

FARIBAULT COUNTY
BOARD OF COMMISSIONERS
FINAL HEARING
REDETERMINATION OF BENEFITS COUNTY DITCH 5
JULY 29, 2013

The Faribault County Board of Commissioners acting as Drainage Authority for County Ditch 5 met at Hamilton Hall in the City of Blue Earth at 9:45 a.m. on July 29, 2013. The following members were present: Commissioners Greg Young, 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 Chair Young.

* * * * *

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

* * * * *

Chris Christianson presented the viewer's report and property owner's report. It was stated that 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 5 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 CD 5 was found to have 5,060.97 acres of benefitted farmland and 324.74 acres benefitted roads within the watershed. The total amount of benefits found was \$15,834,462. There will be 25.61 acres taken for the grass strip per Minnesota Statute 103E.201 at a price of \$6,487 per acre for a total of \$162,113. An additional 90.73 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 \$324 per acre for a total of \$29,397. Crop damages would still be paid to landowners if any crops were damaged during such procedures. Christianson also stated that they calculated that Judicial Ditch 6 would pay 5.9%, County Ditch 25 would pay 40.7%, and County Ditch 68 would pay 6.8% of any repair and costs of County Ditch 5 including the redetermination expenses, future repair, and maintenance costs.

* * * * *

Auditor Thompson stated that a final assessment letter 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.

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 in place before the effective date of the drainage easement.

* * * * *

The meeting was opened up for public comment. Scott Morgan from the Minnesota Department of Transportation (MNDOT) stated that MNDOT was concerned that the multiplier of 4 that the viewers used to determine road benefits was too high for I-90. The viewers reviewed how they determined what multiplier to use. Morgan was asked why he thought 4 was too high. Morgan replied he had not spent a lot of time investigating the matter but felt it was too high. Chris Christianson reported that MNDOT had appealed some other benefits on other projects and were trying to come to an alternative number but no agreement had been reached as of this date. Wesley Nelson, landowner, was informed that incidental driving on the grass strip during the farming season was allowed but if the grass strip was too worn or damaged then the landowner would be required to fix the problem. The public comment portion of the hearing was closed.

* * * * *

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.

* * * * *

Loveall/Roper 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 5
- Chair shall be directed to sign said order

* * * * *

The hearing was adjourned.

Greg Young, Chair

John Thompson, Auditor-Treasurer-Coordinator