organized under the laws of the State of Minnesota, to provide for prosecution of statutory gross misdemeanor, misdemeanor and petty misdemeanor violations, other than liquor law violations directly involving establishments, organizations or individuals with liquor licenses or permits issued by the City of Hamburg and also to provide for prosecution of municipal traffic and parking ordinance violations.

WHEREAS, Minnesota Statutes Section 471.59 authorizes governmental units in the State of Minnesota to enter into agreements by resolution with any other governmental unit to perform on behalf of that unit any service or function which that unit would be authorized to provide for itself; and

WHEREAS, Minnesota Statutes Section 484.87, Subdivision 3, provides that statutory gross misdemeanor, misdemeanor, petty misdemeanor violations and municipal ordinance violations in the counties of Anoka, Carver, Dakota, Scott and Washington shall be prosecuted by the attorney of the municipality where the violation is alleged to have occurred and further provides that municipalities may enter into three party agreements with the County Board and the County Attorney to provide for prosecution services for criminal offenses; and

WHEREAS, each of the parties hereto desires to enter into this Joint Powers Agreement and has, through the actions of its respective governing bodies, been duly authorized to enter into this Joint Powers Agreement for the purposes hereinafter stated;

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, it is hereby agreed by and between the County of Carver, through the Board of Commissioners, the Carver County Attorney, and the City of Hamburg, through its Council, that:

1. Enabling Authority.

Minnesota Statutes Section 471.59 authorizes two or more governmental units to jointly exercise any power common to the contracting parties. Minnesota Statutes Section 484.87, Subdivision 3 authorizes the City of Hamburg to enter into an agreement with the County of Carver and the Office of the Carver County Attorney to provide for prosecution services for criminal offenses.

2. Purpose

Provide for prosecution of statutory gross misdemeanor, misdemeanor and petty misdemeanor violations, other than liquor law violations directly involving establishments, organizations or individuals with liquor licenses or permits issued by the City of Hamburg and also to provide for prosecution of municipal traffic and parking ordinance violations.

3. Services.

The Carver County Attorney's Office shall prosecute statutory gross misdemeanor, misdemeanor, petty misdemeanor violations and, any other criminal municipal ordinance violation. The Carver County Attorney shall also prosecute all municipal traffic and parking ordinance violations allegedly occurring within the jurisdiction of the municipality and within Carver County.

4. Term.

Prosecution services shall be rendered by the Carver County Attorney's Office commencing January 1, 2025, and extending through December 31, 2025.

5. Payment for Services.

In consideration for prosecution services being rendered, the County shall collect one-half (1/2) of all funds allocated pursuant to Minnesota Statute Section 484.90, Subdivision 6(a)(1) (fines that the court administers allocates 100% to the fines to the city or town in which the offense was committed) and one-third (1/3) allocated pursuant to Minnesota Statute Section 484.90, Subdivision 6(a)(2) (fines that the court administers allocates two-thirds to the fines to the city or town in which the offense was committed). An additional surcharge calculated on the percentage of cases and fine revenue in the amount of \$654.34 is to be paid by the City of Hamburg to the Carver County Attorney's Office in four equal installments by April 15, 2025, July 15, 2025, October 15, 2025 and January 15, 2026.

6. Ordinances.

The City shall forward current traffic ordinances to the Carver County Attorney's Office and immediately inform the County Attorney of any changes made during the contract period.

7. Data.

All data collected, created, received, maintained or disseminated in any form for any purposes by the activities of this Agreement is governed by the Minnesota Data Practices Act, Minnesota Statute Section 13, or the appropriate Rules of Court and shall only be shared pursuant to laws governing that particular data.

8. Audit.

Pursuant to Minnesota Statute Section 16C.05, Subdivision 5, the parties agree that the State Auditor or any duly authorized representative at that time during normal business hours and as often as they may reasonably deem necessary, shall have access to and the right to examine, audit,

excerpt, and transcribe any books, documents, papers, records, etc. which are pertinent to the accounting practices and procedures related to this Agreement. All such records shall be maintained for a period of six (6) years from the date of termination of this Agreement.

9. Indemnification.

Each party shall be liable for its own acts to the extent provided by law and hereby agrees to indemnify, hold harmless and defend the other, its officers and employees against any and all liability, loss, costs, damages, expenses, claims or actions, including attorney's fees which the other, its officers and employee may hereafter sustain, incur or be required to pay, arising out of or by reason of any act or omission of the party, its agents, servants or employees, in the execution or performance or failure to adequately perform its obligations pursuant to this Agreement.

It is understood and agreed that liability shall be limited by the provisions of Minnesota Statutes Chapter 466. This Agreement to indemnify and hold harmless does not constitute a waiver by any participant of limitations on liability provided under Minnesota Statutes Section 466.04.

It is further understood that Minnesota 471.59, Subd. 1a applies to this Agreement. To the full extent permitted by law, actions by the parties pursuant to this Agreement are intended to be and shall be construed as a "cooperative activity" and it is the intent of the parties that they shall be deemed a "single governmental unit" for the purposes of liability, all as set forth in Minnesota Statutes Section 471.59, Subd. 1a(a); provided further that for purposes of that statute, each party to this Agreement expressly declines responsibility for the acts or omissions of the other party.

Each party agrees to promptly notify the other party if it knows or becomes aware of any facts or allegations reasonably giving rise to actual or potential liability, claims, causes of action, judgments, damages, losses, costs or expenses, including attorney's fees, involving or reasonably likely to involve the other party, and arising out of acts or omissions related to this Agreement.

10. Nonwaiver, Severability and Applicable Laws.

Nothing in this Agreement shall constitute a waiver by the parties of any statute of limitation or exceptions on liability.

If any part of this Agreement is deemed invalid such shall not affect the remainder unless it shall substantially impair the value of the Agreement with respect to either party. The parties agree to substitute for the invalid provision a valid one that most closely approximates the intent of the Agreement.

The laws of the State of Minnesota apply to this Agreement.

