



**Carver County Board of Commissioners
October 1, 2024
Regular Session**

The County Board Room is open to the public

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

9:00 a.m. 1. **CONVENE**

1.1. Pledge of allegiance

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

Individuals unable to attend in person can provide public comments by email at admin-contact@carvercountymn.gov

1.3. Agenda review and adoption

1.4. Approve September 3, 2024 regular session minutes

1.5. Community Announcements

9:20 a.m. 2. **CONSENT AGENDA**

2.1. Amendment 4 to Professional Services Agreement for CSAH 11 Project with Alliant Engineering Inc.

2.2. Professional Services Agreement with Stonebrooke Engineering for 2024 Bridge Safety Inspections

2.3. Final Acceptance and Payment to Henry G. Meigs, LLC for the 2024 County Wide Seal Coat Project

2.4. Carver County Right of Way Plat No. 39 for the Highway 11 Project

2.5. Agreement with Poul Haas and Associates

2.6. Request for approval to contract with Loffler

- 2.7. Tim Erhart - Request to operate a Contractor's Yard (IUP)
- 2.8. Serenity Acres - Request for a Public Equestrian Facility (CUP)
- 2.9. MN Counties Computer Cooperative ("MNCCC") IFS (General Ledger) Software Board Ratification
- 2.10. Health and Human Services - STOC Child Support Officer
- 2.11. Memorandum of Understanding between Carver County Health and Human Services, Three Rivers Park District, and Intermediate School District 288 for Trades 360 program
- 2.12. Contract with Bountiful Basket Food Shelf to provide community navigation services
- 2.13. Freshwater Church - Request to construct and operate a Church Facility (CUP)
- 2.14. Settlement Agreements for Right of Way Acquisitions for the Highway 11/14 Project
- 2.15. Initial Offers for Right of Way Acquisition for the Highway 11 Project - Carver Park Reserve
- 2.16. Settlement Agreements for Right of Way Acquisitions for the Highway 18 Project - Arboretum Area
- 2.17. Final Payment to Boyer Building Corporation for Construction of Boardwalk at Baylor Regional Park
- 2.18. HVAC Related Coil Replacements at Public Works HQ
- 2.19. Professional Services Agreement with HDR, Inc. for Construction Support Communications for Highway 18 - Arboretum Area Project
- 2.20. 2025 TZD Enforcement Resolution and Grant
- 2.21. Request to hire Part-Time 0.5 FTE Licensed Deputy in Full-Time Vacancy
- 2.22. Joint Powers Agreement with Laketown Township for Augusta Road Reconstruction
- 2.23. Review Health & Human Services and Commissioner Warrants

9:30 a.m.

3. **REGULAR SESSION**

- 3.1. CDA Carver Oaks Update and Agreement Amendment for Trails

Edge Senior

3.2. Master Space Plan

3.3. Memoranda of Agreement with Teamsters and AFSCME Bargaining Units - 2025 Health Insurance Benefits

3.4. 2025 Non-Bargaining Employee Insurance Contributions

3.5. 2025 Retiree Health Insurance Contributions

10:30 a.m. 4. **RECESS AS COUNTY BOARD AND CONVENE AS CARVER COUNTY REGIONAL RAIL AUTHORITY**

4.1. Special Event Use Permit Request: T-Road Tavern, 2024 OctoberFest

10:40 a.m. 5. **ADJOURN AS CARVER COUNTY REGIONAL RAIL AUTHORITY AND CONVENE AS COUNTY DITCH AUTHORITY**

5.1. County Ditches 2-3, 5, 6, 7, 9, 10: Redetermination of Benefits Update

11:10 a.m. 6. **ADJOURN AS CARVER COUNTY COUNTY DITCH AUTHORITY AND RECONVENE AS COUNTY BOARD**

11:10 a.m. 7. **COUNTY ADMINISTRATOR REPORT**

11:20 a.m. 8. **ADJOURN REGULAR SESSION**



Carver County Board of Commissioners
Request for Board Action

Agenda Item Name: County Ditches 2-3, 5, 6, 7, 9, 10: Redetermination of Benefits Update

Department: Property & Financial Services

Contact: David Frischmon, Financial Services Division Director, 952-361-1506

Presenter: David Frischmon, Financial Services Division Director

Contract Name & Number:

Meeting Date: October 1, 2024

Item Type: Ditch/Rail Authority

Strategic Initiative:

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

Background/Justification:

The County Ditch Authority has previously approved a Redetermination of Benefits for County Ditches 2-3, 5, 6, 7, 9, 10 and appointed viewers from H2O viewers. The First Amendment to Appointing Viewers resulted from Aaron Gorman being deployed for service. Bryan Murphy no longer lives in Minnesota which disqualifies himself as a viewer. It is recommended in the attached 2nd Amendment to Appointing Viewers that the viewing team to complete the Redetermination of Benefits for County Ditches consist of Larry Murphy, Scott Henderson, Ken DeGier and Robert Conely.

