

Joint County Ditch Meetings

February 22, 2022 – 8:00 a.m.

Carver County Board Room

Carver County Government Center

Chaska, MN 55318

- 8:00 a.m. **A. Convene Joint Ditch 1 Meeting** – Carver County Commissioners Fahey, Lynch, Degler will be present in County Board Room. McLeod County Commissioners Schmalz and Krueger will be participating remotely from the McLeod County Court House.
1. Initiate Redetermination of Benefits and Appointment of Viewers for
Carver/Mcleod Joint Ditch 1..... 1-5
- Adjourn Joint Ditch 1
- 8:15 a.m. **B. Convene Joint Ditch 4 Meeting** – Carver County Commissioners Fahey, Lynch, Workman will be present in County Board Room. McLeod County Commissioner Schmalz and Wright County Commissioner Kaczmarek will be participating remotely from the McLeod County and Wright County Court House.
1. Initiate Redetermination of Benefits and Appointment of Viewers for
Carver/Mcleod/Wright Joint Ditch 4 6-10
- Adjourn Joint Ditch 4
- 8:30 a.m. **C. Convene Joint Ditch 5 Meeting** – Carver County Commissioners Fahey, Lynch, Udermann will be present in County Board Room. McLeod County Commissioners Schmalz and Krueger will be participating remotely from the McLeod County Court House.
1. Initiate Redetermination of Benefits and Appointment of Viewers for
Carver/Mcleod Joint Ditch 11-15
- Adjourn Joint Ditch 5

David Frischmon
Carver County Property & Finance Director

Carver/McLeod Joint Ditch 1 Request for Board Action

Agenda Item:

Initiate Redetermination of Benefits and Appointment of Viewers for Carver/Mcleod Joint Ditch 1

Primary Originating Division/Dept: Property & Financial Services

Meeting Date: 2/22/2022

Contact: David Frischmon Title: Property and Finance Director

Item Type:

Joint Ditch 1

Amount of Time Requested: 15 minutes

Presenter: Kathleen Smith Title: Land Records and Vitals Manager

Attachments: ☒ Yes ☐ No

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

Ditch Authorities are responsible for inspecting and maintaining the efficiency of the drainage system and to make sure the lands utilizing the drainage systems pay for the maintenance and repairs of the system in a fair and equitable way. Over time, land development can expand the number of property owners who benefit from the ditch system. A Redetermination of Benefits is a formal process where viewers update land values and use maps, photos and other data to identify current drainage patterns and boundaries to determine which property owners are benefitting from the ditch system so the Ditch Authority can make sure the maintenance and repairs of ditch systems are being paid by the appropriate property owners. Recent MN Statutes require that payments to property owners for required buffer strips along ditches be completed as part of the Redetermination of Ditch Benefits process.

Carver County records indicate Joint Ditch 1 (Carver 65.16%/McLeod 34.84%) was established in the early 1900's and the last major repair or improvement is believed to have occurred in 1956. County staff assume a redetermination of benefits was ordered in 1956 but it is possible the current benefits roll is based on the original determination in the early 1900's. McLeod has requested Carver to consider a Redetermination for JD 1.

Carver County staff requested proposals from a list of viewers who provided redeterminations proposals in neighboring counties and received proposals from two firms: H2Over Viewers - \$3.98 per acre and Joe Jacobs Team - \$3.50 per acre

Carver County staff is recommending the Ditch Authority for Carver/Mcleod Joint Ditch 1 hire H2Over Viewers based on their:

1. Individual Landowner Reports which provide additional helpful information above statutory requirements
2. Being hired as Viewers for the Redeterminations of Benefits for Carver County Ditches, and
3. Additional fee-based services like assigning ditch benefits for future property splits, combinations, etc.

See attached Redetermination Bid Summary document for further details.

ACTION REQUESTED:

Motion to adopt the attached Resolution ordering the Redetermination of Benefits, appointing of viewers and hiring H2Over Viewers for Carver/Mcleod Joint Ditch 1.

FISCAL IMPACT:
If "Other", specify:

FUNDING
County Dollars =

Total

FTE IMPACT:

☐ Insert additional funding source

Related Financial/FTE Comments:
Benefitting property owners are responsible for all ditch related costs including Redetermination of Benefits and buffer strip payments.

