

FARIBAULT COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
DRAINAGE AUTHORITY MEETING
NOVEMBER 2, 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 November 2, 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, and Acting Clerk to the Board Sarah Van Moer also attended. J. Blair attended virtually.

The meeting was called to order by Chair Roper.

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Young/Anderson motion carried unanimously to approve the November 2, 2021 drainage authority agenda.

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No one appeared for public comment.

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

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| System | Repair # | Order | Branch | Comm | Twp | Sec | Landowner | Repair Type | Vendor | Contractor | % | Cost |
|----------|----------|-------|---------------|------|-------------|-----|---------------------------------|--------------------|--------|---------------------------------------|--------|----------|
| CD26 | 20-116 | 1 | Main | 1 | Rome | 3 | OSWALD,RAYMOND N & PATRICIA | Surface Intake | 4299 | Osmundson Construction | 100 | 1824.58 |
| CD46 | 21-147 | 1 | Main | 1 | Emerald | 26 | PETERSON,JEFFREY | Blowout | 4299 | Osmundson Construction | 100 | 3809.25 |
| CD5 | 21-106 | 2 | Open ditch | 1 | Emerald | 09 | SCHEWE,LESLIE J & JOAN H | Tile Outlet | 4299 | Osmundson Construction | 100 | 2515.73 |
| CD514 | 21-140 | 1 | Badger Creek | 2 | Jo Daviess | 23 | RODRIGUEZ,NED WEYER | Beaver Dams | 4299 | Osmundson Construction | 100 | 805 |
| JCD202FM | 20-185 | 2 | Main | 2 | Jo Daviess | 22 | BENZ,LOREN & KATHLEEN | Culvert/Crossing | 7678 | Krueger Excavating of Albert Lea, LLC | 90 | 16253.02 |
| CD16 | 21-138 | 1 | Main Trunk | 4 | Barber | 12 | SCHULTZ, RONALD V & CHRISTINE L | Blowout | 4299 | Osmundson Construction | 100 | 1184.96 |
| CD43 | 20-186 | 8 | Main | 4 | Lura | 28 | WALKER,KEVIN R & JANNETTE K | Level Spoils | 2984 | Customized Landscape and Design | 100 | 1072.5 |
| JD2F | 21-143 | 1 | Y | 4 | Prescott | 12 | KIEHM FAMILY FARMS LLC | Surface Intake | 4299 | Osmundson Construction | 100 | 394.26 |
| JD2F | 18-046 | 3 | G | 4 | Prescott | 12 | KIEHM FAMILY FARMS LLC | Blowout | 4299 | Osmundson Construction | 100 | 666.64 |
| CD20 | 21-012 | 1 | B | 5 | Walnut Lake | 17 | FUGLE,THOMAS RICHARD ET AL | Blowout | 4299 | Osmundson Construction | 100 | 775.69 |
| CD25A | 18-234 | 5 | Branch A open | 5 | Brush Creek | 06 | BLOM,PAUL B & MARSHA K | Seed Buffer Strips | 2984 | Customized Landscape and Design | 100 | 853 |
| | | | | | | | | | | | | |
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| | | | | | | | | | | | Total: | 30154.58 |

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Young/Anderson motion carried unanimously to approve change order #2 for the CD60 open ditch repair project totaling \$1,833.20 for re-slope material spreading and leveling.

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Loveall/Anderson motion carried unanimously to approve change order #2 for the for the JD2F open ditch repair project totaling \$4,123.50 for additional tile outlet repairs and bank seeding in the repair areas.

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Loveall/Young motion carried unanimously to approve the following pay applications: pay application #4 for the CD60 open ditch repair for \$16,941.35 to Brunz Construction Company, Inc; pay application #2 for the JD1F County Road 13 crossing for \$59,271.18 to Brunz Construction Company, Inc; pay application #3 for the JD2F open ditch repair for \$31,710.23 to Brunz Construction Company, Inc; and pay application #5 for the JCD202FM repair for \$21,755.00 to Krueger Excavating of Albert Lea.

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Loveall/Anderson motion carried unanimously to adopt Resolution 21-DA37-101 initiating a redetermination of benefits and appointing viewers on CD29. Commissioners Groskreutz, Young, Anderson, Loveall, and Roper voted yes.

RESOLUTION

Findings:

1. The Faribault County Board of Commissioners is the drainage authority for County Ditch #29.
2. County Ditch #29 was established in 1915. Benefits for County Ditch #29 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 benefitted properties, benefitted 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 #29 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 #29.
5. Since the original determination of benefits and damages, land values have changed within the benefitted area of County Ditch #29.

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6. The drainage authority held a public meeting on November 2nd, 2021, to discuss the need for a redetermination of benefits for County Ditch #29.
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 benefitted 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 #29, hereby orders as follows:

- A. The Board shall follow the procedures of Minn. Stat. § 103E.351 to conduct a redetermination of benefits for County Ditch #29.
- B. That Mark Behrends, John Thompson, Robert Hansen, Kendall Langseth, and Bruce Ness are hereby appointed as viewers to redetermination and report the benefits and damages for County Ditch #29.
- C. That within 5 days of this Order, 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 Order along with a certified copy of this Order.

