



**Carver/ Wright / McLeod County Joint Ditches
October 8, 2024 - 9:00a.m.
Joint Ditch Meeting**

The County Board Room is open to the public

- | | | |
|-----------|---|--------------|
| 9:00 a.m. | 1. JOINT DITCH #4 CARVER, WRIGHT AND MCLEOD | 2-3 |
| | 1.1. CONVENE | |
| | 1.2. Appoint Chair and Vice Chair for Joint Ditch 4 | |
| | 1.3. Approve Minutes from May 10, 2022 | 4 |
| | 1.4. Carver/Mcleod/Wright Joint Ditch 4 Redetermination of Benefits: | |
| | Appoint new viewers and discuss timing for public hearing | 5-7 |
| | 1.5. Adjourn as Joint Ditch #4 | |
| 9:30 a.m. | 2. JOINT DITCH #1 CARVER AND MCLEOD | 8-9 |
| | 2.1. CONVENE | |
| | 2.2. Approve Minutes from July 16, 2024. | 10 |
| | 2.3. Carver/Mcleod Joint Ditch 1 Redetermination of Benefits: Appoint | |
| | new viewers and discuss timing for public hearing | 11-13 |
| | 2.4. Adjourn as Joint Ditch #1 | |
| 9:50 a.m. | 3. JOINT DITCH #5 CARVER AND MCLEOD | 14-15 |
| | 3.1. CONVENE | |
| | 3.2. Appoint Chair and Vice Chair for Joint Ditch 5 | |
| | 3.3. Approve Minutes from May 10, 2022 | 16 |
| | 3.4. Carver/Mcleod Joint Ditch 5 Redetermination of Benefits: Appoint | |
| | New Viewers and discuss timing for public hearing | 17-19 |
| | 3.5. Adjourn as Joint Ditch #5 | |



**CARVER
COUNTY**

minnesota



Carver County Board of Commissioners
Request for Board Action

Agenda Item Name: Carver/Mcleod/Wright Joint Ditch 4 Redetermination of Benefits: Appoint new viewers and discuss timing for public hearing

Department: Property & Financial Services

Contact: David Frischmon, Ditch Administrator

Presenter: David Frischmon, Ditch Administrator

Contract Name & Number:

Meeting Date: October 8, 2024

Item Type: Ditch/Rail Authority

Strategic Initiative:

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

Background/Justification:

Joint Ditch Authority 4 previously approved a Redetermination of Benefits and appointed viewers from H20 viewers. Viewer Bryan Murphy no longer lives in the State and Viewer Aaron Gorman no longer works for H20 so the attached Amended Findings and Order Appointing Viewers resolution recommends appointing Larry Murphy, Scott Henderson, Ken DeGier and Robert Conely as viewers to complete the project.

The next step in the Redetermination of Benefits process is to hold nine Public Hearings for the County Ditches and Joint Ditches. Carver County staff recommends holding the Public Hearings for Joint Ditches on one day and then subsequently hold the Public Hearings for the County Ditches on a separate day. Joint Ditch meetings have typically been held on the 2nd Tuesday of the month but conflicts exist for the 2nd Tuesday of the month for both November and December. The County's Ditch Attorney does not recommend waiting until the 2nd Tuesday in January to hold the Joint Ditch public hearings.

Action Requested:

Appoint Chair & Vice-Chair
Adopt minutes from 5/10/22 meeting
Adopt attached Amended Findings and Order Appointing Viewers

Discuss and provide direction on the timing for a Redetermination of Benefits Public Hearing.

Fiscal Impact:

Funding:	Amount Budgeted:

Related Fiscal/FTE Comments:

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

Attachments:

1. JD 4 May 10th Minutes
2. Amended Appointment of Viewers JD4

**JOINT DITCH 4
SPECIAL MEETING
May 10, 2022**

A Special Meeting of Carver/Mcleod/Wright Joint Ditch 4 was held in the County Government Center, Chaska, and remotely on May 10, 2022. Carver County Property and Finance Director David Frischmon convened the special meeting at 7:30 a.m.

Carver County members present in person: Fahey - Chair, Workman – Vice Chair and Lynch
Mcleod County member present remotely at home office, 19906 Cable Avenue, Lester Prairie: Schmalz
Wright County member present remotely at Wright County Courthouse: Kaczmarek
Members absent: None.

Approved minutes from February 22, 2022, Joint Ditch 4 meeting, Schmalz moved, Lynch seconded. Motion carried unanimously.

