

FARIBAULT COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
OCTOBER 2, 2018

The Faribault County Board of Commissioners met in regular session at the Courthouse in the City of Blue Earth at 9:00 a.m. on October 2, 2018. The following members were present: Bill Groskreutz, Tom Loveall, John Roper, Tom Warmka, and Greg Young Commissioners. Auditor/Treasurer/Coordinator John Thompson was also present.

The meeting was called to order by Chair Young. The pledge of allegiance was recited.

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Groskreutz/Warmka motion carried unanimously to approve the agenda of October 2, 2018.

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The calendar was updated. No member of the public appeared to make comment.

Committee reports were given. Warmka reported on GBERBA, Rural Energy, ditch hearings, and AMC Futures; Groskreutz reported on MVAC, MRCI, and HRA; Loveall reported on CD 24 and BWSR Soils & Buffer committee; and Young reported on union negotiations and CD21.

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Building Facilities Maintenance Director Troy Beckman and Bob Mickelson of ISG met regarding a building project update.

Warmka/Loveall motion carried unanimously to approve Change Order No. 5 for \$5,154.00 covering exterior building project, southeast tower roof repair, and wood sill damages.

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Central Services Director Dawn Fellows met regarding office business.

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Soil and Water Program Administrator Michele Stindtman met regarding office budget. Stindtman introduced their new employee, Amy Huber.

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Public Works Director Mark Daly met regarding office business.

Loveall/Warmka motion carried unanimously to approve the purchase a Caterpillar 12M3 motor grader from the state contract for \$395,748 with a trade-in of \$60,000.

Warmka/Groskreutz motion carried unanimously to approve Resolution 18-RB11-47 to act as legal sponsor for 2019 Maintenance and Grooming grants with the Minnesota Department of Natural Resources for

snowmobile trails managed by Faribault County Trails, Blue Earth Snow Rovers Snowmobile Club, and Stateliners Snowmobile Club. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

BE IT RESOLVED, that the County of Faribault as the legal sponsor for an application for funding to the State of Minnesota Department of Natural Resources for maintenance and grooming of the snowmobile trails managed by Faribault County Trails, Blue Earth Snow Rovers Snowmobile Club, and Stateliners Snowmobile Club.

BE IT FURTHER RESOLVED, that upon approval of its application by the State, the County of Faribault may enter into an agreement with the State of Minnesota for grant contract agreement Snowmobile Grant-In-Aid Program FY 2019 Maintenance and Grooming Grants and that it will comply with all applicable laws and regulations as stated in the agreement.

BE IT FURTHER RESOLVED, that Public Works Director Mark Daly and Auditor/Treasurer/Coordinator John Thompson are authorized to sign such an agreement with the Department of Natural Resources.

BE IT FURTHER RESOLVED, that the Public Works Director Mark Daly is hereby authorized to serve as the fiscal agent for the above referenced project.

Warmka/Groskreutz motion carried unanimously approving a lease agreement with Mathy Construction Company of Onalaska WI for stockpiling asphalt millings at 4178 550th Avenue in Bricelyn until September 26, 2019.

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Tax Clerk Lorrie Bosma met regarding SSTS business.

Loveall/Warmka motion carried unanimously to approve an SSTS loan of \$7,016.42 and a grant of \$3,000 to Mary Ochs on Parcel No. 05.024.0501 with \$1,754.11 of the grant going to pay the borrowers' share of the invoice and the remaining \$1,245.89 paid against the SSTS loan reducing the balance to \$5,770.53.

Roper/Groskreutz motion carried unanimously to approve an SSTS grant of \$3,000 to Nancy Collins on Parcel No. 08.005.0400.

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Drainage Authority public comment was held. Several owners and operators on CD21 project spoke.

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Groskreutz/Warmka motion carried unanimously to name the following financial institutions as depositories of funds for Faribault County for a period of one year: First Bank of Blue Earth, Wells Fargo, First Financial Bank of Winnebago, Peoples State Bank of Wells, and State Bank of Easton.

