FARIBAULT COUNTY

BOARD OF COMMISSIONERS

OFFICIAL PROCEEDINGS

DRAINAGE AUTHORITY MEETING

DECEMBER 17, 2019

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 recess of the regular session on December 3, 2019. The following members were present: Bill Groskreutz, Tom Loveall, John Roper, Tom Warmka, and Greg Young Commissioners. Auditor/Treasurer/Coordinator Darren Esser, Drainage Manager Merissa Lore, County Attorney Kathryn Karjala, Central Services Director Lexi Scholten and Acting Clerk to the Board Clara Vereide also attended.

The meeting was called to order by Chair Groskreutz.

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Warmka/Loveall motion carried unanimously to approve the agenda of December 17, 2019.

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Warmka/Loveall motion carried unanimously to approve payment totaling $ 52,217.09:



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Loveall/Roper motion carried unanimously to approve the 2019 construction crop damages.

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Engineer Chuck Brandel of ISG presented an update on the CD 21 improvement project.

Young/Warmka motion carried unanimously to approve the hiring of Hydroclean to do the jetting of the CD 21 tile.

Young/Warmka motion carried unanimously to approve camera work on CD 21 if at a reasonable cost.

Young/Loveall motion carried unanimously to approve Option 2 to consolidate into 5-6 packages on rebid of CD 21 tile defect repairs.

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Young/Loveall motion carried unanimously to grant Brunz Construction an extension on the CD 21 open ditch completion contract from December 31, 2019 to May 1, 2020.

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Warmka/Young motion carried unanimously to approve payment of $4,782.59 to G & S Drainage and Excavating, Inc. for tiling on Harvey Hagedorn property due to private tile damage from the CD 21 improvement project construction.

Loveall/Warmka motion carried unanimously to table payment on Mensing portion of tiling for further review.

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Warmka/Loveall motion carried unanimously to accept Change Order No. 3 on CD 20 repair of $25,625.00.

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Young/Warmka motion carried unanimously to approve Resolution 19-CB-73 approving the findings and order of the redetermination of benefits, acquiring grass buffer, confirming damages, directing payment on JD19 and waive the reading of the findings. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

**R E S O L U T I O N**

**Be it resolved** that the County Board of Commissioners approves the following findings and order to redetermine benefits for Judicial Ditch 19.

**Findings**

1. The Faribault County Board of Commissioners is the drainage authority for Judicial Ditch 19.

2. On July 3, 2018, the drainage authority adopted findings and ordered the initiation of a redetermination of benefits and damages for Judicial Ditch 19 pursuant to Minnesota Statute § 103E.351. Mark Behrends, Chris Christenson, Robert Hanson, Kendall Langseth, and Dennis Distad were appointed as viewers.

3. Faribault County Auditor John Thompson administered the Viewers’ Oath on July 3, 2018.

4. The viewers held informational meetings on July 8, 2019 and September 23, 2019 after notice to all landowners and public authorities.

5. The viewers completed their report, which included a benefits and damages statement, on September 5, 2019, 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, by order, set a public hearing for review of the viewers’ report on December 16, 2019, 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 December 16, 2019 at 1:00pm at Hamilton Hall, 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 19.

15. 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.

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. 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 Judicial Ditch #19.

28. 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.

29. The viewers’ report is attached as Exhibit A.

30. The benefits and damages statement is attached as Exhibit B.

31. 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. Steve Lawrence, landowner, 1120 Highland Drive Blue Earth, MN 56013

JD19 outlets into CD514. What is the outlet fee JD19 pays into CD514?

It is low and needs to be looked into.

JD19 outlet fee is 0.65%. Staff will look into the process to update outlet fees.

32. 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 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 December 17, 2019 at which meeting the Board will consider Findings and Order Approving the Redetermination of Benefits, Acquiring Grass Buffer, Confirming Damages, and Directing Payment. Commissioner Warmka seconded and the motion carried.

33. 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 no evidence was presented in opposition to the benefits and damages determined by the viewers in the viewers’ report; and

d. 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

e. that the acquisition of grass buffer strips as reported as damages in the viewers’ report is necessary under Minnesota Statute § 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 Judicial Ditch 19, hereby orders as follows:

A. The redetermined benefits of Judicial Ditch 19, 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 Judicial Ditch 19.

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 15, 2020.

