

STATE OF MINNESOTA  
LE SUEUR COUNTY BOARD OF COMMISSIONERS  
SCOTT COUNTY BOARD OF COMMISSIONERS  
SEATED PURSUANT TO MINNESOTA STATUTES SECTION 103E.235 FOR THE PURPOSE OF  
ESTABLISHING A JOINT DRAINAGE AUTHORITY FOR SCOTT COUNTY DITCH 3

---

The matter of the Redetermination of  
Benefits for Scott County Ditch 3

**Order establishing Joint Drainage  
Authority, ratifying actions, and  
directing further proceedings**

---

The County Boards of Commissioners of Scott and Le Sueur Counties, upon due notice, met concurrently at their meetings on June 21, 2022, at their regular meeting locations for the purpose of considering the establishment of a Joint Drainage Authority for Scott County Ditch (SCD) 3. After a presentation and discussion of the matters herein, Commissioner \_\_\_\_\_ (\_\_\_\_\_ County) made a motion to adopt the following Findings and Order:

**WHEREAS**, the Scott County Board of Commissioners, Drainage Authority for SCD 3, investigated whether conditions exist to warrant the redetermination of benefits of SCD 3; and

**WHEREAS**, upon investigation, the Board determined the following:

1. SCD 3 was established in the early 1900s. Benefits for SCD 3 were determined concurrent with its establishment, prior to the initiation of modern, intensive farming and drainage practices within Scott County and prior to the enactment of various laws, regulations and programs protecting wetlands.
2. The current benefits roll reflects the benefited properties, benefitted areas, and benefit values as determined by viewers based on assumptions regarding the ability of landowners to convert wetlands for agricultural purposes.
3. Additionally, since the most recent 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 SCD 3.

4. Since the most recent determination of benefits and damages, additional lands not previously determined to be benefitted have improved drainage to take advantage of SCD 3 as an outlet for drainage.
5. Since the most recent determination of benefits and damages, land values have changed within the benefitted area of SCD 3; and

**WHEREAS**, based upon its determinations, the Scott County Board of Commissioners found that the conditions required for the initiation of a redetermination of benefits for SCD 3 existed, that the original benefits and damages do not reflect reasonable present day land values, and the benefitted areas have changed; and

**WHEREAS**, the Scott County Board of Commissioners ordered a redetermination of benefits for SCD 3, appointed viewers Bryan Murphy, Larry Murphy, Shantel Hecht, Robert Conely (alternate) and Ken DeGier (alternate), all from H2Over Viewers, to redetermine and report the benefits and damages for SCD 3; and

**WHEREAS**, the Scott County Auditor-Treasurer convened an initial meeting of the viewers and secured oaths as required by statute; and

**WHEREAS**, during the viewing, Shantel Hecht, resigned her appointment. Thereafter, appointed and sworn alternative, Ken DeGier, has participated in the proceedings; and

**WHEREAS**, during their initial viewing, the viewers discovered property in Le Sueur County that is potentially benefitted by SCD 3. Upon this discovery, the Scott County Board recessed the proceedings in order to establish a Joint Drainage Authority for the redetermination of benefits;

**THEREFORE**, based on the forgoing, the Boards of Commissioners of Scott and Le Sueur Counties, seated concurrently, adopt the following:

**ORDER**

1. The Boards hereby establish a Joint Drainage Authority pursuant to Minnesota Statutes Section 103E.235 for Scott County Ditch 3.
2. The Joint Drainage Authority shall consist of the following initial members:

Weckman Brekke	(Scott County, District 1)
Wolf	(Scott County, District 2)
Beer	(Scott County, District 4)
King	(Le Sueur County, District 3)
Gliszinski	(Le Sueur County, District 1)
3. Future vacancies on the Joint Drainage Authority shall be filled by the successor Commissioner from the district indicated.
4. Scott County is designated as the “majority” county for the Joint Drainage System resulting from the redetermination of benefits. The Scott Auditor-Treasurer shall coordinate with the Le Sueur County Auditor-Treasurer and proceed with future management and administration of the resulting Joint System according to Minnesota Statutes Chapter 103E.
5. The Boards hereby ratify and readopt the findings, determinations, and order of the Scott County Drainage Authority Board initiating the redetermination of benefits and appointing viewers; ratify and accept the viewers’ oaths; and direct continued work on the redetermination.

6. The Joint Drainage Authorities established herein shall be perpetual until either dissolved or modified by future action of the Scott and Le Sueur County Boards of Commissioners, seated jointly.
7. This Joint Drainage Authority shall dissolve automatically if the redetermination of benefits herein is not adopted to include benefitted lands in Le Sueur County.
8. Should the redetermination of benefits herein be adopted to include benefitted lands in Le Sueur County, the resulting Joint Ditch shall be designated Scott/Le Sueur Joint Ditch 3.
9. This resolution may be adopted and executed in counterparts.

The motion was seconded by Commissioner \_\_\_\_\_ (\_\_\_\_\_ County), and after discussion, the motion **Passed** and the Findings and Order were **Adopted** by a majority of Commissioners from each County.

Dated this 21<sup>st</sup> day of June, 2022

SCOTT COUNTY BOARD OF COMMISSIONERS

By \_\_\_\_\_  
Chairperson

Dated this 21<sup>st</sup> day of June, 2022

LE SUEUR COUNTY BOARD OF COMMISSIONERS

By \_\_\_\_\_  
Chairperson