

FARIBAULT COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
DRAINAGE AUTHORITY MEETING
MAY 17, 2022

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 conclusion of the regular session on May 17, 2022. The following members were present: Tom Loveall, Bruce Anderson, Bill Groskreutz, John Roper, and Greg Young Commissioners. Auditor/Treasurer/Coordinator Darren Esser, and Acting Clerk to the Board Sarah Van Moer also attended. Drainage Manager Merissa Lore, J. Blair, K. Anderson, L. Scholten, and S. Hauskins attended virtually.

The meeting was called to order by Chair Young.

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Groskreutz/Roper motion carried unanimously to approve the agenda of May 17, 2022.

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Anderson/Loveall motion carried unanimously to approve payment of drainage voucher bills totaling \$52,413.88.

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Groskreutz/Anderson motion carried unanimously to table payment of CD21 invoices to ISG totaling \$169,786.78.

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Groskreutz/Roper motion carried unanimously to approve payment of CD21 invoices to Rinke Noonan totaling \$98,526.62.

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Anderson/Groskreutz motion carried unanimously to adopt the following hearing findings and orders:

Resolution 22-DA18-38 approving the engineer's report and appointing viewers on CD52:

R E S O L U T I O N

WHEREAS, a Petition for the Improvement of Faribault County Ditch #52 was filed with the Faribault County Board of Commissioners, acting as Drainage Authority for Faribault County Ditch #52; and

WHEREAS, the County Board, sitting as Drainage Authority, held a Preliminary Hearing on March 28, 2022, pursuant to Minnesota Statutes 103E.261; and

WHEREAS, the County Board was informed by Merissa Lore, the Faribault County Drainage Manager, that all proper notices under Minnesota Statutes 103E have been met; and

WHEREAS, Joe Lewis, the appointed engineer, gave the Preliminary Engineer's Report, which included two possible options. Option 1 being a 42" tile at the outlet and Option 2 being restoring

hydrology of a parcel that is currently in CREP, resulting in the outlet tile size being able to be reduced to a 36" tile. That further, the engineer indicated the system was out of repair and that separable maintenance would be applicable; and

WHEREAS, Joe Lewis, the engineer, went through all the items, such as alternative measures, impacts to wetland, water quality, fish and wildlife, groundwater, and other environmental resources; and

WHEREAS, the engineer discussed multi-purpose drainage, etc.; and

WHEREAS, the engineer, Joe Lewis, summarized the project as being feasible, being of public benefit and utility and that the outlet is adequate; and

WHEREAS, the Department of Natural Resources Advisory Report was read into the record; and

WHEREAS, Faribault County Soil and Water Conservation District Administrator, Nathan Carr, discussed funding sources available for multi-purpose drainage management; and

WHEREAS, the hearing was open for public comment and considerable public comment was received, including, but not limited to, questions about wetland restorations, storage locations, culvert size under 377th Avenue, discussion of last Redetermination of Benefits, impact of private tile, further discussion of the proposed water storage area in Option 2, abandonment of the old tile, discussion of separable maintenance, and general questions and comments concerning the project.

NOW, THEREFORE, based on all the evidence presented, the Faribault County Board of Commissioners, acting as Drainage Authority for Faribault County Ditch #52, makes the following Findings of Fact and Order:

FINDINGS OF FACT

1. The proposed drainage project, as outlined in the Petition and described and recommended in the Preliminary Engineer's Report, is feasible.
2. There is a necessity for the proposed drainage project.
3. The proposed drainage project will be of public benefit and promote the public health after considering the environmental and land use criteria under Minnesota Statutes 103E.015, Subd. 1.
4. The outlet for the proposed project is adequate.

ORDER

NOW, THEREFORE, it is hereby ordered that the Preliminary Engineer's Report is hereby approved and Engineer Joe Lewis is directed to make a Detailed Survey with Plans and Specifications for the drainage project and submit the Final Engineer's Report to the Drainage Authority. That further, the Freeborn County Viewing Team of Mark Behrends, Bob Hanson, Bruce Ness, John Thompson and Kendall Langseth are appointed to determine the benefits and damages related to the proposed project, and also to complete a Redetermination of Benefits' Report.

Resolution 22-DA19-39 granting the petition for repair on CD64:

R E S O L U T I O N

WHEREAS, a Petition for the repair of County Ditch #64 was received by the Faribault County Board of Commissioners, acting as Drainage Authority for Faribault County Ditch #64; and

WHEREAS, ISG was appointed engineer to complete an Engineer's Repair Report; and

WHEREAS, pursuant to proper notice, a Repair Hearing was held on March 28, 2022, at 2:30 p.m., at the Wells Community Center, located in Wells, Minnesota; and

WHEREAS, Mark Origer and Jacob Mueller, engineers for the proposed project, gave the Repair Report and indicated that County Ditch #64 has had several repairs over the years and due to significant

change in elevation across the system, it had led to erosion issues and unstable bank conditions; and **WHEREAS**, the engineers indicated that the system is out of repair and indicated a proposed repair that includes many components, such as tile outlet repairs, crossing protection, side slope flattening, creation of a 2-stage channel, grade stabilization structures, alternative side inlets and possible headwall repair at the top end of the system; and

WHEREAS, there was discussion of multiple grants received by the Faribault County Soil & Water Conservation District to offset some of the cost of alternative measures to reduce erosion; and

WHEREAS, there was discussion of additional permanent easement and temporary easement for the 2-stage ditch and for the possible re-side sloping; and

WHEREAS, the engineers indicated that the system was out of repair and that some or all of the proposed repairs needed to be completed; and

WHEREAS, the hearing was open for public comment and there were extensive questions concerning the 2-stage ditch, riprapping questions, re-side sloping questions, bridge questions and CRP property.

