

FARIBAULT COUNTY  
BOARD OF COMMISSIONERS  
OFFICIAL PROCEEDINGS  
DRAINAGE AUTHORITY MEETING  
AUGUST 3, 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 August 3, 2021. The following members were present: Tom Loveall, Bruce Anderson, Bill Groskreutz, John Roper, and Greg Young, Commissioners. Auditor/Treasurer/Coordinator Darren Esser, Drainage Manager Merissa Lore, and Acting Clerk to the Board Sarah Van Moer attended. S. Hauskins, S. Asmus, L. Scholten, K. Anderson, and J. Blair were also on the call.

The meeting was called to order by Chair Roper.

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Groskreutz/Anderson motion carried unanimously to approve the agenda of August 3, 2021.

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Loveall/Anderson motion carried unanimously to approve repairs as shown below:

System	Repair #	Branch	Comm Dist	Twp	Sec	Landowner	Problem/Proposed Work
CD14	21-075	E	1	Blue Earth City	01	MANSKE, MARVIN ALBERT	Tile hole in road ROW
CD14	21-073	C28	4	Prescott	36	HALL, HARLAN D & JOAN C	Tile hole in Grass WW
CD14	21-074	D	4	Prescott	36	HALL, HARLAN D & JOAN C	Tile hole in Grass WW
CD14	21-076	P26	4	Prescott	35	HOLLAND, RAYMOND A	Tile intake failing, washing out around intake
CD3	21-083	Main Trunk	4	Lura	09	WALLACE FAMILY TRUST	Remove trees
JD6F	21-080	Lateral 95-36	4	Barber	32	PAUL D PETERSON LIVING TRUST	Inlet washing out
JD6F	21-081	Lateral A-34	4	Barber	32	HINZ, JANEEN D ET AL	Tile hole, inlet covered with dirt
JD6F	21-087	17+50	4	Barber	32	HALL, HARLAN D & JOAN C	Tile hole in road row

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Loveall/Anderson motion carried unanimously to approve payment for the following invoices totaling \$32,804.69.

System	Repair #	Order	Branch	Comm	Twp	Sec	Landowner	Repair Type	Vendor	Contractor	%	Cost
CD14	21-063	1	K	1	Blue Earth City	02	JOHNSON,CLEIGHTON R	Surface Intake	4299	Osmundson Construction	100	994.31
CD14	21-066	1	Branch N	1	Blue Earth City	02	JOHNSON,CLEIGHTON R	Surface Intakes (4)	4299	Osmundson Construction	100	4488.24
CD14	21-070	1	Branch A48	1	Blue Earth City	10	THOMAS H GOLLY TRUST &	Surface Intake	4299	Osmundson Construction	100	1768.92
CD41	18-197	5	Main	1	Elmore	34	BOEHM,DUANE	level spoils, pick rocks, mow	2984	Customized Landscape and Design	100	965.5
CD44	20-166	2	Main	1	Rome	01	FENSKE,TODD M	till and seed, mow, spray	2984	Customized Landscape and Design	100	662
CD44	19-258	1	East Main	1	Rome	1	OSWALD, DEAN & THEODORA	Blowout	8086	Derek Yegge	100	300
CD46	19-064	1	Main & Branch O	1	Emerald	35	Multiple	Blowout	8086	Derek Yegge	100	1000
CD46	21-064	1	47	1	Emerald	34	BRADFORD FAMILY TRUST AGREEMNT	Blowout	4299	Osmundson Construction	100	2102.17
CD21	21-061	2	Main	2	Verona	35	OLSON,LEO	Veg Maint.	2984	Customized Landscape and Design	100	846
CD21	18-237	5	Main Trunk	2	Verona	36	Multiple	FEMA	3134	Brunz Construction	100	11895.05
CD514	18-108	4	Main Trunk	2	Jo Daviess	26	Multiple	Seed & maintain buffer	2984	Customized Landscape and Design	100	1558.5
JCD214MF	18-110	4	Open Ditch	2	Pilot Grove	3	Multiple	seed & maintain buffer strip	2984	Customized Landscape and Design	100	525.75
JCD414MF	18-209	2	Main, Branch E	2	Pilot Grove	08	SCHAVEY,DAVID R & DENISE L	Till and seed buffer	2984	Customized Landscape and Design	100	1052.25
CD14	21-065	1	Branch P	4	Prescott	35	JOEL D HUMBURG REV LIVING TR &	Blowout	4299	Osmundson Construction	100	1142.5
CD17	20-176	8	Main	4	Prescott	32	LINDER,ANDREW J	Veg Maint.	2984	Customized Landscape and Design	100	592.5
CD3	20-093	5	Main	4	Barber	13	RAUENHORST,WILLIAM D & DIANNE	till and seed buffer	2984	Customized Landscape and Design	100	593.75
CD43	20-186	7	Main	4	Lura	28	WALKER,KEVIN R & JANNETTE K	Veg Maint.	2984	Customized Landscape and Design	100	213.75
JCD23FM	17-206	4	Main Trunk	4	Winnebago City	08	CROWLEY,FRANCIS W	Spray for weeds & trees	2984	Customized Landscape and Design	100	274.75
CD20	18-086	4	D Waterway	5	Walnut Lake	09	S & B STEPUN FAMILY TRUST	Re-seed waterway - 8 acres	2984	Customized Landscape and Design	100	237.5
CD25	19-092	8	Main, E	5	Brush Creek	06	JANETTE MEYER TRUST	Veg Maint.	2984	Customized Landscape and Design	100	475
CD37	20-127	8	Main Trunk	5	Brush Creek	18	JOHN SABIN TRUST	Veg Maint.	2984	Customized Landscape and Design	100	617.5
CD55	20-167	3	Main	5	Brush Creek	29	LOGEMANN,RUTH S	Veg Maint.	2984	Customized Landscape and Design	100	498.75
											Total:	32804.69