The viewers have identified less than 1% of benefiting acres in Mcleod County for County Ditch 5 and less than 5% of benefiting acres for County Ditch 7. John Kolb, the county's Ditch Attorney with Rinke Noonan, is recommending that two new Joint Ditches with Mcleod County be created with 4 Carver County Board members and 1 Mcleod County Board members. County staff is requesting the County Board identify 4 Board members to serve on both of the new Joint Ditches so resolutions creating the two new Joint Ditches can be prepared and approved at a 10/15/24 County Ditch Meeting.

The next step in the Redetermination of Benefits process is to hold nine Public Hearings for the County Ditches and Joint Ditches with Mcleod and Wright counties. 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 attached Second Amendment to Findings and Order Appointing Viewers resolution for the Redetermination of Ditch Benefits for County Ditches 2-3, 5, 6, 7, 9, 10
Adopt a motion to create new Joint Ditches with Wright County for County Ditches 5 and 7
appoint four Carver County Board members to each of the two new Joint Ditches
Provide direction on the timing for four County Ditches 2-3, 6, 9, 10 Redetermination of Benefits Public Hearings.

Fiscal Impact:

Funding:	Amount Budgeted:

Related Fiscal/FTE Comments:

This action has no financial impact.

Attachments:

1. Second Amended Appointment of Viewers (H2Over Viewers) CDs 2-3 5 6 7 9 and 10

**STATE OF MINNESOTA
CARVER COUNTY BOARD OF COMMISSIONERS
SITTING AS THE DRAINAGE AUTHORITY FOR
CARVER COUNTY DITCHES 2-3, 5, 6, 7, 9, and 10**

**In the Matter of the Redetermination of
Benefits of Carver County Ditches 2-3, 5, 6, 7,
9, and 10**

**SECOND AMENDMENT TO FINDINGS AND
ORDER APPOINTING VIEWERS**

The Carver County Board of Commissioners, sitting as the drainage authority for County Ditches 2-3, 5, 6, 7, 9, and 10 pursuant to Minn. Stat. § 103E.351, considered the status of viewer appointments and qualifications in the above proceedings. 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 Ditches (“CDs”) 2-3, 5, 6, 7, 9, and 10.
2. The Drainage Authority previously adopted findings and an order initiating a redetermination of benefits and damages for CDs 2-3, 5, 6, 7, 9, and 10 pursuant to authority in Minn. Stat. § 103E.351.
3. In the order, the Drainage Authority appointed 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 Viewer’s Oath to Bryan Murphy, Larry Murphy, and Aaron Goemann.
4. On September 23, 2022, Lead Viewer Bryan Murphy notified the Drainage Authority that Aaron Goemann received notice from the Department of the Army that he was being deployed for service. It was recommended that Ken DeGier, Scott Henderson, and Robert Conely be appointed as alternate viewers in this matter and that one of them serve as Mr. Goemann’s replacement. The Board gave Bryan Murphy the authority to determine which viewer would replace Mr. Goemann. Ken DeGier, Scott Henderson, and Robert Conely signed Viewer’s Oaths and ultimately Bryan Murphy decided that Scott Henderson would fill in for Aaron Goemann as alternate viewer. At this point, the primary viewers were Bryan Murphy, Larry Murphy, and Scott Henderson with Ken DeGier and Robert Conely as alternates.
5. Bryan Murphy has disqualified himself as a viewer in this matter.
6. It is recommended that the viewing team consist of Larry Murphy, Scott Henderson, Ken DeGier, and Robert Conely.

7. Larry Murphy, Scott Henderson, Ken DeGier, and Robert Conely previously signed Viewer's Oaths and those Oaths will remain in effect.
8. The Auditor previously signed an Auditor's Order qualifying Larry Murphy as viewer. The signed Auditor's Order qualifying Scott Henderson, Ken DeGier, and Robert Conely cannot be located in the drainage system records so it is recommended that a new Auditor's Order be signed qualifying Scott Henderson, Ken DeGier, and Robert Conely.

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 systems, hereby orders that the previous findings and order initiating redetermination of benefits and damages, acquiring grass buffer strips, appointing viewers, and the first Amendment to Findings and Order Appointing Viewers be amended as follows:

- A. That viewers Larry Murphy, Scott Henderson, Ken DeGier, and Robert Conely are confirmed as the viewers in these proceedings.
- B. The Auditor's previous Order qualifying Larry Murphy remains in effect.
- C. To clear up any discrepancy in the record of proceedings, the Auditor is directed to re-issue an Auditor's Order recognizing the qualification of Scott Henderson, Ken DeGier, and Robert Conely as viewers as is reflected in their existing Oaths on file with the Board.
- D. To the extent not already accomplished, the appointments of Bryan Murphy and Aaron Goemann as viewers in the above proceedings are rescinded and the obligations under their oaths, if any, are discharged.
- E. All viewers previously signed Viewer's Oaths and those Oaths shall remain in full force and effect.

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 _____, 2024.

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

Crystal Campos, Auditor