

FARIBAULT COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
DRAINAGE AUTHORITY MEETING
NOVEMBER 3, 2020

The Faribault County Board of Commissioners met via teleconference in the City of Blue Earth as the Faribault County Drainage Authority pursuant to the recess of the regular session on November 3, 2020. The following members were present: Bill Groskreutz, Tom Loveall, John Roper, Tom Warmka, and Greg Young Commissioners. Auditor/Treasurer/Coordinator Darren Esser, Drainage Manager Merissa Lore, County Attorney Kathryn Karjala, and Acting Clerk to the Board Clara Vereide also attended.

The meeting was called to order by Chair Warmka.

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Groskreutz/Young motion carried unanimously to approve the agenda of November 3, 2020.

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Roper/Loveall motion carried unanimously to approve repair projects as shown below.

System	Repair #	Branch	Comm	Twp	Sec	Landowner	Problem/Proposed Work
CD54	20-022	26	1	Emerald	21	Olson, Claire D & Diane S	Tile inlet failure
CD54	20-023	Main TRunk	1	Emerald	21	Donna & Myron Artist Fam Trust	Tile inlet blowout
CD17	17-245	Branch C	1	Blue Earth City	9	J&J Bruellman LLC	Tile Replacement
CD80	18-227	Main	1	Rome	31	Huber, David	Beaver dam
CD8	20-162	Main	1	Blue Earth City	35	Ripley, Janice	Beaver dam
JD13F	20-161	Branch B Tile	1	Rome	14	Hanson, Robert	5 tile holes on the main
JD22F	20-150	Branch 3	2	Verona	27	Iliff, F Roger	Tile hole
JD7MF	20-163	Branch X	2	Pilot Grove	21	Paul Thomas Carr Disc Trust	2 tile holes
CD77	20-151	Main Trunk Open Ditch	3	Dunbar	19	Lutteke, Christopher M	Beaver Dams
CD77	20-152	Branch B	3	Dunbar	30	Guentzel, Chad T & Kirsten J	Tile hole
CD77	20-153	Open Ditch	3	Dunbar	19	Lutteke, Christopher M	Slough & tile outlet failure
JD12FB	20-149	Main & Br 33	4	Delavan	7	Blair, Joshua J & Tara K	One hole on clay main and two holes on Br 33
JD2F	20-155	Main	4	Barber	18	Stevermer, Bradley	Beaver dam
CD20	20-164	A36	5	Walnut Lake	6	Doyle, Kerry & Angela K	Tile hole

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Roper/Loveall motion carried unanimously to approve payment totaling \$ 28,438.26.

System	Repair #	Order	Branch	Comm	Twp	Sec	Landowner	Repair Type	Vendor	Contractor	%	Cost
CD42	20-016	1	Main Trunk	1	Rome	10	Ehrich, Gary & Sandra	Blowout	4299	Osmundson Construction	100	\$ 1,010.50
JD13F	20-161	1	Branch B Tile	1	Rome	14	Hanson, Robert	Blowout	7887	Robert Hanson	100	\$ 1,172.50
CD52	20-095	1	Main	2	Jo Daviess	36	Plocker, John C	Blowout	4299	Osmundson Construction	100	\$ 1,018.24
JCD214M	13-072	1	T-24	2	Pilot Grove	6	Walter Krosch	Investigate	4299	Osmundson Construction	100	\$ 821.84
CD21	20-165	1	Main Open Ditch	2	Verona	34	K&S Malecha Investments	Side Inlet	762	Jeff Bell	100	\$ 2,808.50
JD22F	20-150	1	Branch 3 Open	2	Verona	27	Iliff, F Roger	Blowout	4299	Osmundson Construction	100	\$ 457.36
JCD23FM	20-133	1	A	4	Winnebago City	7	Kaduce, Kenneth Lee	Blowout	4299	Osmundson Construction	100	\$ 1,725.12
JD12FBE	20-149	1	Main & Br 33	4	Delavan	7	Blair, Joshua J & Tara K	Blowout	4299	Osmundson Construction	100	\$ 1,185.00
CD3	20-093	2	Main	4	Barber	12	M.A. Schuttlz Family Trust	Veg Maint	2984	Customized Landscape	95	\$ 1,976.00
JD1F	20-129	1	Branch 3 Open	4	Delavan	36	Whitney, Paul R & Michelle	Beaver Dam	679	Sonneks Backhoe Service	100	\$ 312.50
JD2F	19-238	2	Branch K	4	Barber	18	Crown, Mary Jo	Beaver Dam	5976	Giese Farm Drainage	100	\$ 680.00
CD20	20-164	1	A36	5	Walnut Lake	6	Doyle, Kerry & Angela K	Blowout	5976	Giese Farm Drainage	100	\$ 476.20
CD55	20-167	1	Main	5	Brush Creek	29	Logemann, Ruth S	Veg Maint	2984	Customized Landscape	90	\$ 586.00
CD64	16-163	1	Main	5	Kiester	7	Lorenz, Scott J	Grade Stab	6701	Trevor Leland	100	\$ 13,600.50
CD37	20-127	4	Main	5	Brush Creek	18	John Sabin Trust	Veg Maint	2984	Customized Landscape	90	\$ 248.00
CD44	20-166	1	Main	5	Seely	8	Rosedahl, Robert	Veg Maint	2984	Customized Landscape	90	\$ 360.00
											Total:	\$28,438.26

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Young/Loveall motion carried unanimously to approve change order #3 for CD21 tile defect repairs bid package #2 for 100 linear feet of 24" tile replacement and 2 cross connections on the main tile totaling \$8,650.00.

