

FARIBAULT COUNTY  
BOARD OF COMMISSIONERS  
OFFICIAL PROCEEDINGS  
DRAINAGE AUTHORITY MEETING  
OCTOBER 5, 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 at 1:00pm on October 5, 2021. The following members were present: Bill Groskreutz, John Roper, and Greg Young, Commissioners. Auditor/Treasurer/Coordinator Darren Esser, Project Manager Dustin Anderson, and Acting Clerk to the Board Sarah Van Moer also attended. Commissioner Bruce Anderson, Drainage Manager Merissa Lore, and Kathy Anderson attended virtually. Commissioner Tom Loveall was absent.

The meeting was called to order by Chair Roper.

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Groskreutz/Young motion carried unanimously to approve the October 5, 2021 drainage authority agenda.

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No one appeared for public comment.

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Young/Groskreutz motion carried unanimously to approve the following repairs as shown below:

System	Repair #	Branch	Comm	Twp	Sec	Landowner	Problem/Proposed Work
CD26	18-233	Main	1	Emerald	30	MURRAY,DAVID K	Washout in bank. There is a washout in this area on both sides of the ditch.
CD5	21-099	Open ditch	1	Emerald	07	JOEL D HUMBURG REV LIVING TR &	Tile hole in ditch bank/buffer
CD5	21-100	Open ditch	1	Emerald	08	SCHEWE,LESLIE J & JOAN H	Tile outlet pipe failure
CD5	21-101	Open ditch	1	Emerald	08	SCHEWE,LESLIE J & JOAN H	CMP tile outlet pipe, eroding bank above and below pipe
CD5	21-104	Open ditch	1	Emerald	09	SCHEWE,LESLIE J & JOAN H	Tile outlet pipe rusting out, eroding bank
CD5	21-105	Open ditch	1	Emerald	09	SCHEWE,LESLIE J & JOAN H	10 inch CMP tile outlet washing out bank
CD5	21-106	Open ditch	1	Emerald	09	SCHEWE,LESLIE J & JOAN H	Tile outlet washing out, undercutting bank/buffer
CD83	21-128	Main	3	Dunbar	28	LUTTEKE,DENNIS G & DIANE L	Beaver Dam
JD2F	21-129	Aux-S	4	Barber	20	GLEN SKOGEN REV LIVING TR &	Inlet erosion
JD9FBE	21-132	E	4	Lura	19	DENNIS G WHITNEY LE ETAL	Tile hole

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Groskreutz/Young motion carried unanimously to approve the following invoices totaling \$31,493.87 as shown below:

System	Repair #	Order	Branch	Comm	Twp	Sec	Landowner	Repair Type	Vendor	Contractor	%	Cost
CD5	21-100	1	Open ditch	1	Emerald	08	SCHEWE,LESLIE J & JOAN H	Tile Outlet	4299	Osmundson Construction	100	\$ 2,472.84
CD5	21-101	1	Open ditch	1	Emerald	08	SCHEWE,LESLIE J & JOAN H	Tile Outlet	4299	Osmundson Construction	100	\$ 2,450.41
CD5	21-104	1	Open ditch	1	Emerald	09	SCHEWE,LESLIE J & JOAN H	Tile Outlet	4299	Osmundson Construction	100	\$ 2,657.93
CD5	21-105	1	Open ditch	1	Emerald	09	SCHEWE,LESLIE J & JOAN H	Tile Outlet	4299	Osmundson Construction	100	\$ 2,519.88
CD5	21-106	1	Open ditch	1	Emerald	09	SCHEWE,LESLIE J & JOAN H	Tile Outlet	4299	Osmundson Construction	100	\$ 340.00
JD6F	21-093	1	Branch A	1	Emerald	05	SCHWARTZ FAM FARM PARTNERSHIP	Surface Intake	4299	Osmundson Construction	100	\$ 1,013.30
JD7FM	21-095	1	Main	2	Pilot Grove	12	STEELE,MILTON R & DONNA J	Slough, Tile Outlet	4299	Osmundson Construction	100	\$ 6,623.45
JD2F	21-129	1	Aux-S	4	Barber	20	GLEN SKOGEN REV LIVING TR &	Tile inlet	4299	Osmundson Construction	100	\$ 2,753.91
JD6F	21-096	1	Lateral B-46+89	4	Barber	34	HENRY MERTENS IRREVOC TRUST #2	Blowout	4299	Osmundson Construction	100	\$ 1,357.88
JD6F	21-109	1	Lateral B-30	4	Barber	34	FIELD,LINDA ET AL	Blowout	4299	Osmundson Construction	100	\$ 441.60
JD9FBE	21-132	1	E	4	Lura	19	DENNIS G WHITNEY LE ETAL	Blowout	594	Krengel Bros. Inc.	100	\$ 344.67
CD64	21-094	1	114	5	Kiester	04	COURRIER,MARVIN J & VERLA M	Replacement	8098	A. Biddle Construction	100	\$ 8,518.00
											Total:	\$31,493.87

