

FARIBAULT COUNTY  
BOARD OF COMMISSIONERS  
OFFICIAL PROCEEDINGS  
DRAINAGE AUTHORITY MEETING  
APRIL 18, 2023

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 April 18<sup>th</sup>, 2023. The following members were present: Tom Loveall, Bruce Anderson, Bill Groskreutz, John Roper, and Greg Young Commissioners. Faribault County staff Auditor/Treasurer/Coordinator Darren Esser, Drainage Manager Merissa Lore, and Acting Clerk to the Board Sarah Van Moer also attended. Participating virtually were Faribault County employees J. Blair, K. Anderson, L. Mehrhof, and P. Krill.

The meeting was called to order by Chair Anderson.

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Young/Groskreutz motion carried unanimously to approve the agenda of April 18<sup>th</sup>, 2023.

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Young/Groskreutz motion carried unanimously to approve payment of drainage voucher bills totaling \$32,947.93.

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Groskreutz/Young motion carried unanimously to approve the minutes from the CD8 and CD42 Repair Hearings held on April 4<sup>th</sup>, 2023, and the CD44 Repair & Partial Abandonment Hearing held on April 5<sup>th</sup>, 2023.

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Loveall/Young motion carried unanimously to approve Resolution 23-DA11-28 an order on repair for CD8. Commissioners Groskreutz, Roper, Young, Loveall, and Anderson voted yes.

**R E S O L U T I O N**

**Findings:**

1. Faribault County Board of Commissioners is the drainage authority for County Ditch #8.
2. A system inspection and survey were completed by drainage staff on County Ditch #8 in Fall 2022. Upon inspection, the open ditch was found to be in disrepair.
3. An informational meeting was held on March 10<sup>th</sup>, 2023, after notice to all landowners and public authorities. The Inspection report and staff repair report were presented to the drainage authority on January 3<sup>rd</sup>, 2023.
4. The drainage authority met at 11:30 am on February 21<sup>st</sup>, 2023, at the Faribault County Courthouse Minnesota Room and ordered a public hearing on the staff repair report.

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5. The drainage authority, by order, set a public hearing for review of the staff repair report on April 4<sup>th</sup>, 2023 at 1:30 pm at the Faribault County Courthouse Board Room, 415 North Main Street Blue Earth, MN 56013. Notice of the hearing on the repair report was provided by mail to the owners of property, and political subdivisions likely to be affected by the repair in the repair report in accordance with Minn. Stat. § 103E.715, subd. 3.
6. At the public hearing, Dustin Anderson, drainage staff, presented the Staff Report. Anderson recommended a repair of portions of the drainage system, which included open ditch cleaning, existing spoil leveling, tile outlet repairs, side inlet replacement, crossing abandonment and removal, tree and brush removal, and reseeding disturbed buffer strips and ditch banks.
7. Staff estimated the cost of the repairs to be \$115,555.00.
8. Cost-share is available from the Faribault County Soil and Water Conservation District to provide grant funds to offset the costs of the side inlet repairs. The estimated cost of the side inlet repairs is \$45,661.00. Cost-share would provide grant funds for 75 percent of the cost for a total of \$34,245.75. The drainage system cost would be \$11,415.25.
9. The staff repair report contains all the details, plans, and specifications necessary to prepare and award a contract for the repairs.
10. During the public hearing portion of the proceedings, the following persons appeared and provided comment (the Board's response is indicated in italics following each comment):
  - a. Duane Bromeland, Rome Township, 25 470<sup>th</sup> Avenue Frost, MN 56033

Presented comments about his property in Section 3 of Rome Township and that he was in favor of the project and felt it would restore drainage for the system. He also asked questions about next steps if the open ditch repair wasn't enough for the area upstream that drains through the tile if there were plans for a comprehensive study or what could be done and concerns about conservation grass easements that could have roots blocking or impeding the tile drainage.