11. Termination.

This Agreement shall terminate of its own accord without further action taken or notice given by either party at midnight, December 31, 2025.

12. Merger and Modification.

It is understood and agreed that the entire Agreement between the parties is contained herein and that this Agreement supersedes all oral agreements and negotiations between the parties relating to the subject matter hereof. All items referred to in this Agreement are incorporated or attached and are deemed to be part of this Agreement.

Any alterations, variations, modifications, or waivers of provisions of this Agreement shall only be valid when they have been reduced to writing as an amendment to this Agreement and signed by the parties hereto.

Space Intentionally Left Blank

IN WITNESS WHEREOF, each of the parties has caused this Agreement to be executed by its appropriate officers and with the consent and approval of its appropriate governing bodies.

CITY OF HAMBURG

IN PRESENCE OF:

BY: _____
Mayor

City Clerk

Date: _____

Date: _____

COUNTY ATTORNEY

Mark Metz
Carver County Attorney

Date: _____

IN PRESENCE OF:

COUNTY OF CARVER

BY: _____
Dave Hemze
County Administrator

Date: _____

NOTICE OF PUBLIC HEARING
TO CONSIDER AN ORDINANCE AMENDING
THE COUNTY CODE AND
CANNIBIS REGULATIONS
COUNTY OF CARVER
CHASKA, MINNESOTA

NOTICE IS HEREBY GIVEN that on Tuesday, the 15th day of October, 2024, as soon as possible after 7:00 p.m. upstairs in the Human Services Building on the 2nd floor in the Commissioner's Meeting Room of the Carver County Government Center, Chaska, Minnesota, the Carver County Planning Commission will hold a public hearing to consider adopting an Ordinance Amending the Carver County Code.

PURPOSE: To allow the Planning Commission to hold a public hearing to consider various language and policy amendments and additions to the Carver County Code, Chapter 152 including cannabis regulations.

PROPOSED CHANGES: Ordinance #108-2024 would amend the Carver County Code Chapter 152 and include but may not be limited to: Code language changes to be consistent with Minnesota State Statutes, removing redundancies, adding or revising definitions, general language housekeeping, and including new cannabis regulations.

Copies of the proposed language may be obtained from Carver County Land Management by request at (952) 361-1820 or from the address listed below. Information may also be obtained by going to the Planning Commission home page at: [Planning Commission | Carver County, MN \(carvercountymn.gov\)](https://www.carvercountymn.gov/planning)

All persons interested are invited to attend the hearing and be heard on this matter.

Written comment or requests may be mailed to:

Dept. of Land Management
Carver County Government Center
600 East 4th St
Chaska, MN 55318-2102
(952) 361-1820

Carver County Planning Commission

By: Jason Mielke

Land Use Manager

Date to Publish: October 3, 2024

Patriot

To be billed to: Public Services Division,

Land Management Department at the address above

END



Absentee Ballot Board Members

1 message

Jen Ray <jenray.mnelections@gmail.com> Wed, Sep 11, 2024 at 4:00 PM

To: "clund@cityofhamburgmn.com" <clund@cityofhamburgmn.com>, "mpolzin@cityofhamburgmn.com" <mpolzin@cityofhamburgmn.com>, "epoppler@cityofhamburgmn.com" <epoppler@cityofhamburgmn.com>, "jweber@cityofhamburgmn.com" <jweber@cityofhamburgmn.com>, "cityadmin@cityofhamburgmn.com" <cityadmin@cityofhamburgmn.com>, "deputyclerk@cityofhamburgmn.com" <deputyclerk@cityofhamburgmn.com>

Hello Mayor Chris, and Council members Mitch, Eric, Jessica, Jeremy and Jan.

First a big thank you to all for being so inviting and welcoming. Most importantly, open minded. It is appreciated more than you know.

Am writing a few sentences that I hope you can cut and paste onto your "letterhead" or official email.

~~~~~

Dear Commissioners Degler, Udermann, Lynch, Workman and Fahey,

SUBJECT: Appointed Members on the Absentee Ballot Board in Carver County MN

The Mayor and City Council Members of City of Hamburg, in Carver County, fully support and request the commissioners pass a resolution before the 2024 election that provides:

**"Vetted, major-party balance for the appointed members that serve on the absentee ballot board in processes A-Z of our absentee and early votes in Carver County."**

List names and sign.

~~~~~

Here's the contact information for our commissioners:

Contact Information for Carver County Minnesota Commissioners:

District 1

Gayle O. Degler
(763) 381-1879

gdegler@co.carver.mn.us

District 2

Tom Workman
(952) 250-4924
tworkman@co.carver.mn.us

District 3

Matt Udermann
[\(612\) 888-4733](tel:6128884733)
matt.udermann@co.carver.mn.us

District 4

Tim Lynch
(952) 303-9458
tlynch@co.carver.mn.us

District 5

John P. Fahey
(612) 849-6298
jfahey@co.carver.mn.us

Second, I've included a link to the 2022 Carver County Certification. It's about 15 minutes in length. If time is short, please listen to the 4-9 minute mark where our election clerk does clarify: 1. We do NOT have major party balance on all aspects of the absentee ballot board processes, 2. We DO use employees as deputized county auditors.

https://rumble.com/v526274-carver-county-mn-election-certification-november-2022.html?e9s=src_v1_ucp



It may, or maybe not surprise you that in the past, (on the above recording closer to the end) we have not had any specific process in place that guarantees that the ballots the county employees put through the machine are the same ballots received/returned from residents voting. NOT saying that they did a change-a-roo, just saying we need more process and procedure. Having "all eyes on the ballot" is a great start to provide transparency, accuracy and accountability.

Yes, I hope we have trustworthy employees, but I don't vote for my commissioner to "trust the employees", I vote for my commissioner to oversee, legally their duty, the election process. It is their purview and they DO have the authority.

Feel free to reach out if you have ANY questions regarding the topic. Didn't intend or set out to be an expert on the subject but after two years of being immersed, one could consider me knowledgeable on the subject and the law surrounding this issue.