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Roper/Loveall motion carried unanimously to accept the findings and order for the redetermination of benefits for CD17. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

Findings:

1. The Faribault County Board of Commissioners is the drainage authority for County Ditch 17.
2. On November 1, 2016, the drainage authority adopted findings and ordered the initiation of a redetermination of benefits and damages for County Ditch #17 pursuant to Minn. Stat. § 103E.351. Mark Behrends, Chris Christenson, Robert Hanson, and Kendall were appointed as viewers.
3. Faribault County Auditor John Thompson ordered the viewers to meet on December 1, 2016.
4. Faribault County Auditor John Thompson administered the Viewers' Oath on December 1, 2016 to Chris Christenson, Robert Hanson, Mark Behrends and Kendall Langseth.
5. The viewer's held an informational meeting on March 5, 2018 after notice to all landowners and public authorities.
6. The viewers completed their draft report, which included a benefits and damages statement, on May 30, 2018, for all property affected by the drainage system and filed their report with the drainage authority.
7. The Auditor under direction from the drainage authority board, prepared property owners' reports and mailed them to the owners of property identified in the viewers' report.
8. The viewer's held a second informational meeting on June 18, 2018 after notice to all landowners and public authorities.
9. The drainage authority, by order, set a public hearing for review of the viewers' report on September 25, 2018, which is within 30 days after the property owners' reports were mailed.
10. A printed copy of the final hearing notice was posted for at least three weeks before the date of the final hearing at the front door of the courthouse of Faribault County.
11. Notice of the final hearing was published in the Faribault County Register for three successive weeks prior to the hearing.
12. Within one week after the first publication of the notice, the County Auditor provided notice by mail of the time and location of the final hearing to all property owners, and others affected by the redetermination of benefits and listed in the viewers' report.
13. Proper notice of the redetermination hearing was made in conjunction with Minn. Stat. § 103E.351 requirements and chapters 103E. A record of the notice requirements is on file with the drainage authority.
14. Evidence of all actions in this matter, including findings and orders, appointments, oaths, affidavits of mailing, publication, and posting as well as hearing agendas, presentation materials, and recordings are present in the record of proceedings and are incorporated by reference.

15. The drainage authority held a public hearing on the redetermination of benefits on September 25, 2018 at 9:00 a.m. at Hamilton Hall, Blue Earth, MN.
16. At the public hearing, Chris Christenson, one of the duly appointed viewers, presented the viewers' report and explained the process of completing the viewers' report. Christenson further provided detail of the viewing process and the information used by the viewers to: (1) verify the boundary of the watershed of the drainage system; (2) verify and confirm the existence of drainage benefit; and (3) determine the economic benefit to lands deriving a drainage benefit from the construction of County Ditch 17.
17. The viewers reviewed all property within the drainage areas of the drainage system as part of the redetermination of benefits process. The viewers determined the amount of damages to be paid for the acquisition of property for the establishment of best management practices, including grass strips, necessary to control erosion, sedimentation, improve water quality, or maintain the efficiency of the drainage system as required under Minn. Stat. § 103E.021. The viewers compared sales in the area in arriving at an average sales price used in establishing a payment rate.
18. The viewers used maps, LiDAR data, and other information, along with visual inspection of the watershed of the drainage system, to determine the boundaries of the benefiting area.
19. Based on their detailed observations, the viewers determined benefit classifications, classified acres, and assigned economic benefit on a per acre basis.
20. The viewers accounted for the efficiency of the drainage system, as designed, and the proximity of lands to and the elevations of lands above the ditch.
21. The viewers applied an economic analysis using sales and income approaches to determine the increased value to each classification acre based on the drainage benefit provided by the drainage system.
22. The viewers determined the amount of economic benefit to property benefited immediately by the drainage system, or for property for which the drainage system can become an outlet for drainage, make an outlet more accessible, or otherwise directly benefit the property.
23. The viewers determined economic benefits based on: (1) an increase in the current market value of the property as a result of constructing the project; (2) an increase in the potential for agricultural production as a result of constructing the project; or (3) an increased value of the property as a result of potential different land use.
24. Within the watershed of the drainage system, the viewers determined benefits on property that are responsible for increased drainage system maintenance, or increased drainage system capacity because the natural drainage on the property has been altered or modified to accelerate the drainage of water from the property.
25. The viewers kept an accurate account of all time engaged in viewing and examination; the nature and kind of work performed; the days each viewer was engaged in said work; the amount charged per day by each viewer; and every item of expense incurred by the viewers in said work.

