

FARIBAULT COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
JULY 21, 2020

The Faribault County Board of Commissioners met pursuant to the recess of July 7, 2020 in regular session via teleconference in the City of Blue Earth at 9:00 a.m. on July 21, 2020. The following members were present: Bill Groskreutz, Tom Loveall, John Roper, Tom Warmka, and Greg Young Commissioners. County Auditor/Treasurer/Coordinator Darren Esser, County Attorney Kathryn Karjala, Central Services Director Lexi Scholten, and Acting Clerk to the Board Clara Vereide were also present. Also participating in call Faribault County employees: Blair, Daly, Lewis, K. Anderson, Rauenhorst, Rebuffoni, and Lore; members of public: Kevin Mertens, Milt Steele.

The meeting was called to order by Chair Warmka.

The pledge of allegiance was recited.

* * * * *

Young/Groskreutz motion carried unanimously to approve the synopsis and official proceedings of the July 7, 2020 regular and drainage authority meetings; official proceedings of August 26, 2019 CD514 hearing, October 7, 2019 CD10 hearing, and December 16, 2019 CD45, JD19, and JD 20 final hearings.

* * * * *

Groskreutz/Roper motion carried unanimously to approve the agenda of July 21, 2020.

* * * * *

The calendar was updated.

* * * * *

No member of the public appeared during public comment

* * * * *

Committee reports were given: Roper reported on MVAC; Groskreutz reported on Transit, Human Services exec; and Warmka reported on GBERBA, building and grounds committee

* * * * *

GIS Coordinator Brandee Douglas met with an update on a new web mapping application available on the county web site.

* * * * *

Public Works Director Mark Daly met regarding office business.

Young/Groskreutz motion carried unanimously to approve the purchase of a 24” mill attachment for Bobcat Skid Steer for \$9,350.00 from Yeager Implement of Blue Earth.

Loveall/Young motion carried to approve payment for 3,302 yards of ground cover at \$1.185 for a total of \$3,912.87 to Weerts Construction on 2019 project SAP 022-615-011. Groskreutz voted no.

* * * * *

Roper/Young motion carried unanimously to authorize the City of Elmore to demolish the buildings located on tax forfeited parcels 25.032.0840 and 25.032.0910 once they have made proper notice to any possible occupants and transfer property to the City.

* * * * *

Groskreutz/Roper motion carried unanimously to authorize City of Fairmont EDA Coordinator to apply for the MN Housing Emergency grant on behalf of Faribault/Martin County Human Services.

* * * * *

Groskreutz/Young motion carried unanimously to approve requests from L. Scholten to attend a 3-day Practical Leadership training (virtual), M. Murphy to attend an online DMT recertification course, M. Murphy and C. Albers to attend a 1-day Taser CEW instructor certification course in Marshall.

Loveall/Groskreutz motion carried unanimously to approve request from B. Gehrking to attend a 5-day Dog for Law Enforcement K-9 certification in Waterloo, Iowa.

* * * * *

Minnesota Department of Transportation met regarding Capital Highway Investment Plan (CHIP) Outreach. Peter Harff, Sam Parker, Rhonda Allis, and Matt Henderson from the Mn Department of Transportation attended.

* * * * *

Planning and Zoning Administrator Loria Rebuffoni met regarding office business. Charles Hoemberg of Big Blue Wind Farm, LLC also attended.

Young/Roper motion carried unanimously to approve the beneficiary agreement with Big Blue Wind Farm, LLC.

Groskreutz/Young motion carried unanimously to request the planning commission review the county junk yard ordinance.

* * * * *

Recessed to Drainage Authority

* * * * *

Roper/Loveall motion carried unanimously to approve Resolution 20-DA15-46 an order for redetermination of benefits and damages on CD13 and appoint viewers. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

BE IT RESOLVED that the County Board of Commissioners approves the following findings and order to redetermine benefits for County Ditch 13 and appoint viewers.