Appreciate the help from our local leaders to achieve this goal.

Blessings to all,

Jennifer Ray - Cell 612-618-7793



Elections 411

Voting by Mail / Absentee

ABSENTEE VOTING

Overview: Absentee balloting has been used for over a century in Minnesota – it actually dates all the way back to the Civil War. Due to its long tenure in Minnesota, many safeguards have been put in place to ensure that all mail-in / absentee voting is secure.

Verification: Any time a Minnesotan completes an absentee ballot application, they must include their name, birthday, and either their driver's license, state ID number, or the last four digits of their social security number. These pieces of information help the election workers confirm their voter registration is valid before their vote is counted.



VIDEO: [Go behind the scenes of absentee ballot processing](#)



SAFEGUARDS:

- The individualized and unique barcode attached to the voter and their ballot also ensures that each voter is sent the correct ballot materials. This process also notes that the voter has submitted an absentee ballot application, and has been sent an absentee ballot. This prevents the voter from being able to vote by absentee as well as in-person.
- Once completed and returned to the county elections office, every absentee ballot application gets entered into the Statewide Voter Registration System (SVRS). The voter's application and absentee ballot are then tied to that voter with a **unique barcode**. This allows the ballot to be tracked in the SVRS, and why voters are able to track their ballots on the [MN Secretary of State's site](#).

Mail-in Only Precincts:

- In Minnesota, these are only comprised of precincts that contain 400 or fewer registered voters
- Voters in these areas automatically get mailed an absentee ballot
- The absentee ballots that voters in mail-in only districts contain the same safeguards as other absentee ballots (unique barcodes, signature envelope information, etc.)

If you want to learn more about the process of voting by mail, you can read our blog post, [How Your Mail-in Ballot Protects Your Privacy](#) or read the section below for [Opening and Processing Ballots](#). You can also check out our facts sheet on voting by mail, and any of the extensive and broad-ranging references used in it here.

OPENING AND PROCESSING ABSENTEE BALLOTS

Overview: The group of people who receive, process, and validate absentee ballots is called the ballot board. Members of the ballot board can include city or county staff and election judges. Election judges are required to identify a party affiliation, because two election judges of the same party cannot work together. This is one of the safeguards in the system.

There are two parts of the process at the county. The first is receiving and verifying the validity of the absentee ballot. After the ballot board has received all the absentee ballots that came in for the day, they check to make sure that the people have not voted yet, and that the barcodes line up with who voted on the ballot.

The ballot board will also check to make sure the ballot was sent to the correct precinct, if

something on their information is not lining up. **If the identifications are all verified**, then the ballot is accepted.

After the information on the signature envelope has been verified by the ballot board, the ballots go into a secured location until they can be opened and counted. In 2020, this was 14 days before the election, although in a typical year it is only 7 days before the election. The first step in counting an absentee ballot, after the signature envelope information has been verified, is to remove the ballot secrecy envelope from the signature envelope. The ballot secrecy envelopes are segregated from the signature envelopes, and the signature envelopes are kept. This step ensures that each ballot is secret.

Then, the ballots are removed from the ballot secrecy envelope. **All steps of the counting process are done in pairs, with two election judges of different parties.** As the ballots are removed, the pairs check to make sure they do not have unusual streaks, large or improper marks, or tears, to ensure they will go through the counting machine.



SAFEGUARDS:

- **If a voter marked their ballot improperly** – for example, they put an 'x' through their preferred candidate instead of filling in the bubble – **a team of election judges of different parties will go through and determine the intent of the voter.** If the intent of the voter is not clear, the election judges will not guess, the ballot gets sent through the counting machine as-is. **The counting machine may count or reject the ballot at that point, depending on how it is marked.** **Again, this whole process is done with election judges of differing parties all present, and with the established laws and guidelines for these types of situations.**
- After an absentee ballot is received and accepted, it is noted in the SVRS. So if a voter goes to vote in person after voting early by absentee, the election judge would see that they had voted already by absentee and the voter would be turned away. They do not even reach the stage of getting a ballot.

Additionally, it is always recommended that voters track their absentee ballot status at [MNVotes.gov](https://mnvotes.gov). If a voter either receives a replacement ballot or a notice that their ballot has been rejected, or finds the absentee ballot status on the Minnesota Elections & Voting site states the ballot has been rejected, they can call their county elections office to find out why it was rejected.



Jeremy Gruenhagen <cityadmin@cityofhamburgmn.com>

PLEASE READ - Heads Up Regarding Election Misinformation

3 messages

Kendra Olson <kolson@co.carver.mn.us>

Fri, Dec 1, 2023 at 2:58 PM

To: "commersec@gmail.com" <commersec@gmail.com>, Lisa Goede <camdentwp@frontiernet.net>, "Dahlgren Township (clerk@dahlgrentownship.com)" <clerk@dahlgrentownship.com>, tamara ekstrom <Tjekstrom@yahoo.com>, Pam Henry-Neaton <Hollywoodtownship@hotmail.com>, "Clerk Treasurer (laketowntownship@gmail.com)" <laketowntownship@gmail.com>, Heidi Schmidt <heidisft@gmail.com>, "1goose@frontiernet.net" <1goose@frontiernet.net>, Watertown Township <watertowntownship@gmail.com>, "whubin@frontiernet.net" <whubin@frontiernet.net>, Alan Herrmann <alanherrmann@outlook.com>, Vicky Sons-Eiden <vsonseiden@cityofcarver.com>, "Denise Beebe (dbeebe@chaskamn.com)" <dbeebe@chaskamn.com>, City Clerk <MichelleM@colognemn.com>, Jeremy Gruenhagen <cityadmin@cityofhamburgmn.com>, Janell Gildemeister <janell.gildemeister@cityofmayer.com>, Twyla Menth <ngcityhall@gmail.com>, Kelly Hayes <cityclerk@cityofnya.com>, Karen Hallquist <economicdev@cityofnya.com>, Alyssa Swanson <aswanson@ci.victoria.mn.us>, Jackie Schulze <jschulze@waconia.org>, Sue Schwalbe <sschwalbe@waconia.org>, "msommerfeld@watertownmn.gov" <msommerfeld@watertownmn.gov>
Cc: Sarah Rivers <srivers@co.carver.mn.us>, Heather Perkins <hperkins@co.carver.mn.us>, Brenda Jurek <bjurek@co.carver.mn.us>

