

FARIBAULT COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
DRAINAGE AUTHORITY MEETING
REDETERMINATION OF BENEFITS FOR
COUNTY DITCH #23, COUNTY DITCH #24, COUNTY DITCH #52
FEBRUARY 7, 2013

The Drainage Authority of Faribault County acting as the drainage authority for County Ditch #23, County Ditch #24 and County Ditch #52 in a final hearing for the redetermination of benefits on said systems met on February 7, 2013 at 10:00 a.m. at Hamilton Hall in Blue Earth, Minnesota. The following members were present: Bill Groskreutz, Tom Loveall, John Roper, and Greg Young, Commissioners. Absent was Commissioner Tom Warmka. County Auditor John Thompson, Ditch Viewer Ron Ringquist, County Ditch Inspector John Meyer, and County Drainage Engineer Joe Mutchler were also present.

The meeting was called to order by Chair Greg Young.

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The affidavits of publication and affidavits of mailing for the final hearing were presented for the record.

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Ringquist explained the viewers report, benefits and damages report, and the viewing process in general for all three systems. Nicki Miranowski of Faribault County Farm Service Agency explained various programs that could accompany the buffer strips involved with the redetermination. Program Technician Shane Johnson of Faribault County Soil and Water District explained programs that could accompany the buffer strips involved in the redetermination process.

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Ringquist reviewed the viewers report on County Ditch #52. Ringquist informed the Drainage Authority that in talking with landowner Kenneth Haase, Parcel #02.031.0100 had some acres that drained into Joint County Ditch #514. The benefits on this parcel have been changed on the final report to indicate the change. He will draft a letter to the Board and recommend that benefits be added to Joint County Ditch #514. It was stated that the final total net benefits for the system would be \$2,310,189.20 on lands and roads on the 2,760 benefitted acres in the watershed. There is no open channel on County Ditch #52 and therefore no damages were awarded for buffer strips.

The public comment portion of the hearing was opened. Landowner Gilbert Ehrich questioned the number of acres benefitted before the redetermination. It was stated that the number of

benefitted acres before the redetermination of benefits was 1,974. No other landowner made comments. The public comment portion of the hearing was closed.

Loveall/Groskreutz motion carried unanimously to direct staff to draft a final order with the following findings of fact:

1. That the Viewer's report for the redetermination of benefits for County Ditch #52 has been made and completed under Minnesota Statute 103E;
2. That the Viewers report made and amended is complete and correct;
3. That the benefits and damages have been properly determined;
4. That the total benefits on the viewers report is \$2,310,189.20 including lands and roads,
5. That there are no damages included in the viewer's report.

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Ringquist reviewed the viewers report on County Ditch #24. Ringquist gave a history of County Ditch #24. He stated that certain portions of the shallow ditch improvement appear to have been filled in without any drainage authority order. Buffer strip damages were determined as if the shallow ditch would be returned to the as built condition. If an affected landowner wanted to change that determination he would need to file a petition to remove the shallow ditch from his parcel. It would be best if that was done before the buffer strips were implemented. The board stated that the buffer strips would be paid for on September 1, 2013. Ringquist stated the benefits per the final viewer's report show \$1,233,315.26. The damages for buffer strips totaled \$61,520 on 7.69 acres. The viewers had no changes to the viewers report after landowner meetings.

The public comment portion of the hearing was opened. No one appeared to make comments. The public comment portion of the hearing was closed.

Loveall/Roper motion carried unanimously to direct staff to draft a final order with the following findings of fact:

1. That the Viewer's report for the redetermination of benefits for Judicial Ditch #4 has been made and completed under Minnesota Statute 103E;
2. That the Viewers report made and amended is complete and correct;
3. That the benefits and damages have been properly determined;
4. That the total benefits on the viewers report is \$1,233,315.26 including lands and roads;
5. That damages for buffer strips totaled \$61,520 and shall be paid to landowners on September 1, 2013.

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Ringquist reviewed the viewers report on County Ditch #23. Ringquist gave a history of County Ditch #23 and reviewed the viewer's report. He reported that a small number of acres in the watershed were located in Martin County. That portion was not in the original viewer's report. It was recommended that the board open the meeting for public comment and then continue the hearing until a later date to give time for the Auditor to give notice to the affected landowner and Martin County. A joint drainage authority can be formed and the redetermination will create a joint county ditch. No further notice is needed as all other landowners were noticed for this hearing. Ringquist stated that certain portions of the shallow ditch improvement appear to have been filled in without any drainage authority order. Buffer strip damages were determined as if the shallow ditch would be returned to the as built condition. If an affected landowner wanted to change that determination he would need to file a petition to remove the shallow ditch from his parcel. It would be best if that was done before the buffer strips were implemented. The board stated that the buffer strips would be paid for on September 1, 2013.

The meeting was opened for public comment. No member of the public appeared to comment on the viewers report, benefits or damages, buffer strips, or other issues. The public comment section of the hearing was closed. After adding these lands there will be \$2,578,896.60 in total benefits and \$63,120 in damages for 7.89 acres of buffer strips.

Loveall motion to direct staff to draft an order with the original benefits as provided by the viewers report failed for a lack of a second.

Groskreutz/Roper motion carried to continue the hearing to March 26, 2013 at 9:00 a.m. at the Courthouse in Blue Earth, to direct the viewers to file a corrected viewer's report, to give notice to the affected landowner after receiving the corrected information from the viewers, and to establish a joint county drainage system that included lands in Martin County. Commissioner Loveall voted no.

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The County Ditch #52 and County Ditch #24 hearings were adjourned.

County Ditch #23 hearing was recessed until 9:00 a.m. March 26, 2013 in the Faribault County Boardroom.

Greg Young, Chairman

John Thompson, Auditor/Treasurer/Coordinator