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Warmka/Roper motion carried unanimously to approve Resolution 19-CB-74 approving the findings and order of the redetermination of benefits on JD20 and waive the reading of the findings. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

**R E S O L U T I O N**

**Be it resolved** that the County Board of Commissioners approves the following findings and order to redetermine benefits for Judicial Ditch 20.

**Findings**

1. The Faribault County Board of Commissioners is the drainage authority for Judicial Ditch 20.

2. On July 3, 2018, the drainage authority adopted findings and ordered the initiation of a redetermination of benefits and damages for Judicial Ditch 20 pursuant to Minnesota Statute § 103E.351. Mark Behrends, Chris Christenson, Robert Hanson, Kendall Langseth, and Dennis Distad were appointed as viewers.

3. Faribault County Auditor John Thompson administered the Viewers’ Oath on July 3, 2018.

4. The viewers held informational meetings on July 8, 2019 and September 23, 2019 after notice to all landowners and public authorities.

5. The viewers completed their report, which included a benefits and damages statement, on September 5, 2019, 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, by order, set a public hearing for review of the viewers’ report on December 16, 2019, 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 Minnesota Statute § 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 December 16, 2019 at 1:30pm at Hamilton Hall, 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 20.

15. 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 Minnesota Statute § 103E.021. The viewers compared sales in the area in arriving at an average sales price used in establishing a payment rate.

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 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.

28. The viewers’ report is attached as Exhibit A.

29. The benefits and damages statement is attached as Exhibit B.

30. No public was present for public comment.

31. At the close of the public comment hearing, Commissioner Loveall 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 December 17, 2019 at which meeting the Board will consider Findings and Order Approving the Redetermination of Benefits, Confirming Damages, and Directing Payment. Commissioner Young 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 no evidence was presented in opposition to the benefits and damages determined by the viewers in the viewers’ report.

d. 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

**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 20, hereby orders as follows:

A. The redetermined benefits of Judicial Ditch 20, 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 Judicial Ditch 20.

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Roper/Loveall motion carried unanimously to approve Resolution 19-CB-75 approving the findings and order of the redetermination of benefits on CD45 and waive the reading of the findings. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

**R E S O L U T I O N**

**Be it resolved** that the County Board of Commissioners approves the following findings and order to redetermine benefits for County Ditch 45.

**Findings**

1. The Faribault County Board of Commissioners is the drainage authority for County Ditch 45.
2. On July 3, 2018, the drainage authority adopted findings and ordered the initiation of a redetermination of benefits and damages for County Ditch 45 pursuant to Minnesota Statute § 103E.351. Mark Behrends, Chris Christenson, Robert Hanson, Kendall Langseth, and Dennis Distad were appointed as viewers.
3. Faribault County Auditor John Thompson administered the Viewers’ Oath on July 3, 2018.
4. The viewers held informational meetings on July 8, 2019 and September 23, 2019 after notice to all landowners and public authorities.
5. The viewers completed their report, which included a benefits and damages statement, on September 5, 2019, 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, by order, set a public hearing for review of the viewers’ report on December 16, 2019, 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 Minnesota Statute § 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 December 16, 2019 at 2:00pm at Hamilton Hall, 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 #45.
15. 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.
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 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.
28. The viewers’ report is attached as Exhibit A.
29. The benefits and damages statement is attached as Exhibit B.
30. No public comment.
31. At the close of the public comment hearing, Commissioner Roper 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 December 17, 2019 at which meeting the Board will consider Findings and Order Approving the Redetermination of Benefits, Confirming Damages, and Directing Payment. Commissioner Young 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:
	1. that the viewers’ report has been made and other proceedings have been completed under Minnesota Statutes, chapter 103E.
	2. that the viewers’ report is complete and correct.
	3. that multiple letters were received from Jim Skogen, landowner, about opposition to the benefits determined by the viewers in the viewers’ report and the viewers adjusted his benefits on a portion of his property and tried multiple times to contact him; adequate documentation was not received to further adjust his benefits;
	4. 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

**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 45, hereby orders as follows:

1. The redetermined benefits of County Ditch 45, 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.
2. The viewers are allowed payment of their account of work.

The County Auditor shall ensure that the redetermined benefits replace the existing benefits previously determined for County Ditch 45.

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Roper/Loveall motion carried unanimously to approve Resolution 19-CB-76 to set the CD41 Repair Acceptance Hearing for January 7, 2020 at 1pm at county board room. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

**R E S O L U T I O N**

**Be it resolved** that the County Board of Commissioners approves the following findings and order to redetermine benefits for County Ditch 41.

