

FARIBAULT COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
DRAINAGE AUTHORITY MEETING
MAY 16, 2023

The Faribault County Board of Commissioners met at the Courthouse in the City of Blue Earth as the Faribault County Drainage Authority pursuant to the conclusion of the regular session on May 16th, 2023. The following members were present: Tom Loveall, Bruce Anderson, Bill Groskreutz, John Roper, and Greg Young Commissioners. Faribault County staff Auditor/Treasurer/Coordinator Darren Esser, Drainage Manager Merissa Lore, and Acting Clerk to the Board Sarah Van Moer also attended. Participating virtually were Faribault County employees J. Blair, K. Anderson, L. Mehrhof, and P. Krill.

The meeting was called to order by Chair Anderson.

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Groskreutz/Young motion carried unanimously to approve the agenda of May 16th, 2023.

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Loveall/Young motion carried unanimously to approve payment of drainage voucher bills totaling \$33,803.62.

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Young/Groskreutz motion carried unanimously to approve Resolution 23-DA14-35 an order to initiate a redetermination of benefits and appoint viewers on CD32. Commissioners Groskreutz, Roper, Young, Loveall, and Anderson voted yes.

R E S O L U T I O N

Findings:

1. The Faribault County Board of Commissioners is the drainage authority for County Ditch #32.
2. County Ditch #32 was established in 1915. Benefits for County Ditch #32 were determined concurrent with establishment in 1915, prior to the initiation of modern, intensive farming and drainage practices within Faribault County.
3. The current benefits roll reflects the benefitted properties, benefitted areas, and benefit values as determined by viewers based on assumptions regarding the future use and drainage of said properties.
4. Since the original establishment of County Ditch #32 and the original determination of benefits and damages, land uses, and drainage practices have changed to accelerate and increase the flow of water to the drainage system changing the nature and value of benefits accruing to lands from construction of County Ditch #32.
5. Since the original determination of benefits and damages, land values have changed within the benefitted area of County Ditch #32.

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6. The drainage authority held a public meeting on May 16th, 2023, to discuss the need for a redetermination of benefits for County Ditch #32.
7. The drainage authority finds that the conditions required for the initiation of a redetermination of benefits exist, that the original benefits and damages do not reflect reasonable present day land values, and the benefitted areas have changed.

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 #32, hereby orders as follows:

- A. The Board shall follow the procedures of Minn. Stat. § 103E.351 to conduct a redetermination of benefits for County Ditch #32.
- B. That Mark Behrends, John Thompson, Robert Hansen, Kendall Langseth, and Bruce Ness are hereby appointed as viewers to redetermination and report the benefits and damages for County Ditch #32.
- C. That within 5 days of this Order, the County Auditor-Treasurer shall execute an Order designating a time and location for the first meeting of the viewers and mail to the viewers a copy of the Auditor-Treasurer Order along with a certified copy of this Order.

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Young/Groskreutz motion carried unanimously to approve Resolution 23-DA15-36 an order to initiate a redetermination of benefits and appoint viewers on CD33. Commissioners Groskreutz, Roper, Young, Loveall, and Anderson voted yes.

R E S O L U T I O N

Findings:

1. The Faribault County Board of Commissioners is the drainage authority for County Ditch #33.
2. County Ditch #33 was established in 1915. Benefits for County Ditch #33 were determined concurrent with establishment in 1915, prior to the initiation of modern, intensive farming and drainage practices within Faribault County.
3. The current benefits roll reflects the benefitted properties, benefitted areas, and benefit values as determined by viewers based on assumptions regarding the future use and drainage of said properties.
4. Since the original establishment of County Ditch #33 and the original determination of benefits and damages, land uses, and drainage practices have changed to accelerate and increase the flow of water to the drainage system changing the nature and value of benefits accruing to lands from construction of County Ditch #33.
5. Since the original determination of benefits and damages, land values have changed within the benefitted area of County Ditch #33.

6. The drainage authority held a public meeting on May 16th, 2023, to discuss the need for a redetermination of benefits for County Ditch #33.
7. The drainage authority finds that the conditions required for the initiation of a redetermination of benefits exist, that the original benefits and damages do not reflect reasonable present day land values, and the benefitted areas have changed.