Good afternoon –

As some of you are aware, there is a Carver County resident named Jennifer Ray who has recently spoken during the public comments portion of recent meetings of the Carver County Board of Commissioners, Chanhassen City Council and Dahlgren Township Supervisors. She has also had phone conversations with the Mayor of Chaska, Mark Windschitl. As Ms. Ray made verbal comments that she intends to make her presentation to all cities/townships within Carver County, I wanted to make you aware and also provide you with factual information to avoid you being surprised/blind-sided by Ms. Ray's presentation/inaccurate statements and characterizations.

At the meetings, Ms. Ray made inaccurate statements/characterizations of Carver County's procedures/protocols in establishing an absentee ballot board and in the processing of absentee ballots. Ms. Ray also handed out and referenced an "Elections 411 – Voting by Mail/Absentee" document from the League of Women Voters website. There are a few instances in that LWV document where it describes "election judges of different parties" completing certain absentee ballot board tasks/duties. These are outdated descriptions that do not reflect current Minnesota laws and recent MN Supreme Court rulings regarding the establishment of an absentee ballot board and the duties of an absentee ballot board in the processing of absentee ballots. I have notified the League of Women Voters of this outdated language and they will be updating their website/documents to correct the outdated language and more accurately reflect the recent court rulings.

To be clear, Carver County follows all current laws/protocols in its election administration to include absentee ballot board staffing/duties and absentee ballot processing/procedures (including all party balance laws/requirements). In addressing Ms. Ray's inaccurate statements/characterizations, it is important to provide a more comprehensive background/explanation of Carver County's absentee ballot board and absentee ballot processing protocols. The starting point for Carver County's response to Ms. Ray's presentation/statements is the statutory/rule language that governs both the establishment of and duties of the absentee ballot board:

203B.121 BALLOT BOARDS.

Subdivision 1. **Establishment; applicable laws.** (a) The governing body of each county, municipality, and school district with responsibility to accept and reject absentee ballots must, by ordinance or resolution, establish a ballot board. The board must consist of a sufficient number of election judges appointed as provided in sections 204B.19 to 204B.22. The

board may include deputy county auditors or deputy city clerks who have received training in the processing and counting of absentee ballots. Each member of the ballot board must be provided adequate training on the processing and counting of absentee ballots, including but not limited to instruction on accepting and rejecting absentee ballots, storage of absentee ballots, timelines and deadlines, the role of the ballot board, procedures for opening absentee ballot envelopes, procedures for counting absentee ballots, and procedures for reporting absentee ballot totals.

8210.2450 DUTIES OF BALLOT BOARD MEMBERS WHEN EXAMINING RETURN ENVELOPES UNDER MINNESOTA STATUTES, SECTION 203B.121.

Subpart 1. **Review.** Two or more ballot board members from different major political parties must review the absentee ballots returned for the precinct under Minnesota Statutes, section 203B.121, unless they are deputy county auditors or deputy city clerks who have received training in the processing and counting of absentee ballots, or are exempt from that requirement under Minnesota Statutes, section 205.075, subdivision 4, or Minnesota Statutes, section 205A.10, subdivision 2.

As provided in the statutory language of MS 203B.121 highlighted above, Carver County's absentee ballot board consists of BOTH trained election judges (who are required to identify a party affiliation to ensure party balance) and trained deputy county auditors. As provided in MR 8210.2450, teams of two ballot board members perform the duties of the absentee ballot board in reviewing the absentee ballot return envelopes and processing of the absentee ballots. As provided in the language of MR 8210.2450 highlighted above, election judges working on a team in performing the duties of the absentee ballot board are required to identify a party affiliation because two election judges of the same political party cannot work as a "team of two" together; however, deputized county auditors are not required to declare party affiliation. Following lawsuits filed in relation to the inclusion of deputy county auditors on absentee ballot boards, the MN Supreme Court ruled that all absentee ballot board duties can be performed by EITHER election judges OR deputy county auditors EXCEPT for signature verification and duplication of a ballot. Upon receipt of the MN Supreme Court's ruling, Carver County changed its resolution and processes/procedures to ensure compliance with that legal ruling.

In summary, Carver County DOES:

- Establish its absentee ballot board according to state laws/protocols;
- Include election judges from the major political parties as members of its absentee ballot board;
- Include a sufficient number of election judges as provided in sections 204B.19 to 204B.22;
- Require "election judges" who are serving as members of the Absentee Ballot Board to declare party affiliation and assign elections duties to ensure party balance when working as a "team of two" in performing the duties of the absentee ballot board;
- Does not require "deputy county auditors trained in the processing and counting of absentee ballots" who are serving as members of the Absentee Ballot Board to declare a party affiliation. Non-partisan deputy county auditors represent the voters and not the political parties. Carver County's approach to staffing its Absentee Ballot Boards with BOTH deputy county auditors and elections judges provides a partnership of non-partisan county election workers and party-affiliated election judges which provides fair and accurate representation of ALL Carver County voters – not just those that affiliate themselves with one of the major political parties;
- Require that all statutory duties of the absentee ballot board that are required to be performed by **election judges** (not deputized county auditors) are performed by "two election judges of different parties". As stated above, the two absentee ballot board duties that, IF NEEDED, are required to be performed by election judges are signature verification and the duplication of a ballot in order that it can be processed through the tabulator;
- Although not statutorily required, to the extent possible, ensure that election judges from the major party lists conduct the absentee ballot board tasks that can only be conducted by election judges (i.e., signature verification and ballot duplication).