Viewers Presentations:

- a. H2O Viewers
- b. Joe Jacobs Team

Carver County Staff Viewer Recommendation for H2O

Consider Order Resolution #22-03 for Redetermination of Benefits, Appointing and Hiring Viewers for Joint Ditch 4

Adopt Resolution and appoint H2Overviewers – Lynch moved; Fahey seconded. Motion carried unanimously.

Introduction of a Petition for Realignment of JD#4 on the Jeff Hart property – Mike Wanous, Carver SWCD District Manager/County Ditch Inspector

Adjourn Joint Ditch 4 - Lynch moved, Workman seconded. Motion carried unanimously.

David Frischmon
Property and Finance Director
Carver County

**STATE OF MINNESOTA
JOINT DRAINAGE AUTHORITY OF CARVER, WRIGHT, AND MCLEOD COUNTIES
SEATED AS DRAINAGE AUTHORITY UNDER STATUTES CHAPTER 103E FOR THE
REDETERMINATION OF BENEFITS FOR CARVER, WRIGHT, AND MCLEOD JOINT DITCH 4 (“JD 4”)**

**In the Matter of the Redetermination of
Benefits of Carver, Wright, and McLeod Joint
Ditch 4**

**AMENDMENT TO FINDINGS AND ORDER
APPOINTING VIEWERS**

The Joint Drainage Authority Board of Commissioners of Carver, Wright, and McLeod Counties, sitting as the Drainage Authority for Carver, Wright, and McLeod Counties Joint Ditch 4, met to consider the status of the various proceedings. Based on the record, Commissioner _____ moved, seconded by Commissioner _____ to adopt the following Findings and Order:

Findings:

1. The Joint Drainage Authority Board of Commissioners of Carver, Wright, and McLeod Counties (“Drainage Authority”) is the drainage authority for Carver, Wright, and McLeod Counties Joint Ditch 4.
2. On May 10, 2022, the Drainage Authority initiated a redetermination of benefits and damages for Carver, Wright, and McLeod Counties Joint Ditch 4 pursuant to authority in Minn. Stat. § 103E.351.
3. The Drainage Authority previously appointed Bryan Murphy, Larry Murphy, and Aaron Goemann as viewers for the redetermination of benefits and damages proceedings.
4. Aaron Goemann’s employment with the viewing services provider, H2Over Viewers, LLC, has ended and he is no longer viewing as a member of the appointed team.
5. Bryan Murphy has also disqualified himself as a viewer in these proceedings.
6. It is recommended that Larry Murphy remain appointed as viewer in this matter and that Scott Henderson, Ken DeGier, and Robert Conely be appointed as additional viewers in these proceedings.
7. Upon review, it appears that Scott Henderson, Ken DeGier, and Robert Conely are disinterested residents of Minnesota qualified to assess benefits and damages. Scott Henderson, Ken DeGier, and Robert Conely meet the Drainage Authority’s qualifications and the requirements of Minn. Stat. § 103E.305 to serve as viewers for the redetermination of benefits and damages of Joint County Ditch 4.

Order:

Based on the foregoing Findings and the entire record of proceedings before the Board, the Board, acting as the drainage authority for the above-named drainage system, hereby orders that the previous findings and order initiating redetermination of benefits be amended as follows:

- A. The Drainage Authority rescinds its appointment of Aaron Goemann and Bryan Murphy as viewers to redetermine and report the benefits and damages of the above-named drainage system. Aaron Goemann and Bryan Murphy's obligations under their oath, if any, are discharged.
- B. That Larry Murphy remains appointed as viewer in these proceedings.
- C. That Scott Henderson, Ken DeGier, and Robert Conely be appointed as viewers in these proceedings to redetermine and report the benefits and damages for the above-named drainage system.
- D. The Carver County Auditor is directed to issue a supplemental order directing Scott Henderson, Ken DeGier, and Robert Conely to qualify and return their Viewer's Oath.

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, _____ absent, and _____ abstentions as follows:

	Yea	Nay	Absent	Abstain
_____ (_____ Co.)	☐	☐	☐	☐
_____ (_____ Co.)	☐	☐	☐	☐
_____ (_____ Co.)	☐	☐	☐	☐
_____ (_____ Co.)	☐	☐	☐	☐
_____ (_____ Co.)	☐	☐	☐	☐

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

_____, Board Chair

Dated: _____

* * * * *

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

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

Crystal Campos, Auditor



Carver County Board of Commissioners
Request for Board Action

Agenda Item Name: Carver/Mcleod Joint Ditch 1 Redetermination of Benefits: Appoint new viewers and discuss timing for public hearing

Department: Property & Financial Services

Contact: David Frischmon, Ditch Administrator,

Presenter: David Frischmon, Ditch Administrator

Contract Name & Number:

Meeting Date: October 8, 2024

Item Type: Ditch/Rail Authority

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

Background/Justification:

Joint Ditch Authority #1 previously approved a Redetermination of Benefits and appointed viewers from H20 viewers. Viewer Bryan Murphy no longer lives in the State and Viewer Aaron Gorman no longer works for H20 so the attached Amended Findings and Order Appointing Viewers resolution recommends appointing Larry Murphy, Scott Henderson, Ken DeGier and Robert Conely as viewers to complete the project.

