

STATE OF MINNESOTA
Before the
Redwood County
SITTING AS THE DRAINAGE AUTHORITY FOR
County Ditch 97

In the Matter of:

**the Redetermination of Benefits for
County Ditch 97**

**FINDINGS AND ORDER APPROVING
THE REDETERMINATION OF
BENEFITS, ACQUIRING GRASS
BUFFER, CONFIRMING DAMAGES,
AND DIRECTING PAYMENT**

The Redwood County Board of Commissioners, sitting as the drainage authority for County Ditch 97, pursuant to Minn. Stat. § 103E.351, having adopted findings and ordered a redetermination of benefits on 02/01/2022; having appointed three viewers to redetermine and report the benefits and damages; having received the viewers' report; having followed proper notice requirements in Minn. Stat. § 103E.351; and having held a public hearing and followed all requirements of chapter 103E, based on the record and proceedings, Commissioner Broeban moved, seconded by Commissioner Van Der to adopt the following Findings and Order:

Findings:

1. Redwood County Board of Commissioners is the drainage authority for County Ditch 97.
2. On 08/02/2022, the drainage authority adopted findings and ordered the initiation of a redetermination of benefits and damages for County Ditch 97 pursuant to Minn. Stat. § 103E.351. Mark Behrends, Robert Hansen, Kendall Langseth, John Thompson, Bruce Ness, and Wes Dahl as viewers
3. County Environmental Director Scott Wold administered the Viewers' Oath on 08/11/2022
4. The viewers completed their report, which included a benefits and damages statement, on 12/01/2022, for all property affected by the drainage system and filed their report with the drainage authority.

5. The Environmental Director under direction from the drainage authority Board, prepared property owners' reports and mailed them to the owners of property identified in the viewers' report.
6. The drainage authority, by order, set a public hearing for review of the viewers' report on 12/13/2022, which is within 30 days after the property owners' reports were mailed.
7. 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 Government Center of Redwood County.
8. Notice of the final hearing was published in the Redwood Gazette, for three successive weeks prior to the hearing.
9. Within one week after the first publication of the notice, the Redwood County Environmental Director provided notice by mail of the time and location of the final hearing to the commissioner of natural resources, all property owners, and others affected by the redetermination of benefits and listed in the viewers' report.
10. 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.
11. 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.
12. The drainage authority held a public hearing on the redetermination of benefits on 01/17/2023 at 10:30 a.m. at Redwood County Government Center.
13. 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 97.
14. 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.

15. 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.
16. 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.
17. 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.
18. Based on their detailed observations, the viewers determined benefit classifications, classified acres, and assigned economic benefit on a per acre basis.
19. The viewers determined that some acres within the watershed of the drainage system, i.e. existing wetlands and non-contributing basins, received a change in benefits from the drainage system.
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. During the public hearing portion of the proceedings, the following persons appeared and provided comment.

31. At the close of the public comment hearing, Commissioner Groebner moved to accept the Redetermination of Benefits Report. Commissioner Forkrud seconded, and the motion carried.
32. At the close of the public comment hearing, Commissioner Wakefield moved to Set the payment terms as paid in full within 60 days, placed on taxes for 3 years at 4% interest, with all financed bills under \$100.00 to be paid in the first year. Commissioner Groebner seconded and the motion carried.
33. At the close of the public comment hearing, Commissioner Salfer moved to direct staff to prepare Findings and an Order consistent with the proceedings. Commissioner Groebner seconded, and the motion carried.

34. 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 Redwood County Ditch 97, hereby orders as follows:

- A. The redetermined benefits of Redwood County Ditch 97, 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 Redwood County Ditch 97.

After discussion, the Board Chair called the question. The question was on the adoption of the foregoing findings and order, and there were, 5 yeas, 0 nays, 0 absent, and 0 abstentions as follows:

	Yea	Nay	Absent	Abstain
Wakefield	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Groebner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Forkrud	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Salfer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Van Hee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon vote, the Chair declared the motion passed and the Findings and Order adopted.



Rick Wakefield, Chairperson

Dated: 1-17-23

* * * * *

I, Nick Brozek, Redwood County Land Use Supervisor, do hereby certify that I have compared the above motion; findings and order with the original thereof as the same appears of record and on file with the Redwood County Ditch 97 and find the same to be a true and correct transcript thereof. The above order was filed with me, Nick Brozek, Redwood County Land Use Supervisor, on 1/17/23

IN TESTIMONY WHEREOF, I hereunto set my hand this
20th day of January, 2023.



Nick Brozek

