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BEFORE THE JACKSON COUNTY BOARD OF
COMMISSIONERS, ACTING AS DRAINAGE AUTHORITY
FOR JACKSON COUNTY DITCH #3

Findings of Fact and Order Denying Request to
Re-open the Redetermination of Benefits
Determination Completed in March 2017

WHEREAS, the Jackson County Board of Commissioners ordered the Redetermination of Benefits for Jackson County Ditch #3; and

WHEREAS, a Viewers' Report was filed with the Jackson County Auditor concerning the Redetermination of Benefits of Jackson County Ditch #3; and

WHEREAS, a public hearing pursuant to proper notice concerning the Redetermination of Benefits Viewers' Report was held at 9:00 a.m. on March 30, 2017 in the Heron Lake Community Center located in Heron Lake, Minnesota; and

WHEREAS, the Jackson County Auditor/Treasurer confirmed that the notification requirements of Minnesota Statutes 103E.351 have been met; and

WHEREAS, Ron Ringquist, one of the duly appointed viewers, presented the Redetermination of Benefits Report, including three (3) amendments that were included in the Redetermination of Benefits Report; and

WHEREAS, the meeting was open for public comment and there were no public comments or questions concerning the Redetermination of Benefits; and

WHEREAS, on March 30, 2017 the Ditch Authority approved the redetermination of benefits for Jackson County Ditch #3; and

WHEREAS, a subsequent appeal was filed by one property owner in the ditch system indicating that the benefits were incorrectly determined; and

WHEREAS, at a publicly noticed meeting on December 7, 2017, the appealing party, through their attorney, and the previously appointed viewer, Ron Rinquist, indicated that if the method to cure (repair) the ditch system is calculated using a one tile replacement rather than a three tile replacement as currently exists that the assessed values of the ditch system would be incorrect. However, both agree that no decision has been made by the Drainage Authority that the method to be used for repair has been changed in Jackson County and such argument of the method changing is theoretical; and

WHEREAS, at the December 7, 2017 meeting, Dave Macek, Drainage Supervisor for the Jackson County Public Works Department, informed the board that the method used by the County for repairing ditch tiles is to only repair or replace the area that is known to be in need of immediate repair or replacement, so a three parallel tile system would, over time as needed, be repaired or replaced as a three parallel tile system. Said sections would not be improved by installing one larger tile to serve the same area as the previous three parallel tile systems. For decades this has been the repair method used by Jackson County so that said repairs are not considered to be improvements of the system and is consistent with the trainings that the Drainage Supervisor has attended; and

WHEREAS, there has been no evidence presented to the Ditch Authority to support the assertion that the repair costs calculated in the redetermination completed earlier in 2017 are inaccurate.

FINDINGS OF FACT

NOW, THEREFORE, the Jackson County Board of Commissioners, acting as Drainage Authority for Jackson County Ditch #3, makes the following Findings of Fact and Order:

Talked
about
actual
repairs,
Not
Separable
Maintenance

actual repairs

1. That the Jackson County Board of Commissioners properly determined the values, damages and benefits of County Ditch #3 on March 30, 2017.

ORDER

NOW, THEREFORE, the petitioner's request to re-open the Re-determination of Benefits for Jackson County Ditch #3 is herein DENIED.

Dated this 2nd day of January, ~~2017~~ 2018,

JACKSON COUNTY BOARD OF
COMMISSIONERS, ACTING AS DRAINAGE
AUTHORITY FOR JACKSON COUNTY DITCH
#3

By Kim Orem
Its Chairperson