

FARIBAULT COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
DRAINAGE AUTHORITY MEETING
JULY 11, 2023

The Faribault County Board of Commissioners met at the Courthouse in the City of Blue Earth as the Faribault County Drainage Authority at 1:00 p.m. on July 11th, 2023. The following members were present: Tom Loveall, Bruce Anderson, Bill Groskreutz, John Roper, and Greg Young Commissioners. Engineer/Coordinator Mark Daly, Drainage Manager Merissa Lore, Auditor/Treasurer Jessica Blair, Drainage Project Manager Dustin Anderson, and Acting Clerk to the Board Sarah Van Moer also attended. Participating virtually were Faribault County staff L. Adams, P. Krill, S. Robbins, and L. Mehrhof.

The meeting was called to order by Chair Anderson.

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Groskreutz/Loveall motion carried unanimously to approve the agenda of July 11th, 2023.

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L. Cole spoke regarding CD24 during public comment.

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Groskreutz/Young motion carried unanimously to approve repair projects as shown below:

System	Repair #	Branch	Comm Dist	Twp	Sec	Landowner	Problem/Proposed Work
JD13F	23-081	B	1	Rome	13	BECKER, GLORIA A & JERRY A	2 tile holes
JCD202FM	23-073	15	2	Jo Daviess	16	ROGER MOORE IRREVOCABLE TRUST	Tile hole
JCD214MF	22-115	Branch T	2	Pilot Grove	05	BLOM, DONAMAE D	Large tile outlet failure, causing bank wasting
JCD214MF	23-068	Branch T	2	Pilot Grove	06	MOORE, JOE K	Tile outlet needs repair
JCD214MF	23-069	Branch T	2	Jo Daviess	31	MOORE, PATRICK J & ELIZABETH L	Tile outlet needs repair
JCD214MF	23-070	T32	2	Pilot Grove	06	MOORE, JOE K	Tile outlet repair
JD22F	23-008	Main	2	Verona	27	CARTWRIGHT, DAVID D & NORMA J	Tile hole
JD22F	23-072	Main & Lat 1	2	Verona	27	MOORE, DANIEL R & LORA L	Blown out surface intakes
JCD201MF	23-075	S	4	Winnebago City	29	ROSE, JASON R & STEPHENIE A	Tile Hole
JD12FBE	23-071	Branch 1	4	Winnebago City	13	BAXTER, DENNIS	Tile hole
JD2F	23-074	Aux S	4	Barber	29	MARGARET M STEVERMER TRUST &	Tile Hole
JD2F	23-076	S Aux	4	Barber	29	MARGARET M STEVERMER TRUST &	Tile hole
JD9FBE	23-079	Br 32	4	Lura	19	DENNIS G WHITNEY LE ETAL	Tile hole
CD20	23-077	Main	5	Walnut Lake	16	RONALD V & CHRISTINE L SCHULTZ	Tile hole
CD70	23-082	Main	5	Walnut Lake	29	DYLLA, MARTIN L & NANCY L	Tile hole

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Young/Groskreutz motion carried unanimously to approve payment totaling \$57,596.90:

