

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

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 February 4, 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, Drainage Project Manager Dustin Anderson, and Acting Clerk to the Board Clara Vereide also attended.

The meeting was called to order by Chair Warmka.

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Loveall/Roper motion carried unanimously to approve the agenda of March 3, 2020.

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Young/Groskreutz motion carried unanimously to approve payment totaling \$ 12,114.62:

System	Repair No.	Order	Branch	Comm	Twp	Sec	Landowner	Repair Type	Vendor	Contractor	%	Cost
CD514	20-002	1	Br S	2	Pilot Grove	10	Krosch, Michael	Tile Investigation	4299	Osmundson Construction	100	\$ 1,264.62
CD78	19-217	1	Open Ditch	5	Seely	34	Jacobson, Alton T	Tree Removal	7598	Albert Lea Tree Service	75	\$ 10,850.00
											Total:	\$ 12,114.62

Groskreutz/Young motion carried unanimously to appoint Commissioners Loveall and Warmka to negotiate CD3 redetermination of benefits appeal.

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Young/Roper motion carried unanimously to approve Resolution 20-DA10-19 the CD12 facts and order regarding Steve Lawrence petition for outlet. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

WHEREAS, a petition was submitted by Steven Lawrence, et al, requesting an outlet into the Faribault County Ditch 12 system, and

WHEREAS, a hearing was held on October 7, 2019, and continued until November 19, 2019, and

WHEREAS, prior to the continued hearing held on November 19, 2019, petitioner withdrew his petition for an outlet based on the fact that issues could not be resolved with U.S. Fish & Wildlife and another route had been determined to be possible into the Faribault County Ditch 512 system.

NOW, THEREFORE, based on the withdrawal of the petition by the petitioner, the Faribault County Board of Commissioners, makes the following order:

ORDER

The petition submitted for an outlet into Faribault County Ditch 12 is hereby dismissed upon request of petitioner and petitioner is ordered to pay the amount of \$4,977.51 for the costs incurred in proceeding with this petition, pursuant to Minnesota Statutes 103E.

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Loveall/Young motion carried unanimously to approve Resolution 20-DA11-20 an order to set the redetermination of benefits hearing for JD1F to April 8, 2020 at 9:00 a.m. at Hamilton Hall in Blue Earth MN. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

WHEREAS, a petition was submitted by Steven Lawrence, et al, requesting an outlet into the Faribault County Ditch 12 system, and

WHEREAS, a hearing was held on October 7, 2019, and continued until November 19, 2019, and

WHEREAS, prior to the continued hearing held on November 19, 2019, petitioner withdrew his petition for an outlet based on the fact that issues could not be resolved with U.S. Fish & Wildlife and another route had been determined to be possible into the Faribault County Ditch 512 system.

NOW, THEREFORE, based on the withdrawal of the petition by the petitioner, the Faribault County Board of Commissioners, makes the following order:

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ORDER

The petition submitted for an outlet into Faribault County Ditch 12 is hereby dismissed upon request of petitioner and petitioner is ordered to pay the amount of \$4,977.51 for the costs incurred in proceeding with this petition, pursuant to Minnesota Statutes 103E.

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Loveall/Young motion carried unanimously to approve Resolution 20-DA12-21 an order to set the redetermination of benefits and repair hearing for JD2F to April 8, 2020 at 10:00 a.m. at Hamilton Hall in Blue Earth MN. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

R E S O L U T I O N

BE IT RESOLVED that the County Board of Commissioners approves the following findings and order on the petition to JD2F redetermination of benefits.

Findings

1. The Faribault County Board of Commissioners is the drainage authority for Judicial Ditch 2.
2. On July 3, 2018, the Drainage Authority ordered a redetermination of benefits and damages for Judicial Ditch #2.
3. On July 31, 2019, a petition for repair to Judicial Ditch #2 was received by the drainage authority.
4. On October 1, 2019, the drainage authority adopted findings and an order accepting the petition and appointing Joe Lewis, Houston Engineering as the project engineer. Lewis was ordered to prepare a survey and file a repair report with the drainage authority.
5. The Viewers held an informational meeting on December 16, 2019 after notice to all landowners and public authorities.
6. The Viewers' report was filed with the Faribault County Auditor February 27, 2020.
7. The repair report was filed with the Faribault County Auditor on February 27, 2020.
8. The Viewers will hold a second informational meeting on March 11, 2020 after notice was given by mail.
9. The Faribault County Board of Commissioners met on March 3, 2020 in regular session to determine the date, time, and location for a final hearing on the project.
10. Pursuant to Minn. Stat. § 103E.325, subd. 3 a final hearing must be noticed by publication, posting, and mail.
11. Pursuant to Minn. Stat. § 103E.715, subd. 3, a public hearing must be noticed by mail to petitioners, owners of property, and political subdivisions likely to be affected by the proposed 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 Judicial Ditch 2 hereby orders as follows:

- A. A final hearing on the Viewers' Report and repair report shall be held on April 8, 2020 at 10:00 a.m. at Hamilton Hall, 202 South Moore St, Blue Earth, MN.
- B. The Auditor shall publish notice of the final hearing once per week for three successive weeks in a newspaper of general circulation in the area of the proposed project.
- C. The Auditor shall post a printed copy of the final hearing notice at least three weeks before the date of the final hearing at the front door of the courthouse.
- D. Within one week after the first publication of notice, the Auditor shall give notice by mail of the time and location of the final hearing to all property owners and others affected by the proposed drainage project and listed in the viewers' report.

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Roper/Groskreutz motion carried unanimously to accept staff inspections reports on CD8, CD80/CD31.

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Young/Roper motion carried unanimously to approve the estimate of \$7,500 from Krueger Excavating of Albert Lea, LLC to remove remaining trees on CD20 with the logs being hauled off site.

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Staff report was presented. Auditor report was presented. GBERBA report by Commissioner Warmka. BWSR report by Loveall. Drainage work group report by Loveall.

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Loveall/Roper motion carried unanimously to approve Resolution 20-DA13-22 an order to set repair hearing for JD7 to March 17, 2020 at 3:00 p.m. at Hamilton Hall in Blue Earth MN. Commissioners Loveall, Roper, and Young voted yes.

RESOLUTION

BE IT RESOLVED that the County Board of Commissioners approves the following findings and order on the petition for repair hearing on JD7.

Findings

- 1. The Joint Drainage Authority of Faribault and Martin Counties is the drainage authority for Judicial Ditch 7.
- 2. On May 15, 2019, a drone survey was completed of the system and staff inspected area of the open ditch throughout 2019. Several areas of the open ditch are in need of repair. Repair needs documented include open ditch cleaning, culvert replacement, bank failures and sloughing, tile outlets, side inlets, and erosion problems.

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3. Pursuant to Minn. Stat. § 103E.705, a public hearing may be noticed by mail to owners of property, and political subdivisions likely to be affected by the proposed drainage project.

Order

Based on the foregoing Findings and the entire record of proceedings before the Joint Drainage Authority, the Joint Drainage Authority, acting as the drainage authority for Judicial Ditch 7 hereby orders as follows:

- A. A hearing on the proposed repair shall be held on March 17, 2020 at 3:00pm at Hamilton Hall, 202 South Moore Street, Blue Earth, MN.
- 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 proposed drainage project.

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Loveall/Roper motion carried unanimously to approve Resolution 20-DA14-23 an order to set the preliminary improvement hearing for JD4 to April 7, 2020 at 3:00 p.m. in the Board room in Martin County Courthouse. Commissioners Loveall, Roper, and Young voted yes.

R E S O L U T I O N

BE IT RESOLVED that the County Board of Commissioners approves the following findings and order on the petition to JD4 preliminary improvement hearing.

Findings

1. Joint Drainage Authority Board for Faribault and Martin Counties is the drainage authority for Judicial Ditch 4.
2. On May 8, 2019, a petition for improvement to Judicial Ditch 4 was received by the drainage authority.
3. On May 21, 2019, the drainage authority adopted findings and an order accepting the petition and appointing Charles Brandel, ISG, as the project engineer. Charles Brandel was ordered to prepare a preliminary survey and file a preliminary survey report with the drainage authority.
4. The preliminary survey report was filed with the Faribault County Auditor on February 21, 2020.
5. Pursuant to Minn. Stat. § 103E.261, subd. 1, a public hearing must be noticed by mail to petitioners, owners of property, and political subdivisions likely to be affected by the proposed drainage project.

Order

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Based on the foregoing Findings and the entire record of proceedings before the Board, acting as the drainage authority for Judicial Ditch 4, hereby orders as follows:

- A. A hearing on the preliminary survey report shall be held on April 7, 2020 at 3:00 p.m. at Martin County Courthouse Board Room, 201 Lake Ave. Fairmont, MN 56031.
- B. At least ten days before the hearing, the auditor shall mail notice of the time and location of the hearing to petitioners, owners of property, and political subdivisions likely to be affected by the proposed drainage project in the preliminary survey report.

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The Faribault County Drainage Authority was adjourned for March 2020.

Tom Warmka, Chair

Clara Vereide, Acting Clerk to the Board