26. The viewers' account of work has been filed with the drainage authority.
27. The viewers included, in their determinations, the amount of damages necessary to acquire and establish a one-rod grass buffer strip along all reaches of open ditch on County Ditch #17.
28. The viewer's included, in their determinations, the amount of damages necessary to acquire a 100-foot construction easement on both sides of the center of the open channel ditch channel for use by the drainage authority.
29. Upon review of information provided to the Board during the public hearing, the Board further finds and confirms its earlier findings that the benefits and damages determined in the original proceedings, as well as the benefited and damaged areas determined in the original proceedings, do not reflect current, existing, actual benefits and benefitted areas.
30. The viewers' report is attached as **Exhibit A**.
31. The benefits and damages statement is attached as **Exhibit B**.
32. During the public hearing portion of the proceedings, the following persons appeared and provided comment (the Board's response is indicated in italics following each comment):
 - a. Randy Fuchs, landowner questioned the validity of using buffer strips to reduce nitrates.
The drainage authority responded that buffer strips are mandated by M.S. 103E and have other uses than nitrate filtration including keeping heavy equipment from the edge of ditch banks, bank stabilization and allowing the drainage authority access to the open channel for maintenance and repair.
 - b. Tim Ibisch, City of Blue Earth Administrator inquired on when repairs would be made to address high water levels affecting drainage in the system.
The drainage authority knows there may be issues and will investigate the issues when water levels recede.
33. At the close of the public comment hearing, Commissioner Warmka moved to direct staff to prepare Findings and an Order consistent with the proceedings, including all comments received through the public comment process; that the draft Findings and Order be written to confirm the redetermined benefits and damages as reported by the viewers, affect the acquisition of the proposed grass buffer areas, confirm the damages as presented, direct payments of the damages, and direct recording of the Order to reflect the acquisition; and that the Board recess the hearing to the Board's regular meeting on October 2, 2018 at which meeting the Board will consider Findings and Order Approving the Redetermination of Benefits, Acquiring Grass Buffer, Confirming Damages, and Directing Payment. Commissioner Roper seconded, and the motion carried.
34. Based on the proceedings herein, the evidence presented during the pendency of these proceedings, the testimony of the viewers, and the public comments received, the Board finds:
 - a. that the Faribault County Board of Commissioners is the drainage authority for County Ditch 17.
 - b. that the viewers' report has been made and other proceedings have been completed under Minnesota Statutes, chapter 103E;

- c. that the viewers' report is complete and correct;
- d. that no evidence was presented in opposition to the benefits and damages determined by the viewers in the viewers' report;
- e. that the redetermined benefits and damages, as reflected in the viewers' report as **Exhibit A**, and as described in the benefits and damages statement as **Exhibit B**, are proper, reasonable, and conform to the drainage code; and
- f. that the acquisition of grass buffer strips as reported as damages in the viewers' report is necessary under Minn. Stat. § 103E.021.

Order:

Based on the foregoing findings and the entire record of proceedings before the Board, the Board, acting as the drainage authority for County Ditch 17, hereby orders as follows:

- a. The redetermined benefits of County Ditch 17, the viewers' report attached hereto as **Exhibit A**, and the benefits and damages statement attached hereto as **Exhibit B** are hereby adopted by the Board and shall be used in place of the original benefits and damages in all subsequent proceedings.
- b. The viewers are allowed payment of their account of work.
- c. The County Auditor shall ensure that the redetermined benefits replace the existing benefits previously determined for County Ditch 17.
- d. The damages for the acquisition of the grass buffer area shall be paid and the grass buffer areas established as required by statute.
- e. The effective date of the acquisition of the grass strip shall be March 1, 2019.

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Groskreutz/Roper motion carried unanimously to approve the findings and order for the redetermination of benefits for CD 37. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

Findings:

1. The Faribault County Board of Commissioners is the drainage authority for County Ditch 37.
2. On November 1, 2016, the drainage authority adopted findings and ordered the initiation of a redetermination of benefits and damages for County Ditch 37 pursuant to Minn. Stat. § 103E.351. Mark Behrends, Chris Christenson, Robert Hanson, and Kendall Langseth were appointed as viewers.
3. Faribault County Auditor John Thompson ordered the viewers to meet on December 1, 2016.