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 #33, hereby orders as follows:

- A. The Board shall follow the procedures of Minn. Stat. § 103E.351 to conduct a redetermination of benefits for County Ditch #33.
- B. That Mark Behrends, John Thompson, Robert Hansen, Kendall Langseth, and Bruce Ness are hereby appointed as viewers to redetermination and report the benefits and damages for County Ditch #33.
- C. That within 5 days of this Order, the County Auditor-Treasurer shall execute an Order designating a time and location for the first meeting of the viewers and mail to the viewers a copy of the Auditor-Treasurer Order along with a certified copy of this Order.

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Loveall/Young motion carried unanimously to approve Resolution 23-DA16-37an order to initiate a redetermination of benefits and appoint viewers on JD17F. Commissioners Groskreutz, Roper, Young, Loveall, and Anderson voted yes.

R E S O L U T I O N

Findings:

1. The Faribault County Board of Commissioners is the drainage authority for Judicial Ditch #17.
2. Judicial Ditch #17 was improved in 1998. Benefits for Judicial Ditch #17 were determined concurrent with the improvement establishment in 1998, since there have been changes in the benefitted area and land values.
3. The current benefits roll reflects the benefitted properties, benefitted areas, and benefit values as determined by viewers based on assumptions regarding the future use and drainage of said properties.
4. Since the original improvement of Judicial Ditch #17 and the original determination of benefits and damages, land uses, and drainage practices have changed to accelerate and increase the flow of water to the drainage system changing the nature and value of benefits accruing to lands from construction of Judicial Ditch #17.
5. Since the improvement of benefits, land values have changed within the benefitted area of Judicial Ditch #17.

6. The drainage authority held a public meeting on May 16th, 2023, to discuss the need for a redetermination of benefits for Judicial Ditch #17.
7. The drainage authority finds that the conditions required for the initiation of a redetermination of benefits exist, that the original benefits and damages do not reflect reasonable present day land values, and the benefitted areas have changed.

Order:

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

- A. The Board shall follow the procedures of Minn. Stat. § 103E.351 to conduct a redetermination of benefits for Judicial Ditch #17.
- B. That Mark Behrends, John Thompson, Robert Hansen, Kendall Langseth, and Bruce Ness are hereby appointed as viewers to redetermination and report the benefits and damages for Judicial Ditch #17.
- C. That within 5 days of this Order, the County Auditor-Treasurer shall execute an Order designating a time and location for the first meeting of the viewers and mail to the viewers a copy of the Auditor-Treasurer Order along with a certified copy of this Order.

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Loveall/Young motion carried unanimously to approve Resolution 23-DA17-38 an order to initiate a redetermination of benefits and appoint viewers on CD63. Commissioners Groskreutz, Roper, Young, Loveall, and Anderson voted yes.

R E S O L U T I O N

Findings:

1. The Faribault County Board of Commissioners is the drainage authority for County Ditch #63.
2. County Ditch #63 was established in 1919. Benefits for County Ditch #63 were determined concurrent with establishment in 1919, prior to the initiation of modern, intensive farming and drainage practices within Faribault County.
3. The current benefits roll reflects the benefitted properties, benefitted areas, and benefit values as determined by viewers based on assumptions regarding the future use and drainage of said properties.
4. Since the original establishment of County Ditch #63 and the original determination of benefits and damages, land uses, and drainage practices have changed to accelerate and increase the flow of water to the drainage system changing the nature and value of benefits accruing to lands from construction of County Ditch #63.
5. Since the original determination of benefits and damages, land values have changed within the benefitted area of County Ditch #63.

6. The drainage authority held a public meeting on May 16th, 2023, to discuss the need for a redetermination of benefits for County Ditch #63.
7. The drainage authority finds that the conditions required for the initiation of a redetermination of benefits exist, that the original benefits and damages do not reflect reasonable present day land values, and the benefitted areas have changed.

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 #63, hereby orders as follows:

- A. The Board shall follow the procedures of Minn. Stat. § 103E.351 to conduct a redetermination of benefits for County Ditch #63.
- B. That Mark Behrends, John Thompson, Robert Hansen, Kendall Langseth, and Bruce Ness are hereby appointed as viewers to redetermination and report the benefits and damages for County Ditch #63.
- C. That within 5 days of this Order, the County Auditor-Treasurer shall execute an Order designating a time and location for the first meeting of the viewers and mail to the viewers a copy of the Auditor-Treasurer Order along with a certified copy of this Order.

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Roper/Groskreutz motion carried unanimously to approve Resolution 23-DA18-39 an order of resolution of intent to consolidate CD31 and CD80. Commissioners Groskreutz, Roper, Young, Loveall, and Anderson voted yes.

