



CARVER COUNTY

minnesota

**Carver County Board of Commissioners
October 18, 2022
Board Meeting/Work Session**

The County Board Room is open to the public.

Individuals who are not able to attend in person and wish to provide public comments can do so by email at admin-contact@co.carver.mn.us or by leaving a voicemail at (952) 361-1516. Public comments received in writing such as those received by e-mail will be summarized during the meeting and posted on the County website at

<https://www.co.carver.mn.us/government/county-board-of-commissioners/county-board-meetings-and-agendas> following the meeting. Voicemail public comments will be played during the meeting. If you would like to join the Regular Session videoconference please send an e-mail, no later than noon on the Monday prior to the scheduled meeting date, to Carver County Administration at admin-contact@co.carver.mn.us to receive a WebEx invitation.

Public comments that relate to an item on the agenda will be heard when that agenda item is discussed. Please limit your public comments to five minutes or less.

The Regular Session portion of the meeting will be webcast live at: <https://www.youtube.com/user/CarverCountyMN/live>

- 9:00 a.m. 1. a) **CONVENE**
 b) **Pledge of allegiance**
 c) **Public comments**
2. Agenda review and adoption
3. Approve minutes of October 4, 2022, Regular Session 1-3
4. Community Announcements
- 9:20 a.m. 5. **CONSENT AGENDA**
- Communities: Create and maintain safe, healthy, and livable communities*
- 5.1 Traffic Control Signal Maintenance Agmt 1051295 with the State of MN
 for the Highway 41/61 Intersection – Resolution 4-5
- 5.2 Chanhassen Cardboard Hauling Contract 6

5.3	Professional Services Agreement with Landwehr Construction, Inc. for Highway 32 Culvert Replacement	7
5.4	Professional Services Agreement with Mathiowetz Construction Company for Highway 53 Culvert and Highway 50 Slope Repair.....	8

Connections: Develop strong public partnerships and connect people to services and information

5.5	Adopt a Resolution to approve Federal Aid Funding Agreement for Preliminary Engineering for Highway 5 Project	9-10
5.6	Application for 2022-2023 renewal of Liquor License.....	11
5.7	Encore donation received	12
5.8	Professional Services Agmt. with SRF Consulting Group for Final Design for Hwy 212 Project - Benton Township	13

Culture: Provide organizational culture fostering accountability to achieve goals and sustain trust/confidence in County government Culture

5.9	Planning and Water Management Department Reorganization	14-15
5.10	Memorandum of Agreement (MOA) with AFSCME Assistant County Attorney Bargaining Unit.....	16-18
5.11	2023 Non-Bargaining Employee Insurance Contributions	19-20
5.12	2023 Retiree Health Insurance Contributions	21
5.13	Memorandum of Agreement (MOA) with Supervisors and Managers Association of Carver County Bargaining Unit	22-23

Customer service: Continue the County's delivery of high value, timely service and support 24-25

5.14	Request to Increase License Staffing	24-25
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Growth: Manage the challenges and opportunities resulting from growth and development

5.15	Approval of Charles J. Dahlke Grant Proposals	26
5.16	Final Acceptance and Payment To Eureka Construction, Inc. for the Highway 41/18 Project – resolution.....	27-28
5.17	Professional Service Agreement with YMCA for HHS Leadership Learning Session.....	29
5.18	Stanley Security Systems Jail Upgrade	30

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

5.19	Organization monetary donation (\$2000) to Sheriff's Office	31-32
5.20	Review Health & Human Services and Commissioner Warrants.....	NO ATT

9:20 a.m.

RECESS AS COUNTY BOARD AND CONVENE AS CARVER COUNTY DITCH AUTHORITY

9:20 a.m.

6. COMMUNITIES: Create and maintain safe, healthy, and livable communities

6.1	Carver County Ditch 2-3, 5, 6, 7, 9, 10 Assignment of Alternate Viewers	33-51
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9:25 a.m.

ADJOURN AS CARVER COUNTY DITCH AUTHORITY AND RECONVENE AS CARVER COUNTY BOARD

9:25 a.m.