The next step in the Redetermination of Benefits process is to hold nine Public Hearings for the County Ditches and Joint Ditches. Carver County staff recommends holding the Public Hearings for Joint Ditches on one day and then subsequently hold the Public Hearings for the County Ditches on a separate day. Joint Ditch meetings have typically been held on the 2nd Tuesday of the month but conflicts exist for the 2nd Tuesday of the month for both November and December. The County's Ditch Attorney does not recommend waiting until the 2nd Tuesday in January to hold the Joint Ditch public hearings.

Action Requested:
Adopt minutes from July 16th, 2024
Adopt attached Amended Findings and Order Appointing Viewers

Provide direction on the timing for a Joint Ditch 1 Redetermination of Benefits Public Hearing.

Fiscal Impact:

Funding:	Amount Budgeted:

Related Fiscal/FTE Comments:

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

Attachments:

1. Joint Ditch #1 Minutes 7.16.24
2. Amended Appointment of Viewers - JD 1 1

Joint Ditch #1 Minutes

A Special Meeting of Carver/Mcleod Joint Ditch 1 was held in the County Government Center, Chaska, and remotely on July 16, 2024. Carver County Property and Finance Director David Frischmon convened the special meeting at 8:15 a.m.

Carver County Commissioners Degler, Fahey and Udermann were present in the Carver County Board Room. McLeod County Commissioners Schmalz and Krueger participated remotely from the McLeod County Court House.

Fahey nominated Gayle Degler to serve as Chair of Joint Ditch #1, Schmalz seconded.

On vote taken to elect Gayle Degler as Chair for Joint Ditch #1, Roll Call, all 5 ayes. Motion Carried Unanimously.

Degler nominated John P. Fahey to serve as Vice Chair of Joint Ditch #1, Kreuger seconded.

On vote taken to elect John P. Fahey as Vice Chair for Joint Ditch #1, Roll Call, all 5 ayes. Motion Carried Unanimously.

Udermann moved, Fahey seconded, to approve the minutes of the May 10, 2022, Joint Ditch 1 meeting. Roll Call, all 5 ayes. Motion carried unanimously.

Marty Walsh, Carver County Parks Director spoke on Repair project for Bridge R0631 over Crane Creek. An easement area from private property owner in McLeod County is needed.

Carver County is paying for the cost of the repair, and it will be paid from the Carver County Regional Rail Authority. Carver County is asking for approval of this not CCRRA.

Fahey Moved, Krueger seconded to approve Motion to authorize repair of Bridge R0631 over Crane Creek, Project #198865. Roll Call, all 5 aye. Motion carried unanimously.

Adjourn Joint Ditch 1 at 8:32 a.m. Krueger moved, Udermann seconded. Motion carried unanimously.

David Frischmon
Property and Finance Director
Carver County

**STATE OF MINNESOTA
JOINT DRAINAGE AUTHORITY OF CARVER AND MCLEOD COUNTIES
SEATED AS DRAINAGE AUTHORITY UNDER STATUTES CHAPTER 103E FOR THE
REDETERMINATION OF BENEFITS FOR CARVER AND MCLEOD JOINT DITCH 1 ("JD 1")**

**In the Matter of the Redetermination of
Benefits of Carver and McLeod Joint Ditch 1**

**AMENDMENT TO FINDINGS AND ORDER
APPOINTING VIEWERS**

The Joint Drainage Authority Board of Commissioners of Carver and McLeod Counties, sitting as the Drainage Authority for Carver and McLeod Counties Joint Ditch 1, met to consider the status of the various proceedings. Based on the record, Commissioner _____ moved, seconded by Commissioner _____ to adopt the following Findings and Order:

Findings:

