

DRAINAGE AUTHORITY OF JOINT COUNTY DITCH 4  
FARIBAULT AND MARTIN COUNTIES  
OFFICIAL PROCEEDING  
MAY 21, 2019

The Joint Drainage Authority of Joint County Ditch 4 met at 11:45 p.m. at the Faribault County Courthouse for the purpose of discussing an improvement petition on Joint County Ditch 4. The following members were present: Tom Loveall, John Roper, and Greg Young Commissioners. Martin County Commissioners Belgard and Mahoney did not attend. County Auditor/Treasurer/Coordinator John Thompson also attended.

The meeting was called to order by Chair Young.

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Auditor Treasurer-Coordinator Thompson presented an improvement petition. The petition and a \$50,000 bond have been approved by Drainage Authority Attorney Kurt Deter.

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Loveall/Roper motion carried unanimously to approve the following findings and orders on JD 4 improvement petition. Commissioners Loveall, Roper, and Young voted yes.

**BE IT RESOLVED** that the Joint Drainage Authority for Judicial Ditch 4 of Faribault and Martin Counties makes the following findings and order;

**Findings:**

1. On May 8, 2019, petitioners Neal D. Mensing and Brenda Mensing filed a petition to improve Judicial Ditch 4 Faribault and Martin Counties pursuant to Minnesota Statute § 103E.215.
2. A bond in the amount of \$50,000 payable to the Drainage Authority of Faribault County has been filed concurrently with the petition. The bond is of adequate surety and has been approved by the Kurt Deter, drainage authority attorney. The bond is conditioned to pay the costs incurred if the proceedings are dismissed.
3. The petition conforms with the requirements of Minnesota Statute § 103E.215.
4. Pursuant to Minnesota Statute § 103E.215 Subd. 5, the petition requires appointment of an engineer to investigate the effect of the proposed improvement and file a report of findings with the drainage authority.
5. Petitioners have requested that engineers for ISG be appointed as engineer for the project.
6. The Joint Drainage Board is the drainage authority for Judicial Ditch 4 Faribault and Martin Counties.

**Order:**

Based on the foregoing findings and the entire record of proceedings before the Joint Drainage Board, the Board, acting as the drainage authority for Judicial Ditch 4, hereby orders as follows:

- A. The petition is hereby accepted.
- B. Charles Brandel, ISG, is hereby appointed to investigate the effect of the proposed improvement defined in the petition and file a report of findings with the Faribault County Auditor-Treasurer.
- C. The engineer shall subscribe to an oath to faithfully perform the assigned duties in the best manner possible and file a bond in the amount of \$5,000 with the Faribault County Auditor-Treasurer. The bond shall be subject to approval by the Faribault County Auditor-Treasurer. The bond shall be conditioned to pay any person or the drainage authority for damages and injuries resulting from negligence of the engineer while the engineer is acting in the proceedings or construction and provide that the engineer will diligently and honestly perform the engineer's duties.
- D. Upon the filing of the report of findings, the Faribault County Auditor-Treasurer shall promptly notify the Board which will, in consultation with the Auditor-Treasurer, set a time, by order, not more than 30 days after the date of the order, for a hearing on the engineer's report of findings. The Auditors of both counties shall provide notice of the public hearing on the report of findings in accordance with Minn. Stat. § 103E.215.

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The meeting was recessed.

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Greg Young, Chair

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John Thompson, Auditor/Treasurer/Coordinator