Office use only:

RBA 2022 - 8207

REDETERMINATION OF DITCH BENEFITS QUOTE SUMMARY		H2Overviewers		Joe Jacobs Team	
Ditch	Estimated Watershed Acres	Per Acre Cost	Total Cost	Per Acre Cost	Total Cost
Carver County Ditch 2-3	10350	3.98	\$ 41,193.00	\$ 3.50	\$ 36,225.00
Carver County Ditch 5	5664	3.98	\$ 22,542.72	\$ 3.50	\$ 19,824.00
Carver County Ditch 6	2371	3.98	\$ 9,436.58	\$ 3.50	\$ 8,298.50
Carver County Ditch 7	703	3.98	\$ 2,797.94	\$ 3.50	\$ 2,460.50
Carver County Ditch 9	3965	3.98	\$ 15,780.70	\$ 3.50	\$ 13,877.50
Carver County Ditch 10	2929	3.98	\$ 11,657.42	\$ 3.50	\$ 10,251.50
Joint Ditch 1 – Carver 65.16%; McLeod 34.84%	33000	3.98	\$ 131,340.00	\$ 3.50	\$ 115,500.00
Joint Ditch 4 – Carver 70.387%; Wright 26.458%; McLeod 3.155%	6679	3.98	\$ 26,582.42	\$ 3.50	\$ 23,376.50
Joint Ditch 5 – Carver 77.52%; McLeod 22.48%	2300	3.98	\$ 9,154.00	\$ 3.50	\$ 8,050.00
		TOTAL	\$ 270,484.78	TOTAL	\$ 237,863.50

Final Report Submission Timeline Comparison	H2Overviews	Joe Jacobs Team			
Carver County Ditch 2-3	EVERYTHING COMPLETED IN SIX MONTHS	DELIVER FINAL REPORT MAY 21, 2022			
Carver County Ditch 5					
Carver County Ditch 6					
Carver County Ditch 7					
Carver County Ditch 9					
Carver County Ditch 10					
Joint Ditch 1 – Carver 65.16%; McLeod 34.84%			COMMISSIONER ASSIGNMENTS		
			Carver	McLeod	Wright
Joint Ditch 4 – Carver 70.387%; Wright 26.458%; McLeod 3.155%			Fahey, Lynch, Degler	Schmalz & Krueger	
			Fahey, Lynch, Workman	Schmalz	Kaczmarek
Joint Ditch 5 – Carver 77.52%; McLeod 22.48%			Fahey, Lynch, Udermann	Schmalz & Krueger	

Deliverables:	H2overviewers	Joe Jacobs Team
	Viewer's Report	Viewer's Report
	Benefitted Area Map	Benefitted Area Map
	Parcel Specific Map	-
	Owner's Report	Owner's Report
	Compile Owner's Reports with other reports & mail at no additional cost	-
	Capability to upload report into tax software	-

Drainage Authority for Carver/Mcleod Counties Joint Ditch (“JD”) 1 State of Minnesota

DATE February 22, 2022 RESOLUTION NO.
MOTION BY COMMISSIONER SECONDED BY COMMISSIONER

Findings and Order Initiating the Redetermination of Benefits and Appointing Viewers for Carver/Mcleod Counties JD 1

Findings:

1. JD 1 was established in the very early 1900’s and the last major repair or improvement is believed to have occurred in 1956. Historical records do not clearly indicate but County staff assume viewers redetermined benefits to reflect the benefitted and damaged properties and benefitted and damaged areas as of 1956.
2. Since the assumed redetermined benefits in 1956, land uses and drainage practices have changed to accelerate and increase to flow of water to the drainage system changing the nature and value of benefits accruing to lands from construction of JD 1.
3. Since the assumed redetermined benefits in 1956, not previously determined to be benefitted have improved drainage to take advantage of JD 1 as an outlet for drainage.
4. Since the assumed redetermined benefits in 1956, land values have substantially changed within the benefitted area of JD 1.
5. The Drainage Authority for JD 1 finds that the conditions required for the initiation of a redetermination of benefits exist, that the assumed redetermined benefits and damages as of 1956 do not reflect reasonable present day land values and the benefitted areas have changed.

ORDER

- A. A Redetermination of Benefits, pursuant to Minnesota Statutes 103E.351, is ordered to be completed and that following lead viewers are appointed to redetermine and report the benefits and damages for JD 1.

Bryan Murphy
Larry Murphy
Aaron Goemann

- B. The Carver County Administrator and Board Chairman are authorized to enter a professional services contract with the viewer or their management company, H2Over Viewers, for the viewing services.

YES	ABSENT	NO

**STATE OF MINNESOTA
COUNTY OF CARVER**

I, David Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Drainage Authority for Carver/Mcleod Counties JD 1 at its meeting held on the 22nd day of February, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 22nd day of February, 2022.

