

FARIBAULT COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
DRAINAGE AUTHORITY MEETING
AUGUST 17, 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 17, 2021. The following members were present: Bruce Anderson, Bill Groskreutz, Tom Loveall, John Roper, and Greg Young, Commissioners. Auditor/Treasurer/Coordinator Darren Esser, Drainage Manager Merissa Lore, Acting Clerk to the Board Sarah Van Moer, Chad Lawrence, Steve Lawrence, and Ronald Lawrence also attended. K. Anderson was on the call.

The meeting was called to order by Chair Roper.

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Groskreutz/Anderson motion carried unanimously to approve the August 17, 2021 drainage authority agenda.

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Anderson/Loveall motion carried to approve pay application #1 for the CD25A repair project to Krueger Excavating of Albert Lea, LLC for \$35,459.57.

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Discussion was held regarding CD52. Steve Lawrence spoke regarding the condition of CD52 and the need for an improvement on the system.

Young/Groskreutz motion carried unanimously to approve the following Findings and Order to accept a petition for improvement on CD52 and appoint Houston Engineering Inc. as the project engineer. Commissioners Young, Groskreutz, Anderson, Loveall and Roper voted yes.

R E S O L U T I O N

Findings:

1. A petition dated July 30th, 2021, was received by the Faribault County Auditor requesting an improvement of County Ditch #52 pursuant to Minn. Stat. § 103E.215, signed by Lawrence Farms, Inc., Steve Lawrence, Lawrence Land LLC, Chad and Angela Lawrence, Ronald Lawrence, and Maxine Lawrence.
2. A bond in the amount of \$50,000 payable to the Drainage Authority of Faribault County has been filed concurrently with the Petition pursuant to Minn. Stat. § 103E.202. The bond is conditioned to pay the costs incurred if the proceedings are dismissed.
3. Kurt Deter, attorney for the drainage authority reviewed the petition and bond filed with the county and determined that the petition and bond met the requirements of the proceedings for an improvement as evidenced by a letter dated August 9th, 2021.
4. The Petition conforms with the requirements of Minn. Stat. § 103E.215.

5. Pursuant to Minn. Stat. § 103E.215, subd. 5, the Petition requires appointment of an engineer to examine the drainage system and file an improvement report with the drainage authority.

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 #52, hereby orders as follows:

- A. The Petition is hereby accepted.
- B. Joe Lewis, Houston Engineering, Inc. is hereby appointed as the engineer for these proceedings and shall make a preliminary survey and file a report of findings pursuant to Minn. Stat. § 103E with the Auditor.
- C. The engineer may appoint assistant engineers and hire help necessary to complete the engineer's duties. The engineer shall be responsible for the assistant engineers and may remove them.
- D. The engineer shall subscribe to an oath to faithfully perform the assigned duties in the best manner possible and file a bond in the amount of \$5,000 with the Auditor. The bond shall be subject to approval by the Auditor. The bond shall be conditioned to pay any person or the drainage authority for damages and injuries resulting from negligence of the engineer while the engineer is acting in the proceedings or construction and provide that the engineer will diligently and honestly perform the engineer's duties.
- E. The engineer shall make an expense report showing the costs incurred by the engineer and expenses incurred under the engineer's direction relating to the proceeding. The engineer must file this report with the auditor as soon as possible and may not incur expenses for the proceeding greater than the petitioner's bond.
- F. Upon the filing of the report of findings, the Auditor shall promptly notify the Board which will, in consultation with the Auditor, set a time, by order, not more than 30 days after the date of the order, for a hearing on the engineer's report of findings. The Auditor shall provide notice of the public hearing on the report of findings in accordance with Minn. Stat. § 103E.261.

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Anderson/Loveall motion carried unanimously to adjourn drainage authority.

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The Faribault County Drainage Authority was adjourned.

John Roper, Chair

Sarah Van Moer, Acting Clerk to the Board