Findings

1. The Faribault County Board of Commissioners is the drainage authority for County Ditch 13.
2. County Ditch 13 was established in 1912. Benefits for County Ditch 13 were determined concurrent with establishment in 1912, prior to the initiation of modern, intensive farming and drainage practices within Faribault County.
3. The current benefits roll reflects the benefited properties, benefited 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 13 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 13.
5. Since the original determination of benefits and damages, land values have changed within the benefited area of County Ditch 13.
6. The drainage authority held a public meeting on July 21, 2020 to discuss the need for a redetermination of benefits.
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 benefited 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 13, hereby orders as follows:

- A. The Board shall follow the procedures of Minnesota Statute § 103E.351 to conduct a redetermination of benefits for County Ditch 13.

- B. That Mark Behrends, Dennis Distad, Bruce Ness, John Thompson, Robert Hansen, and Kendall Langseth are hereby appointed as viewers to redetermination and report the benefits and damages for County Ditch 13.
- C. 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's order along with a certified copy of this order.

* * * * *

Groskreutz/Young motion carried unanimously to approve Resolution 20-DA16-47 an order for redetermination of benefits on CD15. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

BE IT RESOLVED that the County Board of Commissioners approves the following findings and order to redetermine benefits for County Ditch 15 and appoint viewers.

Findings

1. The Faribault County Board of Commissioners is the drainage authority for County Ditch 15.
2. County Ditch 15 was established in 1913. Benefits for County Ditch 15 were determined concurrent with establishment in 1913, prior to the initiation of modern, intensive farming and drainage practices within Faribault County.
3. The current benefits roll reflects the benefited properties, benefited 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 15 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 15.
5. Since the original determination of benefits and damages, land values have changed within the benefited area of County Ditch 15.
6. The drainage authority held a public meeting on July 21, 2020 to discuss the need for a redetermination of benefits.
7. The drainage authority finds that the conditions required for the initiation of a redetermination of benefits exist, that the original

07-21-20

benefits and damages do not reflect reasonable, present day land values, and the benefited 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 15, hereby orders as follows:

- A. The Board shall follow the procedures of Minnesota Statute § 103E.351 to conduct a redetermination of benefits for County Ditch 15.
- B. That Mark Behrends, Dennis Distad, Bruce Ness, John Thompson, Robert Hansen, and Kendall Langseth are hereby appointed as viewers to redetermination and report the benefits and damages for County Ditch 15.
- C. 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's order along with a certified copy of this order.

* * * * *

Roper/Young motion carried unanimously to approve Resolution 20-DA17-48 an order for redetermination of benefits on CD22. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

BE IT RESOLVED that the County Board of Commissioners approves the following findings and order to redetermine benefits for County Ditch 22 and appoint viewers.

Findings

1. The Faribault County Board of Commissioners is the drainage authority for County Ditch 22.
2. County Ditch 22 was established in 1914. Benefits for County Ditch 22 were determined concurrent with establishment in 1914, prior to the initiation of modern, intensive farming and drainage practices within Faribault County.
3. The current benefits roll reflects the benefited properties, benefited 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 22 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 22.

5. Since the original determination of benefits and damages, land values have changed within the benefited area of County Ditch 22.
6. The drainage authority held a public meeting on July 21, 2020 to discuss the need for a redetermination of benefits.
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 benefited 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 22, hereby orders as follows:

- A. The Board shall follow the procedures of Minnesota Statute § 103E.351 to conduct a redetermination of benefits for County Ditch 22.
- B. That Mark Behrends, Dennis Distad, Bruce Ness, John Thompson, Robert Hansen, and Kendall Langseth are hereby appointed as viewers to redetermination and report the benefits and damages for County Ditch 22.
- C. 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's order along with a certified copy of this order.

* * * * *

Roper/Groskreutz motion carried unanimously to approve Resolution 20-DA18-49 an order for redetermination of benefits on CD35. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

BE IT RESOLVED that the County Board of Commissioners approves the following findings and order to redetermine benefits for County Ditch 35 and appoint viewers.

Findings

1. The Faribault County Board of Commissioners is the drainage authority for County Ditch 35.
2. County Ditch 35 was established in 1915. Benefits for County Ditch 35 were determined concurrent with establishment in 1915, prior to the initiation of modern, intensive farming and drainage practices within Faribault County.

