

JOINT DITCH 1A JOINT DRAINAGE AUTHORITY BOARD

Meeting Agenda: April 2, 2019

Mille Lacs County Historic Courthouse Board Room

635 2nd Street SE, Milaca, MN 56353

I. Call to Order

Call to order at 8:30 AM.

II. Election of Chair and Vice Chair

Election of Chair and Vice Chair for the Joint Drainage Authority Board.

III. Designate Secretary

Designate a secretary to the Joint Drainage Authority Board in accordance with provision 3.3 of the Joint Powers Agreement.

IV. Ratify the Findings, Determination, and Order of the Mille Lacs County Drainage Authority Initiating the Redetermination of Benefits and Appointment of Viewers

V. Adjournment

Adjourn at 9:00 AM.

SHERBURNE COUNTY, MINNESOTA

MILLE LACS COUNTY, MINNESOTA

JOINT DITCH 1A JOINT DRAINAGE AUTHORITY BOARD

Agenda Date: April 2, 2019

Title: Designate Secretary

SUMMARY: Provision 3.3 of the Joint Powers Agreement establishing the Joint Drainage Authority Board provides for a secretary to be designated by the Board. The secretary shall generally be assigned with the duty of preparing meeting minutes and other materials required for the proficient operation of the Joint Drainage Authority Board.

ATTACHMENTS:

1. Resolution

JOINT DITCH 1A JOINT DRAINAGE AUTHORITY BOARD

Resolution No.: 4-2-19-01

A RESOLUTION REGARDING THE DESIGNATION OF A SECRETARY TO THE BOARD

WHEREAS, the Joint Powers Agreement between Sherburne and Mille Lacs County Ditch Authorities was approved on February 19, 2019; and

WHEREAS, Provision 3.3 of the aforementioned Joint Powers Agreement provides for a secretary to the Board to be designated by the Board.

THEREFORE, the Joint Drainage Authority Board hereby designates the Mille Lacs County Ditch Inspector as the secretary to the Board.

Adopted this 2nd day of April, 2019.

Sherburne – Mille Lacs Joint Drainage Authority Board Chair

The foregoing resolution was introduced by Joint Drainage Authority Board Member _____ and duly seconded by Joint Drainage Authority Board Member _____.

The following voted in favor of the Resolution:

The following voted against the Resolution:

The following were absent:

CERTIFICATION

State of Minnesota
County of Mille Lacs

I do hereby certify that the foregoing resolution is a true and correct copy of a resolution presented to and adopted by the Sherburne – Mille Lacs Joint Drainage Authority Board at a duly authorized meeting thereof held on the 2nd day of April, 2019.

Secretary of the Sherburne-Mille Lacs Joint Drainage Authority Board

JOINT DITCH 3 JOINT DRAINAGE AUTHORITY BOARD

Agenda Date: April 2, 2019

Title: Ratify the Findings, Determination, and Order of the Mille Lacs County Drainage Authority Initiating the Redetermination of Benefits and Appointments of Viewers

SUMMARY: In response to findings precipitated by an earlier abandonment petition, the Mille Lacs County Board of Commissioners, acting as the Drainage Authority for Mille Lacs County Ditch 1, initiating a redetermination of benefits and damages pursuant to Minnesota Statute § 103E.351 on July 17, 2018. Three (3) viewers were appointed at this time, Bryan Murphy, Larry Murphy, and Shantel Hecht of H2Over Viewers. The Mille Lacs County Auditor-Treasurer signed the Auditor's Order two days later on July 19, 2018.

The findings and order initiating the redetermination of benefits and damages were completed by the Mille Lacs County Board of Commissioners, as the system was, at that time, a County system and not a Joint system in accordance with Minnesota Statute § 103E.235. As a result, it is necessary that the newly-formed Joint Drainage Authority Board affirm the findings and affirm the appointment of viewers. It is also necessary that the viewers are directed to file their report with the Joint Drainage Authority Board, and that the Joint Drainage Authority Board conduct the remainder of the proceedings.

