

**OFFICIAL PROCEEDINGS OF THE
JOINT BLUE EARTH/LE SUEUR COUNTY
DRAINAGE AUTHORITY**

July 27, 2021

The Joint Blue Earth and Le Sueur County Drainage Authority met in the Blue Earth County Board Room at 2:00 PM. Present were Blue Earth County Commissioners Kip Bruender, Kevin Paap, and Mark Piepho, and Le Sueur County Commissioner Steve Rohlfling. Also present were staff from Blue Earth and Le Sueur Counties.

Chair Bruender called the meeting to order.

Mr. Craig Austinson, Drainage Management Coordinator, presented the jurisdictional documents and Department of Natural Resources (DNR) Letter to the Joint Drainage Authority.

Mr. Chuck Brandel, ISG, presented the Engineer's Report.

Mr. Dan Ruby, Viewer presented the Viewer's Report.

Chair Bruender opened the public comment portion of the meeting. There being no comments, the public comment portion of the hearing was closed.

Commissioner Paap moved and Commissioner Rolfing seconded the motion to approve the following:

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

In the Matter of:

**the Petition for Improvement of
Judicial Ditch 15**

**FINDINGS AND ORDER:
FINAL HEARING**

The Joint Blue Earth and Le Sueur County Board of Commissioners, sitting as the Drainage Authority for Judicial Ditch 15, having received a Petition for Improvement to Judicial Ditch 15

pursuant to Minnesota Statutes, section 103E.215, having noticed and conducted a public hearing on the Preliminary Survey Report, and based on the record and proceedings, it was moved and seconded to adopt the following Findings and Order:

Findings:

1. A Petition dated August 5, 2019 was received by the Blue Earth County Property & Environmental Resources Department on behalf of the Joint Blue Earth and Le Sueur County Drainage Authority, requesting to improve portions to Judicial Ditch 15, located in Sections 23, 24, 25 and 26 (109N, 25W), Jamestown Township, Blue Earth County, Minnesota, pursuant to Minn. Stat. § 103E.271.
2. The Drainage Authority met on September 10, 2019 and accepted the Petition. The Drainage Authority also appointed Charles Brandel, PE, of ISG Engineers to make a Preliminary Survey Report pursuant to Minn. Stat. § 103E.245.
3. Engineer, Charles Brandel, PE, filed a Preliminary Survey Report with the Drainage Authority on February 7, 2020.
4. A copy of the Preliminary Survey Report was mailed to the Director of the Division of Ecological and Water Resources in the Department of Natural Resources on February 10, 2020.
5. The Joint Drainage Authority, by order, set a public hearing for review of the engineer's Preliminary Survey Report on July 14, 2020 and directed the joint drainage staff to provide at least 10 days advance notice, by mail, of the time and location of the hearing to the petitioners, political subdivisions, and owners of property likely to be affected by the proposed project.
6. Notice of the public hearing was properly provided as required by law.
7. At the public hearing, the engineer presented the Preliminary Survey Report.
8. The Commissioner's Advisory Report on the Preliminary Survey Report was publicly read and included in the record of proceedings.
9. The proposed improvement petition for portions of Judicial Ditch 15 was found to be necessary, feasible and in the best interest of overall public health.
10. On August 25, 2020, the Joint Drainage Authority adopted the Findings and Order accepting the Preliminary Survey Report, ordering the engineer to proceed with the Detailed Survey Report, and appointing viewers to determine benefits and damages.
11. On March 2, 2021, the engineer filed the Detailed Survey Report with the Joint Blue Earth and Le Sueur County Drainage Authority. Said Detailed Survey Report was shared

with Le Sueur County drainage staff. A copy of the Detailed Survey Report was mailed to the Commissioner of Natural Resources for review.

12. On June 4, 2021, the viewers filed the Viewers' Report with the Joint Blue Earth and Le Sueur County Drainage Authority, along with a detailed statement showing the actual time the viewers were engaged and the costs incurred.
13. July 13, 2021, an informal landowner meeting was held to discuss the Viewers' Report, as well as the engineer's Detailed Survey Report.
14. Within 30 days after the Viewers' Report was filed, the joint drainage staff made a property owners' report from the information in the Viewers' Report in conformance with the requirements of Minn. Stat. § 103E.323, Subd. 1. A copy of the property owners' report was mailed to each owner of property affected by the proposed drainage project and an affidavit of mailing is on file with the Joint Drainage Authority.
15. A Commissioner's Final Advisory Report was filed with the Joint Drainage Authority on April 1, 2021.
16. The Joint Drainage Authority, by order, set a final hearing for review of the engineer's Detailed Survey Report and the Viewers' Report on May 25, 2021, and directed the joint drainage staff to provide notice of the final hearing by publication, by posting, and by mail to the petitioners, political subdivisions, and owners of property likely to be affected by the proposed project.
17. Notice of the public hearing was properly provided as required by law.
18. At the Final Hearing, the engineer presented the Detailed Survey Report.
19. The Commissioner's Final Advisory Report on the Detailed Survey Report was publicly read and included in the record of proceedings.
20. The hearing was opened for public comment.
21. The Detailed Survey Report and Viewers' Report have been made and other proceedings have been completed under this chapter.
22. The damages and benefits have been properly determined.
23. The engineer estimated that the cost of the proposed drainage project, including damages awarded (if applicable), is \$479,045. The separable maintenance cost for this project is estimated to be \$253,449. The net cost of the proposed drainage project, \$225,596, is less than the net benefits found by the Viewers Determination of Benefits. The Viewers Determination of Benefits found that the improvement benefits for the proposed drainage project are \$253,733.03.