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Young/Roper motion carried unanimously to approve change order #2 for CD21 tile defect repairs bid package #4 for 645 linear feet of 36" tile replacement and 2 cross connections on Branch 275 totaling \$32,465.00.

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Young/Groskreutz motion carried unanimously to approve pay application #2 for CD21 tile defect repairs bid package #4 to Brunz Construction for \$64,084.62.

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Roper/Loveall motion carried unanimously to approve pay application #5 for CD55 open ditch repair to Brunz Construction for \$12,112.50.

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Groskreutz/Loveall motion carried unanimously to approve Resolution 20-DA23-75 setting CD62 bioreactor repair final acceptance hearing for November 17, 2020 at 11:30am at the Faribault County Board Room. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

BE IT RESOLVED that the County Board of Commissioners approves the following findings and order to hold a final acceptance hearing on the bioreactor repair project on County Ditch 62.

FINDINGS

1. The Faribault County Board of Commissioners is the drainage authority for County Ditch 62.
2. On June 23 and 24, 2018 a large storm event hit the area causing damage to the County Ditch 62 bioreactor system.
3. On September 6, 2018, the President declared Minnesota a major disaster from the June 15 to July 11, 2018 storm events and widespread flooding.
4. ISG, Inc. provided the engineering on the project and the project was funded with FEMA and Hazard Mitigation funding.
5. The repair project was advertised for bid and awarded to Brunz Construction Company, Inc. on September 3, 2019.
6. The final engineer's report and notice that the contract for construction of the bioreactor repair project on County Ditch 62 is complete was received on October 30, 2020.

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7. Pursuant to Minnesota Statute §103E.555, public hearing must be held and noticed by mail at least 10 days in advance to 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 Board, the Board, acting as the drainage authority for County Ditch 62 hereby orders as follows:

- A. A hearing for final acceptance of the bioreactor repair project shall be held on November 17, 2020 at 11:30 a.m. at the Board Room of the Faribault County Courthouse, 415 North Main Street Blue Earth MN 56013.
- B. At least ten days before the hearing, the County Auditor shall mail notice of the time and location of the hearing to owners of property, and political subdivisions likely to be affected by the drainage project.

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Roper/Loveall motion carried unanimously to approve Resolution 20-DA24-76 for an order to initiate a redetermination of benefits and damages and appoint viewers on CD74. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

BE IT RESOLVED that the County Board of Commissioners approves the following findings and order to redetermine benefits for County Ditch 74 and appoint viewers.

Findings

1. The Faribault County Board of Commissioners is the drainage authority for County Ditch 74.
2. County Ditch 74 was established in 1948. Benefits for County Ditch 74 were determined concurrent with establishment in 1948, prior to the initiation of modern, intensive farming and drainage practices within Faribault County.
3. The current benefits roll reflects the benefited properties, benefited areas, and benefit values as determined by viewers based on assumptions regarding the future use and drainage of said properties.
4. Since the original establishment of County Ditch 74 and the original 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 County Ditch 74.

5. Since the original determination of benefits and damages, land values have changed within the benefited area of County Ditch 74.
6. The drainage authority held a public meeting on November 3, 2020 to discuss the need for a redetermination of benefits for County Ditch 74.
7. The drainage authority finds that the conditions required for the initiation of a redetermination of benefits exist, that the original benefits and damages do not reflect reasonable, present day land values, and the benefited areas have changed.

Order

Based on the foregoing findings and the entire record of proceedings before the Board, the Board, acting as the drainage authority for County Ditch 74, hereby orders as follows:

- A. The Board shall follow the procedures of Minnesota Statute §103E.351 to conduct a redetermination of benefits for County Ditch 74.
- B. That Mark Behrends, Dennis Distad, Bruce Ness, John Thompson, Robert Hansen, and Kendall Langseth are hereby appointed as viewers to redetermination and report the benefits and damages for County Ditch 74.
- C. That with 5 days of the order, the County Auditor-Treasurer shall execute an order designating a time and location for the first meeting of the viewers and mail to the viewers a copy of the Auditor-Treasurer's order along with a certified copy of this order.

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Young/Groskreutz motion carried unanimously to approve sending buffer law penalty invoice on non-compliant parcel 09.010.0501 effective immediately.

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Roper/Young motion carried unanimously to approve a letter of non-compliance with a two-week extension on CD55 open ditch repair contract.

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Roper/Loveall motion carried unanimously to approve the following inspection reports and make them part of the legal record on CD73, CD26, CD38, CD58, CD69, and CD74.

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Staff report was presented.

Auditor report was presented.

GBERBA report by Commissioner Warmka.

BWSR report by Commissioner Loveall.

Drainage Work Group by Commissioner Loveall.

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The Faribault County Drainage Authority was adjourned for November 2020.

Tom Warmka, Chair

Clara Vereide, Acting Clerk to the Board