7. County Administrator Report

- 9:35 a.m. 8. **GROWTH: Manage the challenges and opportunities resulting from growth and development**
8.1 **Closed Session** for Potential Land Exchange Agreement for Highway 92 Project - Interlaken Area 52
- 10:10 a.m. 9. **CULTURE: Provide organizational culture fostering accountability to achieve goals and sustain trust/confidence in County government**
9.1 **Closed Session** for Labor Negotiation Strategy 53
- 11:45 a.m. **ADJOURN REGULAR SESSION**

WORK SESSION

- 11:45 a.m. A. **CUSTOMER SERVICE: Continue the County's delivery of high value, timely service and support**
1. License Center Update 54

David Hemze
County Administrator

UPCOMING MEETINGS

October 25, 2022	7:30 a.m. Carver County Leaders Meeting Government Center EOC
October 25, 2022	9:00 a.m. Board Work Session
November 1, 2022	9:00 a.m. Board Meeting
November 8, 2022	No Meeting
November 15, 2022	9:00 a.m. Board Meeting
November 22, 2022	9:00 a.m. Board Work Session
November 29, 2022	No Board Meeting

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Carver County Ditch 2-3, 5, 6, 7, 9, 10 Assignment of Alternate Viewers

Primary Originating Division/Dept: Property & Financial Services - Property Records

Meeting Date: 10/18/2022

Contact: Kathleen Smith Title: Land Records Manager

Item Type:
Ditch/Rail Authority

Amount of Time Requested: 5 minutes

Presenter: David Frischmon Title: PFS Division Director

Attachments: ☒ Yes ☐ No

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

Three Viewers were originally appointed for the County & Joint Ditch Redetermination of Benefits scheduled for 2022 with no Alternate Viewers. One of the originally appointed viewers has been called for a Military Leave so an Alternate Viewer needs to be appointed. John Kolb with Rinke Noonan prepared the attached Amended Appointment of Viewers recommended by H20 for Scott Henderson, Ken DeGier and Robert Conely to serve as alternates to fill vacancies on the viewer team as they might occur.

A similar action for the County's Joint Ditches will also be necessary.

ACTION REQUESTED:

Approve the Appointment of Alternate Viewers for the Redetermination of Benefits for County Ditches 2-3, 5, 6, 7, 9 & 10.

FISCAL IMPACT: None

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT: None

Total

\$0.00

☐ Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2022 - 8637

**STATE OF MINNESOTA
CARVER COUNTY BOARD OF COMMISSIONERS
SITTING AS THE DRAINAGE AUTHORITY FOR
CARVER COUNTY DITCH 10**

**In the Matter of the Redetermination of
Benefits of Carver County Ditch 10**

**AMENDMENT TO FINDINGS AND ORDER
APPOINTING VIEWERS**

The Carver County Board of Commissioners, sitting as the drainage authority for County Ditch 10, pursuant to Minn. Stat. § 103E.351, based on the record and proceedings, Commissioner _____ moved, seconded by Commissioner _____ to adopt the following Findings and Order:

Findings:

1. The Carver County Board of Commissioners (“Drainage Authority”) is the drainage authority for County Ditch 10 (“CD 10”).
2. The Drainage Authority previously adopted findings and an order initiating a redetermination of benefits and damages for CD 10 pursuant to authority in Minn. Stat. § 103E.351.
3. In the order, the Drainage Authority appointed H2Over Viewers, LLC members Bryan Murphy, Larry Murphy, and Aaron Goemann as viewers for the redetermination of benefits and damages. Pursuant to the order and chapter 103E, the Auditor issued an Auditor’s Order to the viewers, conducted a first meeting of viewers, and administered the Viewers’ Oath to Bryan Murphy, Larry Murphy, and Aaron Goemann.
4. By email dated September 23, 2022, Lead Viewer Bryan Murphy notified the Drainage Authority that Aaron Goemann received notice from the Department of the Army that he is being deployed for service. It is recommended that Ken DeGier, Scott Henderson, and Robert Conely, members of H2Over Viewers, LLC, be appointed as alternate viewers in this matter and that one of them serve as Mr. Goemann’s replacement. The Board will defer to Bryan Murphy, the president of H2Over Viewers, in which alternate viewer fills in for Mr. Goemann.
5. Upon review, it appears that Ken DeGier, Scott Henderson, and Robert Conely are disinterested residents of Minnesota qualified to assess benefits and damages. Ken DeGier, Scott Henderson, Robert Conely, and H2Over Viewers 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 on CD 10.