Ms. Ray describes a scenario of one person feeding the ballots into the tabulator without oversight or chain of custody protocols to include one person adjudicating by themselves any issues with the ballot(s). That scenario did not exist - ALL duties of the absentee ballot board and absentee ballot processing/counting tasks are completed with AT LEAST two individuals and, if involving a team of election judges, include party balance protocols. This includes the feeding of the absentee ballots into the high speed tabulator to be counted. While there is one absentee ballot board member PRIMARILY touching the ballots and the control screen of the tabulator; there is always the election administrator or a second absentee ballot board member involved and signing off on chain of custody, validation of number of ballots counted, adjudication of issues with a ballot, etc. As stated previously, if adjudication results in the determination that the ballot needs to be duplicated onto an official ballot that can be successfully fed/counted through the tabulator, that ballot duplication process is ALWAYS performed by two election judges of different political parties. With the exception of election night when the tabulator is required to be in the public viewing room for the closing of polls, the tabulator is in the same room as the teams of absentee ballot board members performing the duties required in preparing the absentee ballots for tabulation/counting by the tabulator.

Ms. Ray also made statements that Sherburne County, Wright County and Anoka County passed resolutions requiring major party balance in the absentee ballot processing from A to Z. Many Minnesota counties, including Carver County, have updated their Absentee Ballot Board Resolutions in response to the 2020 MN Supreme Court decision. Carver County election staff is not aware of any Absentee Ballot Board Resolutions that require "major party balance in the absentee ballot processing from A to Z".

Attached please find the following documentation items:

- Minnesota District Court ruling that Minnesota Counties and Cities are following MN statutes in appointing Deputy County Auditors to the Absentee Ballot Board
- Minnesota Court of Appeals ruling affirming the District Court's ruling
- Minnesota Supreme Court ruling affirming the Court of Appeals ruling but also ruling that two specific (and infrequent) statutory tasks of the Absentee Ballot Board MUST be done by election judge teams with political party balance (not Deputized staff).
- Minnesota Statute 203B.121 – defining that Absentee Ballot Board may consist of both election judges and deputy county auditors.
- Minnesota Rule 8210.2450 – defining that deputy county auditors serving on the Absentee Ballot Board are not required to declare political party affiliation.
- League of Women Voters of MN – Voting by Mail/Absentee FAQ sheet
- League of Women Voters of MN – Letter to Carver County Board in Support of Carver County Election Administration and Procedures
- 8-16-22 Presentation to Carver County Board by Dave Frischmon and Kendra Olson (including highlighted flowchart of Carver County Absentee Ballot Board and Duties)
- 8-16-22 Carver County Board Resolution – includes language that clarifies that Absentee Ballot Board duties required to be done by election judge teams with party balance (per MN Supreme Court ruling/clarification) WILL be done by election judge teams with party balance.
- Minutes from 8-16-22 Carver County Board meeting (I believe that there is a video of this meeting on the Carver County website that, if interested, you could watch to get more details on what was said at that meeting in support of Carver County's election administrators and processes (both by the League of Women Voters and County Commissioners).

If future legislative actions make changes in Minnesota statutes/rules regarding election administration (to include absentee board staffing/duties) Carver County will certainly make those changes, as has been done in the past, and continue to follow all Federal and State election laws.

I know this is a lot of information but I hope that it is helpful. Carver County wants to provide you with factual/accurate information prior to Ms. Ray making her presentation to your city council/town supervisors. As always, please let us know if you have additional questions or if we can provide additional information. We are also available for additional verbal conversations if desired. We welcome your questions/conversations regardless of whether Ms. Ray actually makes a presentation to your leadership.

Have a great weekend!!











Kendra Olson, Elections & Licensing Manager|Property & Financial Services Division

600 East Fourth Street | Chaska, MN | 55318

Office Phone: 952-361-1941 | Direct Phone: 952-361-1981

kolson@co.carver.mn.us | Website: www.co.carver.mn.us

10 attachments

-  **32 - ORDER and Memorandum.pdf**
456K
-  **MVA v. Ramsey - MN Court of Appeals Ruling.pdf**
3729K
-  **MVA v. Ramsey (MN 2022) - MN Supreme Court Ruling.pdf**
2750K
-  **Minnesota statute 203B.121 - Ballot Boards.pdf**
295K
-  **Minnesota Rule 8210.2450 Duties of Ballot Board Members When Examining Return Envelopes Under Minnesota Statute Section 203B.121.pdf**
978K
-  **League Of Women Voters of Minnesota - Voting Absentee FAQ Sheet.pdf**
917K
-  **League Of Women Voters of Minnesota - Letter to Carver County Board in Support of Carver County Election Administration and Procedures.pdf**
866K
-  **2022 Elections Update 8-16-22.pdf**
395K
-  **Carver County Resolution 68-22 - Absentee Ballot Board.pdf**
339K
-  **Minutes from 8-16-22 Carver County Board Meeting.pdf**
825K

Jeremy Gruenhagen <cityadmin@cityofhamburgmn.com>

Fri, Dec 1, 2023 at 3:09 PM

To: Mltch Polzin <mpolzin@cityofhamburgmn.com>, Tim Tracy <ttracy@cityofhamburgmn.com>, Chris Lund <clund@cityofhamburgmn.com>, Jessica Weber <jweber@cityofhamburgmn.com>, Eric Poppler <epoppler@cityofhamburgmn.com>

[Quoted text hidden]

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Elections 411

Voting by Mail / Absentee

ABSENTEE VOTING

Overview: Absentee balloting has been used for over a century in Minnesota – it actually dates all the way back to the Civil War. Due to its long tenure in Minnesota, many safeguards have been put in place to ensure that all mail-in / absentee voting is secure.

Verification: Any time a Minnesotan completes an absentee ballot application, they must include their name, birthday, and either their driver's license, state ID number, or the last four digits of their social security number. These pieces of information help the election workers confirm their voter registration is valid before their vote is counted.



