

Carver County Board of Commissioners
Regular Meeting
February 4, 2025

A Regular Meeting of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on February 4, 2025. Chair Tom Workman convened the session at 08:00 a.m. as the County Ditch Authority.

Members present: John P Fahey, Tim Lynch, Matt Udermann, Tom Workman and Lisa Anderson

John Kolb, Rinke Noonan spoke on the purpose of the hearing and the procedural requirements for County Ditch 6, 9 and 10 (CD6, CD9, CD10).

David Frischmon, Ditch Administrator gave record of notice requirements. Public Hearing Notices were posted at the Carver County Government Center, in the Patriot for 3 consecutive weeks and Public Hearing notifications were sent to landowners.

Scott Henderson, lead viewer for Carver County at H2Over Viewers gave an overview of why they complete a redetermination of benefits. Currently CD6 has 2,119.75 acres with a new proposal of a total of 11,328.49 acres. Current benefits are assessed at \$349,226.00, and the proposed benefits will be \$1,113,470.75.

The public was invited to ask questions and make comments at the public hearing.

Steve Buetow, 8260 Maplewood Rd., Cologne inquired if a property owner can deny entry on to land. Attorney John Kolb advised no the resident doesn't have the right to deny access as the drainage authority has the right to access that land.

Marvin Meuleners, 1740 110th St. NYA Inquired about the Damages and buffer strips. Are these private or public waters? If they are private waters, they don't need buffers. Attorney John Kolb referenced statute 103E.021 and 103F.48. These are not public waters, they are drainage. Landowners can receive a one time compensation and that is being reviewed on who has been awarded those damages and who needs to be.

Currently CD9 has 491 acres with a new proposal of a total of 3,663.68 acres. Current benefits are assessed at \$44,704.00, and the proposed benefits will be \$5,657,723.72.

No Public Comments on County Ditch 9

Currently CD10 has 2,852.65 acres with a new proposal of a total of 2,154.40 acres. Current benefits are assessed at \$495,089.00, and the proposed benefits will be \$3,220,180.41.

Dave and Denise Simoneau, 11025 Hwy 25, NYA – Had concerns that the trees will be removed and the yard will be ripped up around the ditch. Attorney John Kolb advised they will sit down with landowners to go over process, some trees can be affected if large equipment needs to get in, otherwise trees remain.

Tim Lynch moved, Lisa Anderson seconded to close Public Comment portion of hearing.

Motion carried unanimously.

John Kolb inquired if the Commissioners thought all the rest of the proceedings have been done and the reports have been made in a manner consistent with the drainage code? Commissioners believe they have followed proper procedures.

Matt Udermann moved, Lisa Anderson seconded to direct the attorney to prepare findings and orders for each ditch consistent with the proceedings and reflecting adoption of the viewers' recommended benefits and damages and to continue the hearing to the Board's regular meeting on February 18 at 9:00 a.m. or by adjournment to an appropriate time on the Board's agenda to review the findings and orders on County Ditches 6,9 and 10. Motion carried unanimously.

Tim Lynch moved, Matt Udermann seconded to recess as the County Ditch Authority and convene as the County Board. Motion carried unanimously.

Tim Lynch moved, John P Fahey seconded, to approve the agenda. Motion carried unanimously.

Tim Lynch moved, John P Fahey seconded, to approve the minutes of the January 14, 2025, Regular Session. Motion carried unanimously

Matt Udermann moved, Lisa Anderson seconded, to approve the following consent agenda items:

Issued a Charitable Gambling License to the Ridgeview Foundation for a raffle to be held on June 23, 2025.

Issued a Charitable Gambling License to Chaska Sno Hawks to conduct a raffle to be held on March 1, 2025.

Approved the professional services agreement with SRF Consulting Group, Inc., for the development of project schedule templates at a cost not to exceed \$48,455, pending finalization of the contract review process.

Adopted the Findings of Fact and issue Order #PZ20240050 for the issuance of a Conditional Use Permit.

Adopted the Findings of Fact and issue Order #PZ20240047 for the issuance of a Conditional Use Permit.

Adopted the Findings of Fact and issue Order #PZ20240048 for the issuance of a Conditional Use Permit.

Approved motion to contract with Clean Harbors Environmental Services, Inc., pending final approval through the contract review process.

Approved motion to eliminate the vacant 0.80 FTE Law Library Paralegal and vacant 0.80 Librarian in order to create a 1.0 FTE Librarian that will jointly serve the Law Library and County Library.

Approved the 2025–2026 Teamsters Licensed Management Unit Collective Bargaining Agreement.

Adopted Resolution 7-25 approving the Preliminary Plat of Zimmerman Subdivision.

Approved Professional Service Agreement with Courtney Wettrenach for Emergency Preparedness Consulting Services with an amount not to exceed \$40,500 through May 31, 2025.

Approved Professional Service Agreement (Contract #25-007) with Scott- Carver-Dakota CAP Agency for \$75k for health care services through December 31, 2025.

Approved one staff from HHS to attend the Corporation for Supporting Housing (CSH) 2025 Supportive Housing Summit in Chicago, Illinois, in April 2025.

Approved the use of Carver County's allocation of National Opioid Settlement funds in the amount of \$82,000 to support Early Intervention Education Program (EIEP) and Certified Peer Recovery Services (CPRS) and motion to approve a Professional Service Agreement with Marbigail Therapy Services, LLC, through 12/31/2025.