07-21-20

-112-

3. The current benefits roll reflects the benefited properties, benefited 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 35 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 35.
5. Since the original determination of benefits and damages, land values have changed within the benefited area of County Ditch 35.
6. The drainage authority held a public meeting on July 21, 2020 to discuss the need for a redetermination of benefits.
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 benefited 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 35, hereby orders as follows:

- A. The Board shall follow the procedures of Minnesota Statute § 103E.351 to conduct a redetermination of benefits for County Ditch 35.
- B. That Mark Behrends, Dennis Distad, Bruce Ness, John Thompson, Robert Hansen, and Kendall Langseth are hereby appointed as viewers to redetermination and report the benefits and damages for County Ditch 35.
- C. 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's order along with a certified copy of this order.

* * * * *

Roper/Young motion carried unanimously to approve Resolution 20-DA19-50 an order for redetermination of benefits on CD39. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

BE IT RESOLVED that the County Board of Commissioners approves the following findings and order to redetermine benefits for County Ditch 39 and appoint viewers.

Findings

1. The Faribault County Board of Commissioners is the drainage authority for County Ditch 39.

07-21-20

-113-

2. County Ditch 39 was established in 1915. Benefits for County Ditch 39 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 benefited properties, benefited 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 39 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 39.
5. Since the original determination of benefits and damages, land values have changed within the benefited area of County Ditch 39.
6. The drainage authority held a public meeting on July 21, 2020 to discuss the need for a redetermination of benefits.
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 benefited 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 39, hereby orders as follows:

- A. The Board shall follow the procedures of Minnesota Statute § 103E.351 to conduct a redetermination of benefits for County Ditch 39.
- B. That Mark Behrends, Dennis Distad, Bruce Ness, John Thompson, Robert Hansen, and Kendall Langseth are hereby appointed as viewers to redetermination and report the benefits and damages for County Ditch 39.
- C. 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's order along with a certified copy of this order.

* * * * *

Groskreutz/Loveall motion carried unanimously to approve Resolution 20-DA20-51 an order for redetermination of benefits on CD77. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

BE IT RESOLVED that the County Board of Commissioners approves the following findings and order to redetermine benefits for County Ditch 77 and appoint viewers.

Findings

07-21-20

1. The Faribault County Board of Commissioners is the drainage authority for County Ditch 77.
2. County Ditch 77 was established in 1954. Benefits for County Ditch 77 were determined concurrent with establishment in 1954, prior to the initiation of modern, intensive farming and drainage practices within Faribault County.
3. The current benefits roll reflects the benefited properties, benefited 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 77 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 77.
5. Since the original determination of benefits and damages, land values have changed within the benefited area of County Ditch 77.
6. The drainage authority held a public meeting on July 21, 2020 to discuss the need for a redetermination of benefits.
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 benefited 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 77, hereby orders as follows:

- A. The Board shall follow the procedures of Minnesota Statute § 103E.351 to conduct a redetermination of benefits for County Ditch 77.
- B. That Mark Behrends, Dennis Distad, Bruce Ness, John Thompson, Robert Hansen, and Kendall Langseth are hereby appointed as viewers to redetermination and report the benefits and damages for County Ditch 77.
- C. 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's order along with a certified copy of this order.

* * * * *

Groskreutz/Young motion carried unanimously to approve Resolution 20-DA21-52 an order for redetermination of benefits on CD85. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

BE IT RESOLVED that the County Board of Commissioners approves the following findings and order to redetermine benefits for County Ditch 85 and appoint viewers.

Findings

1. The Faribault County Board of Commissioners is the drainage authority for County Ditch 85.
2. County Ditch 85 was established in 1961. Benefits for County Ditch 85 were determined concurrent with establishment in 1961, prior to the initiation of modern, intensive farming and drainage practices within Faribault County.
3. The current benefits roll reflects the benefited properties, benefited 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 85 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 85.
5. Since the original determination of benefits and damages, land values have changed within the benefited area of County Ditch 85.
6. The drainage authority held a public meeting on July 21, 2020 to discuss the need for a redetermination of benefits.
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 benefited 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 85, hereby orders as follows:

- A. The Board shall follow the procedures of Minnesota Statute § 103E.351 to conduct a redetermination of benefits for County Ditch 85.
- B. That Mark Behrends, Dennis Distad, Bruce Ness, John Thompson, Robert Hansen, and Kendall Langseth are hereby appointed as viewers to redetermination and report the benefits and damages for County Ditch 85.
- C. 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's order along with a certified copy of this order.