4. Faribault County Auditor John Thompson administered the Viewers' Oath on December 1, 2016 to Chris Christenson, Robert Hanson, Mark Behrends and Kendall Langseth.
5. The viewer's held an informational meeting on March 5, 2018 after notice to all landowners and public authorities.
6. The viewers completed their draft report, which included a benefits and damages statement, on May 30, 2018, for all property affected by the drainage system and filed their report with the drainage authority.
7. The Auditor under direction from the drainage authority Board, prepared property owners' reports and mailed them to the owners of property identified in the viewers' report.
8. The viewer's held a second informational meeting on June 18, 2018 after notice to all landowners and public authorities.
9. The drainage authority, by order, set a public hearing for review of the viewers' report on September 25, 2018, which is within 30 days after the property owners' reports were mailed.
10. A printed copy of the final hearing notice was posted for at least three weeks before the date of the final hearing at the front door of the courthouse of Faribault County.
11. Notice of the final hearing was published in the Faribault County Register for three successive weeks prior to the hearing.
12. Within one week after the first publication of the notice, the County Auditor provided notice by mail of the time and location of the final hearing to all property owners, and others affected by the redetermination of benefits and listed in the viewers' report.
13. Proper notice of the redetermination hearing was made in conjunction with Minn. Stat. § 103E.351 requirements and chapters 103E. A record of the notice requirements is on file with the drainage authority.
14. Evidence of all actions in this matter, including findings and orders, appointments, oaths, affidavits of mailing, publication, and posting as well as hearing agendas, presentation materials, and recordings are present in the record of proceedings and are incorporated by reference.
15. The drainage authority held a public hearing on the redetermination of benefits on September 25, 2018 at 10:00 a.m. at Hamilton Hall, Blue Earth, MN.
16. At the public hearing, Mark Behrends, one of the duly appointed viewers, presented the viewers' report and explained the process of completing the viewers' report. Behrends further provided detail of the viewing process and the information used by the viewers to: (1) verify the boundary of the watershed of the drainage system; (2) verify and confirm the existence of drainage benefit; and (3) determine the economic benefit to lands deriving a drainage benefit from the construction of County Ditch #37.
17. The viewers reviewed all property within the drainage areas of the drainage system as part of the redetermination of benefits process. The viewers determined the amount of damages to be paid for the acquisition of property for the establishment of best management practices, including grass strips,

necessary to control erosion, sedimentation, improve water quality, or maintain the efficiency of the drainage system as required under Minn. Stat. § 103E.021. The viewers compared sales in the area in arriving at an average sales price used in establishing a payment rate.

18. The viewers used maps, LiDAR data, and other information, along with visual inspection of the watershed of the drainage system, to determine the boundaries of the benefiting area.
19. Based on their detailed observations, the viewers determined benefit classifications, classified acres, and assigned economic benefit on a per acre basis.
20. The viewers accounted for the efficiency of the drainage system, as designed, and the proximity of lands to and the elevations of lands above the ditch.
21. The viewers applied an economic analysis using sales and income approaches to determine the increased value to each classification acre based on the drainage benefit provided by the drainage system.
22. The viewers determined the amount of economic benefit to property benefited immediately by the drainage system, or for property for which the drainage system can become an outlet for drainage, make an outlet more accessible, or otherwise directly benefit the property.
23. The viewers determined economic benefits based on: (1) an increase in the current market value of the property as a result of constructing the project; (2) an increase in the potential for agricultural production as a result of constructing the project; or (3) an increased value of the property as a result of potential different land use.
24. Within the watershed of the drainage system, the viewers determined benefits on property that are responsible for increased drainage system maintenance, or increased drainage system capacity because the natural drainage on the property has been altered or modified to accelerate the drainage of water from the property.
25. The viewers kept an accurate account of all time engaged in viewing and examination; the nature and kind of work performed; the days each viewer was engaged in said work; the amount charged per day by each viewer; and every item of expense incurred by the viewers in said work.
26. The viewers' account of work has been filed with the drainage authority.
27. The viewers included, in their determinations, the amount of damages necessary to acquire and establish a one-rod grass buffer strip along all reaches of open ditch on County Ditch 37.
28. The viewer's included, in their determinations, the amount of damages necessary to acquire a 100-foot construction easement on both sides of the center of the open channel ditch channel for use by the drainage authority.
29. Upon review of information provided to the Board during the public hearing, the Board further finds and confirms its earlier findings that the benefits and damages determined in the original proceedings, as well as the benefited and damaged areas determined in the original proceedings, do not reflect current, existing, actual benefits and benefitted areas.

