

County Joint Ditch Meetings

May 10, 2022 – 7:30 a.m.

Carver County Board Room

Carver County Government Center

Chaska, MN 55318

- 7:30 a.m. **A. Convene Joint Ditch 4 Meeting** – Carver County Commissioners Fahey, Chair, Workman, Vice Chair and Lynch will be present in County Board Room. McLeod County Commissioner Schmalz will be participating remotely from home office, 19906 Cable Avenue, Lester Prairie. Wright County Commissioner Kaczmarek* will be participating remotely from the Wright County Court House
1. Approve minutes from February 22, 2022 Joint Ditch 4 Meeting..... 1
 2. Viewer Presentations:
 - a. H2O Viewers
 - b. Joe Jacobs Team
 3. Carver County Staff Viewer Recommendation
 4. Consider Order Resolution for Redetermination of Benefits, Appointing and Hiring Viewers for Joint Ditch 4..... 2-4
 5. Introduction of a Petition for Realignment of JD#4 on the Jeff Hart property – Mike Wanous, Carver SWCD District Manager/County Ditch Inspector 5
- Adjourn Joint Ditch 4
- *Will need to leave at 9:00 a.m. to attend Wright County Board Meeting.
- 9:00 a.m. **B. Convene Joint Ditch 1 Meeting** – Carver County Commissioners Degler, Chair, Fahey, Vice Chair and Udermann will be 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
1. Approve minutes from February 22, 2022 Joint Ditch 1 Meeting..... 6-7
 2. Consider Order Resolution for Redetermination of Benefits, Appointing and Hiring Viewers for Joint Ditch 1..... 8-10
- Adjourn Joint Ditch 1
- 9:30 a.m. **C. Convene Joint Ditch 5 Meeting** – Carver County Commissioners Fahey, Chair, Udermann, Vice Chair and Lynch will be 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
1. Approve minutes from February 22, 2022 Joint Ditch 5 Meeting..... 11

2. Consider Order Resolution for Redetermination of Benefits, Appointing and Hiring Viewers for Joint Ditch 5..... 12-14

Adjourn Joint Ditch 5

David Frischmon
Carver County Property & Finance Director

JOINT DITCH 4
SPECIAL MEETING
February 22, 2022

A Special Meeting of Carver/Mcleod/Wright Joint Ditch 4 was held in the County Government Center, Chaska, and remotely on February 22, 2022. Carver County Property and Finance Director David Frischmon convened the special meeting at 8:35 a.m.

Carver County members present in person: Fahey, Workman and Lynch
McLeod County member present remotely at McLeod County Courthouse: Schmalz
Wright County member present remotely at Wright County Courthouse: Kaczmarek

Members absent: None.

Schmalz moved, Workman seconded, to appoint Fahey as Chair. Motion carried unanimously.

Lynch moved, Schmalz seconded, to appoint Workman as Vice-Chair. Motion carried unanimously.

County staff presented and the Ditch Authority members discussed the need for a Redetermination of Benefits for Joint Ditch 4 due to:

1. Land uses and drainage practices have increased the flow of water throughout the drainage system since the last major repair/improvement in 1980.
2. Additional lands have been developed which are benefitting from the drainage system.
3. Land values have significantly increased within the drainage system

Lynch moved, Schmalz seconded to initiate a Redetermination of Benefits for Joint Ditch 4. Motion carried unanimously.

Fahey moved, Schmalz seconded for staff to set up a meeting and invite both H20 and Joe Jacobs Team at separate times to present their proposals and answer questions.

Motion carried unanimously.

Schmalz moved, Lynch seconded, to adjourn the Joint Ditch Special Meeting. Motion carried unanimously.

David Frischmon
Property and Finance Director

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

Agenda Item:

Redetermination of Benefits, Appointing and Hiring Viewers for Joint Ditch 4

Primary Originating Division/Dept: Property & Financial Services

Meeting Date: 5/10/2022

Contact: David Frischmon

Title: Property & Finance Director

Item Type:

Ditch/Rail Authority

Amount of Time Requested: 30 minutes

Presenter: David Frischmon

Title:

Attachments: ☒ Yes ☐ No

Strategic Initiative:

Growth: Manage the challenges and opportunities resulting from growth and development

BACKGROUND/JUSTIFICATION:

On February 22, 2022, Joint Ditch Authority 4 approved a redetermination of benefits and directed county staff to invite H20 Viewers and the Joe Jacobs Team to a meeting to present their viewer proposals and answer any questions.