ATTACHMENTS:

1. Mille Lacs County Findings and Order Initiating the Redetermination of Benefits and Appointing Viewers
2. Resolution Regarding the Redetermination of Benefits and Damages for Joint Ditch 1A

STATE OF MINNESOTA
Before the
MILLE LACS COUNTY BOARD OF COMMISSIONERS
SITTING AS THE DRAINAGE AUTHORITY FOR
COUNTY DITCH 1

In the Matter of:

the Redetermination of Benefits of
County Ditch 1

FINDINGS AND ORDER
INITIATING THE REDETERMINATION
OF BENEFITS AND APPOINTING
VIEWERS

The Mille Lacs County Board of Commissioners, sitting as the drainage authority for County Ditch 1 pursuant to Minn. Stat. § 103E.351, based on the record and proceedings, Commissioner Wilhelm moved, seconded by Commissioner Reynolds to adopt the following Findings and Order:

Findings:

1. The Mille Lacs County Board of Commissioners is the drainage authority for County Ditch 1.
2. County Ditch 1 was established in 1904. Benefits for County Ditch 1 were determined concurrent with establishment in 1904, prior to the initiation of modern, intensive farming and drainage practices within Mille Lacs 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 1 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 1.
5. Since the original determination of benefits and damages, land values have changed within the benefitted area of County Ditch 1.
6. In response to a Petition for abandonment, submitted on April 4, 2018, adjacent landowners and local government units expressed concern that the original benefits roll does not accurately reflect all properties receiving benefits from County Ditch 1.

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 1 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 1.
- B. That Bryan Murphy, Larry Murphy, and Shantel Hecht, are hereby appointed as viewers to redetermine and report the benefits and damages for County Ditch 1.
- C. That within 5 days of this Order, the Auditor 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's Order along with a certified copy of this Order.

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, _____ nays, _____ absent, and _____ abstentions as follows:

	Yea	Nay	Absent	Abstain
Oslin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Peterson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reynolds	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tellinghuisen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wilhelm	<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.

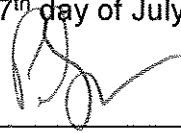

 Roger Tellinghuisen, Chairperson

Dated: 5-15-18

* * * * *

I 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 Mille Lacs County Board of Commissioners and find the same to be a true and correct transcript thereof.

IN TESTIMONY WHEREOF, I hereunto set my hand this 17th day of July, 2018.



Pat Oman
County Administrator

JOINT DITCH 1A JOINT DRAINAGE AUTHORITY BOARD

Resolution No.: 4-2-19-02

A RESOLUTION REGARDING THE REDETERMINATION OF BENEFITS AND DAMAGES FOR JOINT DITCH 1A

WHEREAS, based upon its determinations, the Mille Lacs County Board of Commissioners found that the conditions required for the initiation of a redetermination of benefits for County Ditch 1 existed, that the original benefits and damages did not reflect reasonable present day land values, and the benefitted areas have changed; and

WHEREAS, the Mille Lacs County Board of Commissioners ordered a redetermination of benefits for County Ditch 1, appointed viewers Bryan Murphy, Larry Murphy, and Shantel Hecht to redetermine and report the benefits and damages for County Ditch 1; and

WHEREAS, the Mille Lacs County Auditor-Treasurer convened an initial meeting of the viewers and administered an oath as required by statute; and

WHEREAS, during their initial viewing the viewers discovered property in Sherburne County that is potentially benefitted by County Ditch 1. Upon this discovery, a Joint Powers Agreement was executed by the Sherburne and Mille Lacs County Boards of Commissioners, establishing Joint Ditch 1A and Joint Drainage Authority Board.

THEREFORE, based on the foregoing, the Joint Drainage Authority Board hereby ratifies and readopts the findings, determination, and order of the Mille Lacs County Drainage Authority Board initiating the redetermination of benefits and appointing viewers; ratifies and accepts the viewers’ oaths; and directs continued work on the redetermination, with the viewers’ report to be filed with the Joint Drainage Authority Board.

Adopted this 2nd day of April, 2019.

Sherburne – Mille Lacs Joint Drainage Authority Board Chair

The foregoing resolution was introduced by Joint Drainage Authority Board Member _____ and duly seconded by Joint Drainage Authority Board Member _____.

The following voted in favor of the Resolution:
The following voted against the Resolution:
The following were absent:

CERTIFICATION

**State of Minnesota
County of Mille Lacs**

I do hereby certify that the foregoing resolution is a true and correct copy of a resolution presented to and adopted by the Sherburne – Mille Lacs Joint Drainage Authority at a duly authorized meeting thereof held on the 2nd day of April, 2019.

Secretary of the Sherburne-Mille Lacs Joint Drainage Authority Board