

FARIBAULT COUNTY  
BOARD OF COMMISSIONERS  
OFFICIAL PROCEEDINGS  
COUNTY DITCH 41 REPAIR HEARING  
JANUARY 7, 2020

The Faribault County Board of Commissioners acting as the Drainage Authority for County Ditch 41 met at 1:00 p.m. on January 7, 2020 at the Faribault County Courthouse in Blue Earth, Minnesota. The following members were present: John Roper, Tom Loveall, Greg Young, Tom Warmka, Bill Groskreutz, Faribault County Commissioners, County Auditor/Treasurer/Coordinator Darren Esser, and Drainage Manager Merissa Lore and Drainage Project Manager Dustin Anderson. Also attending were Engineer Mark Origer and Elmore Township Supervisors, Randy Peter, Wayne Tvedten, and Terry Campbell.

The meeting was called to order by Chair Warmka.

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Auditor/Treasurer/Coordinator Darren Esser explained the reason for the repair hearing and presented the affidavit of mailing of notice of hearing.

Loveall/Young motion and unanimously passed to accept the affidavit of mailing of hearing notice.

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An overview of CD41 and repair was presented by Drainage Project Manager Dustin Anderson.

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Mark Origer, Engineer, presented overview of repair, including change orders, FEMA disaster, costs, and recommendation.

Origer noted that it has been a tough couple of years for the repair due to the amount of rain including the FEMA disaster which has its costs separated out from this repair. The original contract amount was \$265,533.16. During the repair there were an additional \$85,004.09 of change orders which included a township road culvert replacement and additional alternative side inlets for a final contract amount of \$350,537.25 with the final amount paid to the contractor to be \$390,286.11. The Engineer recommended to pay the remaining amount to owed to the contractor of \$36,623.90 which include the 5% retainage, and further recommended finalizing the project including final acceptance of the project.

Discussion was held regarding clarification of the total amount to be paid to the contract and the town road culvert on 420<sup>th</sup> Avenue. It was clarified that the Township will pay for the culvert replacement.

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The meeting was opened to public discussion.

Elmore Township Supervisor Randy Peter noted that the town board feels there is a safety issue due to the culvert not being centered with the road and therefore the east side is too close to road.

Origer explained the west side was extended due to a field approach and the east side is a public safety concern but it is no closer than it was before the replacement and feels it may actually be a foot or so further away from the road. Extending the east side of the culvert would cost approximately \$9100.

Anderson presented aerial photographs showing before and after the replacement.

Peter agreed that the east side culvert is no closer than it was before but felt it should have been upgraded to make it better and it did not happen.

Origer stated that the Drainage Authority would want to consult an attorney but felt that extending the culvert would be cost for the Road Authority due to the road receiving the majority of the benefit as opposed to the drainage ditch.

Public comment portion of the hearing was closed.

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Loveall/Young motion carried unanimously to direct staff to create Findings and Order finding contract is accepted and complete, and to release retainage to contractor and to pass Findings and Order at the January 21, 2020 board meeting.

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Hearing was adjourned.

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Tom Warmka, Chair

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Darren Esser, Auditor/Treasurer/Coordinator