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Loveall/Anderson motion carried unanimously to approve pay application #3 for the JD7FM tile outlet & side inlet repair for \$37,855.00 to Sellers Construction; pay application #1 for the CD60 open ditch repair for \$29,765.87 to Brunz Construction; pay application #1 for the JD2F open ditch repair for \$32,086.25 to Brunz Construction; and pay application #1 for the CD25A repair project for \$63,377.50 to Krueger Excavating of Albert Lea, LLC.

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Young/Groskreutz motion carried unanimously to approve the CD21 Defect Improvement Repairs Acceptance Hearing meeting minutes from July 20, 2021.

\* \* \* \* \*

Loveall/Young motion carried unanimously to approve change order #1 on the JD2F Open Ditch Repair for replacement of an impacted 60" corrugated metal pipe private ditch crossing and seven failing side inlet pipes that drain the road right-of-way on CSAH 13 and County Road 108 totaling \$34,098.00.

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Young/Loveall motion carried unanimously to approve change order #1 on the CD60 Open Ditch Repair for increased corrugated metal pipe materials cost and six failing road right-of-way side inlet pipes on 120<sup>th</sup> St. and 357<sup>th</sup> Ave. totaling \$17,425.60.

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Loveall/Groskreutz motion carried unanimously to award the low bid of \$63,827.00 for the CD24 open ditch repair project from Leland Drainage & Excavating.

\* \* \* \* \*

Loveall/Young motion carried unanimously to approve Resolution 21-DA21-67 adopting the following Findings and Order on CD27. Commissioners Anderson, Groskreutz, Young, Loveall and Roper voted yes.

## **RESOLUTION**

### **Findings:**

1. The Faribault County Board of Commissioners is the drainage authority for County Ditch #27.
2. County Ditch #27 was established in 1915. Benefits for County Ditch #27 were determined concurrent with establishment in 1915, prior to the initiation of modern, intensive farming and drainage practices within Faribault County.
3. The current benefits roll reflects the benefitted properties, benefitted 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 #27 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 #27.