1. The Joint Drainage Authority Board of Commissioners of Carver and McLeod Counties ("Drainage Authority") is the drainage authority for Carver and McLeod Counties Joint Ditch 1.
2. On May 10, 2022, the Drainage Authority initiated a redetermination of benefits and damages for Carver and McLeod Counties Joint Ditch 1 pursuant to authority in Minn. Stat. § 103E.351.
3. The Drainage Authority previously appointed Bryan Murphy, Larry Murphy, and Aaron Goemann as viewers for the redetermination of benefits and damages proceedings.
4. Aaron Goemann's employment with the viewing services provider, H2Over Viewers, LLC, has ended and he is no longer viewing as a member of the appointed team.
5. Bryan Murphy has also disqualified himself as a viewer in these proceedings.
6. It is recommended that Larry Murphy remain appointed as viewer in this matter and that Scott Henderson, Ken DeGier, and Robert Conely be appointed as additional viewers in these proceedings.
7. Upon review, it appears that Scott Henderson, Ken DeGier, and Robert Conely are disinterested residents of Minnesota qualified to assess benefits and damages. Scott Henderson, Ken DeGier, and Robert Conely meet the Drainage Authority's qualifications and the requirements of Minn. Stat. § 103E.305 to serve as viewers for the redetermination of benefits and damages of Joint County Ditch 1.

Order:

Based on the foregoing Findings and the entire record of proceedings before the Board, the Board, acting as the drainage authority for the above-named drainage system, hereby orders that the previous findings and order initiating redetermination of benefits be amended as follows:

- A. The Drainage Authority rescinds its appointment of Aaron Goemann and Bryan Murphy as viewers to redetermine and report the benefits and damages of the above-named drainage system. Aaron Goemann and Bryan Murphy's obligations under their oath, if any, are discharged.
- B. That Larry Murphy remains appointed as viewer in these proceedings.
- C. That Scott Henderson, Ken DeGier, and Robert Conely be appointed as viewers in these proceedings to redetermine and report the benefits and damages for the above-named drainage system.
- D. The Carver County Auditor is directed to issue a supplemental order directing Scott Henderson, Ken DeGier, and Robert Conely to qualify and return their Viewer's Oath.

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, _____ absent, and _____ abstentions as follows:

	Yea	Nay	Absent	Abstain
_____ (_____ Co.)	☐	☐	☐	☐
_____ (_____ Co.)	☐	☐	☐	☐
_____ (_____ Co.)	☐	☐	☐	☐
_____ (_____ Co.)	☐	☐	☐	☐
_____ (_____ Co.)	☐	☐	☐	☐

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

_____, Board Chair

Dated: _____

* * * * *

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

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

Crystal Campos, Auditor



Carver County Board of Commissioners
Request for Board Action

Agenda Item Name: Carver/Mcleod Joint Ditch 5 Redetermination of Benefits: Appoint New Viewers and discuss timing for public hearing

Department: Property & Financial Services

Contact: David Frischmon, Ditch Administrator

Presenter: David Frischmon, Ditch Administrator

Contract Name & Number:

Meeting Date: October 8, 2024

Item Type: Ditch/Rail Authority

Strategic Initiative:

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

Background/Justification:

Joint Ditch Authority 5 previously approved a Redetermination of Benefits and appointed viewers from H20 viewers. Viewer Bryan Murphy no longer lives in the State and Viewer Aaron Gorman no longer works for H20 so the attached Amended Findings and Order Appointing Viewers resolution recommends appointing Larry Murphy, Scott Henderson, Ken DeGier and Robert Conely as viewers to complete the project.

The next step in the Redetermination of Benefits process is to hold nine Public Hearings for the County Ditches and Joint Ditches. Carver County staff recommends holding the Public Hearings for Joint Ditches on one day and then subsequently hold the Public Hearings for the County Ditches on a separate day. Joint Ditch meetings have typically been held on the 2nd Tuesday of the month but conflicts exist for the 2nd Tuesday of the month for both November and December. The County's Ditch Attorney does not recommend waiting until the 2nd Tuesday in January to hold the Joint Ditch public hearings.

Action Requested:

Appoint Chair & Vice-Chair
Adopt attached minutes from JD5 5/10/22 meeting
Adopt attached Amended Findings and Order Appointing Viewers

Provide direction on the timing for a JD 5 Redetermination of Benefits Public Hearing.

Fiscal Impact:

Funding:	Amount Budgeted:

Related Fiscal/FTE Comments:

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

Attachments:

1. JD 5 May 10th Minutes
2. Amended Appointment of Viewers JD5 1

**JOINT DITCH 5
SPECIAL MEETING
May 10, 2022**

A Special Meeting of Carver/Mcleod Joint Ditch 5 was held in the County Government Center, Chaska, and remotely on May 10, 2022. Carver County Property and Finance Director David Frischmon convened the special meeting at 10:30 a.m.