System	Repair #	Order	Branch	Comm Dist	Twp	Sec	Landowner	Repair Type	Vendor	Contractor	%	Cost
CD25	19-158	1		249	1	Emerald	12 RICHARD W KAISER REVOC TRUST	Tile hole	4299	Osmundson Construction	10	\$964.50
CD26	23-050	1	East Main	1	Emerald	29	MC GEE, SANDRA C & KYLON	Blowout, Surface Intake	4299	Osmundson Construction	100	\$1,202.50
CD46	19-234	5	Main	1	Emerald	23	STEINHAUER, KEVIN	Mow buffers	2984	Customized Landscape and Design	100	\$195.00
JD13F	23-081	1	B	1	Rome	13	BECKER, GLORIA A & JERRY A	Blowout	8086	Derek Yegge	100	\$400.00
JD6F	21-089	3	Main, A	1	Emerald	05	HAASE, DONALD E & LEONA	Mow buffers	2984	Customized Landscape and Design	100	\$1,170.00
CD21	21-061	4	Main	2	Verona	35	OLSON, LEO	Mow buffers	2984	Customized Landscape and Design	100	\$1,977.50
CD60	17-073	4	Main	2	Jo Daviess	10	OTTO C PFAFFINGER FAM TRUST	Mow buffers	2984	Customized Landscape and Design	100	\$1,307.50
CD65	23-065	1	Main	2	Jo Daviess	12	HAASE, KENNETH O & CATHERINE	Blowout	4299	Osmundson Construction	100	\$989.14
JCD202FM	21-071	9	Main, Br 9	2	Jo Daviess	17	NEAL J & ROBERTA MURPHY TRUST	Culvert/Crossing, Surface Intake, Tile Outlet	2984	Customized Landscape and Design	100	\$950.50
JCD202FM	23-073	1		15	2	Jo Daviess	16 ROGER MOORE IRREVOCABLE TRUST	Blowout	8380	Finstad Skidloader & Snow Removal Service LLC	100	\$324.00
JD17F	23-041	1	Main	2	Verona	01	JENKINS, DOUGLAS W	Surface Intake	4299	Osmundson Construction	100	\$2,567.19
JD22F	23-072	1	Main & Lateral	1	2	Verona	27 MOORE, DANIEL R & LORA L	Surface Intake	8380	Finstad Skidloader & Snow Removal Service LLC	100	\$537.00
CD10	18-211	7	Branch 1	4	Barber	24	SCHULTZ, STEVEN	Mow buffers	2984	Customized Landscape and Design	100	\$625.00
CD24	19-172	3	Main	4	Winnebago City	09	LORETTA E RYNARSON LE ETAL	Mow buffers	2984	Customized Landscape and Design	100	\$260.00
CD43	20-186	12	Main	4	Lura	28	WALKER, KEVIN R & JANNETTE K	Mow buffers	2984	Customized Landscape and Design	100	\$1,950.00
JCD201MF	23-075	1		S	4	Winnebago City	29 ROSE, JASON R & STEPHENIE A	Blowout	4299	Blue River Excavating LLC	100	\$1,112.00
JD12FBE	23-062	1	Main	4	Delavan	07	BLAIR, JOSHUA J & TARA K	Blowout	4299	Osmundson Construction	100	\$1,031.40
JD12FBE	23-071	1	Branch 1	4	Winnebago City	13	BAXTER, DENNIS	Blowout	4299	Osmundson Construction	100	\$653.74
JD17F	23-044	1	Old Tile	4	Winnebago City	36	GREENFIELD GLOBAL WINN LLC	Blowout	4299	Osmundson Construction	100	\$1,695.80
JD2F	20-065	5	Open Ditch	4	Prescott	13	ORR, CARL D & MERRY JO	Mow & spray buffers	2984	Customized Landscape and Design	100	\$950.00
JD2F	23-076	1	S Aux	4	Barber	29	MARGARET M STEVERMER TRUST	Blowout	4299	Osmundson Construction	100	\$551.30
JD9FBE	22-045	3	Branch 192	4	Lura	05	WHITNEY, STANLEY B	Mow buffers	2984	Customized Landscape and Design	100	\$1,497.50
JD9FBE	23-019	1	Br G	4	Lura	06	MORKENS LURA LAKE FARM LLC	Blowout	4299	Osmundson Construction	100	\$9,634.48
CD20	23-004	1	L & B	5	Walnut Lake	20	JOHN J KUNTZ TR AGREEMENT	Blowout	5976	Giese Farm Drainage	100	\$764.69
CD20	23-061	1	Br J	5	Walnut Lake	26	SCHMIDT, RONALD J	Blowout	4299	Osmundson Construction	100	\$2,462.00
CD20	23-077	1	Main	5	Walnut Lake	16	RONALD V & CHRISTINE L SCHULTZ	Blowout	5976	Giese Farm Drainage	100	\$220.26
CD25	19-092	11	Main, Branch E Open, Branch A Open	5	Brush Creek	06	DOYLE, ANGELA KAE	Mow buffers	2984	Customized Landscape and Design	100	\$2,075.00
CD25A	18-234	10	Branch A open	5	Brush Creek	06	BLOM, PAUL B & MARSHA K	Clean Out	2984	Customized Landscape and Design	100	\$1,035.00
CD25A	23-011	1	Branch A	5	Walnut Lake	31	BORRIS, JAN G	Blowout	4299	Osmundson Construction	100	\$1,475.00
CD37	23-035	1	Branch M27	5	Brush Creek	22	EHLERT, ELMER L & KATHRYN K	Surface Intake	7054	DeLaittre Septic & Excavating LLC	100	\$866.50
CD64	16-163	2	Main trunk	5	Kiester	7	LORENZ, SCOTT J	Rebuild Rock Chute	6701	Trevor Leland	100	\$14,657.40
CD64	21-006	5	Main	5	Kiester	07	RJW FARMS LLC	Mow buffers	2984	Customized Landscape and Design	100	\$1,040.00
CD86	19-051	6	Main	5	Minnesota Lake	13	MAYNARD W GRUNZKE TRUST	Tree Removal, Surface Intake, Tile Outlet	2984	Customized Landscape and Design	100	\$455.00