*The drainage systems need repair and significant amounts of sediment are in the ditch bottom. The repair will help restore drainage. There is no comprehensive plan on the tile but if there are concerns televising can be conduct through the easement properties as well as numbers ran on drainage coefficients of the tile in the system if landowners wanted to see what the system potential is compared to today's recommended drainage standards. The Drainage Department can work with landowners on these items.*
11. The drainage authority finds, consistent with the staff repair report, the public comments received at the public hearing on the staff repair report, and the entire record of proceedings, that portions of County Ditch #8 in Blue Earth City Township Sections 22, 23, 26, 35, 36; Elmore Township Section1; Emerald Township Section 31; and Rome Township Section 6 all of Faribault County is out of repair; that the condition of these portions of County Ditch #8 impedes the flow of water and reduces the hydraulic efficiency of the drainage system below that established by the original construction and/or subsequent improvement of the drainage system.

**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 #8, hereby orders as follows:

- A. That the proposed repair to County Ditch #8 in the location specified in these findings and recommended in the staff repair report is approved consistent with the staff recommendations and is necessary for the best interest of the affected property owners.
- B. Drainage Staff shall proceed with securing grant funds through the Faribault County Soil and Water Conservation District for the replacement of side inlets associated with the repair.
- C. The Auditor and Drainage Staff shall proceed and prepare and award a contract for the repair of the drainage system consistent with the procedures required by Minn. Stat. Ch. 103E and under Minnesota law. The contract must be for the repair described in the repair report and as determined necessary by the drainage authority in these findings and order and be prepared in the manner provided in Minn. Stat. Ch. 103E for the original drainage system construction.
- D. The cost of the repair shall be paid from the funds in the maintenance account for County Ditch #8 and/or by assessments made to the properties benefited by the drainage system in the drainage system records.

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Groskreutz/Roper motion carried unanimously to approve Resolution 23-DA12-29 an order on repair for CD42. Commissioners Groskreutz, Roper, Young, Loveall, and Anderson voted yes.

**RESOLUTION**

**Findings:**

- 1. Faribault County Board of Commissioners is the drainage authority for County Ditch #42.
- 2. A system inspection and survey were completed by drainage staff on County Ditch #42 in Fall 2022. Upon inspection, the open ditch was found to be in disrepair.
- 3. An informational meeting was held on March 10<sup>th</sup>, 2023, after notice to all landowners and public authorities. The Inspection report and staff repair report were presented to the drainage authority on January 3<sup>rd</sup>, 2023.
- 4. The drainage authority met at 11:30 am on February 21<sup>st</sup>, 2023, at the Faribault County Courthouse Minnesota Room and ordered a public hearing on the staff repair report.
- 5. The drainage authority, by order, set a public hearing for review of the staff repair report on April 4<sup>th</sup>, 2023, at 1:30 pm at the Faribault County Courthouse Board Room, 415 North Main Street Blue Earth, MN 56013. Notice of the hearing on the repair report was provided by mail to the owners of property, and political subdivisions likely to be affected by the repair in the repair report in accordance with Minn. Stat. § 103E.715, subd. 3.

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6. At the public hearing, Dustin Anderson, drainage staff, presented the Staff Report. Anderson recommended a repair of portions of the drainage system, which included open ditch cleaning, existing spoil leveling, tile outlet repairs, side inlet replacement, crossing abandonment and removal, and reseeding disturbed buffer strips and ditch banks.
7. Staff estimated the cost of the repairs to be \$55,550.00.
8. Cost-share is available from the Faribault County Soil and Water Conservation District to provide grant funds to offset the costs of the side inlet repairs. The estimated cost of the side inlet repairs is \$8,745.00. Cost-share would provide grant funds for 75 percent of the cost for a total of \$6,558.75. The drainage system cost would be \$2,186.25.
9. The staff repair report contains all the details, plans, and specifications necessary to prepare and award a contract for the repairs.
10. During the public hearing portion of the proceedings, the following persons appeared and provided comment (the Board's response is indicated in italics following each comment):

- a. Duane Bromeland, Rome Township, 25 470<sup>th</sup> Avenue Frost, MN 56033

Presented comments about his property in Section 3 of Rome Township and that he was in favor of the project and felt it would restore drainage for the system. He also asked questions about next steps if the open ditch repair wasn't enough for the area upstream that drains through the tile if there were plans for a comprehensive study or what could be done and concerns about conservation grass easements that could have roots blocking or impeding the tile drainage.