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 and damages, acquiring grass buffer strips, and appointing viewers be amended as follows:

- A. That viewers Ken DeGier, Scott Henderson, and Robert Conely are appointed as alternate viewers with one of them replacing viewer Aaron Goemann and serve along with Bryan Murphy and Larry Murphy, members of H2Over Viewers, LLC, as viewers to redetermine and report the benefits and damages for the above-named drainage systems.
- B. The Auditor-Treasurer is directed to call a first meeting of the viewers, to qualify said viewers and administer the viewers' oaths.

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
DEGLER	☐	☐	☐	☐
WORKMAN	☐	☐	☐	☐
UDERMANN	☐	☐	☐	☐
LYNCH	☐	☐	☐	☐
FAHEY	☐	☐	☐	☐

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

Gayle Degler, Chairman

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 Carver County 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 _____, 2022.

IN TESTIMONY WHEREOF, I hereunto set my hand this ____ day of _____, 2022.

Crystal Campos, Auditor

**STATE OF MINNESOTA
CARVER COUNTY BOARD OF COMMISSIONERS
SITTING AS THE DRAINAGE AUTHORITY FOR
CARVER COUNTY DITCH 9**

**In the Matter of the Redetermination of
Benefits of Carver County Ditch 9**

**AMENDMENT TO FINDINGS AND ORDER
APPOINTING VIEWERS**

The Carver County Board of Commissioners, sitting as the drainage authority for County Ditch 9, pursuant to Minn. Stat. § 103E.351, based on the record and proceedings, Commissioner _____ moved, seconded by Commissioner _____ to adopt the following Findings and Order:

Findings:

1. The Carver County Board of Commissioners (“Drainage Authority”) is the drainage authority for County Ditch 9 (“CD 9”).
2. The Drainage Authority previously adopted findings and an order initiating a redetermination of benefits and damages for CD 9 pursuant to authority in Minn. Stat. § 103E.351.
3. In the order, the Drainage Authority appointed H2Over Viewers, LLC members Bryan Murphy, Larry Murphy, and Aaron Goemann as viewers for the redetermination of benefits and damages. Pursuant to the order and chapter 103E, the Auditor issued an Auditor’s Order to the viewers, conducted a first meeting of viewers, and administered the Viewers’ Oath to Bryan Murphy, Larry Murphy, and Aaron Goemann.
4. By email dated September 23, 2022, Lead Viewer Bryan Murphy notified the Drainage Authority that Aaron Goemann received notice from the Department of the Army that he is being deployed for service. It is recommended that Ken DeGier, Scott Henderson, and Robert Conely, members of H2Over Viewers, LLC, be appointed as alternate viewers in this matter and that one of them serve as Mr. Goemann’s replacement. The Board will defer to Bryan Murphy, the president of H2Over Viewers, in which alternate viewer fills in for Mr. Goemann.
5. Upon review, it appears that Ken DeGier, Scott Henderson, and Robert Conely are disinterested residents of Minnesota qualified to assess benefits and damages. Ken DeGier, Scott Henderson, Robert Conely, and H2Over Viewers 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 on CD 9.

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 and damages, acquiring grass buffer strips, and appointing viewers be amended as follows:

- A. That viewers Ken DeGier, Scott Henderson, and Robert Conely are appointed as alternate viewers with one of them replacing viewer Aaron Goemann and serve along with Bryan Murphy and Larry Murphy, members of H2Over Viewers, LLC, as viewers to redetermine and report the benefits and damages for the above-named drainage systems.
- B. The Auditor-Treasurer is directed to call a first meeting of the viewers, to qualify said viewers and administer the viewers' oaths.

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
DEGLER	☐	☐	☐	☐
WORKMAN	☐	☐	☐	☐
UDERMANN	☐	☐	☐	☐
LYNCH	☐	☐	☐	☐
FAHEY	☐	☐	☐	☐

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

Gayle Degler, Chairman

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 Carver County 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 _____, 2022.