[Minnesota Secretary of State](#)
[Minnesota Secretary of State](#)
[Minnesota Secretary of State](#)



SAFEGUARDS:

- The individualized and unique barcode attached to the voter and their ballot also ensures that each voter is sent the correct ballot materials. This process also notes that the voter has submitted an absentee ballot application, and has been sent an absentee ballot. This prevents the voter from being able to vote by absentee as well as in-person.
- Once completed and returned to the county elections office, every absentee ballot application gets entered into the Statewide Voter Registration System (SVRS). The voter's application and absentee ballot signature envelope are then tied to that voter with a **unique barcode**. This allows the ballot to be tracked in the SVRS and is why voters are able to track their ballots on the [MNS Secretary of State's site](#). The individualized and unique barcode is also used to track the status of each ballot, in particular whether it has been replaced and whether it has been accepted for counting. This prevents the voter from being able to vote both an original ballot and a replacement or by absentee as well as in-person.

Mail-in Only Precincts:

- In Minnesota, these are only comprised of precincts selected by the local governing body that are townships, unorganized portions of counties, precincts with fewer than 100 registered voters, or

cities that have fewer than 400 registered voters.

- Each registered voter in these areas automatically gets mailed a ballot. Unlike an absentee ballot, a mail ballot is sent only to the voter's residence (not to any other mailing address) and is sent by non-forwardable mail. A voter who has not registered in advance or who wants to receive their ballot at a temporary location needs to apply for an absentee ballot, just as in any other precinct. Each voter can only vote one way or the other: all the signature envelopes are tracked using unique barcodes, whether they are for mail ballots or absentee ballots.
- The absentee ballots that voters in mail-in only districts contain the same safeguards as other absentee ballots (unique barcodes, signature envelope information, etc.)

If you want to learn more about the process of voting by mail, you can read our blog post, [How Your Mail-in Ballot Works and Why It's Easy](#) or read the section below for Opening and Processing Ballots. You can also check out our facts sheet on voting by mail, and any of the extensive and broad-ranging references used in it [here](#).

OPENING AND PROCESSING ABSENTEE BALLOTS

Overview: The group of people who receive, process, and validate absentee ballots is called the [absentee ballot board](#). Members of the ballot board consist of election judges and non partisan deputy county auditors and deputy city clerks who have been trained in the processing and counting of absentee ballots. Election judges are required to identify a party affiliation, **because two election judges of the same party cannot work together**. This is one of the safeguards in the system. Moreover, a couple of particularly sensitive tasks can only be done by these bipartisan teams of election judges, not by the deputies. Only election judges can compare signatures and supervise the duplication of non-scannable ballots.

There are two parts of the processing of absentee ballots. The first is receiving and verifying the validity of the absentee ballot to determine whether it meets the criteria to be accepted or must be rejected. This is done soon after receipt so that if the ballot is rejected due to a paperwork problem, the voter has an opportunity to try again.

The ballot board accepts a signature envelope if it is signed by the voter, has been properly witnessed, and has identifying information that matches what is on file for the barcode. The identifying information that is checked is the name, address, and either a driver's license or state ID number or the last four digits of the social security number. If the identifying number isn't available or doesn't match, then election judges on the ballot board compare the signature on the envelope with the one from the application form. All of these checks are in addition to verifying that the voter only votes once and that if they don't have an up-to-date registration, they submitted the proper registration materials.

After the information on the signature envelope has been verified by the ballot board, the ballots go into a secured location until they can be opened and counted. Beginning in 2023, this second phase of processing must start no earlier than the close of business 19 days before the election. The first step in counting an absentee ballot, after the signature envelope information has been verified, is to remove the ballot secrecy envelope from the signature envelope. The ballot secrecy envelopes are segregated from the signature envelopes, and the signature envelopes are kept. This step ensures that each ballot is secret.

Then, the ballots are removed from the ballot secrecy envelope. As the ballots are removed, the pairs of ballot board workers verify that each envelope contains only exactly one voted ballot and that it is for the proper precinct. If a ballot is for the wrong precinct or is not in good enough condition to be scanned, then it must be copied over onto a fresh ballot. The duplicate and the original are numbered to allow the work to be tracked and the original is separately retained.



SAFEGUARDS:

- If a ballot needs to be duplicated to address a technical error that does not make it impossible to determine the voter's intent, a **team of election judges from different parties** are required to duplicate the ballot following the established laws and guidelines for these types of situations.
- After an absentee ballot is received and accepted, it is noted in the SVRS. So if a voter goes to vote in person after voting early by absentee, the election judge would see that they had voted already by absentee and the voter would be turned away. They do not even reach the stage of getting a ballot. Conversely, for any absentee ballot processed on Election Day, the ballot board doesn't open the envelope until after verifying that the voter hasn't voted at the polling place.

If a voter receives a replacement ballot for a rejected ballot or a post-election notice that their ballot has been rejected, or finds the absentee ballot status on the Minnesota Elections & Voting site states the ballot has been rejected, the letter will specify why the ballot was rejected and will include a phone number to call for further clarification from the local elections office. Additionally, it is always recommended that voters [call their local elections office for more information](#). If that site shows that the ballot has been rejected, that voter can call their local elections office to find out.

USE OF DROP BOXES

Contrary to rumors about drop boxes, they are [tightly governed by Minnesota law](#), and must meet minimum security and integrity standards, including collection at least once per business day and protection from tampering. Furthermore, drop boxes are maintained by the county auditor or municipal clerk, not the USPS, and the only envelopes considered are those with unique barcodes tied to a registered voter throughout the process.



City of Hamburg, Minnesota

181 Broadway Avenue
Hamburg, MN 55339

October 4, 2024

Steven and Tammy Trebesch
PO Box 2
Hamburg, MN 55339

SUBJECT: Permissible Uses of PID 45.0282500 and 45.0282020

Dear Mr. and Mrs. Trebesch:

Following the discussion at the City Council meeting on Tuesday, September 24th, I am writing to inform you of the permissible uses of your properties located along Railroad Street, as outlined in the Hamburg City Code Ordinance No. 133 – Chapter 160 Zoning and Subdivision Ordinance. The two properties in question are Parcel 45.0282500, referred to below as “Parcel 1,” and Parcel 45.0282020, referred to below as “Parcel 2.”



