

**SETTING HEARING DATE,  
PETITION FOR IMPROVEMENT, JUDICIAL DITCH 15  
April 4, 2023, at 8:30 A.M.**

**Location: Board Room, Blue Earth County Historic Courthouse  
Board Room, Le Sueur County Government Center**

**AGENDA**

1. Welcome and Introductions: Kip Bruender, Blue Earth County Commissioner
2. Jurisdictional Documents and Notices: Ryan Hiniker, Blue Earth County Drainage Systems Coordinator
  - Memo
3. Joint Board action options:
  - If the Findings and Order is accepted as presented or amended, motion should be made to:  
*“Accept the Findings and Order as such or subsequently amended, and order that setting the hearing date for the Petition for Improvement of Judicial Ditch 15 be approved.”* (Draft Findings and Order attached)
  - If more information is needed: continue joint board meeting to a date and time certain.
  - Reject presented Findings and Order if problems are not resolvable.
4. Adjournment, if not continued

## MEMORANDUM



**To:** Blue Earth and Le Sueur County Board of Commissioners, sitting as the Drainage Authority for Joint Judicial Ditch 15  
Robert W. Meyer, County Administrator

**From:** Ryan Hiniker, County Drainage Systems Coordinator, Property and Environmental Resources

**Date:** April 4, 2023

**Subject:** Setting the hearing date for Joint Judicial Ditch 15 Improvement Acceptance Hearing.

### **Purpose**

The engineer's Acceptance Report for Joint Judicial Ditch 15 LeSueur, petitioned improvement, has been received by the Blue Earth County Property and Environmental Resources Department Drainage Staff and all contractual work has been completed by the contractor.

Today we request the Drainage Authority set a public hearing date of May 2, 2023, for the Acceptance Hearing of the petitioned improvement work for portions of Joint Judicial Ditch 15 Le Sueur.

**STATE OF MINNESOTA**  
*Before the*  
**BLUE EARTH AND LE SUEUR JOINT COUNTY BOARD**  
**SITTING AS THE DRAINAGE AUTHORITY FOR**  
**JOINT JUDICIAL DITCH 15**

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**In the Matter of:**  
**Setting hearing date for the acceptance of**  
**contract for petitioned improvements for**  
**Joint Judicial Ditch 15**

**ORDER FOR PUBLIC HEARING:**  
**Setting Acceptance of Contract Hearing**  
**Date**

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At a public meeting conducted by the Joint Blue Earth and Le Sueur County Board of Commissioners, sitting as the Drainage Authority for Joint Judicial Ditch 15, on April 4, 2023, pursuant to Minn. Stat. § 103E.555, based on the record and proceedings, it was moved and seconded for the adoption of the following Findings and Order:

**Findings:**

1. The Joint Blue Earth and Le Sueur County Drainage Authority is the drainage authority for the Joint Judicial Ditch 15 public drainage system.
2. Blue Earth County utilizes a County Administrator organizational plan. The Blue Earth County Administrator has assumed the powers and duties assigned to the auditor under Minnesota Statutes, chapter 103E.
3. On August 5, 2019, a petition for improvement for portions of Joint Judicial Ditch 15 was received by the Blue Earth County Property and Environmental Resources Drainage Staff.
4. The petitioned was reviewed by drainage authority attorneys and found to be adequate for the proceedings.
5. On September 10, 2019, the drainage authority adopted findings and an order accepting the petition and appointing Charles J. Brandel, PE, as engineer for the improvement. The engineer was ordered to prepare a Preliminary Survey Report to be filed with the Joint Blue Earth and Le Sueur County Drainage Authority.
6. The Preliminary Survey Report was filed with Blue Earth County Property and Environment Resources Department Drainage Staff on February 7, 2020.
7. The Joint Drainage Authority set a Preliminary Hearing date on July 14, 2020.

8. Notice of the public hearing was properly provided as required by law.
9. Viewers were appointed on August 25, 2020.
10. Preliminary Hearing was held, and public comment period given on August 25, 2020.
11. Commissioner of Department of Natural Resources, DNR, was sent copies of both the Preliminary and Final Survey Reports, DNR Advisory Reports were provided for both hearings and read into the record for this proceeding.
12. Final Survey Report was filed with Blue Earth County Property and Environmental Resources Department Drainage Staff on March 2, 2021.
13. Joint Drainage Authority set a hearing date for the Final Hearing on May 25, 2021.
14. Notice of the public hearing was properly provided as required by law.
15. Final Hearing was held on July 27, 2021, in which the joint drainage authority accepted the Final Survey Report establishing the project and accepting and adopting the Viewers Report.
16. Public comment period was given during the Final Hearing held on July 27, 2021.
17. Multiple landowner meetings were held throughout the petitioning process to keep all benefited or damaged landowners informed of the proceeding process.
18. The appointed engineer for the project has filed an Acceptance Report dated February 22, 2023, with the Blue Earth County Property and Environmental Resources Department Drainage Staff.
19. The appointed Engineer has determined that the project is complete and in satisfactory condition.
20. Pursuant to Minn. Stat. § 103E.555, a public hearing must be noticed by mail to petitioners, owners of property, and political subdivisions affected by the drainage project.

**Order:**

Based on the foregoing Findings and the entire record of proceedings before the Joint Board, the Joint Board, acting as the Drainage Authority for Joint Judicial Ditch 15, hereby orders as follows:

1. A hearing on the completed construction for Joint Judicial Ditch 15, including the engineer's Acceptance Report, and to consider the acceptance of said project, shall be held on May 2,

2023, at 2:00 p.m., in the Board of Commissioners' Room on the second floor of the Blue Earth County Historic Courthouse, located at 204 South 5<sup>th</sup> Street, Mankato, Minnesota.

2. At least ten days before the hearing, the joint drainage authority staff shall mail notice of the time and location of the hearing to petitioners, owners of property, and political subdivisions likely to be affected by this Acceptance of Contract Hearing.

After discussion, the Drainage Authority Chair called the question. Upon vote, the Chair declared the motion passed and the Findings and Order adopted.

Approved and filed this day, April 4, 2023.

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Signed: Kip Bruender: Board Chair  
Blue Earth and Le Sueur County Drainage Authority

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Attest: Robert W. Meyer, County Administrator