In April, 2022, county staff received a JD 4 petition to move a ditch on private land. Mike Wannous, Soil and Water Conservation Board Manager and County Ditch Inspector will provide a brief summary of the request and the next steps.

ACTION REQUESTED:

Motion to approve the attached Findings and Order Resolution for the Redetermination of Benefits, Assigning and Hiring _____ (insert H20 Viewers or Joe Jacobs Team) as Viewers for Joint Ditch 4.

FISCAL IMPACT: Other

If "Other", specify: see below

FUNDING

County Dollars =

FTE IMPACT: None

Total

\$0.00

☒ Insert additional funding source

Related Financial/FTE Comments:

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

Office use only:

RBA 2022 - 8401

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

DATE May 10, 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, additional lands, 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:

(Insert: H20 Bryan Murphy, Larry Murphy, Aaron Goemann or
Joe Jacobs Team _____)

- B. The Carver County Administrator and Board Chairman are authorized to enter a professional services contract with the viewer or their management company 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 10th day of May, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 10th day of May, 2022.

David Hemze
County Administrator

20

20

33

Wagon Ave

Wagon Ave

22nd St

33

5

Yale Ave



JOINT DITCH 1
SPECIAL MEETING
February 22, 2022

A Special Meeting of Carver/Mcleod Joint Ditch 1 was held in the County Government Center, Chaska, and remotely on February 22, 2022. Carver County Property and Finance Director David Frischmon convened the special meeting at 8:00 a.m.

Carver County members present in person: Degler, Fahey and Lynch

Mcleod County members present remotely at Mcleod County Courthouse: Krueger and Schmalz

Members absent: None.

Lynch moved, Krueger seconded, to appoint Degler as Chair. Motion carried unanimously.

Lynch moved, Krueger seconded, to appoint Fahey as Vice-Chair. Motion carried unanimously.

County staff presented and the Ditch Authority members discussed the need for a Redetermination of Benefits for Joint Ditch 1 due to:

1. Land uses and drainage practices have increased the flow of water throughout the drainage system since the last major repair/improvement in 1956.
2. Additional lands have been developed which are benefitting from the drainage system.
3. Land values have significantly increased within the drainage system

Schmalz moved, Krueger seconded to initiate a Redetermination of Benefits for Joint Ditch 1. Motion carried 4-0 with Lynch abstaining due to a conflict of interest.

County staff presented and the Ditch Authority members discussed County staff's recommendation to hire H20 as viewers for the Joint Ditch 1 Redetermination of Benefits based on:

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.

Fahey moved to hire H20 as the viewers for Joint Ditch 1.

Ditch Authority members discussed the proposals from the two viewers and specifically H20's higher price at \$3.98 per acre compared to Joe Jacobs Team - \$3.50 per acre. County staff explained the price difference is due to H20's proposal includes additional value-added services like enhanced Landowner Reports, managing all mailings to property owners, loading data into tax software, etc. which are not included in the Joe Jacobs Team proposal.

Fahey withdrew his motion.

JOINT DITCH 1
SPECIAL MEETING
February 22, 2022

Krueger moved, Schmalz seconded for staff to set up a meeting and invite H20 and Joe Jacobs Team at separate times to present their proposals and answer questions.

Motion carried 4-0 with Lynch abstaining due to a conflict of interest.

Schmalz moved, Lynch seconded, to adjourn the Joint Ditch Special Meeting. Motion carried unanimously.

David Frischmon
Property and Finance Director

Carver/McLeod Joint Ditch #1 Request for Board Action

Agenda Item:

Redetermination of Benefits, Appointing and Hiring Viewers for Joint Ditch 1

Primary Originating Division/Dept: Property & Financial Services

Meeting Date: 5/10/2022

Contact: David Frischmon

Title: Property & Finance Director

Item Type:

Ditch/Rail Authority

Amount of Time Requested: 30 minutes

Presenter: David Frischmon

Title: Property & Finance Director

Attachments: ☒ Yes ☐ No

Strategic Initiative:

Growth: Manage the challenges and opportunities resulting from growth and development

BACKGROUND/JUSTIFICATION:

On February 22, 2022, Joint Ditch Authority 1 approved a redetermination of benefits and directed county staff to invite H20 Viewers and the Joe Jacobs Team to a meeting to present their viewer proposals and answer any questions.