David Hemze
County Administrator

Carver/McLeod/Wright Joint Ditch 4 Request for Board Action

Agenda Item:

Initiate Redetermination of Benefits and Appointment of Viewers for Carver/Mcleod/Wright Joint Ditch 4

Primary Originating Division/Dept: Property & Financial Services

Meeting Date: 2/22/2022

Contact: David Frischmon Title: Property and Finance Director

Item Type:

Joint Ditch 4

Amount of Time Requested: 15 minutes

Presenter: Kathleen Smith Title: Land Records and Vitals Manager

Attachments: ☒ Yes ☐ No

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

Ditch Authorities are responsible for inspecting and maintaining the efficiency of the drainage system and to make sure the lands utilizing the drainage systems pay for the maintenance and repairs of the system in a fair and equitable way. Over time, land development can expand the number of property owners who benefit from the ditch system. A Redetermination of Benefits is a formal process where viewers update land values and use maps, photos and other data to identify current drainage patterns and boundaries to determine which property owners are benefitting from the ditch system so the Ditch Authority can make sure the maintenance and repairs of ditch systems are being paid by the appropriate property owners. Recent MN Statutes require that payments to property owners for required buffer strips along ditches be completed as part of the Redetermination of Ditch Benefits process.

Carver County records indicate Joint Ditch 4 (Carver 70.387%; Wright 26.458%; McLeod 3.155%) was established in 1916 and the last major repair or improvement is believed to have occurred in the early 1980's. County staff assume a redetermination of benefits was ordered in the early 1980's but it is possible the current benefits roll is based on the original determination in 1916.

Carver County staff requested proposals from a list of viewers who provided Redeterminations proposals in neighboring counties and received proposals from two firms: H2Over Viewers - \$3.98 per acre and Joe Jacobs Team - \$3.50 per acre

Carver County staff is recommending the Ditch Authority for Carver/Mcleod/Wright Joint Ditch 4 hire H2Over Viewers based on their:

1. Individual Landowner Reports which provide additional helpful information above statutory requirements
2. Being hired as Viewers for the Redeterminations of Benefits for Carver County Ditches, and
3. Additional fee-based services like assigning ditch benefits for future property splits, combinations, etc.

See attached Redetermination Bid Summary document for further details.

ACTION REQUESTED:

Motion to adopt the attached Resolution ordering the Redetermination of Benefits, appointment of viewers and hiring H2Over Viewers for Carver/Mcleod/Wright Joint Ditch 4.

FISCAL IMPACT: 
If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT: 

Total

 Insert additional funding source

Related Financial/FTE Comments:

Benefitting property owners are responsible for all ditch related costs including Redetermination of Benefits and buffer strip payments.

Office use only:

RBA 2022 - 8209

REDETERMINATION OF DITCH BENEFITS QUOTE SUMMARY		H2Overviewers		Joe Jacobs Team	
Ditch	Estimated Watershed Acres	Per Acre Cost	Total Cost	Per Acre Cost	Total Cost
Carver County Ditch 2-3	10350	3.98	\$ 41,193.00	\$ 3.50	\$ 36,225.00
Carver County Ditch 5	5664	3.98	\$ 22,542.72	\$ 3.50	\$ 19,824.00
Carver County Ditch 6	2371	3.98	\$ 9,436.58	\$ 3.50	\$ 8,298.50
Carver County Ditch 7	703	3.98	\$ 2,797.94	\$ 3.50	\$ 2,460.50
Carver County Ditch 9	3965	3.98	\$ 15,780.70	\$ 3.50	\$ 13,877.50
Carver County Ditch 10	2929	3.98	\$ 11,657.42	\$ 3.50	\$ 10,251.50
Joint Ditch 1 – Carver 65.16%; McLeod 34.84%	33000	3.98	\$ 131,340.00	\$ 3.50	\$ 115,500.00
Joint Ditch 4 – Carver 70.387%; Wright 26.458%; McLeod 3.155%	6679	3.98	\$ 26,582.42	\$ 3.50	\$ 23,376.50
Joint Ditch 5 – Carver 77.52%; McLeod 22.48%	2300	3.98	\$ 9,154.00	\$ 3.50	\$ 8,050.00
		TOTAL	\$ 270,484.78	TOTAL	\$ 237,863.50

Final Report Submission Timeline Comparison	H2Overviews	Joe Jacobs Team			
Carver County Ditch 2-3	EVERYTHING COMPLETED IN SIX MONTHS	DELIVER FINAL REPORT MAY 21, 2022			
Carver County Ditch 5					
Carver County Ditch 6					
Carver County Ditch 7					
Carver County Ditch 9					
Carver County Ditch 10					
Joint Ditch 1 – Carver 65.16%; McLeod 34.84%			COMMISSIONER ASSIGNMENTS		
			Carver	McLeod	Wright
Joint Ditch 4 – Carver 70.387%; Wright 26.458%; McLeod 3.155%			Fahey, Lynch, Degler	Schmalz & Krueger	
			Fahey, Lynch, Workman	Schmalz	Kaczmarek
Joint Ditch 5 – Carver 77.52%; McLeod 22.48%			Fahey, Lynch, Udermann	Schmalz & Krueger	