Total: \$57,596.90

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Roper/Loveall motion carried unanimously to approve change order #1 for the CD44 East Main repair totaling \$24,639.51.

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Roper/Loveall motion carried unanimously to approve pay application #1 to Leland Drainage & Excavating for the CD44 East Main Tile Replacement project in the amount of \$85,537.53.

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Roper/Loveall motion carried to accept the bid from Krengel Bros in the amount of \$30,416.60 for the CD25 Branch 249 tile replacement.

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Groskreutz/Young motion carried unanimously to accept the low bid from Sellers Construction in the amount of \$43,431.00 for the CD28 Branch 1 and 2 tile replacement.

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Young/Groskreutz motion carried unanimously to approve the hearing meeting minutes from June 20, 2023, for the CD50 Redetermination of Benefits Hearing, the JD21F Redetermination of Benefits Hearing, and the JD22F Redetermination of Benefits Hearing.

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Roper/Loveall motion carried unanimously to approve the following hearing Findings & Orders from hearings held June 20, 2023:

Resolution 23-DA30-60 for CD50:

RESOLUTION

Findings:

1. The Faribault County Board of Commissioners is the drainage authority for County Ditch #50.
2. On September 20th, 2022, the drainage authority adopted findings and ordered the initiation of a redetermination of benefits for County Ditch #50 pursuant to Minn. Stat. § 103E.351. Mark Behrends, John Thompson, Robert Hansen, Kendall Langseth, and Bruce Ness were appointed as viewers.
3. Faribault County Auditor Darren Esser administered the Viewers' Oath on September 30th, 2022.
4. The viewers held an informational meeting on April 13th, 2023, after notice to all landowners and public authorities.
5. The viewers completed their report, which included a benefits statement, on May 15th, 2023, for all property affected by the drainage system and filed their report with the drainage authority.

6. 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.
7. The drainage authority on May 16th, 2023, by order, set a public hearing for review of the viewers' report on June 20th, 2023, which is within 30 days after the property owners' reports were mailed.
8. 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.
9. Notice of the final hearing was published in the Faribault County Register for three successive weeks prior to the hearing.
10. 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.
11. 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.
12. 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.
13. The drainage authority held a public hearing on the redetermination of benefits on June 20th, 2023, at 1:30pm at the Faribault County Courthouse Board Room in Blue Earth, MN.
14. 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 #50.
15. The viewers reviewed all property within the drainage areas of the drainage system as part of the redetermination of benefits process.
16. 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.
17. Within the watershed of the drainage system, the viewers paid particular attention to altered land use and drainage alterations which facilitate the removal of water from property directing it to the drainage system.
18. To determine the economic benefit to lands deriving a drainage benefit from the drainage system, the viewers conducted a condition comparison comparing the expected, pre-ditch, unaltered state of the watershed to the existing, altered, and improved condition of the watershed. The viewers used this comparison in determining the increased market value of the properties receiving a direct drainage benefit.

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. Upon review of information provided to the Board during the public hearing, the Board further finds and confirms its earlier findings that the benefits determined in the original proceedings, as well as the benefited areas determined in the original proceedings, do not reflect current, existing, actual benefits and benefitted areas.
28. The viewers' report is attached as **Exhibit A**.
29. The benefits statement is attached as **Exhibit B**.
30. No public comment was received.
31. At the close of the public comment hearing, Commissioner Young 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 as reported by the viewers; and that the Board will consider the Findings and Order Approving the Redetermination of Benefits at the Board's regular meeting on July 11th, 2023. Commissioner Loveall seconded, and the motion carried.