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Groskreutz/Young motion carried unanimously to approve final payment for the CD9 open ditch repair project to Krueger Excavating of Albert Lea, LLC for \$2,276.25; pay application #3 for the CD60 open ditch repair project to Brunz Construction Company, Inc for \$13,310.57; pay application #1 for the JD1F County Road 13 crossing project to Brunz Construction Company, Inc for \$75,704.00; and pay application #2 for the JD2F open ditch repair project to Brunz Construction Company, Inc for \$167,534.45.

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Groskreutz/Young motion carried unanimously to adopt Resolution 21-DA29-91 to set the CD77 Redetermination of Benefits Hearing for Tuesday, November 16th, 2021 at 2:00pm at the Golden Bubble in Wells, MN. Commissioners Groskreutz, Young, and Roper voted yes.

## **RESOLUTION**

### **Findings:**

1. The Faribault County Board of Commissioners is the drainage authority for County Ditch #77.
2. On July 21<sup>st</sup>, 2020, the Drainage Authority ordered a redetermination of benefits and damages for County Ditch #77.
3. The Viewers held informational meetings on December 2<sup>nd</sup>, 2020, and September 3<sup>rd</sup>, 2021, after notice to all landowners and public authorities.
4. The Viewers' report was filed with the Faribault County Auditor October 1<sup>st</sup>, 2021.
5. The Faribault County Board of Commissioners met on October 5<sup>th</sup>, 2021, in regular session to determine the date, time, and location for a final hearing on the project.
6. Pursuant to Minn. Stat. § 103E.325, subd. 3 a final hearing must be noticed by publication, posting, and mail.

### **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. A final hearing on the Viewers' Report shall be held on November 16<sup>th</sup>, 2021, at 2:00 p.m. at the Golden Bubble, 11575 State Hwy 22 Wells, MN 56097.

- 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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Groskreutz/Young motion carried unanimously to adopt Resolution 21-DA30-92 to set the CD85 Redetermination of Benefits Hearing for Tuesday, November 16th, 2021 at 2:30pm at the Golden Bubble in Wells, MN. Commissioners Groskreutz, Young, and Roper voted yes.

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

### **Findings:**

- 1. The Faribault County Board of Commissioners is the drainage authority for County Ditch #85.
- 2. On July 21<sup>st</sup>, 2020, the Drainage Authority ordered a redetermination of benefits and damages for County Ditch #85.
- 3. The Viewers held informational meetings on December 2<sup>nd</sup>, 2020, and June 11<sup>th</sup>, 2021, after notice to all landowners and public authorities.
- 4. The Viewers' report was filed with the Faribault County Auditor October 1<sup>st</sup>, 2021.
- 5. The Faribault County Board of Commissioners met on October 5<sup>th</sup>, 2021, in regular session to determine the date, time, and location for a final hearing on the project.
- 6. Pursuant to Minn. Stat. § 103E.325, subd. 3 a final hearing must be noticed by publication, posting, and mail.

### **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:

10-05-2021

- A. A final hearing on the Viewers' Report shall be held on November 16<sup>th</sup>, 2021, at 2:30 p.m. at the Golden Bubble, 11575 State Hwy 22 Wells, MN 56097.
- 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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Groskreutz/Young motion carried unanimously to adopt Resolution 21-DA31-93 to set the CD86 Redetermination of Benefits & Repair Hearing for Tuesday, November 16<sup>th</sup>, 2021 at 3:00pm at the Golden Bubble in Wells, MN. Commissioners Groskreutz, Young, and Roper voted yes.

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

### **Findings:**

- 1. The Faribault County Board of Commissioners is the drainage authority for County Ditch #86.
- 2. On July 21<sup>st</sup>, 2020, the Drainage Authority ordered a redetermination of benefits and damages for County Ditch #86.
- 3. The Viewers held informational meetings on June 11<sup>th</sup>, 2021, and September 3<sup>rd</sup>, 2021, after notice to all landowners and public authorities.
- 4. The Viewers' report was filed with the Faribault County Auditor October 1<sup>st</sup>, 2021.
- 5. The Faribault County Board of Commissioners met on October 5<sup>th</sup>, 2021, in regular session to determine the date, time, and location for a final hearing on the project.
- 6. Pursuant to Minn. Stat. § 103E.325, subd. 3 a final hearing must be noticed by publication, posting, and mail.