30. The viewers' report is attached as **Exhibit A**.
31. The benefits and damages statement is attached as **Exhibit B**.
32. During the public hearing portion of the proceedings, the following persons appeared and provided comment (the Board's response is indicated in italics following each comment):
 - a. Bruce Anderson, landowner Inquired about possible cleaning and repair of system including tile subsidence issue in peat soil.
The drainage authority responded that the issue has been investigate. Further discussions will take place once the inspection is complete and various options considered.
33. At the close of the public comment hearing, Commissioner Warmka moved to direct staff to prepare Findings and an Order consistent with the proceedings, including all comments received through the public comment process; that the draft Findings and Order be written to confirm the redetermined benefits and damages as reported by the viewers, affect the acquisition of the proposed grass buffer areas, confirm the damages as presented, direct payments of the damages, and direct recording of the Order to reflect the acquisition; and that the Board recess the hearing to the Board's regular meeting on October 2, 2018 at which meeting the Board will consider Findings and Order Approving the Redetermination of Benefits, Acquiring Grass Buffer, Confirming Damages, and Directing Payment. Commissioner Roper seconded, and the motion carried.
34. Based on the proceedings herein, the evidence presented during the pendency of these proceedings, the testimony of the viewers, and the public comments received, the Board finds:
 - a. That the Faribault County Board of Commissioners is the drainage authority for County Ditch 37.
 - b. that the viewers' report has been made and other proceedings have been completed under Minnesota Statutes, chapter 103E;
 - c. that the viewers' report is complete and correct;
 - d. that no evidence was presented in opposition to the benefits and damages determined by the viewers in the viewers' report;
 - e. that the redetermined benefits and damages, as reflected in the viewers' report as **Exhibit A**, and as described in the benefits and damages statement as **Exhibit B**, are proper, reasonable, and conform to the drainage code; and
 - f. that the acquisition of grass buffer strips as reported as damages in the viewers' report is necessary under Minn. Stat. § 103E.021.

Order:

Based on the foregoing findings and the entire record of proceedings before the Board, the Board, acting as the drainage authority for County Ditch 37, hereby orders as follows:

- a. The redetermined benefits of County Ditch 37, the viewers' report attached hereto as **Exhibit A**, and the benefits and damages statement attached hereto as **Exhibit B** are hereby adopted by the Board and shall be used in place of the original benefits and damages in all subsequent proceedings.

- b. The viewers are allowed payment of their account of work.
- c. The County Auditor shall ensure that the redetermined benefits replace the existing benefits previously determined for County Ditch 37.
- d. The damages for the acquisition of the grass buffer area shall be paid and the grass buffer areas established as required by statute.
- e. The effective date of the acquisition of the grass strip shall be March 1, 2019.

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Warmka/Loveall motion carried unanimously to approve the findings and order for the redetermination and benefits for CD 55. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

Findings:

1. The Faribault County Board of Commissioners is the drainage authority for County Ditch 55.
2. On November 1, 2016, the drainage authority adopted findings and ordered the initiation of a redetermination of benefits and damages for County Ditch 55 pursuant to Minn. Stat. § 103E.351. Mark Behrends, Chris Christenson, Robert Hanson, and Kendall Langseth were appointed as viewers.
3. Faribault County Auditor John Thompson ordered the viewers to meet on December 1, 2016.
4. Faribault County Auditor John Thompson administered the Viewers' Oath on December 1, 2016 to Chris Christenson, Robert Hanson, Mark Behrends and Kendall Langseth.
5. The viewer's held an informational meeting on March 5, 2018 after notice to all landowners and public authorities.
6. The viewers completed their draft report, which included a benefits and damages statement, on May 30, 2018, for all property affected by the drainage system and filed their report with the drainage authority.
7. The Auditor under direction from the drainage authority Board, prepared property owners' reports and mailed them to the owners of property identified in the viewers' report.
8. The viewer's held a second informational meeting on June 18, 2018 after notice to all landowners and public authorities.
9. The drainage authority, by order, set a public hearing for review of the viewers' report on September 25, 2018, which is within 30 days after the property owners' reports were mailed.
10. A printed copy of the final hearing notice was posted for at least three weeks before the date of the final hearing at the front door of the courthouse of Faribault County.
11. Notice of the final hearing was published in the Faribault County Register for three successive weeks prior to the hearing.

12. Within one week after the first publication of the notice, the County Auditor provided notice by mail of the time and location of the final hearing to all property owners, and others affected by the redetermination of benefits and listed in the viewers' report.
13. Proper notice of the redetermination hearing was made in conjunction with Minn. Stat. § 103E.351 requirements and chapters 103E. A record of the notice requirements is on file with the drainage authority.
14. Evidence of all actions in this matter, including findings and orders, appointments, oaths, affidavits of mailing, publication, and posting as well as hearing agendas, presentation materials, and recordings are present in the record of proceedings and are incorporated by reference.
15. The drainage authority held a public hearing on the redetermination of benefits on September 25, 2018 at 10:00 a.m. at Hamilton Hall, Blue Earth, MN.
16. At the public hearing, Mark Behrends, one of the duly appointed viewers, presented the viewers' report and explained the process of completing the viewers' report. Behrends further provided detail of the viewing process and the information used by the viewers to: (1) verify the boundary of the watershed of the drainage system; (2) verify and confirm the existence of drainage benefit; and (3) determine the economic benefit to lands deriving a drainage benefit from the construction of County Ditch #55.
17. The viewers reviewed all property within the drainage areas of the drainage system as part of the redetermination of benefits process. The viewers determined the amount of damages to be paid for the acquisition of property for the establishment of best management practices, including grass strips, necessary to control erosion, sedimentation, improve water quality, or maintain the efficiency of the drainage system as required under Minn. Stat. § 103E.021. The viewers compared sales in the area in arriving at an average sales price used in establishing a payment rate.
18. The viewers used maps, LiDAR data, and other information, along with visual inspection of the watershed of the drainage system, to determine the boundaries of the benefiting area.
19. Based on their detailed observations, the viewers determined benefit classifications, classified acres, and assigned economic benefit on a per acre basis.
20. The viewers accounted for the efficiency of the drainage system, as designed, and the proximity of lands to and the elevations of lands above the ditch.
21. The viewers applied an economic analysis using sales and income approaches to determine the increased value to each classification acre based on the drainage benefit provided by the drainage system.
22. The viewers determined the amount of economic benefit to property benefited immediately by the drainage system, or for property for which the drainage system can become an outlet for drainage, make an outlet more accessible, or otherwise directly benefit the property.
23. The viewers determined economic benefits based on: (1) an increase in the current market value of the property as a result of constructing the project; (2) an increase in the potential for agricultural production as a result of constructing the project; or (3) an increased value of the property as a result of potential different land use.