24. The proposed drainage project will be of public utility and benefit and will promote the public health.
25. The proposed drainage project is practical.

Order:

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

1. The Joint Blue Earth and Le Sueur County Board of Commissioners, sitting as the Joint Drainage Authority for the Improvement of Judicial Ditch 15, hereby establishes and orders said Improvement of Judicial Ditch 15 according to the project as described in the engineer's Detailed Survey Report.
2. The estimated cost of the improvement is less than the estimated cost of separable maintenance. The cost of the project will be assessed in accordance with the Viewers' Improvement Report.
3. The Joint Drainage Authority directs the engineer to prepare the detailed plans and specifications and other necessary documents to allow for bidding on the project.
4. The Joint Drainage Authority directs the joint drainage staff, to take all necessary actions for the construction of said Improvement of Judicial Ditch 15 and authorizes the joint drainage staff to proceed as necessary, reserving to itself only those matters that the Joint Drainage Authority, by vote, must authorize.
5. Upon completion of the project, the drainage system record shall be updated with the as-built alignment and conditions of the Improvement of Judicial Ditch 15 and the portions of the system shown on the Engineer's As-Built, replaced by the improvement, shall be abandoned from the drainage system.
6. The viewers' determination of Judicial Ditch 15 benefits and damages contained in the Viewers' Report, as attached (Addendum A), and the benefits and damages statement are hereby confirmed and adopted by the Joint Drainage Authority.
7. The viewers, engineer, and attorneys are allowed payment of their accounts of work.
8. The Joint Blue Earth and Le Sueur County drainage staff shall ensure that the benefits roll is updated to reflect the benefits confirmed in this order.

The motion carried.

Commissioner Roling moved and Commissioner Piepho seconded the motion to approve the following:

**RESOLUTION RELATING TO
FINANCING OF CERTAIN PROPOSED PROJECTS TO BE UNDERTAKEN
BY THE COUNTY; ESTABLISHING COMPLIANCE WITH REIMBURSEMENT
BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE**

BE IT RESOLVED by the Board of County Commissioners (the “Board”) of Blue Earth County, Minnesota (the “County”), as follows:

1. Recitals.

- (a) The Internal Revenue Service has issued Section 1.150-2 of the Income Tax Regulations (the “Regulations”) dealing with the issuance of bonds, all or a portion of the proceeds of which are to be used to reimburse the County for project expenditures made by the County prior to the date of issuance.
- (b) The Regulations generally require that the County make a declaration of its official intent to reimburse itself for such prior expenditures out of the proceeds of a subsequently issued series of bonds within 60 days after payment of the expenditures, that the bonds be issued and the reimbursement allocation be made from the proceeds of such bonds within the reimbursement period (as defined in the Regulations), and that the expenditures reimbursed be capital expenditures or costs of issuance of the bonds.
- (c) The County desires to comply with requirements of the Regulations with respect to certain projects hereinafter identified.

2. Official Intent Declaration.

- (a) The County proposes to undertake the following project or projects and to make original expenditures with respect thereto prior to the issuance of reimbursement bonds, and reasonably expects to issue reimbursement bonds for such project or projects in the maximum principal amounts shown below:

<u>Project</u>	<u>Maximum Amount of Bonds Expected to be Issued for Project</u>
Judicial Ditch 15 Le Sueur	\$622,758.50

- (b) Other than (i) de minimis amounts permitted to be reimbursed pursuant to Section 1.150-2(f)(1) of the Regulations or (ii) expenditures

constituting preliminary expenditures as defined in Section 1.150-2(f)(2) of the Regulations, the County will not seek reimbursement for any original expenditures with respect to the foregoing projects paid more than 60 days prior to the date of adoption of this resolution. All original expenditures for which reimbursement is sought will be capital expenditures or costs of issuance of the reimbursement bonds.

3. Budgetary Matters.

As of the date hereof, there are no County funds reserved, pledged, allocated on a long term basis or otherwise set aside (or reasonably expected to be reserved, pledged, allocated on a long term basis or otherwise set aside) to provide permanent financing for the original expenditures related to the projects, other than pursuant to the issuance of the reimbursement bonds. Consequently, it is not expected that the issuance of the reimbursement bonds will result in the creation of any replacement proceeds.

4. Reimbursement Allocations.

The County's Financial officer shall be responsible for making the "reimbursement allocations" described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the reimbursement bonds to reimburse the source of temporary financing used by the County to make payment of the original expenditures relating to the projects. Each reimbursement allocation shall be made within 30 days of the date of issuance of the reimbursement bonds, shall be evidenced by an entry on the official books and records of the county maintained for the reimbursement bonds and shall specifically identify the original expenditures being reimbursed.

The motion carried.

Commissioner Rolwing moved and Commissioner Piepho seconded the motion to adjourn the meeting at 2:50 PM. The motion carried.