32. 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 viewers' report has been made and other proceedings have been completed under Minnesota Statutes, chapter 103E;
 - b. that the viewers' report is complete and correct;
 - c. that the viewers have worked with landowners to address any concerns prior to filing the final report and no evidence was presented in opposition to the benefits determined by the viewers in the viewers' report; and
 - d. that the redetermined benefits, as reflected in the viewers' report as **Exhibit A**, and as described in the benefits statement as **Exhibit B**, are proper, reasonable, and conform to the drainage code.

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. The redetermined benefits of County Ditch #50, the viewers' report attached hereto as **Exhibit A**, and the benefits statement attached hereto as **Exhibit B** are hereby adopted by the Board and shall be used in place of the original benefits 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 #50.

Resolution 23-DA31-61 for JD21F:

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 #21.
2. On September 20th, 2022, the drainage authority adopted findings and ordered the initiation of a redetermination of benefits for Judicial Ditch #21 pursuant to Minn. Stat. § 103E.351. Mark Behrends, John Thompson, Robert Hansen, Kendall Langseth, and Bruce Ness were appointed as viewers.
3. Faribault County Auditor Darren Esser administered the Viewers' Oath on September 30th, 2022.
4. The viewers held an informational meeting on April 13th, 2023, after notice to all landowners and public authorities.
5. The viewers completed their report, which included a benefits statement, on May 15th, 2023, for all property affected by the drainage system and filed their report with the drainage authority.

6. 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.
7. The drainage authority on May 16th, 2023, by order, set a public hearing for review of the viewers' report on June 20th, 2023, which is within 30 days after the property owners' reports were mailed.
8. 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.
9. Notice of the final hearing was published in the Faribault County Register for three successive weeks prior to the hearing.
10. 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.
11. 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.
12. 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.
13. The drainage authority held a public hearing on the redetermination of benefits on June 20th, 2023, at 2:00pm at the Faribault County Courthouse Board Room in Blue Earth, MN.
14. At the public hearing, Kendall Langseth, one of the duly appointed viewers, presented the viewers' report and explained the process of completing the viewers' report. Langseth 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 Judicial Ditch #21.
15. The viewers reviewed all property within the drainage areas of the drainage system as part of the redetermination of benefits process.
16. 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.
17. Within the watershed of the drainage system, the viewers paid particular attention to altered land use and drainage alterations which facilitate the removal of water from property directing it to the drainage system.
18. To determine the economic benefit to lands deriving a drainage benefit from the drainage system, the viewers conducted a condition comparison comparing the expected, pre-ditch, unaltered state of the watershed to the existing, altered, and improved condition of the watershed. The viewers used this comparison in determining the increased market value of the properties receiving a direct drainage benefit.

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. Upon review of information provided to the Board during the public hearing, the Board further finds and confirms its earlier findings that the benefits determined in the original proceedings, as well as the benefited areas determined in the original proceedings, do not reflect current, existing, actual benefits and benefitted areas.
28. The viewers' report is attached as **Exhibit A**.
29. The benefits statement is attached as **Exhibit B**.
30. 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. Morris Hanson, Verona Township, 101 Bluestem Drive Blue Earth, MN 56013

Presented questions about the public tile size and depth at the outlet of the system and public outlets on his property.

The mainline tile is a 20-inch diameter pipe through Mr. Morris's property and Branch D is a 12-inch diameter pipe.

31. At the close of the public comment hearing, Commissioner Young 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 as reported by the viewers; and that the Board will consider the Findings and Order Approving the Redetermination of Benefits at the Board's regular meeting on July 11th, 2023. Commissioner Roper seconded, and the motion carried.
32. 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 viewers' report has been made and other proceedings have been completed under Minnesota Statutes, chapter 103E;
 - b. that the viewers' report is complete and correct;
 - c. that the viewers have worked with landowners to address any concerns prior to filing the final report and no evidence was presented in opposition to the benefits determined by the viewers in the viewers' report; and
 - d. that the redetermined benefits, as reflected in the viewers' report as **Exhibit A**, and as described in the benefits statement as **Exhibit B**, are proper, reasonable, and conform to the drainage code.