### **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:

10-05-2021

- A. A final hearing on the Viewers' Report shall be held on November 16<sup>th</sup>, 2021, at 3:00 p.m. at the Golden Bubble, 11575 State Hwy 22 Wells, MN 56097.
- 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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Young/Groskreutz motion carried unanimously to adopt Resolution 21-DA32-94 to set the JD10F Redetermination of Benefits Hearing for Wednesday, November 17<sup>th</sup>, 2021 at 1:00pm at the Golden Bubble in Wells, MN. Commissioners Groskreutz, Young, and Roper voted yes.

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

### **Findings:**

- 1. The Faribault County Board of Commissioners is the drainage authority for Judicial Ditch #10.
- 2. On January 19<sup>th</sup>, 2021, the Drainage Authority ordered a redetermination of benefits and damages for Judicial Ditch #10.
- 3. The Viewers held informational meetings on April 7<sup>th</sup>, 2021, and July 13<sup>th</sup>, 2021, after notice to all landowners and public authorities.
- 4. The Viewers' report was filed with the Faribault County Auditor October 1<sup>st</sup>, 2021.
- 5. The Faribault County Board of Commissioners met on October 5<sup>th</sup>, 2021, in regular session to determine the date, time, and location for a final hearing on the project.
- 6. Pursuant to Minn. Stat. § 103E.325, subd. 3 a final hearing must be noticed by publication, posting, and mail.

### **Order:**

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Based on the foregoing Findings and the entire record of proceedings before the Board, the Board, acting as the drainage authority for Judicial Ditch #10 hereby orders as follows:

- A. A final hearing on the Viewers' Report shall be held on November 17<sup>th</sup>, 2021, at 1:00 p.m. at the Golden Bubble, 11575 State Hwy 22 Wells, MN 56097.
- 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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Groskreutz/Young motion carried unanimously to adopt Resolution 21-DA33-95 to set the CD40 Redetermination of Benefits Hearing for Wednesday, November 17<sup>th</sup>, 2021 at 1:30pm at the Golden Bubble in Wells, MN. Commissioners Groskreutz, Young, and Roper voted yes.

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

### **Findings:**

- 1. The Faribault County Board of Commissioners is the drainage authority for County Ditch #40.
- 2. On March 2<sup>nd</sup>, 2021, the Drainage Authority ordered a redetermination of benefits and damages for County Ditch #40.
- 3. The Viewers held informational meetings on April 7<sup>th</sup>, 2021, and September 3<sup>rd</sup>, 2021, after notice to all landowners and public authorities.
- 4. The Viewers' report was filed with the Faribault County Auditor October 1<sup>st</sup>, 2021.
- 5. The Faribault County Board of Commissioners met on October 5<sup>th</sup>, 2021, in regular session to determine the date, time, and location for a final hearing on the project.
- 6. Pursuant to Minn. Stat. § 103E.325, subd. 3 a final hearing must be noticed by publication, posting, and mail.

### **Order:**

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Based on the foregoing Findings and the entire record of proceedings before the Board, the Board, acting as the drainage authority for County Ditch #40 hereby orders as follows:

- A. A final hearing on the Viewers' Report shall be held on November 17<sup>th</sup>, 2021, at 1:30 p.m. at the Golden Bubble, 11575 State Hwy 22 Wells, MN 56097.
- 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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Young/Groskreutz motion carried unanimously to adopt Resolution 21-DA34-96 to set the CD46 Petition for Outlet Hearing for Wednesday, November 17<sup>th</sup>, 2021 at 2:30pm at the Golden Bubble in Wells, MN. Commissioners Groskreutz, Young, and Roper voted yes.

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

### **Findings:**

- 1. The Faribault County Board of Commissioners is the drainage authority for County Ditch #46.
- 2. On August 2<sup>nd</sup>, 2021, a petition for express authority for County Ditch #40 to use County Ditch #46 as an outlet was received by the drainage authority.
- 3. Viewers were appointed on August 3<sup>rd</sup>, 2021, to determine the benefit County Ditch #40 receives from the use of County Ditch #46 as an outlet and assign an outlet benefit.
- 4. The Viewers' report was filed with the Faribault County Auditor October 1<sup>st</sup>, 2021.
- 5. Pursuant to Minn. Stat. § 103E.401, subd. 3, a public hearing must be noticed by mail and noticed by publication.