*The drainage systems need repair and significant amounts of sediment are in the ditch bottom. The repair will help restore drainage. There is no comprehensive plan on the tile but if there are concerns televising can be conduct through the easement properties as well as numbers ran on drainage coefficients of the tile in the system if landowners wanted to see what the system potential is compared to today's recommended drainage standards. The Drainage Department can work with landowners on these items.*

11. The drainage authority finds, consistent with the staff repair report, the public comments received at the public hearing on the staff repair report, and the entire record of proceedings, that portions of County Ditch #42 in Rome Township Sections 4, 5, and 6 of Faribault County is out of repair; that the condition of these portions of County Ditch #42 impedes the flow of water and reduces the hydraulic efficiency of the drainage system below that established by the original construction and/or subsequent improvement of the drainage system.

**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 #42, hereby orders as follows:

- A. That the proposed repair to County Ditch #42 in the location specified in these findings and recommended in the staff repair report is approved consistent with the staff recommendations and is necessary for the best interest of the affected property owners.

- B. Drainage Staff shall proceed with securing grant funds through the Faribault County Soil and Water Conservation District for the replacement of side inlets associated with the repair.
- C. The Auditor and Drainage Staff shall proceed and prepare and award a contract for the repair of the drainage system consistent with the procedures required by Minn. Stat. Ch. 103E and under Minnesota law. The contract must be for the repair described in the repair report and as determined necessary by the drainage authority in these findings and order and be prepared in the manner provided in Minn. Stat. Ch. 103E for the original drainage system construction.
- D. The cost of the repair shall be paid from the funds in the maintenance account for County Ditch #42 and/or by assessments made to the properties benefited by the drainage system in the drainage system records.

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A public hearing was held at 11:30am for the CD44 Continued Repair Hearing.  
No public comment was received.

Roper/Loveall motion carried unanimously to approve Resolution 23-DA13-30 an order on repair and partial abandonment of CD44. Commissioners Groskreutz, Roper, Young, Loveall, and Anderson voted yes.

## **R E S O L U T I O N**

### **Findings:**

1. Faribault County Board of Commissioners is the drainage authority for County Ditch #44.
2. Complaints of tile issues on County Ditch #44 East Main have been reported. Investigation and televising of the East Main were completed in the Fall of 2022 by drainage staff.
3. An informational meeting was held on March 10<sup>th</sup>, 2023, after notice to all landowners and public authorities. The Inspection report and staff repair report were presented to the drainage authority on March 21<sup>st</sup>, 2023.
4. The drainage authority met at 11:30 am on March 21<sup>st</sup>, 2023, at the Faribault County Courthouse Minnesota Room and ordered a public hearing on the staff repair report and partial abandonment.
5. The drainage authority, by order, set a public hearing for review of the staff repair report and partial abandonment on April 5<sup>th</sup>, 2023, at 1:00 pm at the Ag Center Conference Room, 415 South Grove Street Blue Earth, MN 56013. Notice of the hearing on the repair report and partial abandonment were provided by mail to the owners of property, and political subdivisions likely to be affected by the repair and partial abandonment and by publication in the newspaper of general circulation within the affected drainage area in accordance with Minn. Stat. § 103E.715, subd. 3 and Minn. Stat. § 103E.806, subd. 3.
6. At the public hearing, Dustin Anderson, drainage staff, presented the Staff Report and partial abandonment. Anderson recommended a repair of portions of the East Main and Branch 20E, which included 1,000 linear feet of 18” tile, 400 liner feet of 15” tile, and 900 linear feet of 10” tile.