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5. Since the original determination of benefits and damages, land values have changed within the benefitted area of County Ditch #27.
6. The drainage authority held a public meeting on August 3rd, 2021, to discuss the need for a redetermination of benefits for County Ditch #27.
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 benefitted 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 #27, hereby orders as follows:

- A. The Board shall follow the procedures of Minn. Stat. § 103E.351 to conduct a redetermination of benefits for County Ditch #27.
- B. That Mark Behrends, John Thompson, Robert Hansen, and Kendall Langseth are hereby appointed as viewers to redetermination and report the benefits and damages for County Ditch #27
- C. That within 5 days of this 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 Order along with a certified copy of this Order.

\* \* \* \* \*

Loveall/Anderson motion carried unanimously to approve Resolution 21-DA22-68 adopting the following Findings and Order on CD36. Commissioners Groskreutz, Loveall, Anderson, Young and Roper 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 #36.
2. County Ditch #36 was established in 1915. Benefits for County Ditch #36 were determined concurrent with establishment in 1915, prior to the initiation of modern, intensive farming and drainage practices within Faribault County.
3. The current benefits roll reflects the benefitted properties, benefitted 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 #36 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 #36.

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5. Since the original determination of benefits and damages, land values have changed within the benefitted area of County Ditch #36.
6. The drainage authority held a public meeting on August 3rd, 2021, to discuss the need for a redetermination of benefits for County Ditch #36.
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 benefitted 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 #36, hereby orders as follows:

- A. The Board shall follow the procedures of Minn. Stat. § 103E.351 to conduct a redetermination of benefits for County Ditch #36.
- B. That Mark Behrends, John Thompson, Robert Hansen, and Kendall Langseth are hereby appointed as viewers to redetermination and report the benefits and damages for County Ditch #36.
- C. That within 5 days of this 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 Order along with a certified copy of this Order.

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Anderson/Loveall motion carried unanimously to approve Resolution 21-DA23-69 adopting the following Findings and Order on CD92. Commissioners Loveall, Anderson, Young, Groskreutz, and Roper 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 #92.
2. County Ditch #92 was established in 1968. Benefits for County Ditch #92 were determined concurrent with establishment in 1968, prior to the initiation of modern, intensive farming and drainage practices within Faribault County.
3. The current benefits roll reflects the benefitted properties, benefitted 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 #92 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 #92.

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5. Since the original determination of benefits and damages, land values have changed within the benefitted area of County Ditch #92.
6. The drainage authority held a public meeting on August 3rd, 2021, to discuss the need for a redetermination of benefits for County Ditch #92.
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 benefitted 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 #92, hereby orders as follows:

- A. The Board shall follow the procedures of Minn. Stat. § 103E.351 to conduct a redetermination of benefits for County Ditch #92.
- B. That Mark Behrends, John Thompson, Robert Hansen, and Kendall Langseth are hereby appointed as viewers to redetermination and report the benefits and damages for County Ditch #92.
- C. That within 5 days of this 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 Order along with a certified copy of this Order.

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Groskreutz/Loveall motion carried unanimously to approve Resolution 21-DA24-70 adopting the following Findings and Order on CD31 & Resolution 21-DA25-71 adopting the following Findings and Order on CD80 with a proposed system combination. Commissioners Groskreutz, Young, Anderson, Loveall and Roper 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 #31.
2. County Ditch #31 was established in 1915. Benefits for County Ditch #31 were determined concurrent with establishment in 1915, prior to the initiation of modern, intensive farming and drainage practices within Faribault County.
3. The current benefits roll reflects the benefitted properties, benefitted 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 #31 and the original determination of benefits and damages, land uses, and drainage practices have changed to accelerate and increase the flow

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of water to the drainage system changing the nature and value of benefits accruing to lands from construction of County Ditch #31.