* * * * *

Groskreutz/Loveall motion carried unanimously to approve Resolution 20-DA22-53 an order for redetermination of benefits on CD 86. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

BE IT RESOLVED that the County Board of Commissioners approves the following findings and order to redetermine benefits for County Ditch 86 and appoint viewers.

Findings

1. The Faribault County Board of Commissioners is the drainage authority for County Ditch 86.
2. County Ditch 86 was established in 1961. Benefits for County Ditch 86 were determined concurrent with establishment in 1961, prior to the initiation of modern, intensive farming and drainage practices within Faribault County.
3. The current benefits roll reflects the benefited properties, benefited 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 86 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 86.
5. Since the original determination of benefits and damages, land values have changed within the benefited area of County Ditch 86.
6. The drainage authority held a public meeting on July 21, 2020 to discuss the need for a redetermination of benefits.
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 benefited 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 86, hereby orders as follows:

- A. The Board shall follow the procedures of Minnesota Statute § 103E.351 to conduct a redetermination of benefits for County Ditch 86.
- B. That Mark Behrends, Dennis Distad, Bruce Ness, John Thompson, Robert Hansen, and Kendall Langseth are hereby appointed as viewers to redetermination and report the benefits and damages for County Ditch 86.

- C. 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's order along with a certified copy of this order.

* * * * *

Loveall/Roper motion carried unanimously to approve pay application #5 for CD3 repair to Krueger Excavating of Albert Lea, LLC for \$67,535.97.

* * * * *

Young/Loveall motion carried unanimously to approve change order #5 on CD21 totaling \$9,445.50 for installation of toe drains in the ditch banks.

Young/Loveall motion carried unanimously to approve pay application #1 for CD21 change order #5 for \$9,445.50 to G & S Drainage and Excavating.

* * * * *

Loveall/Groskreutz motion carried unanimously to approve change orders on CD55 as follows: #1 for \$1,980.00 to increase the culvert from a 60" CMP culvert to 72" CMP culvert due to Brush Creek Township request and #2 for \$1,938.66 for 1.5" of rock needed to encase the pipe.

Loveall/Roper motion carried unanimously to approve pay application #1 for CD55 open ditch repairs for \$19,150.02 to Brunz Construction Company, Inc.

* * * * *

Recessed to regular meeting.

* * * * *

Groskreutz/Young motion carried unanimously to pay the following bills:

Auditor warrants for June 1 to June 30, 2020 totaling \$ 7,456,121.07 as follows:

<u>Date</u>	<u>Amount</u>	<u>Description</u>
06/04/2020	2,531,606.90	Auditor warrants
06/11/2020	2,094.06	Auditor warrants
06/18/2020	4,876,080.56	Auditor warrants
06/23/2020	200.00	Auditor warrants
06/25/2020	46,139.55	Auditor warrants

ACH-EFT warrants for June 1 to June 30, 2020 totaling \$ 5,356,993.41 as follows:

<u>Date</u>	<u>Amount</u>	<u>Description</u>
06/02/2020	307,173.98	Commissioner warrants
06/04/2020	1,548,021.11	Auditor warrants
06/11/2020	886.64	Auditor warrants
06/16/2020	355,754.82	Commissioner warrants
06/18/2020	3,143,856.05	Auditor warrants
06/25/2020	1,300.81	Auditor warrants

Audit list and auxiliary totaling \$ 237,191.56 as follows:

GENERAL REVENUE FUND	\$ 119,590.58
PUBLIC WORKS FUND	57,517.04
ECONOMIC DEVELOPMENT AUTH	.93
NON REV/DISB A	56.00
DITCH FUND	<u>60,027.01</u>
	\$ 237,191.56

* * * * *

The meeting was adjourned for July 2020.

Tom Warmka, Chair

Clara Vereide, Acting Clerk to the Board