

FARIBAULT COUNTY  
BOARD OF COMMISSIONERS  
OFFICIAL PROCEEDINGS  
DRAINAGE AUTHORITY MEETING  
JANUARY 18, 2022

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 January 18, 2022. The following members were present: Bruce Anderson, Bill Groskreutz, John Roper, and Greg Young Commissioners. Auditor/Treasurer/Coordinator Darren Esser, Drainage Manager Merissa Lore, and Acting Clerk to the Board Sarah Van Moer also attended. Faribault County employees J. Blair, G. Paschke, L. Scholten, and K. Anderson attended virtually. Commissioner Tom Loveall was absent.

The meeting was called to order by Chair Young.

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Groskreutz/Roper motion carried unanimously to approve the agenda of January 18, 2022.

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No members of the public appeared during public comment.

\* \* \* \* \*

Anderson/Roper motion carried unanimously to approve payment of drainage voucher bills totaling \$6,689.02.

\* \* \* \* \*

Roper/Groskreutz motion carried unanimously to table the CD45 petition to remove property pending legal review.

\* \* \* \* \*

Roper/Groskreutz motion carried unanimously to approve two estimates from Krueger Excavating for tree removal: CD8 for \$45,500.00 and CD64 for \$32,000.00; and table the remaining estimates until Commissioner Loveall is present as they are in his district.

\* \* \* \* \*

Roper/Anderson motion carried unanimously to adopt Resolution 22-DA05-09 initiating a redetermination of benefits and appointing viewers on CD53. Commissioners Groskreutz, Roper, Anderson, and Young 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 CountyDitch #53.

2. County Ditch #53 was established in 1916. Benefits for County Ditch #53 were determined concurrent with establishment in 1916, 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 #53 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 #53.
5. Since the original determination of benefits, land values have changed within the benefitted area of County Ditch #53.
6. The drainage authority held a public meeting on January 18<sup>th</sup>, 2022, to discuss the need for a redetermination of benefits for County Ditch #53.
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 #53, 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 #53.
- 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 #53.
- 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.

\* \* \* \* \*

Roper/Groskreutz motion carried unanimously to adopt Resolution 22-DA06-10 initiating a redetermination of benefits and appointing viewers on CD54. Commissioners Groskreutz, Roper, Anderson, and Young voted yes.

**RESOLUTION**

### **Findings:**

1. The Faribault County Board of Commissioners is the drainage authority for County Ditch #54.
2. County Ditch #54 was established in 1916. Benefits for County Ditch #54 were determined concurrent with establishment in 1916, 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 #54 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 #54.
5. Since the original determination of benefits, land values have changed within the benefitted area of County Ditch #54.
6. The drainage authority held a public meeting on January 18<sup>th</sup>, 2022, to discuss the need for a redetermination of benefits for County Ditch #54.
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 #54, 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 #54.
- 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 #54.
- 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.

\* \* \* \* \*

Groskreutz/Anderson motion carried unanimously to approve the following inspection reports and file as part of the legal system record:

System	Comm. District	Report Notes
CD60	2	System is in good shape. Just underwent a repair project in 2021. Vegetation Maintenance needed in 2022.
JCD202FM	2	Open ditch in good shape. Just underwent a repair in 2021. Investigate flow issues on Branch 4. Vegetation maintenance is need in 2022.
JD2F	2	Open ditch in good shape. Just underwent a repair in 2021. Vegetation maintenance is need in 2022.
CD83	3	System is in good shape. Repair was completed in 2021.

\* \* \* \* \*

Anderson/Groskreutz motion carried unanimously to adopt Resolution 22-DA07-11 setting the final redetermination of benefits hearing for CD58 on Tuesday, February 15th at 1:30pm in the Faribault County Courthouse boardroom. Commissioners Groskreutz, Roper, Anderson, and Young 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 CountyDitch #58.
2. On January 19<sup>th</sup>, 2021, the Drainage Authority ordered a redetermination of benefits for County Ditch #58.
3. The Viewers held informational meetings on April 7<sup>th</sup>, 2021, and January 21<sup>st</sup>, 2022, after notice to all landowners and public authorities.
4. The Viewers' report was filed with the Faribault County Auditor January 5<sup>th</sup>, 2022.
5. The Faribault County Board of Commissioners met on January 18<sup>th</sup>, 2022, in regular session to determine the date, time, and location for a final hearing on theproject.
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 #58 hereby orders as follows:

- A. A final hearing on the Viewers' Report shall be held on February 15<sup>th</sup>, 2022, at 1:30 p.m. at the Faribault County Courthouse Board Room, 415 North Main Street BlueEarth, 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.

\* \* \* \* \*

Anderson/Roper motion carried unanimously to adopt Resolution 22-DA08-12 setting the final redetermination of benefits hearing for CD74 on Tuesday, February 15th at 2:00pm in the Faribault County Courthouse boardroom. Commissioners Groskreutz, Roper, Anderson, and Young 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 #74.
- 2. On October 6<sup>th</sup>, 2020, the Drainage Authority ordered a redetermination of benefits and damages for County Ditch #74.
- 3. The Viewers held informational meetings on February 25<sup>th</sup>, 2021, and January 21<sup>st</sup>, 2022, after notice to all landowners and public authorities.
- 4. The Viewers' report was filed with the Faribault County Auditor January 5<sup>th</sup>, 2022.
- 5. The Faribault County Board of Commissioners met on January 18<sup>th</sup>, 2022, 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 #74 hereby orders as follows:

- A. A final hearing on the Viewers' Report shall be held on February 15<sup>th</sup>, 2022, at 2:00p.m. at the Faribault County Courthouse Board Room, 415 North Main Street BlueEarth, 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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Anderson/Roper motion carried unanimously to adopt Resolution 22-DA09-13 setting a repair hearing for CD74 on Tuesday, February 15th at 2:00pm in the Faribault County Courthouse boardroom. Commissioners Groskreutz, Roper, Anderson, and Young 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 Ditch #74.
2. A system inspection was completed in the Fall of 2021 by drainage staff.
3. A staff repair report was submitted to the Board on January 18<sup>th</sup>, 2022.
4. The repair report was filed with the Faribault County Auditor on January 3<sup>rd</sup>, 2022.
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 #74, hereby orders as follows:

- A. A hearing on the repair report shall be held on February 15<sup>th</sup>, 2022, at 2:00 p.m. at the Faribault County Courthouse Board Room, 415 North Main Street Blue Earth, MN 56013.
- B. 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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Staff reports were presented.

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The Faribault County Drainage Authority was adjourned for January 2022.

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Greg Young, Chair

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Sarah Van Moer, Acting Clerk to the Board