IN TESTIMONY WHEREOF, I hereunto set my hand this ____ day of _____, 2022.

Crystal Campos, Auditor

**STATE OF MINNESOTA
CARVER COUNTY BOARD OF COMMISSIONERS
SITTING AS THE DRAINAGE AUTHORITY FOR
CARVER COUNTY DITCH 7**

**In the Matter of the Redetermination of
Benefits of Carver County Ditch 7**

**AMENDMENT TO FINDINGS AND ORDER
APPOINTING VIEWERS**

The Carver County Board of Commissioners, sitting as the drainage authority for County Ditch 7, pursuant to Minn. Stat. § 103E.351, based on the record and proceedings, Commissioner _____ moved, seconded by Commissioner _____ to adopt the following Findings and Order:

Findings:

1. The Carver County Board of Commissioners (“Drainage Authority”) is the drainage authority for County Ditch 7 (“CD 7”).
2. The Drainage Authority previously adopted findings and an order initiating a redetermination of benefits and damages for CD 7 pursuant to authority in Minn. Stat. § 103E.351.
3. In the order, the Drainage Authority appointed H2Over Viewers, LLC members Bryan Murphy, Larry Murphy, and Aaron Goemann as viewers for the redetermination of benefits and damages. Pursuant to the order and chapter 103E, the Auditor issued an Auditor’s Order to the viewers, conducted a first meeting of viewers, and administered the Viewers’ Oath to Bryan Murphy, Larry Murphy, and Aaron Goemann.
4. By email dated September 23, 2022, Lead Viewer Bryan Murphy notified the Drainage Authority that Aaron Goemann received notice from the Department of the Army that he is being deployed for service. It is recommended that Ken DeGier, Scott Henderson, and Robert Conely, members of H2Over Viewers, LLC, be appointed as alternate viewers in this matter and that one of them serve as Mr. Goemann’s replacement. The Board will defer to Bryan Murphy, the president of H2Over Viewers, in which alternate viewer fills in for Mr. Goemann.
5. Upon review, it appears that Ken DeGier, Scott Henderson, and Robert Conely are disinterested residents of Minnesota qualified to assess benefits and damages. Ken DeGier, Scott Henderson, Robert Conely, and H2Over Viewers 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 on CD 7.

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 and damages, acquiring grass buffer strips, and appointing viewers be amended as follows:

- A. That viewers Ken DeGier, Scott Henderson, and Robert Conely are appointed as alternate viewers with one of them replacing viewer Aaron Goemann and serve along with Bryan Murphy and Larry Murphy, members of H2Over Viewers, LLC, as viewers to redetermine and report the benefits and damages for the above-named drainage systems.
- B. The Auditor-Treasurer is directed to call a first meeting of the viewers, to qualify said viewers and administer the viewers' oaths.

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
DEGLER	☐	☐	☐	☐
WORKMAN	☐	☐	☐	☐
UDERMANN	☐	☐	☐	☐
LYNCH	☐	☐	☐	☐
FAHEY	☐	☐	☐	☐

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

Gayle Degler, Chairman

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 Carver County 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 _____, 2022.

IN TESTIMONY WHEREOF, I hereunto set my hand this ____ day of _____, 2022.

Crystal Campos, Auditor

**STATE OF MINNESOTA
CARVER COUNTY BOARD OF COMMISSIONERS
SITTING AS THE DRAINAGE AUTHORITY FOR
CARVER COUNTY DITCH 6**

**In the Matter of the Redetermination of
Benefits of Carver County Ditch 6**

**AMENDMENT TO FINDINGS AND ORDER
APPOINTING VIEWERS**

The Carver County Board of Commissioners, sitting as the drainage authority for County Ditch 6, pursuant to Minn. Stat. § 103E.351, based on the record and proceedings, Commissioner _____ moved, seconded by Commissioner _____ to adopt the following Findings and Order:

Findings:

1. The Carver County Board of Commissioners (“Drainage Authority”) is the drainage authority for County Ditch 6 (“CD 6”).
2. The Drainage Authority previously adopted findings and an order initiating a redetermination of benefits and damages for CD 6 pursuant to authority in Minn. Stat. § 103E.351.
3. In the order, the Drainage Authority appointed H2Over Viewers, LLC members Bryan Murphy, Larry Murphy, and Aaron Goemann as viewers for the redetermination of benefits and damages. Pursuant to the order and chapter 103E, the Auditor issued an Auditor’s Order to the viewers, conducted a first meeting of viewers, and administered the Viewers’ Oath to Bryan Murphy, Larry Murphy, and Aaron Goemann.
4. By email dated September 23, 2022, Lead Viewer Bryan Murphy notified the Drainage Authority that Aaron Goemann received notice from the Department of the Army that he is being deployed for service. It is recommended that Ken DeGier, Scott Henderson, and Robert Conely, members of H2Over Viewers, LLC, be appointed as alternate viewers in this matter and that one of them serve as Mr. Goemann’s replacement. The Board will defer to Bryan Murphy, the president of H2Over Viewers, in which alternate viewer fills in for Mr. Goemann.
5. Upon review, it appears that Ken DeGier, Scott Henderson, and Robert Conely are disinterested residents of Minnesota qualified to assess benefits and damages. Ken DeGier, Scott Henderson, Robert Conely, and H2Over Viewers 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 on CD 6.

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 and damages, acquiring grass buffer strips, and appointing viewers be amended as follows:

- A. That viewers Ken DeGier, Scott Henderson, and Robert Conely are appointed as alternate viewers with one of them replacing viewer Aaron Goemann and serve along with Bryan Murphy and Larry Murphy, members of H2Over Viewers, LLC, as viewers to redetermine and report the benefits and damages for the above-named drainage systems.
- B. The Auditor-Treasurer is directed to call a first meeting of the viewers, to qualify said viewers and administer the viewers' oaths.

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
DEGLER	☐	☐	☐	☐
WORKMAN	☐	☐	☐	☐
UDERMANN	☐	☐	☐	☐
LYNCH	☐	☐	☐	☐
FAHEY	☐	☐	☐	☐

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

Gayle Degler, Chairman

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 Carver County 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 _____, 2022.

IN TESTIMONY WHEREOF, I hereunto set my hand this ____ day of _____, 2022.

Crystal Campos, Auditor

**STATE OF MINNESOTA
CARVER COUNTY BOARD OF COMMISSIONERS
SITTING AS THE DRAINAGE AUTHORITY FOR
CARVER COUNTY DITCH 5**

**In the Matter of the Redetermination of
Benefits of Carver County Ditch 5**

**AMENDMENT TO FINDINGS AND ORDER
APPOINTING VIEWERS**

The Carver County Board of Commissioners, sitting as the drainage authority for County Ditch 5, pursuant to Minn. Stat. § 103E.351, based on the record and proceedings, Commissioner _____ moved, seconded by Commissioner _____ to adopt the following Findings and Order:

Findings:

1. The Carver County Board of Commissioners (“Drainage Authority”) is the drainage authority for County Ditch 5 (“CD 5”).
2. The Drainage Authority previously adopted findings and an order initiating a redetermination of benefits and damages for CD 5 pursuant to authority in Minn. Stat. § 103E.351.
3. In the order, the Drainage Authority appointed H2Over Viewers, LLC members Bryan Murphy, Larry Murphy, and Aaron Goemann as viewers for the redetermination of benefits and damages. Pursuant to the order and chapter 103E, the Auditor issued an Auditor’s Order to the viewers, conducted a first meeting of viewers, and administered the Viewers’ Oath to Bryan Murphy, Larry Murphy, and Aaron Goemann.
4. By email dated September 23, 2022, Lead Viewer Bryan Murphy notified the Drainage Authority that Aaron Goemann received notice from the Department of the Army that he is being deployed for service. It is recommended that Ken DeGier, Scott Henderson, and Robert Conely, members of H2Over Viewers, LLC, be appointed as alternate viewers in this matter and that one of them serve as Mr. Goemann’s replacement. The Board will defer to Bryan Murphy, the president of H2Over Viewers, in which alternate viewer fills in for Mr. Goemann.
5. Upon review, it appears that Ken DeGier, Scott Henderson, and Robert Conely are disinterested residents of Minnesota qualified to assess benefits and damages. Ken DeGier, Scott Henderson, Robert Conely, and H2Over Viewers 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 on CD 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 and damages, acquiring grass buffer strips, and appointing viewers be amended as follows:

- A. That viewers Ken DeGier, Scott Henderson, and Robert Conely are appointed as alternate viewers with one of them replacing viewer Aaron Goemann and serve along with Bryan Murphy and Larry Murphy, members of H2Over Viewers, LLC, as viewers to redetermine and report the benefits and damages for the above-named drainage systems.
- B. The Auditor-Treasurer is directed to call a first meeting of the viewers, to qualify said viewers and administer the viewers' oaths.

