

FARIBAULT COUNTY
BOARD OF COMMISSIONERS
FINAL HEARING
REDETERMINATION OF BENEFITS COUNTY DITCH 14
JULY 29, 2013

The Faribault County Board of Commissioners acting as Drainage Authority for County Ditch 14 met at Hamilton Hall in the City of Blue Earth at 8:30 a.m. on July 29, 2013. The following members were present: Commissioners Bill Groskreutz, John Roper, Tom Warmka, and Tom Loveall. County Auditor-Treasurer-Coordinator John Thompson, Drainage Engineer Joe Mutchler, Viewers Chris Christianson, Mark Behrends, and Robert Hanson were also present.

The meeting was called to order by Vice-Chair Loveall.

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Auditor Thompson presented the affidavits of mailing, posting, and publication for the record.

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Chris Christianson presented the viewer's report, benefit and damages statement, and property owner's report. This was the third and only official meeting for the redetermination of benefits. Two previous meetings had been held for landowners to discuss the redetermination process with the latest being held on July 17, 2013. Some changes had been made to the viewer's report and were included on the updated Viewer's Report. A historical narrative of County Ditch 14 was given. Discussion was held on how the viewing process came up with benefits and damages as outlined in the Benefits and Damages Statement. The redetermination of benefits for County Ditch 14 was found to have 8,410.12 acres of benefitted farmland and 297.7 acres benefitted roads within the watershed. The total amount of benefits found was \$15,834,462. It was reported that 25.81 acres will be taken for the grass strip per Minnesota Statute 103E.201 at \$6,281 per acre or a total of \$162,113. An additional 91.27 acres will be purchased for a 100 foot construction right of way easement on each side of the open channel to allow county drainage personnel to access the open channel for maintenance and inspection at a price of \$314 per acre or a total of \$28,659. Crop damages would still be paid to landowners if any crops were damaged during such procedures.

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Auditor Thompson stated that final assessment letters would be mailed to landowners. Landowners receiving checks would get those checks on the effective date of the easement as stated in the final order. The assessment could be paid in full before December 1st with an option to have the assessment collected through a special assessment on the tax statement which would be spread over 10 years at 4% interest on outstanding balances.

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Ruth Sonnek of Farm Service Agency (FSA) discussed the options that landowners had with the grass strip and other programs. Those programs needed to be place before the effective date of the drainage easement.

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The meeting was opened up for public comment. Pierre Willete, landowner, asked how the procedure was initiated. The County Board initiated the redetermination process. Lee Mathi, representing a landowner, stated while the grass strip easement was a good idea he felt the process of making landowners within a system pay for the grass strip was an unconstitutional taking of lands. It was stated by the chair that the County was following Minnesota Statute 103E. Steve Ripley asked who would maintain the grass strip. The County will stake and prepare the site and contract for the seeding. Spraying will take place at drainage system expense. The public comment portion of the hearing was closed.

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Discussion was held regarding the issue of trees being on the grass strip and ditch bank. The county policy of purchasing the easement in order to take off trees in a deliberate and scheduled manner with an option of leaving the trees for stability purposes will be followed.

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Roper/Groskreutz motion carried unanimously to adopt the submitted and revised viewers report and direct staff to prepare an order with the following conditions:

- Made and completed under Minnesota Statute 103E
- Is complete and correct
- Damages and benefits have been properly determined
- Effective date of the grass strip and construction easement shall be October 1, 2013
- County adopts and confirms the new report
- Redetermined benefits and damages shall be used in place of the original benefits and damages and any subsequent proceedings related to County Ditch 14
- Chair shall be directed to sign said order

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The hearing was adjourned.

Tom Loveall, Vice Chair

John Thompson, Auditor-Treasurer-Coordinator

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