

FARIBAULT COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
DRAINAGE AUTHORITY MEETING
JUNE 15, 2021

The Faribault County Board of Commissioners met at the Courthouse in the City of Blue Earth as the Faribault County Drainage Authority pursuant to the recess of the regular session on June 15, 2021. The following members were present: Bruce Anderson, Bill Groskreutz, Tom Loveall, John Roper, and Greg Young, Commissioners. Auditor/Treasurer/Coordinator Darren Esser, Drainage Manager Merissa Lore, and Acting Clerk to the Board Clara Vereide, S. Hauskins, and J. Blair also attended.

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Young/Loveall motion carried unanimously to call the drainage authority meeting to order.

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Groskreutz/Young motion carried unanimously to approve Resolution 21-DA15-50 adopting the following Findings and Order on CD21. Commissioners Anderson, Groskreutz, Loveall, Roper, and Young voted yes.

RESOLUTION

Findings:

1. The Faribault County Board of Commissioners is the drainage authority for County Ditch 21.
2. On July 31, 2015, a petition for improvement to County Ditch 21 was received by the drainage authority.
3. On August 4, 2015, the drainage authority adopted findings and an order accepting the petition and appointing ISG, Inc. as the project engineer. The engineer was ordered to prepare a survey and preliminary survey and file the report with the drainage authority.
4. The preliminary survey report was filed with the Faribault County Auditor on December 23, 2015.
5. A preliminary hearing was held on February 16, 2016, after proper notice. The hearing was continued until March 15, 2016, to investigate additional options.
6. On March 15, 2016, the drainage authority adopted findings and an order to accept the amended preliminary survey report and ordered the engineer to proceed with a final detailed survey and report. The drainage authority appointed viewers to report on damages and benefits of the proposed project.
7. The Engineer's final detailed survey report was filed with the Faribault County Auditor on October 7, 2016.
8. The Viewer's report was filed with the Faribault County Auditor on October 12, 2016.

9. A final hearing was held on December 12, 2016, after proper publication, posting, and notification. The drainage authority adopted findings and order to accept the final detailed survey report and ordered the engineer to proceed with project specifications, contracts, and bidding to construct the project.
10. The improvement project was advertised for bid and awarded to Northern Lines Contracting, Inc. on May 16, 2017.
11. On June 20, 2019, the contract with Northern Lines Contracting, Inc. was terminated due to breach of contract.
12. Areas that did not meet the engineers plans and specifications were identified and broke into 6 contracts: open ditch defect repairs, tile bid package #1, tile bid package #2, tile bid package #3, tile bid package #4, and tile bid package #5. The projects were advertised for bid.
13. Brunz Construction Company, Inc. was awarded the open ditch contract on September 3, 2019.
14. Noomen Excavating LLC was awarded the tile defect repair bid package #1 on February 18, 2020.
15. Brunz Construction Company, Inc. was awarded tile defect repair bid packages #2, #3, and #5 on February 18, 2020.
16. Brunz Construction Company, Inc. was awarded tile defect repair bid package #4 on March 17, 2020.
17. The final acceptance report and notice that the contracts for construction of the improvement project defect repairs on County Ditch #21 is complete was received on June 14, 2021.
18. Pursuant to Minn. Stat. § 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 21 hereby orders as follows:

- A. A hearing for final acceptance of the improvement project defect repairs shall be held on July 20, 2021 at 1:00 pm at the Ag Center Conference Room 415 South Grove St. Blue Earth, Minnesota 56013.

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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Anderson/Young motion carried unanimously to approve Resolution 21-DA16-51 adopting the following Findings and Order on CD20. Commissioners Anderson, Groskreutz, Loveall, Roper, and Young voted yes.