Parcel 1 is zoned as B Downtown Business Mixed Use District. Within any B District, only the following uses are permitted by right:

1. Retail, office or business service uses that are conducted within an enclosed building
2. Residential dwelling units within the same building as a retail, office or business use
3. Hotels and motels, and associated recreational uses
4. Public and educational facilities, religious institutions, and public or private parks
5. Restaurants and on-sale liquor establishments
6. Telecommunication facilities

On Parcel 1, the following uses may be permitted with a Conditional Use Permit and in conformance with the standards found in Section F, Subdivision 6 of the Zoning Ordinance:

1. Accessory structures other than private garages
2. Funeral homes and mortuaries
3. Outdoor dining areas associated with restaurants and on-sale liquor establishments
4. Clubs, museums, historic buildings, and other similar uses
5. Hospitals, nursing homes, or retirement homes
6. ***Automobile service stations***
 - a. No vehicles which are unlicensed and inoperable shall be stored on premises except in appropriately designed and screened storage areas.
 - b. All repair, assembly, disassembly and maintenance of vehicles shall occur within closed buildings except minor maintenance, such as tire inflation, oil and wiper replacement.
 - c. No public address system shall be audible from any residential parcel.
 - d. Stacking for gas pumps shall be provided for at least one car beyond the pump island in each direction in which access can be gained to the pump. The required stacking shall not interfere with internal circulation patterns or with designated parking areas and shall not be permitted in any public right-of-way or within the required parking setback.
 - e. No sales, storage or display of used vehicles, except when a conditional use permit is approved by the City Council allowing such rentals.
 - f. Shall not be located within 20 feet of any low-density residential parcel. The City Council may reduce separation requirements if the following are provided:
 - i. Landscaping and berming to shield the auto service use, and
 - ii. Lighting plans which are unobtrusive to surrounding residential uses.
 - g. All canopy lighting shall be recessed lighting, flush mounted with canopy ceiling and having a flat glass lens.
 - h. Canopies shall be set back at least 15 feet from all property lines, but in no case shall the setbacks be less than 20 feet of any low-density residential parcel as designated in the Comprehensive Plan.
7. Uses having a drive-up window
8. ***Storage, repair and servicing related to a permitted use***
 - a. The building and site shall maintain a predominantly commercial character.
 - b. No exterior storage shall be permitted.
 - c. Truck loading areas shall be fully screened and not located adjacent to any residential lot line.
9. Telecommunication facilities that exceed 75 feet in height

It is the City of Hamburg's understanding that Parcel 1 is currently being used for automotive repairs and automotive parking. This use of Parcel 1 does not conform with the Hamburg Zoning Ordinance, as both of these uses are only permitted in the B District with a Conditional Use Permit. **To bring the use of Parcel 1 into compliance, a Conditional Use Permit will be required and all vehicles and vehicle-related equipment shall be moved inside an enclosed structure. Please submit a completed Land Use Application (attached) to apply for a Conditional Use Permit.**

Parcel 2 is zoned as A-1 Restricted Agriculture District. Within any A-1 District, only the following uses are permitted by right:

1. Single family detached residential dwellings
2. Agriculture and horticulture land uses, excluding feedlots, including existing buildings and equipment typically associated with agriculture activities
3. A state licensed residential facility or a housing with services establishment
4. A state licensed day care facility serving 12 or fewer persons
5. Telecommunication facilities

On Parcel 2, the following uses may be permitted with a Conditional Use Permit and in conformance with the standards found in Section F, Subdivision 3 of the Zoning Ordinance:

7. Accessory structures other than garages (larger than 1,000 square feet)
8. Public and educational facilities, religious institutions, and public or private parks
9. Home occupations
10. Cemeteries
11. Telecommunication facilities that exceed 75 feet in height

The use of Parcel 2 is not allowed as a permitted, conditional, or accessory use. To bring the parcel into compliance, the City of Hamburg recommends the following options:

Option 1: Remove the vehicles, vehicle-related equipment, and storage containers from the property.

Option 2: Apply for a Minor Subdivision to combine Parcels 1 and 2 using the attached Land Use Application. This request may be submitted on the same application as the Conditional Use Permit for Parcel 1. The new parcel would need to be including in the B District to allow the current use of the property as a Conditional Use. If the Minor Subdivision and Conditional Use Permit are approved, all vehicles and vehicle-related equipment shall still be moved inside an enclosed structure.

Please contact me by Monday, October 21st to discuss these options. I am available to answer any questions you may have.

Thank you for your time.

Sincerely,

Jeremy Gruenhagen
City Clerk-Treasurer
P.O. Box 248
181 Broadway Avenue
Hamburg, MN 55339
952-467-3232
cityadmin@cityofhamburgmn.com

5. Restaurants and on-sale liquor establishments within an enclosed building.
6. Telecommunication facilities that meet the height requirements of this district if freestanding or may be allowed up to seventy-five (75) feet in height if located on an existing structure.

C. Conditional Uses: No structure or land shall be used for the following uses within any B - Downtown Business Mixed Use District except by conditional use permit and in conformance with the standards found in section F, Subd. 6 of this ordinance:

1. Accessory structures other than private garages.
2. Funeral homes and mortuaries.
3. Outdoor dining areas associated with restaurants and on-sale liquor establishments.
4. Clubs, museums, historic buildings, and other similar uses designed to accommodate members and visitors.
5. Hospitals, nursing homes, or retirement homes.
6. Automobile service stations and other retail uses having service bays and/or gas pump islands.
7. Uses having a drive-up window.
8. Storage, repair and servicing related to a permitted use and occupying between thirty (30) percent and no more than fifty (50) percent of the gross floor area of the principal structure.
9. Telecommunication facilities that exceed seventy-five (75) feet in height.