5. Since the original establishment of County Ditch #31, County Ditch #80 was established which improved portions of County Ditch #31 from tile to open ditch. The systems are proposed to be combined during the redetermination of benefits process due to the overlap in benefits of the two systems and the original establishment and subsequent improvements are paid in full with no liens on the system.
6. Since the original determination of benefits and damages, land values have changed within the benefited area of County Ditch #31.
7. The drainage authority held a public meeting on August 3rd, 2021, to discuss the need for a redetermination of benefits for County Ditch #31.
8. 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 benefitted 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 #31, hereby orders as follows:

- A. The Board shall follow the procedures of Minn. Stat. § 103E.351 to conduct a redetermination of benefits for County Ditch #31.
- B. County Ditch #31 shall be combined with County Ditch #80 with one benefit roll for efficiency of assessments and maintenance.
- C. That Mark Behrends, John Thompson, Robert Hansen, and Kendall Langseth are hereby appointed as viewers to redetermination and report the benefits and damages for County Ditch #31.
- D. That within 5 days of this 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 Order along with a certified copy of this Order.

#### **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 #80.
2. County Ditch #80 was established in 1959. Benefits for County Ditch #80 were determined concurrent with establishment in 1959, prior to the initiation of modern, intensive farming and drainage practices within Faribault County.
3. The current benefits roll reflects the benefitted properties, benefitted areas, and benefit values as determined by viewers based on assumptions regarding the future use and drainage of said properties.

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4. Since the original establishment of County Ditch #80 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 #80.
5. County Ditch #80 establishment improved portions of County Ditch #31 from tile to open ditch. The systems are proposed to be combined during the redetermination of benefits process due to the overlap in benefits of the two systems and the original establishment and subsequent improvements are paid in full with no liens on the system.
6. Since the original determination of benefits and damages, land values have changed within the benefited area of County Ditch #80.
7. The drainage authority held a public meeting on August 3rd, 2021, to discuss the need for a redetermination of benefits for County Ditch #80.
8. 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 benefitted 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 #80, hereby orders as follows:

- A. The Board shall follow the procedures of Minn. Stat. § 103E.351 to conduct a redetermination of benefits for County Ditch #80.
- B. County Ditch #80 shall be combined with County Ditch #31 with one benefit roll for efficiency of assessments and maintenance.
- C. That Mark Behrends, John Thompson, Robert Hansen, and Kendall Langseth are hereby appointed as viewers to redetermination and report the benefits and damages for County Ditch #80.
- D. That within 5 days of this 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 Order along with a certified copy of this Order.

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Loveall/Young motion carried unanimously to approve Resolution 21-DA26-72 adopting the following Findings and Order on County Ditch 46. Commissioners Groskreutz, Roper, Loveall, Anderson, and Young voted yes.

#### **RESOLUTION**

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**Findings:**

1. The Faribault County Board of Commissioners is the drainage authority for County Ditch #46.
2. A petition for County Ditch #40 for authority to use County Ditch #46 as an Outlet was filed on August 2nd, 2021.
3. ISG, Inc. completed a hydraulic report of the effect of County Ditch #40 outletting into County Ditch #46 and the capacity of County Ditch #46.
4. ISG, Inc. determined that County Ditch #46 has sufficient capacity for the flow from County Ditch #40 and the effect of County Ditch #40 is not detrimental to County Ditch #46.
5. County Ditch #40 currently outlets into a floodplain channel to the East Branch of the Blue Earth River. Maintenance of this channel is expensive due to the location and potential wetland impacts. Outletting County Ditch #40 into the open ditch portion of County Ditch #46 is more cost effective, has less environmental impacts, and maintains the efficiency of the system.
6. The drainage authority finds that County Ditch #40 will receive benefit from use of County Ditch #46 and an outlet benefit should be assigned.

**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 #46, hereby orders as follows:

- A. The Board shall follow the procedures of Minn. Stat. § 103E.401, subd. 4 to determine benefits for County Ditch #40 outletting into County Ditch #46.
- B. That Mark Behrends, Bob Hansen, Kendall Langseth, and John Thompson are hereby appointed as viewers to an outlet fee/benefit of County Ditch #40 to County Ditch #46.
- C. That within 5 days of this Order, the Auditor 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's Order along with a certified copy of this Order.

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Staff reports were presented.

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Loveall/Young motion carried unanimously to adjourn drainage authority.

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The Faribault County Drainage Authority was adjourned.

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John Roper, Chair

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Sarah Van Moer, Acting Clerk to the Board