R E S O L U T I O N

Findings:

1. The Faribault County Board of Commissioners is the drainage authority for County Ditch 20.
2. On September 26, 2016, a petition for repair to the open ditch of County Ditch 20 was received by the drainage authority.
3. On January 3, 2017, the drainage authority adopted findings and an order accepting the petition and appointing ISG, Inc. as the project engineer. The engineer was ordered to prepare a survey and repair report and file the report with the drainage authority.
4. The repair report was filed with the Faribault County Auditor on August 11, 2017.
5. The repair project was ordered by the Faribault County Board of Commissioners on September 19, 2017.
6. The repair project was advertised for bid and awarded to Brunz Construction Company, Inc. on March 6, 2018.
7. The final acceptance report and notice that the contract for construction of the open ditch repair project on County Ditch 20 is complete was received on June 14, 2021.
8. Pursuant to Minn. Stat. § 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 20 hereby orders as follows:

- A. A hearing for final acceptance of the open ditch repair project shall be held on June 28, 2021 at 10:30 am at the Riverside Town and Country Club 36259 150th St. Blue Earth, Minnesota 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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Young/Loveall motion carried unanimously to approve Resolution 21-DA17-52 adopting the following Findings and Order on CD24. Commissioners Anderson, Groskreutz, Loveall, Roper, and Young voted yes.

R E S O L U T I O N

Findings:

1. The Board received a petition/request from landowner(s) (less than 26%) on CD 24 to investigate and determine maintenance requirements related to deterioration of CD 24.

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2. On or about June 10, 2021, the engineer submitted a draft report describing conditions on the ditch and making draft recommendations for a scope of repairs.
3. The draft recommendations include to stabilize the banks of the ditch. The bank stabilization recommendation, in part, will require a flattening of side slopes. The flattened side slopes will result in a larger physical footprint of the drainage system and intrusions into adjacent property beyond that contemplated and included in the original establishment of the drainage system.
4. Statutes section 103E.701 defines repair to include “resloping of ditches and leveling of spoil banks if necessary to prevent further deterioration”. However, section 103E.715, subd. 6 requires prior to the ordering of any repair, that viewers must be appointed to determine benefits and damages when a drainage system repair includes resloping, incorporation of a multistage ditch cross-section, spoil bank leveling, installation of erosion control measures, or tree removal that requires property not contemplated and included in the proceeding for the establishment or subsequent improvement of the drainage system.
5. The Board finds that CD 24 requires repair and that the repairs will most likely involve resloping of banks and incorporation of multi-stage ditch cross-sections.
6. The Board finds that the actions necessary to repair CD 24 will most likely require property not contemplated and included in the proceeding for the establishment or subsequent improvement of CD 24.

Therefore, the Board makes the following:

Order:

- A. No repair of CD 24 pursuant to the engineer’s draft report until viewers complete a determination of damages required for various repair options.
- B. The Board appoints the following viewers to work with the engineer to determine damages resulting from any expansion of the ditch footprint or intrusion into adjacent property:
Mark Behrends
Robert Hansen
Kendall Langseth
- C. The Faribault County Auditor-Treasurer is directed to issue an order for an initial meeting of the viewers at which meeting the viewers will be qualified and administered their oath.

Further proceedings for the repair of CD 24 shall conform to the drainage code and follow the requirements of statute section 103E.715, including consideration of the viewers’ determinations of benefits and damages under sections 103E.315, .321, .325, .335 and .341.

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Groskreutz/Loveall motion carried unanimously to approve Resolution 21-DA18-53 adopting the following Findings and Order on CD24 for final acceptance. Commissioners Anderson, Groskreutz, Loveall, Roper, and Young voted yes.

RESOLUTION

Findings:

1. The Faribault County Board of Commissioners is the drainage authority for County Ditch 24.
2. On January 5, 2016, the drainage authority appointed ISG, Inc. to prepare repair recommendations and file the report with the drainage authority.
3. The repair report was filed with the Faribault County Auditor on March 31, 2016. An amended repair report was filed with the Faribault County Auditor on June 1, 2016.
4. A public hearing was held on June 2, 2016, repair option 2 was ordered by the Faribault County Board of Commissioners.
5. The repair project was advertised for bid and awarded to Brunz Construction Company, Inc. on September 6, 2016.
6. The engineer filed the final acceptance report and notice that the contract for construction of the open ditch repair project on County Ditch 24 is complete.
7. Pursuant to Minn. Stat. § 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 24 hereby orders as follows:

- A. A hearing for final acceptance of the open ditch repair project shall be held on July 13, 2021 at 9:00am at the Riverside Town and Country Club 36259 150th St. Blue Earth, Minnesota 56013.

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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Loveall/Anderson motion carried unanimously to appoint the District 2 Faribault County Commissioner as the alternate Faribault County representative for JD9FBE meetings.

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The Faribault County Drainage Authority was adjourned.

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John Roper, Chair

Clara Vereide, Acting Clerk to the Board