R E S O L U T I O N

Findings:

1. Faribault County Board of Commissioners is the drainage authority for County Ditches (CD) 31 and 80.
2. CDs 31 and 80 are in redetermination of benefits and damages proceedings as initiated by the Board on August 3rd, 2021.
3. The Board believes, in conjunction with the current redetermination of benefits proceedings, that consolidating CDs 31 and 80 into one system will result in increased efficiency in the management of drainage systems as consolidated requested in this order would provide for the efficient administration of the drainage systems and would be fair and equitable.
4. CD 31 was established 1915 and contained open ditch and tile. In 1955, a petition was filed for the establishment of CD 80 that extended CD 31 open ditch south to the Iowa border. CD 80 watershed overlaps the CD 31 watershed. It will be more efficient and effective to consolidate the systems. The watershed is depicted in exhibit A.

5. The Board finds that consideration of consolidation in conjunction with the current redetermination of benefits proceedings is appropriate and within its authority under statutes section 103E.801 and makes the following:

Order:

- A. The Board shall consider the proposed consolidation of drainage systems in conjunction with the current redetermination of benefits proceedings and hereby announces its intent to consider consolidation as described herein.
- B. The viewers appointed in the redetermination of benefits proceedings are directed to provide reports reflecting the consolidations consistent with the proposed disposition of drainage systems depicted in exhibit A.
- C. The Board shall follow procedures required in statutes section 103E.801 for noticing hearings on the division and consolidations concurrent with the redetermination of benefits proceedings.

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Roper/Groskreutz motion carried unanimously to approve Resolution 23-DA19-40 an order of resolution of intent to divide and consolidate JD13F, CD13, CD22, CD35, and CD39. Commissioners Groskreutz, Roper, Young, Loveall, and Anderson voted yes.

R E S O L U T I O N

Findings:

1. Faribault County Board of Commissioners is the drainage authority for Judicial Ditch (JD) 13F.
2. Within the watershed of JD 13F exists four additional drainage systems, County Ditches (CD) 13, 22, 35 and 39.
3. CDs 13, 22, 35, and 39 are in redetermination of benefits proceedings as initiated by the Board on July 21st, 2020. JD 13F is in a redetermination of benefits and damages proceeding as initially by the Board on March 2nd, 2021.
4. The Board believes, in conjunction with the current redetermination of benefits proceedings, that dividing JD 13 into four separate systems and consolidating CDs 12, 22, 35 and 39 with the divided portions of JD 13F may result in increased efficiency in the management of drainage systems as divided and consolidated requested in this order would provide for the efficient administration of the drainage systems and would be fair and equitable.
5. Drainage authority staff has provided a recommended division and consolidation as depicted on the attached Exhibit A.
6. The Board finds that consideration of the division and consolidation in conjunction with the current redetermination of benefits proceedings is appropriate and within its authority under statutes section 103E.801 and makes the following:

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Order:

- A. The Board shall consider the proposed division and consolidation of drainage systems in conjunction with the current redetermination of benefits proceedings and hereby announces its intent to consider division and consolidation as described herein.
- B. The viewers appointed in the redetermination of benefits proceedings are directed to provide reports reflecting the division and consolidations consistent with the proposed disposition of drainage systems depicted in exhibit A.
- C. The Board shall follow procedures required in statutes section 103E.801 for noticing hearings on the division and consolidations concurrent with the redetermination of benefits proceedings.

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Loveall/Young motion carried unanimously to approve Resolution 23-DA20-41 an order to set the final redetermination of benefits hearing for CD50 on Tuesday, June 20th, 2023, at 1:30pm in the Board Room of the Faribault County Courthouse. Commissioners Groskreutz, Roper, Young, Loveall, and Anderson voted yes.

R E S O L U T I O N

Findings:

- 1. The Faribault County Board of Commissioners is the drainage authority for County Ditch #50.
- 2. On September 20th, 2022, the Drainage Authority ordered a redetermination of benefits for County Ditch #50.
- 3. The Viewers held an informational meeting on April 13th, 2023, after notice to all landowners and public authorities.
- 4. The Viewers' report was filed with the Faribault County Auditor May 15th, 2023.
- 5. The Faribault County Board of Commissioners met on May 16th, 2023, in regular session to determine the date, time, and location for a final hearing on the project.
- 6. Pursuant to Minn. Stat. § 103E.325, subd. 3 a final hearing must be noticed by publication, posting, and mail.

