

**STATE OF MINNESOTA**  
*Before the*  
**Redwood County Board of Commissioners**  
**SITTING AS THE DRAINAGE AUTHORITY FOR**  
**County Ditch 52**

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**In the Matter of:**  
  
**the Petition to Outlet into County Ditch  
52**

**FINDINGS AND ORDER APPROVING  
THE PETITION TO OUTLET INTO  
COUNTY DITCH 52**

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The Redwood County Board of Commissioners, sitting as the drainage authority for County Ditch 52, pursuant to Minn. Stat. § 103E.401, having received a petition to outlet acres into County Ditch 52 on 01/22/2024; having appointed a ditch viewer to determine the amount of benefits to the property described in the petition to outlet, and the amount to be paid as an outlet fee; and having received the viewer's report; having followed proper notice requirements in Minn. Stat. § 103E.401; and having held a public hearing and followed all requirements of chapter 103E, based on the record and proceedings, Commissioner Salfer moved, seconded by Commissioner Groebner to adopt the following Findings and Order:

**Findings:**

1. The Redwood County Board of Commissioners is the drainage authority for County Ditch 52.
2. On 01/22/2024, the drainage authority received the petitioners' petition to outlet into County Ditch 52. The property to be benefitted by the outlet into County Ditch 52 is described on **Exhibit A**, attached hereto.
3. On 03/05/2024, the drainage authority appointed Mark Behrends as viewer for the outlet petition. Environmental Director Nick Brozek administered the Viewers' Oath.
4. The viewer completed the report, which included a benefits and outlet fee statement, on 03/25/2024, for all property benefitted by the outlet, and filed the report with the drainage authority.

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5. The drainage authority, by order, set a public hearing on 04/16/2024, which is within 30 days after the hearing notice was mailed.
6. 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.
7. Notice of the final hearing was published in the Redwood Gazette for three successive weeks prior to the hearing.
8. 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 petition to outlet and listed in the viewer's report.
9. Proper notice of the hearing was made in conjunction with Minn. Stat. § 103E.401 requirements and chapters 103E. A record of the notice requirements is on file with the drainage authority.
10. 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.
11. The drainage authority held a public hearing on the petition to outlet on 04/16/2024 at 9:00 a.m. at the Redwood County Government Center.
12. At the public hearing, Mark Behrends, the duly appointed viewer, presented the viewer's report and explained the process of completing the viewer's report. Behrends further provided detail of the viewing process and the information used by the viewer to: (1) determine the economic benefit to lands deriving a drainage benefit from the outlet into County Ditch 52; and (2) determine the amount to be paid as an outlet fee.
13. To determine the economic benefit to lands deriving a drainage benefit from the outlet into County Ditch 52, the viewer used the same benefit value for "A", "B", "C", and "D" soils that were used in the 2022 Re-determination of Benefits of County Ditch 52. The benefit value was determined by using acres, soil type, and location.
14. The viewer 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.

15. Based on detailed observations, the viewer determined benefit classifications, classified acres, and assigned economic benefit on a per acre basis.
16. Based on information received from the Redwood County Drainage Department, it is the viewer's opinion that the acres petitioning into County Ditch 52 should have a one-time outlet fee of \$250 per acre.
17. The viewer kept an accurate account of all time engaged in viewing and examination; the nature and kind of work performed; the days the viewer was engaged in said work; the amount charged per day by the viewer; and every item of expense incurred by the viewer in said work.
18. The viewer's account of work has been filed with the drainage authority.
19. Upon review of information provided to the Board during the public hearing, the Board further finds that County Ditch 52 has the capacity to handle the additional acres described in the petition to outlet.
20. The viewer's report is attached as **Exhibit B**.
21. The benefits and outlet fee statement is attached as **Exhibit C**.
22. During the public hearing portion of the proceedings, the following persons appeared and provided comment:

Dean Zimmerli, Attorney for Petitioner:

- The request is being made for the purpose of a new industrial subdivision
- There will be a new outlet into CD 52
- 103E 4.11 can allow municipalities to outlet
- The outlet is necessary to promote public health
- The benefit and outlet fee are high, but ok
- Most of the subdivision is tiled into CD 52 already.
- A 12" line will be added, which is more efficient than going to the south.
- A retention pond will be used to hold water, adequate to hold 1 to 2 year rain events, which are the most common events.

Jim Doering, Public Works Project Coordinator, City of Redwood Falls

- Part of the subdivision currently flows into CD 22, which then flows into CD 52. This part will be rerouted directly into CD 52.

23. Based on the proceedings herein, the evidence presented during the pendency of these proceedings, the testimony of the viewer, and the public comments received, the Board finds:
- a. County Ditch 52 has sufficient capacity for the proposed outlet;
  - b. that the viewer's report completely and correctly represents the amount of benefits to the property from the outlet, and the amount to be paid as an outlet fee;
  - c. that no evidence was presented in opposition to the benefits and outlet fee determined by the viewer in the viewer's report;
  - d. that the benefits and outlet fee, as reflected in the viewer's report as **Exhibit B**, and as described in the benefits and outlet statement as **Exhibit C**, 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 52, hereby orders as follows:

- A. The viewer's report attached hereto as **Exhibit B**, and the benefits and outlet fee statement attached hereto as **Exhibit C** are hereby adopted by the Board and shall be used in conjunction with the existing County Ditch 52 benefits and damages in all subsequent proceedings.
- B. The viewer is allowed payment of the account of work.
- C. The County Auditor shall ensure that the outlet benefits are added to the existing benefits previously determined for Redwood County Ditch 52.

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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Groebner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Forkrud	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Salfer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Van Hee	<input checked="" 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.

*Bill Wakefield*  
Wakefield, Chairperson

Dated: 5/7/24

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I, Nick Brozek, Redwood County Environmental Director, 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 52 and find the same to be a true and correct transcript thereof. The above order was filed with me, Nick Brozek, Redwood County Environmental Director, on May 7, 2024.

IN TESTIMONY WHEREOF, I hereunto set my hand this  
7th day of May, 2024.



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Nick Brozek