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. The redetermined benefits of Judicial Ditch #21, the viewers' report attached hereto as **Exhibit A**, and the benefits statement attached hereto as **Exhibit B** are hereby adopted by the Board and shall be used in place of the original benefits 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 Judicial Ditch #21.

Resolution 23-DA32-62 for JD22F:

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 #22.
2. On September 20th, 2022, the drainage authority adopted findings and ordered the initiation of a redetermination of benefits for Judicial Ditch #22 pursuant to Minn. Stat. § 103E.351. Mark Behrends, John Thompson, Robert Hansen, Kendall Langseth, and Bruce Ness were appointed as viewers.
3. Faribault County Auditor Darren Esser administered the Viewers' Oath on September 30th, 2022.
4. The viewers held an informational meeting on April 13th, 2023, after notice to all landowners and public authorities.

5. The viewers completed their report, which included a benefits statement, on May 15th, 2023, for all property affected by the drainage system and filed their report with the drainage authority.
6. 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.
7. The drainage authority on May 16th, 2023, by order, set a public hearing for review of the viewers' report on June 20th, 2023, which is within 30 days after the property owners' reports were mailed.
8. 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.
9. Notice of the final hearing was published in the Faribault County Register for three successive weeks prior to the hearing.
10. 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.
11. 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.
12. 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.
13. The drainage authority held a public hearing on the redetermination of benefits on June 20th, 2023, at 2:30pm at the Faribault County Courthouse Board Room in Blue Earth, MN.
14. 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 Judicial Ditch #22.
15. The viewers reviewed all property within the drainage areas of the drainage system as part of the redetermination of benefits process.
16. 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.
17. Within the watershed of the drainage system, the viewers paid particular attention to altered land use and drainage alterations which facilitate the removal of water from property directing it to the drainage system.
18. To determine the economic benefit to lands deriving a drainage benefit from the drainage system, the viewers conducted a condition comparison comparing the expected, pre-ditch, unaltered state

of the watershed to the existing, altered, and improved condition of the watershed. The viewers used this comparison in determining the increased market value of the properties receiving a direct drainage benefit.

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. Upon review of information provided to the Board during the public hearing, the Board further finds and confirms its earlier findings that the benefits determined in the original proceedings, as well as the benefited areas determined in the original proceedings, do not reflect current, existing, actual benefits and benefitted areas.
28. The viewers' report is attached as **Exhibit A**.
29. The benefits statement is attached as **Exhibit B**.
30. 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. David Cartwright, Verona Township, 17101 340th Ave. Winnebago, MN 56098

Presented drainage concerns on his property and that the issue has been getting worse over time. He would like the issue investigated after the crops are harvested.

Drainage Department staff will work to coordinate investigative digging on the property after harvest. Televising is not an option due to the size of the tile.

31. At the close of the public comment hearing, Commissioner Young 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 as reported by the viewers; and that the Board will consider the Findings and Order Approving the Redetermination of Benefits at the Board's regular meeting on July 11th, 2023. Commissioner Loveall seconded, and the motion carried.
32. 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 viewers' report has been made and other proceedings have been completed under Minnesota Statutes, chapter 103E;
 - b. that the viewers' report is complete and correct;
 - c. that the viewers have worked with landowners to address any concerns prior to filing the final report and no evidence was presented in opposition to the benefits determined by the viewers in the viewers' report; and
 - d. that the redetermined benefits, as reflected in the viewers' report as **Exhibit A**, and as described in the benefits statement as **Exhibit B**, are proper, reasonable, and conform to the drainage code.

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. The redetermined benefits of Judicial Ditch #22, the viewers' report attached hereto as **Exhibit A**, and the benefits statement attached hereto as **Exhibit B** are hereby adopted by the Board and shall be used in place of the original benefits 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 Judicial Ditch #22.

* * * * *

Staff reports were presented.

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Groskreutz/Young motion carried unanimously to adjourn.
The Faribault County Drainage Authority was recessed to July 18, 2023.

Bruce Anderson, Chair

Sarah Van Moer, Acting Clerk to the Board