Approved Diyanian Contract with Marbigail Therapy Services, LLC for \$100k through December 31, 2025.

Approved Certified Peer Recovery Specialist (CPRS) contract with NorthStar Regional in an amount up to \$40k through December 31, 2025.

Approved the donation of up to \$2,100 in redeemable certificates for 2025 Parks and Recreational services and products.

Approved out of state travel for the Parks Administrative Assistant and Reservation Specialist to attend Vermont Systems Conference in Chicago

Adopted resolution 8-25 awarding the construction contract for the Install Enhanced Pavement Markings Project to Century Traffic, LLC in the amount of \$918,690.76, pending finalization of the contract review process and MnDOT approvals.

Adopted resolution 9-25 to:

1. Enter the Purchase Agreement upon approval by the Carver County Attorney's Office and the contract review process for the purchase of the Charlson Meadows Properties from Charlson Meadows; and
2. Close on the real estate transaction that is the subject of the Purchase Agreement upon full satisfaction of all of the conditions of the Purchase Agreement; and
3. Take any and all steps and actions reasonably necessary to complete the closing on the transaction that is the subject of the Purchase Agreement, according to its terms; and
4. Acquire the Interests from Three Rivers for the Project by conveying the Charlson Meadows Properties to Three Rivers for as a replacement for the County acquisitions of the Interests from Three Rivers for the Project, and as full satisfaction of LAWCON; and
5. Take any and all steps and actions reasonably necessary to convey the Charlson

Meadows Properties to Three Rivers.

Adopted resolution 10-25 to approve right of way acquisition settlements for the Highway 5 Project - Arboretum Area for the property located at PID#'s: 65.5000130 and 65.0180610. Adopted resolution 11-25 to approve right of way acquisition settlements for the Highway 18 Project - Arboretum Area for the property located at PID #'s: 30.0180910, and 30.0170920.

Reviewed January 17, 2025, Community Social Services' actions/Commissioners' warrants in the amount of \$924,189.74; reviewed January 24, 2025, Community Social Services' actions/Commissioners' warrants in the amount of \$1,613,983.62 and reviewed January 31, 2025, Community Social Services' actions/Commissioners' warrants in the amount of \$301,720.39.

Motion carried unanimously 4-0, Commissioner Fahey abstained due to conflict of interest.

Matt Udermann moved, Tim Lynch seconded to approve the following advisory committee appointments:

Sarah Duffey as the Library Board Youth Member.

Michelle Bohmert as a mandated appointment to the Mental Health Board.

Cassie Broll as a mandated appointment to the Mental Health Board.

Mike Duzan as an at-large appointment to the Mental Health Board.

Megan White to represent District 3 on the Water Management Organization.

Motion carried unanimously.

ADMINISTRATOR REPORT – Dave Hemze advised about CDA meeting immediately following the board meeting. Also discussed Commissioners receiving board packets

Tim Lynch moved, Matt Udermann seconded to Recess as the County Board and go into recess until 11 a.m. to hold the County Ditch 2-3 Meeting.

Reconvene as the County Ditch Authority at 11:00 a.m.

Commissioner Fahey would like to abstain from meeting due to conflict of interest as he is a property owner in County Ditch 2-3.

John Kolb, Rinke Noonan spoke on the purpose of the hearing and the procedural requirements for County ditch 2-3.

David Frischmon, Ditch Administrator gave record of notice requirements. Public Hearing Notices were posted at the Carver County Government Center, in the Patriot for 3 consecutive weeks and Public Hearing notifications were sent to landowners.

Scott Henderson, lead viewer for Carver County at H2Over Viewers gave an overview of why they complete a redetermination of benefits. Currently CD 2-3 has 800.10 acres with a new proposal of a total of 16,694.86 acres. Current benefits are assessed at \$15,805.08, and the proposed benefits will be \$13,877,870.70.

Public Comments:

Mike & Colleen Klingelhutz, 7940 Airport Rd, Waconia asked questions on the lake area and the city of Waconia's portion of CD 2-3, siting statute 103E.411.

Will Swanson, 10985 Little Ave, Cologne , Inquired on how much they will be assessed.

Leon Worm, 9020 Laketown Road, Chaska Asked about exempt acreage and had questions on the 24 hours to drain area.

Joe Neisen, 11255 100th St, Cologne has 20 acres that flood. Neisen advised Carver Creek is supposed to be a private ditch.

Cathy Hayes, 10405 Knight Ave, Questioned how much has been spent and if there are any upcoming projects.

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 drainage rule. 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.

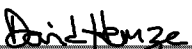
Closed public comment period at 12:31pm.

Tim Lynch moved, Lisa Anderson seconded to direct 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 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. Motion carried unanimously 4- 0, Fahey abstained.

Matt Udermann moved, Tim Lynch seconded to continue the hearing to the Board's regular meeting on May 20, 2025 at 9:00 a.m. or by adjournment to an appropriate time on the Board's agenda to review the viewers' report on reexamination and take further actions as required by statutes. Motion carried unanimously 4- 0, Fahey abstained.

Lisa Anderson moved, Tim Lynch seconded to Adjourn the Regular Session at 12:46 p.m. Motion carried unanimously.

Dave Hemze
County Administrator

Attest: 
Dave Hemze (Feb 18, 2025 09:09 CST)
County Administration


Tom Workman (Feb 18, 2025 20:29 CST)
Chair