ACTION REQUESTED:

Motion to approve the attached Findings and Order Resolution for the Redetermination of Benefits, Appointing and Hiring _____ (insert H20 or Joe Jacobs) as Viewers for Joint Ditch 1.

FISCAL IMPACT: Other

If "Other", specify: See Below

FUNDING

County Dollars =

FTE IMPACT: None

Total

\$0.00

☒ Insert additional funding source

Related Financial/FTE Comments:

Benefitting property owners are responsible for all ditch related costs including Redeterminations and buffer strip payments

Office use only:

RBA 2022 - 8400

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

DATE May 10, 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, additional lands, 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 the following viewers are appointed to redetermine and report the benefits and damages for JD 1:

(Insert Bryan Murphy, Larry Murphy, Aaron Goemann H20 or
_____ for Joe Jacobs Team)

- B. The Carver County Administrator and Board Chairman are authorized to enter a professional services contract with the viewers or their management company 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 10th day of May, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 10th day of May, 2022.

David Hemze
County Administrator

JOINT DITCH 5
SPECIAL MEETING
February 22, 2022

A Special Meeting of Carver/Mcleod Joint Ditch 5 was held in the County Government Center, Chaska, and remotely on February 22, 2022. Carver County Property and Finance Director David Frischmon convened the special meeting at 8:46 a.m.

Carver County members present in person: Fahey, Lynch and Udermann
Mcleod County members present remotely at Mcleod County Courthouse: Schmalz and Krueger

Members absent: None.

Udermann moved, Schmalz seconded, to appoint Fahey as Chair. Motion carried unanimously.

Krueger moved, Fahey seconded, to appoint Udermann as Vice-Chair. Motion carried unanimously.

County staff presented and the Ditch Authority members discussed the need for a Redetermination of Benefits for Joint Ditch 5 due to:

1. Land uses and drainage practices have increased the flow of water throughout the drainage system since the last major repair/improvement in 1957.
2. Additional lands have been developed which are benefitting from the drainage system.
3. Land values have significantly increased within the drainage system

Lynch moved, Schmalz seconded to initiate a Redetermination of Benefits for Joint Ditch 5. Motion carried unanimously.

Krueger moved, Schmalz seconded for staff to set up a meeting and invite both H20 and Joe Jacobs Team at separate times to present their proposals and answer questions. Motion carried unanimously.

Lynch moved, Udermann seconded, to adjourn the Joint Ditch Special Meeting. Motion carried unanimously.

David Frischmon
Property and Finance Director

Carver/McLeod Joint Ditch #5 Request for Board Action

Agenda Item:

Redetermination of Benefits, Appointing and Hiring Viewers for Joint Ditch 5

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:

Amount of Time Requested: minutes

Presenter: Title:

Attachments: ☒ Yes ☐ No

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

On February 22, 2022, Joint Ditch Authority 5 approved a redetermination of benefits and directed county staff to invite H20 Viewers and the Joe Jacobs Team to a meeting to present their viewer proposals and answer any questions.

ACTION REQUESTED:

Motion to approve the attached Findings and Order Resolution for the Redetermination of Benefits, Appointing and Hiring _____ (insert H20 Viewers or Joe Jacobs Team) as viewers for Joint Ditch 5.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT:

Total

\$0.00

☒ Insert additional funding source

Related Financial/FTE Comments:

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

Office use only:

RBA 2022 - 8402

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

DATE May 10, 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:

(Insert Bryan Murphy, Larry Murphy, Aaron Goemann for H20 or _____ for Joe Jacobs Team)

- B. The Carver County Administrator and Board Chairman are authorized to enter a professional services contract with the viewers or their management company 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 10th day of May, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 10th day of May, 2022.

David Hemze
County Administrator