NOW, THEREFORE, based on all the evidence, reports and public input, the Faribault County Board of Commissioners, acting as Drainage Authority for Faribault County Ditch #64, makes the following Findings of Fact and Order:

FINDINGS OF FACT

1. That Faribault County Board of Commissioners is Drainage Authority for Faribault County Ditch #64.
2. That the Faribault County Ditch #64 system is out of repair and that repairs are necessary and in the best interests of the affected landowners.

ORDER

NOW, THEREFORE, it is hereby ordered that the repair of County Ditch #64 is approved along with the following items:

1. The cost of repair shall be paid for from assessments made to the properties benefitted by the drainage system and the drainage system records.
2. The original drainage system records will be modified to reflect re-side sloping in multi-stage ditch cross sections, portion of the drainage system at the Acceptance Hearing and as part of the as-built documents.
3. That the Auditor shall pay the damages as determined by the viewers for the additional permanent easement acquired and the temporary soil damages as part of this repair project.
4. That the staff and engineer are directed to proceed and prepare plans and specifications for a contract for repair Option 1 with Option 2 being a bid alternate.
5. That further Mark Behrends, John Thompson, Bruce Ness, Robert Hanson and Kendall Langseth, Team of Viewers, are appointed to determine permanent easement damage rate for the resloping and multi-stage ditch construction and temporary soil damages.

Resolution 22-DA20-40 approving a transfer of portions of CD87 to the City of Wells:

RESOLUTION

05-17-2022

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WHEREAS, a Petition was received from the City of Wells under Minnesota Statutes 103E.812 requesting that a portion of County Ditch #87 Main Tile Line and Branches B, C, D, E, F, and G be transferred to the City of Wells as better described in the Petition and the Engineer's Report; and

WHEREAS, a public hearing was held on March 28, 2022, at 4:00 p.m., at the Wells Community Center, located in the Wells, Minnesota; and

WHEREAS, Faribault County Chief Deputy Auditor Blair indicated that all notices required under Minnesota Statutes 103E.812 had been provided; and

WHEREAS, representatives of the City of Wells Engineers Office presented the information, including a 2008 City of Wells Storm Water Study, along with discussion of plans to complete stormwater infrastructure work to better manage the water within the city limits and the request to transfer to the Water Management Authority, which is the City of Wells' portions of County Ditch #87 Main Tile Line and Branches B, C, D, E, F, and G; and

WHEREAS, the hearing was open for public comment and a discussion was held concerning the exact portions to be transferred, questions concerning the capacity of the system, discussion of costs and assessments, and the fact that landowners within the assessed area still have the right to outlet into the system as the City has a duty to maintain the outlet.

NOW, THEREFORE, based on all the evidence presented and the information at the Public Hearing, the Faribault County Board of Commissioners, acting as Drainage Authority for Faribault County Ditch #87, makes the following Findings of Fact and Order:

FINDINGS OF FACT

1. That the Faribault County Board of Commissioners is the Drainage Authority for County Ditch #87.
2. That the storm surface or flood waters along County Ditch #87 could be better managed by the City of Wells as a water management organization.

ORDER

NOW, THEREFORE, it is hereby ordered that the Petition requesting the transfer of those portions of Faribault County Ditch #87, as outlined in the Petition and the Engineer's Report is hereby transferred to the City of Wells, pursuant to Minnesota Statutes 103E.812. That further, the City of Wells shall guarantee an outlet to other property of at least equal hydraulic efficiency as of the date of this transfer. That the transfer is not a compromise of any property right held by the owner of assessed property on the transfer drainage system, and that the City of Wells, as petitioner, shall pay all costs of the hearing and proceedings.

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Groskreutz/Roper motion carried unanimously to adopt Resolution 22-DA21-41 to initiate a redetermination of benefits and damages and appoint viewers on CD90. Commissioners Groskreutz, Roper, Anderson, Loveall, and Young voted yes.

RESOLUTION

05-17-2022

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Findings:

1. The Faribault County Board of Commissioners is the drainage authority for County Ditch #90.
2. County Ditch #90 was established in 1969. Benefits for County Ditch #90 were determined concurrent with establishment in 1969, 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 #90 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 #90.
5. Since the original determination of benefits and damages, land values have changed within the benefitted area of County Ditch #90.
6. The drainage authority held a public meeting on May 17th, 2022, to discuss the need for a redetermination of benefits for County Ditch #90.
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 #90, 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 #90.
- B. That Mark Behrends, John Thompson, Robert Hansen, Kendall Langseth, and Bruce Ness are hereby appointed as viewers to redetermination and report the benefits and damages for County Ditch #90.
- 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/Groskreutz motion carried unanimously to adjourn.
The Faribault County Drainage Authority was adjourned for May 2022.

Greg Young, Chair

Sarah Van Moer, Acting Clerk to the Board