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 #50 hereby orders as follows:

- A. A final hearing on the Viewers' Report shall be held on June 20th, 2023, at 1:30pm at the Faribault County Courthouse Board Room, 415 North Main Street Blue Earth, MN 56013.
- B. The Auditor shall publish notice of the final hearing once per week for three successive weeks in a newspaper of general circulation in the area of the proposed project.
- C. The Auditor shall post a printed copy of the final hearing notice at least three weeks before the date of the final hearing at the front door of the courthouse.

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- D. Within one week after the first publication of notice, the Auditor shall give notice by mail of the time and location of the final hearing to all property owners and others affected by the proposed drainage project and listed in the viewers' report.

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Loveall/Young motion carried unanimously to approve Resolution 23-DA21-42 an order to set the final redetermination of benefits hearing for JD21F on Tuesday, June 20th, 2023, at 2:00pm in the Board Room of the Faribault County Courthouse. Commissioners Groskreutz, Roper, Young, Loveall, and Anderson voted yes.

RESOLUTION

Findings:

1. The Faribault County Board of Commissioners is the drainage authority for Judicial Ditch #21.
2. On September 20th, 2022, the Drainage Authority ordered a redetermination of benefits for Judicial Ditch #21.
3. The Viewers held an informational meeting on April 13th, 2023, after notice to all landowners and public authorities.
4. The Viewers' report was filed with the Faribault County Auditor May 15th, 2023.
5. The Faribault County Board of Commissioners met on May 16th, 2023, in regular session to determine the date, time, and location for a final hearing on the project.
6. Pursuant to Minn. Stat. § 103E.325, subd. 3 a final hearing must be noticed by publication, posting, and mail.

Order:

Based on the foregoing Findings and the entire record of proceedings before the Board, the Board, acting as the drainage authority for Judicial Ditch #21 hereby orders as follows:

- A. A final hearing on the Viewers' Report shall be held on June 20th, 2023, at 2:00pm at the Faribault County Courthouse Board Room, 415 North Main Street Blue Earth, MN 56013.
- B. The Auditor shall publish notice of the final hearing once per week for three successive weeks in a newspaper of general circulation in the area of the proposed project.
- C. The Auditor shall post a printed copy of the final hearing notice at least three weeks before the date of the final hearing at the front door of the courthouse.
- D. Within one week after the first publication of notice, the Auditor shall give notice by mail of the time and location of the final hearing to all property owners and others affected by the proposed drainage project and listed in the viewers' report.

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Loveall/Young motion carried unanimously to approve Resolution 23-DA22-43 an order to set the final redetermination of benefits hearing for JD22F on Tuesday, June 20th, 2023, at 2:30pm in the Board Room

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of the Faribault County Courthouse. Commissioners Groskreutz, Roper, Young, Loveall, and Anderson voted yes.

RESOLUTION

Findings:

1. The Faribault County Board of Commissioners is the drainage authority for Judicial Ditch #22.
2. On September 20th, 2022, the Drainage Authority ordered a redetermination of benefits for Judicial Ditch #22.
3. The Viewers held an informational meeting on April 13th, 2023, after notice to all landowners and public authorities.
4. The Viewers' report was filed with the Faribault County Auditor May 15th, 2023.
5. The Faribault County Board of Commissioners met on May 16th, 2023, in regular session to determine the date, time, and location for a final hearing on the project.
6. Pursuant to Minn. Stat. § 103E.325, subd. 3 a final hearing must be noticed by publication, posting, and mail.

Order:

Based on the foregoing Findings and the entire record of proceedings before the Board, the Board, acting as the drainage authority for Judicial Ditch #22 hereby orders as follows:

- A. A final hearing on the Viewers' Report shall be held on June 20th, 2023, at 2:30pm at the Faribault County Courthouse Board Room, 415 North Main Street Blue Earth, MN 56013.
- B. The Auditor shall publish notice of the final hearing once per week for three successive weeks in a newspaper of general circulation in the area of the proposed project.
- C. The Auditor shall post a printed copy of the final hearing notice at least three weeks before the date of the final hearing at the front door of the courthouse.
- D. Within one week after the first publication of notice, the Auditor shall give notice by mail of the time and location of the final hearing to all property owners and others affected by the proposed drainage project and listed in the viewers' report.

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Loveall/Young motion carried unanimously to adjourn.

The Faribault County Drainage Authority was adjourned for May 2023.

Bruce Anderson, Chair

Sarah Van Moer, Acting Clerk to the Board

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