Carver County Commissioners Fahey, Chair, Udermann, Vice Chair and Lynch present in County Board Room. McLeod County Commissioner Schmalz will be participating remotely from home office, 19906 Cable Avenue, Lester Prairie. McLeod County Commissioner Krueger will be participating remotely from the McLeod County Court House.

Approve minutes from February 22, 2022, Joint Ditch 5 Meeting; Schmalz moved, Udermann seconded. Motion carried unanimously.

Consider Order Resolution #22-4 for Redetermination of Benefits, Appointing and Hiring Viewers for Joint Ditch 5.

Adopt Resolution and Appoint H2Overviewers – Lynch moved; Fahey seconded. Motion carried unanimously.

Adjourn Joint Ditch 5 - Udermann moved; Krueger seconded. Motion carried unanimously.

David Frischmon
Property and Finance Director
Carver County

**STATE OF MINNESOTA
JOINT DRAINAGE AUTHORITY OF CARVER AND MCLEOD COUNTIES
SEATED AS DRAINAGE AUTHORITY UNDER STATUTES CHAPTER 103E FOR THE
REDETERMINATION OF BENEFITS FOR CARVER AND MCLEOD JOINT DITCH 5 ("JD 5")**

**In the Matter of the Redetermination of
Benefits of Carver and McLeod Joint Ditch 5**

**AMENDMENT TO FINDINGS AND ORDER
APPOINTING VIEWERS**

The Joint Drainage Authority Board of Commissioners of Carver and McLeod Counties, sitting as the Drainage Authority for Carver and McLeod Counties Joint Ditch 5, met to consider the status of the various proceedings. Based on the record, Commissioner _____ moved, seconded by Commissioner _____ to adopt the following Findings and Order:

Findings:

1. The Joint Drainage Authority Board of Commissioners of Carver and McLeod Counties ("Drainage Authority") is the drainage authority for Carver and McLeod Counties Joint Ditch 5.
2. On May 10, 2022, the Drainage Authority initiated a redetermination of benefits and damages for Carver and McLeod Counties Joint Ditch 5 pursuant to authority in Minn. Stat. § 103E.351.
3. The Drainage Authority previously appointed Bryan Murphy, Larry Murphy, and Aaron Goemann as viewers for the redetermination of benefits and damages proceedings.
4. Aaron Goemann's employment with the viewing services provider, H2Over Viewers, LLC, has ended and he is no longer viewing as a member of the appointed team.
5. Bryan Murphy has also disqualified himself as a viewer in these proceedings.
6. It is recommended that Larry Murphy remain appointed as viewer in this matter and that Scott Henderson, Ken DeGier, and Robert Conely be appointed as additional viewers in these proceedings.
7. Upon review, it appears that Scott Henderson, Ken DeGier, and Robert Conely are disinterested residents of Minnesota qualified to assess benefits and damages. Scott Henderson, Ken DeGier, and Robert Conely meet the Drainage Authority's qualifications and the requirements of Minn. Stat. § 103E.305 to serve as viewers for the redetermination of benefits and damages of Joint County Ditch 5.

Order:

Based on the foregoing Findings and the entire record of proceedings before the Board, the Board, acting as the drainage authority for the above-named drainage system, hereby orders that the previous findings and order initiating redetermination of benefits be amended as follows:

- A. The Drainage Authority rescinds its appointment of Aaron Goemann and Bryan Murphy as viewers to redetermine and report the benefits and damages of the above-named drainage system. Aaron Goemann and Bryan Murphy's obligations under their oath, if any, are discharged.
- B. That Larry Murphy remains appointed as viewer in these proceedings.
- C. That Scott Henderson, Ken DeGier, and Robert Conely be appointed as viewers in these proceedings to redetermine and report the benefits and damages for the above-named drainage system.
- D. The Carver County Auditor is directed to issue a supplemental order directing Scott Henderson, Ken DeGier, and Robert Conely to qualify and return their Viewer's Oath.

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, _____ absent, and _____ abstentions as follows:

	Yea	Nay	Absent	Abstain
_____ (_____ Co.)	☐	☐	☐	☐
_____ (_____ Co.)	☐	☐	☐	☐
_____ (_____ Co.)	☐	☐	☐	☐
_____ (_____ Co.)	☐	☐	☐	☐
_____ (_____ Co.)	☐	☐	☐	☐

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

_____, Board Chair

Dated: _____

* * * * *

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

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

Crystal Campos, Auditor