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7. Staff estimated the cost of the repairs to be \$75,647.00.
8. The staff repair report contains all the details, plans, and specifications necessary to prepare and award a contract for the repairs.
9. Dustin Anderson, drainage staff, also presented information about the recommended partial abandonment of the drainage system, which included East Main stations 14 to 35, all of Branch 17 East, all of Branch 17 East + 30, and all of Branch 21 East.
10. During the public hearing portion of the proceedings, the following persons appeared and provided comment (the Board's response is indicated in italics following each comment):

- a. Verlyn Ubben, Rome Township, 5610 480<sup>th</sup> Avenue Frost, MN 56033

Presented comments the City of Frost farm ground that has some tile that drains through a private tile in his land and hooks on to Branch 17 East. He presented the question if the portion of the East Main and Branch 17 East should not be abandoned since it provides drainage to multiple landowners. He also presented questions about the condition of the tile and if this section should be repaired as well. As well as questions about the abandonment if that means physically smashing the tile because he has private laterals tied in.

*This area drained through Mr. Ubben's property still has a private tile that crosses another landowner's property. By not legally abandoning a portion of the East Main and Branch 17 East, the City of Frost does not have a public outlet to its property line. An additional 200 linear feet of the East Main will not be legally abandoned and an additional 200 linear feet of Branch 17 East will remain public. This allows the public tile to remain public to where the City of Frost private tile connects. The condition of the tile will be assessed once construction starts and if it is in poor condition and in need of repair a change order will be presented to the Drainage Authority. The tile will be legally abandoned from the public system removing the maintenance liability on the system but the tile will remain in the ground to be used as a private submain.*

- b. George Lincoln, Rome Township, 45869 72<sup>nd</sup> Street Frost, MN 56033

Presented comments that he has a few tile lines that connect to the City of Frost private tile as well. He presented questions about the tile sizes and why downsizing is recommended.

*The tile is recommended to be downsized from an 18" to a 15" to gain cover over the tile and because the watershed draining through the tile has changed so this downsize still meets the recommended drainage standards.*

11. The drainage authority finds, consistent with the staff repair report, the public comments received at the public hearing on the staff repair report, and the entire record of proceedings, that portions of County Ditch #44 East Main and Branch 17 East in Rome Township Sections 1 and 2 of Faribault County are out of repair; that the condition of these portions of County Ditch #44 impedes the flow of water and reduces the hydraulic efficiency of the drainage system below that established by the original construction and/or subsequent improvement of the drainage system.

**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 #44, hereby orders as follows:

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- A. That the proposed repair to County Ditch #44 in the location specified in these findings and recommended in the staff repair report is approved consistent with the staff recommendations and is necessary for the best interest of the affected property owners.
- B. The Auditor and Drainage Staff shall proceed and prepare and award a contract for the repair of the drainage system consistent with the procedures required by Minn. Stat. Ch. 103E and under Minnesota law. The contract must be for the repair described in the repair report and as determined necessary by the drainage authority in these findings and order and be prepared in the manner provided in Minn. Stat. Ch. 103E for the original drainage system construction.
- C. The cost of the repair shall be paid from the funds in the maintenance account for County Ditch #44 and/or by assessments made to the properties benefited by the drainage system in the drainage system records.
- D. The partial abandonment of portions of County Ditch #44 East Main stations 17 to 35, Branch 17 East stations 2 to 44, Branch 17 East + 30 stations 0 to 5, and Branch 21 East stations 0 to 7 is approved. No further repair petition for the abandoned portion of the drainage system may be accepted and the drainage authority's responsibility to maintain the abandoned portion of the drainage system is terminated by this order. This order shall not release any property from a drainage lien field on account of the drainage system before the date of this order, nor shall this order release any property from any assessment or a drainage lien filed on or after the date of this order for costs incurred on account of the drainage system before the date of the order.

Loveall/Young motion carried unanimously to adjourn the hearing and continue the drainage authority meeting.

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Loveall/Young motion carried unanimously to approve the estimate from B&W Control Specialists in the amount of \$94,500.00 for the 2023 tree spray areas.

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Young/Groskreutz motion carried unanimously to approve the bid from Mensing Construction in the amount of \$77,821.48 for the JD19F open ditch repair project.

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Groskreutz/Young motion carried unanimously to adjourn.  
The Faribault County Drainage Authority was adjourned for April 2023.

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Bruce Anderson, Chair

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Sarah Van Moer, Acting Clerk to the Board