### **Order:**

10-05-2021

Based on the foregoing Findings and the entire record of proceedings before the Board, the Board, acting as the drainage authority for County Ditch #46, hereby orders as follows:

- A. A hearing on the petition for express authority for County Ditch #40 to use County Ditch #46 as an outlet for drainage shall be held on November 17<sup>th</sup>, 2021, at 2:30 p.m. at the Golden Bubble, 11575 State Hwy 22 Wells, MN 56097.
- B. The Faribault County Auditor shall publish notice of the hearing at least once a week for three successive weeks in a legal newspaper in general circulation in each county affected by the notice. Notice by mail shall be sent to all benefited landowners on the drainage system concurrent with notice by publication.
- C. At least ten days before the hearing, the Auditor shall give notice by mail of the time and location of the hearing to the owners of property and political subdivision likely to be affected by the project.

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Groskreutz/Young motion carried unanimously to adopt Resolution 21-DA35-97 to accept the CD26 Petition for Use as Outlet & appoint viewers to determine the outlet benefit & fee. Commissioners Groskreutz, Young, and Roper voted yes.

## **RESOLUTION**

### **Findings:**

- 1. The Faribault County Board of Commissioners is the drainage authority for County Ditch #26.
- 2. A petition for authority to use County Ditch #26 as an Outlet was filed on September 7<sup>th</sup>, 2021.
- 3. A private tile system that drains multiple properties outlets into County Ditch #26 approximately 275 linear feet upstream of the outlet of County Ditch #26. Areas drained by this private tile system are not currently assigned benefits into County Ditch #26.
- 4. The drainage authority finds that property owners, not currently assigned benefits, receive benefit from use of County Ditch #26 and an outlet benefit should be assigned.

### **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 #26, hereby orders as follows:

- A. The Board hereby accepts the Zierke petition for authority to use County Ditch #26 as an outlet.
- B. The Board shall follow the procedures of Minn. Stat. § 103E.401, subd. 4 to determine benefits for property owners outletting into County Ditch #26.

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- C. That Mark Behrends, Bob Hansen, Kendall Langseth, Bruce Ness, and John Thompson are hereby appointed as viewers to determine an outlet fee and benefit of property owners outletting to County Ditch #26.
- D. That within 5 days of this Order, the Auditor 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's Order along with a certified copy of this Order.

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Groskreutz/Young motion carried unanimously to adopt Resolution 21-DA36-98 to accept the CD26 Petition for Lateral & appoint Mark Origer, ISG, as the project engineer. Commissioners Groskreutz, Young, and Roper voted yes.

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

### **Findings:**

1. The Faribault County Board of Commissioners is the drainage authority for County Ditch #26.
2. A petition dated March 12<sup>th</sup>, 2021, was received by the Faribault County Auditor requesting construction of a lateral to County Ditch #26 pursuant to Minn. Stat. §103E.225.
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 requirement of the proceedings for a lateral to County Ditch #26.
4. Upon further review of the existing benefit roll of County Ditch #26, it was determined that the property listed in the lateral petition was not currently assigned benefits into County Ditch #26. Pursuant Minn. Stat. §103E.225 subd. 3 the Drainage Authority notified the petitioners' attorney that a petition for authority to use County Ditch #26 as an outlet was necessary to construct the lateral; therefore, the petition for lateral will not be accepted until the petition for outlet is received.
5. The petition for authority to use County Ditch #26 as an outlet was received on September 7<sup>th</sup>, 2021.
6. The drainage authority finds that it has jurisdiction over these proceedings and pursuant to Minn. Stat. § 103E.241, subd. 1 desires to appoint an engineer to make a preliminary survey.

### **Order:**

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Based on the foregoing Findings and the entire record of proceedings before the Board, the Board, acting as the drainage authority for County Ditch #26, hereby orders as follows:

- A. That Mark Origer, I&S Group (ISG), is hereby appointed as the project engineer for these proceedings and shall make a preliminary survey pursuant to Minn. Stat. Ch. 103E.
- B. Prior to commencing any work, the engineer must subscribe to an oath to faithfully perform the assigned duties in the best manner possible and file a bond in the amount of \$10,000 with the Faribault County Auditor within ten days after being appointed.
- 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 make an expense report every two weeks after the beginning of the engineer's work until the construction of the contract is awarded. The report must show costs incurred by the engineer and expenses incurred under the engineer's direction relating to the proceeding, and include the names of the engineer, engineer assistants, and employees and the time each was employed, and every item of expense incurred by the engineer. 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.

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Staff reports and project updates were given.

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The Faribault County Drainage Authority was adjourned.

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John Roper, Chair

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Sarah Van Moer, Acting Clerk to the Board