

FARIBAULT COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
DRAINAGE AUTHORITY
COUNTY DITCH 25 REDETERMINATION OF BENEFITS HEARING
APRIL 16, 2014

The Faribault County Board of Commissioners met at the Faribault County Ag Center in the City of Blue Earth as the Faribault County Drainage Authority for a Redetermination of Benefits Hearing for County Ditch 25 at 1:00 p.m. on April 16, 2014. The following members were present: Bill Groskreutz, Tom Loveall, John Roper, Tom Warmka, and Greg Young Commissioners. County Auditor/Treasurer/Coordinator John Thompson, Drainage Engineer Joe Mutschler, Drainage Inspector Merissa Lore, Viewer Mark Behrends, Viewer Chris Christenson, and Attorney Kurt Deter were present.

The meeting was called to order by Chair Loveall.

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Warmka/Young motion carried unanimously to accept the affidavit of mailing and affidavit of publication for the hearing as presented by County Auditor/Treasurer/Coordinator John Thompson.

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Viewer Mark Behrends presented the viewer's report. The viewers found that County Ditch 25 consists of 5,250.05 acres of farmland and roads with benefits of \$10,491,044. The viewers found 15.83 acres of grass strip damages with a value of \$9,882 per acre for a total damage amount of \$156,432. The viewer's recommended that the damages be awarded only if the trees that were within the buffer and ditch area were removed. If the trees remained, the viewers recommended that damages of \$494.00 be awarded. A staff report would need to be completed before damages could be paid. The viewers also awarded construction right of way damages for a 100 foot strip on either side of the open ditch for 56.63 acres with a value of \$494.00 per acre for a total of \$27,975.00. The construction right of way is for future repair access with crop damages, if any, to be determined at the time of a repair or maintenance project and the amount determined by county policy.

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The public comment portion of the hearing was opened. Kerry Doyle, a landowner from Easton, was concerned about the trees on the parcels and other parcels. David Killion, a landowner from Wells, stated that the trees may stop erosion and should not be removed. Commissioner Warmka stated that trees would be removed unless staff and the drainage authority believed the trees were needed for erosion control.

The public hearing portion of the hearing was closed.

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Warmka/Young motion carried unanimously to direct staff to prepare order stating that:

1. The Viewer's Report for the redetermination of benefits of County Ditch 25 have been made and completed under Minn. Stat. 103E;
2. That the Viewer's Report made or amended is complete and correct;
3. That the damages and benefits have been properly determined and that damages include a one rod permanent grass buffer strip and a right of way of 100 feet on either of the ditch center line as a described in the Viewers Benefit and Damages Statement for repair purposes.
4. That the effective date of the acquisition of the one rod grass strip is to be November 1, 2014, and
5. That staff shall prepare a report for the drainage authority that will determine the amount of damages to be paid to landowners based upon the viewer's report recommendation of damages to be paid at \$494 per acre if trees are to be left standing in the easement area or at \$9,882 per acre if trees are removed or not present, and
6. That the redetermined benefits and damages and the benefitted and damaged areas shall be used in place of the original benefits and damages and benefitted and damaged areas on all subsequent proceedings related to County Ditch 25.

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The meeting was adjourned.

Tom Loveall, Chairman

John Thompson, Auditor-Treasurer-Coordinator