Deliverables:	H2overviewers	Joe Jacobs Team
	Viewer's Report	Viewer's Report
	Benefitted Area Map	Benefitted Area Map
	Parcel Specific Map	-
	Owner's Report	Owner's Report
	Compile Owner's Reports with other reports & mail at no additional cost	-
	Capability to upload report into tax software	-

Drainage Authority for Carver/Mcleod/Wright Counties Joint Ditch (“JD”) 4 State of Minnesota

DATE February 22, 2022 RESOLUTION NO.
MOTION BY COMMISSIONER SECONDED BY COMMISSIONER

Findings and Order Initiating the Redetermination of Benefits and Appointing Viewers for Carver/Mcleod/Wright Counties JD 4

Findings:

1. JD 4 was established in 1916 and the last major repair or improvement is believed to have occurred in the early 1980's. Historical records do not clearly indicate but County staff assume viewers redetermined benefits to reflect the benefitted and damaged properties and benefitted and damaged areas as of the early 1980's.
2. Since the assumed redetermined benefits in the early 1980's, land uses and drainage practices have changed to accelerate and increase to flow of water to the drainage system changing the nature and value of benefits accruing to lands from construction of JD 4.
3. Since the assumed redetermined benefits in the early 1980's, not previously determined to be benefitted have improved drainage to take advantage of JD 4 as an outlet for drainage.
4. Since the assumed redetermined benefits in the early 1980's, land values have substantially changed within the benefitted area of JD 4.
5. The Drainage Authority for JD 4 finds that the conditions required for the initiation of a redetermination of benefits exist, that the assumed redetermined benefits and damages as of the early 1980's do not reflect reasonable present day land values and the benefitted areas have changed.

ORDER

- A. A Redetermination of Benefits, pursuant to Minnesota Statutes 103E.351, is ordered to be completed and that following lead viewers are appointed to redetermine and report the benefits and damages for JD 4.

Bryan Murphy
Larry Murphy
Aaron Goemann

- B. The Carver County Administrator and Board Chairman are authorized to enter a professional services contract with the viewer or their management company, H2Over Viewers, for the viewing services.

YES	ABSENT	NO

**STATE OF MINNESOTA
COUNTY OF CARVER**

I, David Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Drainage Authority for Carver/Mcleod/Wright Counties JD 4 at its meeting held on the 22nd day of February, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 22nd day of February, 2022.

David Hemze
County Administrator

Carver/Mcleod Joint Ditch 5 Request for Board Action

Agenda Item:

Initiate Redetermination of Benefits and Appointment of Viewers for Carver/Mcleod Joint Ditch 5

Primary Originating Division/Dept: Property & Financial Services

Meeting Date: 2/22/2022

Contact: David Frischmon

Title: Property & Finance Director

Item Type:

Joint Ditch 5

Amount of Time Requested: 15 minutes

Presenter: Kathleen Smith

Title: Land Records and Vitals Manager

Attachments: ☒ Yes ☐ No

Strategic Initiative:

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

BACKGROUND/JUSTIFICATION:

Ditch Authorities are responsible for inspecting and maintaining the efficiency of the drainage system and to make sure the lands utilizing the drainage systems pay for the maintenance and repairs of the system in a fair and equitable way. Over time, land development can expand the number of property owners who benefit from the ditch system. A Redetermination of Benefits is a formal process where viewers update land values and use maps, photos and other data to identify current drainage patterns and boundaries to determine which property owners are benefitting from the ditch system so the Ditch Authority can make sure the maintenance and repairs of ditch systems are being paid by the appropriate property owners. Recent MN Statutes require that payments to property owners for required buffer strips along ditches be completed as part of the Redetermination of Ditch Benefits process.

Carver County records do not show that Joint Ditch 5 (Carver 77.52%; McLeod 22.48%) has had a Redetermination of Benefits since it was established in 1957.

Carver County staff requested proposals from a list of viewers who provided Redeterminations proposals in neighboring counties and received proposals from two firms: H2Over Viewers - \$3.98 per acre and Joe Jacobs Team - \$3.50 per acre

Carver County staff is recommending the Ditch Authority for Carver/Mcleod Joint Ditch 5 hire H2Over Viewers based on their:

1. Individual Landowner Reports which provide additional helpful information above statutory requirements
2. Being hired as Viewers for the Redeterminations of Benefits for Carver County Ditches, and
3. Additional fee-based services like assigning ditch benefits for future property splits, combinations, etc.