**Findings**

1. The Faribault County Board of Commissioners is the drainage authority for County Ditch 41.
2. On April 15,2013, a petition for open ditch repair of County Ditch 41 was received by the drainage authority.
3. On May 7, 2013 the drainage authority adopted findings and an order accepting the petition and appointing Charles Brandel, I&S Group as the project engineer. The engineer was ordered to prepare a survey and repair report and file the report with the drainage authority.
4. The repair report was filed with the Faribault County Auditor on March 24, 2017.
5. The repair project was ordered by the Faribault County Board of Commissioners on April 18, 2017.
6. The repair project was advertised for bid and awarded to Dirt Merchant, Inc. on August 1, 2017.
7. The final engineer’s report and notice that the contract for construction of the open ditch repair project on County Ditch 41 is complete was received on November 22, 2019.
8. Pursuant to Minnesota Statute § 103E.555, public hearing must be held and noticed by mail at least 10 days in advance to owners of property and political subdivisions affected by the drainage project.

**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 #41 hereby orders as follows:

1. A hearing for final acceptance of the open ditch repair project shall be held on January 7, 2020 at 1:00pm at the Board Room of the Faribault County Courthouse, 415 North Main Street Blue Earth, MN 56013.
2. At least ten days before the hearing, the County Auditor shall mail notice of the time and location of the hearing to owners of property, and political subdivisions likely to be affected by the drainage project.

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Loveall/Young motion carried unanimously to approve Resolution 19-CB-77 to accept the findings and order on CD3 and set repair hearing for Tuesday January 7, 2020 at 2:00 pm at Hamilton Hall. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

**R E S O L U T I O N**

**Be it resolved** that the County Board of Commissioners approves the following findings and order to redetermine benefits for County Ditch 3.

**Findings**

1. Faribault County Board of Commissioners is the drainage authority for County Ditch 3.
2. On March 20, 2018, a petition for repair to County Ditch 3 was received by the drainage authority.
3. On April 2, 2018, the drainage authority adopted findings and an order accepting the petition and appointing Chuck Brandel, ISG as the project engineer. Brandel was ordered to prepare a survey and file a repair report with the drainage authority.
4. The repair report was filed with the Faribault County Auditor on November 6, 2019.
5. Pursuant to Minn. Stat. § 103E.715, subd. 3, a public hearing must be noticed by mail to petitioners, owners of property, and political subdivisions likely to be affected by the proposed drainage project.

**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 3, hereby orders as follows:

1. A hearing on the repair report shall be held on January 7, 2020 at 2:00 p.m. at Hamilton Hall, 202 South Moore Street, Blue Earth, MN 56013.
2. At least ten days before the hearing, the Faribault County Auditor shall mail notice of the time and location of the hearing to petitioners, owners of property, and political subdivisions likely to be affected by the proposed drainage project in the repair report.

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Warmka/Young motion carried unanimously to approve Resolution 19-CB-78 to set the CD55 repair hearing to Tuesday, January 7, 2020 at 3:30 at Hamilton Hall. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

**R E S O L U T I O N**

**Be it resolved** that the County Board of Commissioners approves the following findings and order to redetermine benefits for County Ditch 55.

**Findings**

1. Faribault County Board of Commissioners is the drainage authority for County Ditch 55.
2. On June 5, 2018, a petition for repair to County Ditch 55 was received by the drainage authority.
3. On June 19, 2018, the drainage authority adopted findings and an order accepting the petition and appointing Chuck Brandel, ISG as the project engineer. Brandel was ordered to prepare a survey and file a repair report with the drainage authority.
4. The repair report was filed with the Faribault County Auditor on October 29, 2019.
5. Pursuant to Minnesota Statute § 103E.715, subd. 3, a public hearing must be noticed by mail to petitioners, owners of property, and political subdivisions likely to be affected by the proposed drainage project.

**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:

1. A hearing on the repair report shall be held on January 7, 2020 at 3:30 p.m. at Hamilton Hall, 202 South Moore Street, Blue Earth, MN 56013.

At least ten days before the hearing, the Faribault County Auditor shall mail notice of the time and location of the hearing to petitioners, owners of property, and political subdivisions likely to be affected by the proposed drainage project in the repair report.

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The Faribault County Drainage Authority was adjourned for December 2019.

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Bill Groskreutz, Chair Clara Vereide, Acting Clerk to the Board