D. Permitted Accessory Uses: The following uses shall be permitted accessory uses within any B - Downtown Business Mixed Use Business District:

1. Private garages, off-street parking and loading spaces as regulated by section G of this ordinance.
2. Storage, repair, manufacturing and servicing related to a permitted use and occupying no more than thirty (30) percent of the gross floor area of the principal structure.
3. Solar collection and geo-thermal heating and cooling systems used in conjunction with permitted uses.
4. Signs as regulated by section H of this ordinance.
5. Personal receive-only satellite dish antennas, other personal antenna devices, and amateur radio devices.

E. District Standards: No building or land in the B - Downtown Business Mixed Use District shall be used except in conformance with the following:

1. Building height: No structure shall exceed three (3) stories or thirty-five (35) feet, whichever is less.
2. Minimum lot area: five-thousand (5,000) square feet
3. Minimum lot width: fifty (50) feet
4. Setbacks: All principal structures shall maintain the following minimum setbacks
 - a. Front yard: zero (0) feet behind a sidewalk, or twenty (20) feet if no sidewalk exists.
 - b. Interior side yard: five (5) feet, except a twenty (20) foot setback shall be maintained when abutting a residential, public or semi-public use.
 - c. Corner side yard: twenty (20) feet
 - d. Rear yard: five (5) feet, except a twenty (20) foot setback shall be maintained when abutting a residential, public or semi-public use.

2. Outdoor dining may be allowed between the hours of 11:00 a.m. to 1:00 a.m. or as established by the City Council as part of issuance a liquor license.
 3. Noise levels from the outdoor dining area shall maintain compliance with this ordinance and the city's code of ordinances.
 4. The sale of alcoholic beverages in the outdoor dining area shall be in compliance with of the provisions of the liquor license issued by the City Council.
- D. Clubs, museums, historic buildings, and other similar uses designed to accommodate members and visitors shall meet the following conditions:
1. No building or structure shall be located within twenty (20) feet of any lot line of an R-1 Single Family Residential District except for buildings, and structures that contain less than one- thousand (1,000) square feet in area.
 2. The building and/or structure shall have access on a collector or arterial roadway or access designed to minimize excessive traffic on local residential streets.
 3. The parking setback shall be the same as required for permitted structures within the R-1 Single Family Residential District.
- E. Hospitals and nursing homes shall meet the following conditions:
1. Shall not be adjacent to low density residential areas as designated in the Comprehensive Plan.
 2. The site shall have direct access to collector or arterial roadway.
 3. Emergency vehicle access shall not be adjacent to or located across a street from any residential use.
- F. Automobile service stations and other retail uses having service bays and/or gas pump islands shall meet the following conditions:
1. No vehicles which are unlicensed and inoperable shall be stored on premises except in appropriately designed and screened storage areas.
 2. All repair, assembly, disassembly and maintenance of vehicles shall occur within closed buildings except minor maintenance, such as tire inflation, oil and wiper replacement.
 3. No public address system shall be audible from any residential parcel.
 4. Stacking for gas pumps shall be provided for at least one (1) car beyond the pump island in each direction in which access can be gained to the pump. The required stacking shall not interfere with internal circulation patterns or with designated parking areas and shall not be permitted in any public right-of-way or within the required parking setback.
 5. No sales, storage or display of used vehicles, except when a conditional use permit is approved by the City Council allowing such rentals.
 6. Shall not be located within twenty (20) feet of any low-density residential parcel as designated in the Comprehensive Plan. The City Council may reduce separation requirements if the following are provided:
 - a. Landscaping and berming to shield the auto service use, and
 - b. Lighting plans which are unobtrusive to surrounding residential uses.
 7. All canopy lighting shall be recessed lighting, flush mounted with canopy ceiling and having a flat glass lens.
 8. Canopies shall be set back at least fifteen (15) feet from all property lines, but in no case shall the

setbacks be less than twenty (20) feet of any low-density residential parcel as designated in the Comprehensive Plan.

- G. Uses having a drive-up window shall meet the following conditions:
1. Shall not be located adjacent to any residential lot lines.
 2. Shall be provided with a suitable visual screen from adjacent properties.
 3. Stacking for a minimum of two (2) cars per aisle shall be provided within applicable parking lot setbacks.
- H. Storage, repair and servicing related to a permitted use and occupying between thirty (30) percent and no more than fifty (50) percent of the gross floor area of the principal structure shall meet the following conditions:
1. The building and site shall maintain a predominantly commercial character.
 2. No exterior storage shall be permitted.
 3. Truck loading areas shall be fully screened and not located adjacent to any residential lot line.
- I. Telecommunication facilities that exceed seventy-five (75) feet in height shall meet the conditions listed in Subd. 3, subpart E of this section.

Subdivision 7. Conditional Uses in the I- General Industrial District

- A. Other uses deemed by the City Council to be similar to permitted uses shall meet standards established by the City Council that relate to the impacts caused by the use on adjacent property, and city services and facilities.
- B. Outside storage provided it is fenced to screen views from public right-of-way and abutting the R-1 Single Family Residential or R-2 Multiple Family Residential Districts shall meet the following conditions:
1. All outdoor storage yards shall be completely screened from roads or developed areas with a solid fence or wall at least fifty (50) percent closed and six (6) feet or more in height, or a thirty (30) foot wide planting strip. The fence, wall and/or planting strip shall be maintained in good condition on a continual basis maintained.
 2. No unscreened outdoor storage yards established after the effective date of this ordinance shall be located closer than one hundred (100) feet to any other city road or R-1 Single Family Residential or R-2 Multiple Family Residential Districts.
 3. All storage areas open to vehicles must be paved with asphalt surfacing, crushed rock or other dust-free materials.
- C. Telecommunication facilities that exceed seventy-five (75) feet in height shall meet the conditions listed in Subd. 3, subpart E of this section.

SECTION G. PERFORMANCE STANDARDS

Subdivision 1. Purpose

The purpose of this section is to establish minimum standards to guide development in a manner that promotes a compatible relationship of uses, minimizes pollution, and protects public health and safety