24. Within the watershed of the drainage system, the viewers determined benefits on property that are responsible for increased drainage system maintenance, or increased drainage system capacity because the natural drainage on the property has been altered or modified to accelerate the drainage of water from the property.
25. The viewers kept an accurate account of all time engaged in viewing and examination; the nature and kind of work performed; the days each viewer was engaged in said work; the amount charged per day by each viewer; and every item of expense incurred by the viewers in said work.
26. The viewers' account of work has been filed with the drainage authority.
27. The viewers included, in their determinations, the amount of damages necessary to acquire and establish a one-rod grass buffer strip along all reaches of open ditch on County Ditch 55.
28. The viewer's included, in their determinations, the amount of damages necessary to acquire a 100-foot construction easement on both sides of the center of the open channel ditch channel for use by the drainage authority.
29. Upon review of information provided to the Board during the public hearing, the Board further finds and confirms its earlier findings that the benefits and damages determined in the original proceedings, as well as the benefited and damaged areas determined in the original proceedings, do not reflect current, existing, actual benefits and benefitted areas.
30. The viewers' report is attached as **Exhibit A**.
31. The benefits and damages statement is attached as **Exhibit B**.
32. During the public hearing portion of the proceedings, the following persons appeared and provided comment (the Board's response is indicated in italics following each comment):
 - a. No public comment was received.
33. At the close of the public comment hearing, Commissioner Warmka moved to direct staff to prepare Findings and an Order consistent with the proceedings, including all comments received through the public comment process; that the draft Findings and Order be written to confirm the redetermined benefits and damages as reported by the viewers, affect the acquisition of the proposed grass buffer areas, confirm the damages as presented, direct payments of the damages, and direct recording of the Order to reflect the acquisition; and that the Board recess the hearing to the Board's regular meeting on October 2, 2018 at which meeting the Board will consider Findings and Order Approving the Redetermination of Benefits, Acquiring Grass Buffer, Confirming Damages, and Directing Payment. Commissioner Roper seconded, and the motion carried.
34. Based on the proceedings herein, the evidence presented during the pendency of these proceedings, the testimony of the viewers, and the public comments received, the Board finds:
 - a. That the Faribault County Board of Commissioners is the drainage authority for County Ditch 55.
 - b. that the viewers' report has been made and other proceedings have been completed under Minnesota Statutes, chapter 103E;
 - c. that the viewers' report is complete and correct;

- d. that no evidence was presented in opposition to the benefits and damages determined by the viewers in the viewers' report;
- e. that the redetermined benefits and damages, as reflected in the viewers' report as **Exhibit A**, and as described in the benefits and damages statement as **Exhibit B**, are proper, reasonable, and conform to the drainage code; and
- f. that the acquisition of grass buffer strips as reported as damages in the viewers' report is necessary under Minn. Stat. § 103E.021.

Order:

Based on the foregoing Findings and the entire record of proceedings before the Board, the Board, acting as the drainage authority for County Ditch 55, hereby orders as follows:

- A. The redetermined benefits of County Ditch 55, the viewers' report attached hereto as **Exhibit A**, and the benefits and damages statement attached hereto as **Exhibit B** are hereby adopted by the Board and shall be used in place of the original benefits and damages in all subsequent proceedings.
- B. The viewers are allowed payment of their account of work.
- C. The County Auditor shall ensure that the redetermined benefits replace the existing benefits previously determined for County Ditch 55.
- D. The damages for the acquisition of the grass buffer area shall be paid and the grass buffer areas established as required by statute.
- E. The effective date of the acquisition of the grass strip shall be March 1, 2019 and the establishment of the buffer strip be completed at the conclusion of a pending repair petition and associated repair.

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Warmka/Roper motion carried unanimously to approve Resolution 18-CB-48 declaring Faribault County in a state of emergency for the September 20, 2108 storm event. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

R E S O L U T I O N

WHEREAS, the September 20, 2018 storm impacted the population of Faribault County and its cities; and

WHEREAS, the September 20, 2018 storm event has caused a significant amount of public property damage; and

WHEREAS, the Faribault County Department of Emergency Management requests the Faribault County Board of Commissioners to declare Faribault County in a state of emergency for the September 20th storm event of 2018;

NOW, THEREFORE, BE IT RESOLVED, that the Faribault County Board of Commissioners declares Faribault County in a state of emergency for conditions resulting from the storm event of September 20, 2018.

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Loveall/Groskreutz motion carried unanimously to approve request of K. Smith and E. Bromeland to attend an Active Shooter Situations course in Shakopee on October 23, 2018.

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Roper/Loveall motion carried unanimously to pay bills totaling \$ 450,147.92 as follows:

COUNTY REVENUE FUND	\$ 58,710.66
PUBLIC WORKS FUND	71,002.26
HUMAN SERVICES FUND	223,176.25
COUNTY LIBRARY FUND	42,777.75
DITCH FUND	<u>54,481.00</u>
	\$ 450,147.92

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The meeting was recessed to 9:00 a.m. October 16, 2018.

Greg Young, Chair

John Thompson, Auditor/Treasurer/Coordinator