

FARIBAULT COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
DRAINAGE AUTHORITY
COUNTY DITCH 10
PARTIAL ABANDONMENT HEARING
SEPTEMBER 12, 2016

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 to consider the petition of Ronald Schmidt and Steven Schmidt for partial abandonment of County Ditch 10 at 9:00 a.m. on September 12, 2016. The following members were present: Bill Groskreutz, Tom Loveall, John Roper, Tom Warmka, and Greg Young Commissioners. County Auditor/Treasurer/Coordinator John Thompson, Drainage Manager Merissa Lore, Drainage Inspector Zac Coxsworth and Attorney Kurt Deter, legal counsel for the drainage authority. Viewers Chris Christenson, Robert Hanson and Mark Behrends also attended.

The meeting was called to order by Chair Warmka.

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

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Attorney Kurt Deter explained that a petition has been filed for a partial abandonment of an open channel that is part of County Ditch 10. The petitioners have the right to a hearing along with other landowners in the system. He further explained that if the board found that part of the open channel of CD10 did not serve a substantial useful purpose as part of the system to any property remaining in the system and is not of substantial public benefit and utility then the petition could be approved.

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Steven Schmidt presented the petitioner's reason for the petition. Buffer strips and reduced costs to the system were stated as reasons for abandonment. Schmidt stated that cleanout of the ditch would be his responsibility in the future.

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The public comment portion of the hearing was opened. Byron Goodrich stated his opposition to the petition. He owns land upstream from the channel and stated he had an easement for a private ditch through the Schmidt property with an outlet into the portion of channel being considered for abandonment. He stated that a former county commissioner had authorized his agreement with a different landowner at the time. Further discussion relating to the private ditch took place. A map was presented showing that other parcels and another system tile line used the channel as an outlet through the private ditch. Attorney Deter advised the board that if properties used the channel as an outlet it would be difficult to defend the approval of the abandonment. Further discussion was held on the use of the private system.

The public comment portion of the hearing was closed.

Commissioner Warmka recused himself from voting as he farms land within the County Ditch 10 watershed.

Loveall/Young motion carried to deny the petition of Ronald Schmidt and Steven Schmidt to abandon approximately 440 feet of open channel on County Ditch 10 as it serves as an outlet to landowners above the channel being petitioned for abandonment and serves a public purpose for those benefitted landowners.

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Groskreutz/Roper motion carried unanimously to adjourn the hearing.

Tom Warmka, Chair

John Thompson, Auditor-Treasurer-Coordinator