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
DEGLER	☐	☐	☐	☐
WORKMAN	☐	☐	☐	☐
UDERMANN	☐	☐	☐	☐
LYNCH	☐	☐	☐	☐
FAHEY	☐	☐	☐	☐

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

Gayle Degler, Chairman

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 Carver County 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 _____, 2022.

IN TESTIMONY WHEREOF, I hereunto set my hand this ____ day of _____, 2022.

Crystal Campos, Auditor

**STATE OF MINNESOTA
CARVER COUNTY BOARD OF COMMISSIONERS
SITTING AS THE DRAINAGE AUTHORITY FOR
CARVER COUNTY DITCH 2-3**

**In the Matter of the Redetermination of
Benefits of Carver County Ditch 2-3**

**AMENDMENT TO FINDINGS AND ORDER
APPOINTING VIEWERS**

The Carver County Board of Commissioners, sitting as the drainage authority for County Ditch 2-3, pursuant to Minn. Stat. § 103E.351, based on the record and proceedings, Commissioner _____ moved, seconded by Commissioner _____ to adopt the following Findings and Order:

Findings:

1. The Carver County Board of Commissioners (“Drainage Authority”) is the drainage authority for County Ditch 2-3 (“CD 2-3”).
2. The Drainage Authority previously adopted findings and an order initiating a redetermination of benefits and damages for CD 2-3 pursuant to authority in Minn. Stat. § 103E.351.
3. In the order, the Drainage Authority appointed H2Over Viewers, LLC members Bryan Murphy, Larry Murphy, and Aaron Goemann as viewers for the redetermination of benefits and damages. Pursuant to the order and chapter 103E, the Auditor issued an Auditor’s Order to the viewers, conducted a first meeting of viewers, and administered the Viewers’ Oath to Bryan Murphy, Larry Murphy, and Aaron Goemann.
4. By email dated September 23, 2022, Lead Viewer Bryan Murphy notified the Drainage Authority that Aaron Goemann received notice from the Department of the Army that he is being deployed for service. It is recommended that Ken DeGier, Scott Henderson, and Robert Conely, members of H2Over Viewers, LLC, be appointed as alternate viewers in this matter and that one of them serve as Mr. Goemann’s replacement. The Board will defer to Bryan Murphy, the president of H2Over Viewers, in which alternate viewer fills in for Mr. Goemann.
5. Upon review, it appears that Ken DeGier, Scott Henderson, and Robert Conely are disinterested residents of Minnesota qualified to assess benefits and damages. Ken DeGier, Scott Henderson, Robert Conely, and H2Over Viewers 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 on CD 2-3.

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 and damages, acquiring grass buffer strips, and appointing viewers be amended as follows:

- A. That viewers Ken DeGier, Scott Henderson, and Robert Conely are appointed as alternate viewers with one of them replacing viewer Aaron Goemann and serve along with Bryan Murphy and Larry Murphy, members of H2Over Viewers, LLC, as viewers to redetermine and report the benefits and damages for the above-named drainage systems.
- B. The Auditor-Treasurer is directed to call a first meeting of the viewers, to qualify said viewers and administer the viewers' oaths.

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
DEGLER	☐	☐	☐	☐
WORKMAN	☐	☐	☐	☐
UDERMANN	☐	☐	☐	☐
LYNCH	☐	☐	☐	☐
FAHEY	☐	☐	☐	☐

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

Gayle Degler, Chairman

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 Carver County 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 _____, 2022.

IN TESTIMONY WHEREOF, I hereunto set my hand this ____ day of _____, 2022.

Crystal Campos, Auditor