See attached Bid Redetermination Summary document for further details.

ACTION REQUESTED:

Motion to adopt the attached Resolution ordering the Redetermination of Benefits, the appointment of viewers and the hiring of H2Over Viewers for Carver/Mcleod Joint Ditch 5.

FISCAL IMPACT:
If "Other", specify:

FUNDING
County Dollars =

Total

FTE IMPACT:

☐ Insert additional funding source

Related Financial/FTE Comments:
Benefitting property owners are responsible for all ditch related costs including Redetermination of Benefits and buffer strip payments.

Office use only:
RBA 2022 - 8208

REDETERMINATION OF DITCH BENEFITS QUOTE SUMMARY		H2Overviewers		Joe Jacobs Team	
Ditch	Estimated Watershed Acres	Per Acre Cost	Total Cost	Per Acre Cost	Total Cost
Carver County Ditch 2-3	10350	3.98	\$ 41,193.00	\$ 3.50	\$ 36,225.00
Carver County Ditch 5	5664	3.98	\$ 22,542.72	\$ 3.50	\$ 19,824.00
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Joint Ditch 5 – Carver 77.52%; McLeod 22.48%	2300	3.98	\$ 9,154.00	\$ 3.50	\$ 8,050.00
		TOTAL	\$ 270,484.78	TOTAL	\$ 237,863.50

Final Report Submission Timeline Comparison	H2Overviews	Joe Jacobs Team			
Carver County Ditch 2-3	EVERYTHING COMPLETED IN SIX MONTHS	DELIVER FINAL REPORT MAY 21, 2022			
Carver County Ditch 5					
Carver County Ditch 6					
Carver County Ditch 7					
Carver County Ditch 9					
Carver County Ditch 10					
Joint Ditch 1 – Carver 65.16%; McLeod 34.84%			COMMISSIONER ASSIGNMENTS		
			Carver	McLeod	Wright
Joint Ditch 4 – Carver 70.387%; Wright 26.458%; McLeod 3.155%			Fahey, Lynch, Degler	Schmalz & Krueger	
			Fahey, Lynch, Workman	Schmalz	Kaczmarek
Joint Ditch 5 – Carver 77.52%; McLeod 22.48%			Fahey, Lynch, Udermann	Schmalz & Krueger	

Deliverables:	H2overviewers	Joe Jacobs Team
	Viewer's Report	Viewer's Report
	Benefitted Area Map	Benefitted Area Map
	Parcel Specific Map	-
	Owner's Report	Owner's Report
	Compile Owner's Reports with other reports & mail at no additional cost	-
	Capability to upload report into tax software	-

Drainage Authority for Carver/Mcleod Counties Joint Ditch (“JD”) 5 State of Minnesota

DATE February 22, 2022 RESOLUTION NO.
MOTION BY COMMISSIONER SECONDED BY COMMISSIONER

Findings and Order Initiating the Redetermination of Benefits and Appointing Viewers for Carver/Mcleod Counties JD 5

Findings:

1. JD 5 was established in 1957 and the current benefits roll reflects the benefited and damaged properties and benefitted and damaged areas as determined in the original proceedings.
2. Since the original determination of benefits and damages, land uses and drainage practices have changed to accelerate and increase to flow of water to the drainage system changing the nature and value of benefits accruing to lands from construction of JD 5.
3. Since the original determination of benefits and damages additional lands, not previously determined to be benefitted have improved drainage to take advantage of JD 5 as an outlet for drainage.
4. Since the original determination of benefits and damages land values have substantially changed within the benefitted area of JD 5.
5. The Drainage Authority for JD 5 finds that the conditions required for the initiation of a redetermination of benefits exist, that the original benefits and damages do not reflect reasonable present day land values and the benefitted areas have changed.

ORDER

- A. A Redetermination of Benefits, pursuant to Minnesota Statutes 103E.351, is ordered to be completed and that following lead viewers are appointed to redetermine and report the benefits and damages for JD 5.

Bryan Murphy
Larry Murphy
Aaron Goemann

- B. The Carver County Administrator and Board Chairman are authorized to enter a professional services contract with the viewer or their management company, H2Over Viewers, for the viewing services.

YES	ABSENT	NO

**STATE OF MINNESOTA
COUNTY OF CARVER**

I, David Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Drainage Authority for Carver/Mcleod Counties JD 5 at its meeting held on the 22nd day of February, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 22nd day of February, 2022.

David Hemze
County Administrator