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Loveall/Anderson motion carried unanimously to adopt Resolution 21-DA38-102 initiating a redetermination of benefits and appointing viewers on CD30. Commissioners Groskreutz, Young, Anderson, Loveall, and Roper voted yes.

R E S O L U T I O N

Findings:

8. The Faribault County Board of Commissioners is the drainage authority for County Ditch #30.
9. County Ditch #30 was established in 1915. Benefits for County Ditch #30 were determined concurrent with establishment in 1915, prior to the initiation of modern, intensive farming and drainage practices within Faribault County.
10. The current benefits roll reflects the benefitted properties, benefitted areas, and benefit values as determined by viewers based on assumptions regarding the future use and drainage of said properties.

11. Since the original establishment of County Ditch #30 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 #30.
12. Since the original determination of benefits and damages, land values have changed within the benefitted area of County Ditch #30.
13. The drainage authority held a public meeting on November 2nd, 2021, to discuss the need for a redetermination of benefits for County Ditch #30.
14. 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 benefitted 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 #30, hereby orders as follows:

- D. The Board shall follow the procedures of Minn. Stat. § 103E.351 to conduct a redetermination of benefits for County Ditch #30.
- E. That Mark Behrends, John Thompson, Robert Hansen, Kendall Langseth, and Bruce Ness are hereby appointed as viewers to redetermination and report the benefits and damages for County Ditch #30.
- F. That within 5 days of this Order, 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 Order along with a certified copy of this Order.

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Anderson/Loveall motion carried to adopt Resolution 21-DA39-103 initiating a redetermination of benefits and appointing viewers on CD65. Commissioners Groskreutz, Anderson, Loveall, and Roper voted yes. Commissioner Young voted no.

R E S O L U T I O N

Findings:

15. The Faribault County Board of Commissioners is the drainage authority for County Ditch #65.

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16. County Ditch #65 was established in 1920. Benefits for County Ditch #65 were determined concurrent with establishment in 1920, prior to the initiation of modern, intensive farming and drainage practices within Faribault County.
17. The current benefits roll reflects the benefitted properties, benefitted areas, and benefit values as determined by viewers based on assumptions regarding the future use and drainage of said properties.
18. Since the original establishment of County Ditch #65 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 #65.
19. Since the original determination of benefits and damages, land values have changed within the benefitted area of County Ditch #65.
20. The drainage authority held a public meeting on November 2nd, 2021, to discuss the need for a redetermination of benefits for County Ditch #65.
21. 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 benefitted 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 #65, hereby orders as follows:

- G. The Board shall follow the procedures of Minn. Stat. § 103E.351 to conduct a redetermination of benefits for County Ditch #65.
- H. That Mark Behrends, John Thompson, Robert Hansen, Kendall Langseth, and Bruce Ness are hereby appointed as viewers to redetermination and report the benefits and damages for County Ditch #65.
- I. That within 5 days of this Order, 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 Order along with a certified copy of this Order.

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Loveall/Young motion carried unanimously to approve the JD2F ASI Cost-Share Voucher & Certification form for \$9,000. (\$12,000 total cost, system cost is \$3,000.)

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Young/Groskreutz motion carried unanimously to approve the CD60 ASI Cost-Share Voucher & Certification form for \$10,125. (\$13,500 total cost, system cost is \$3,375.)

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Young/Groskreutz motion carried unanimously to approve amendment #1 to the JCD202FM ASI cost-share contract to increase encumbered funds by \$3,386.25 (total cost-share \$24,300) and extend the install-by date to December 31, 2021.

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Anderson/Young motion carried unanimously to approve installing a bank dewatering tile line on the east bank of CD25A new open ditch to attempt to stabilize the bank and stop further erosion at an estimated cost of \$5,500.

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Loveall/Groskreutz motion carried unanimously to accept the low bid from Leland Drainage & Excavating of \$147,925.00 for the JCD301FF Hueper Branch repair project. (Clark Township Bid Alternate: \$26,770.00)

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Young/Anderson motion carried unanimously to adopt Resolution 21-DA40-104 applying assessments to the listed ditches as follows. Commissioners Groskreutz, Anderson, Young, Loveall, and Roper voted yes.

R E S O L U T I O N

WHEREAS, Minnesota Statute 103E.705 subdivision 6, authorizes the County Board to levy assessments to meet the cost of ditch repair on county, judicial, and joint county ditches;

WHEREAS, the County Board has reviewed the assessments prepared by the County Auditor-Treasurer,

THEREFORE, BE IT RESOLVED that the assessments for more than one year be due and payable by December 31, 2021 and that unpaid balances at that time be charged a 4.0% annual rate of interest.

THEREFORE, BE IT resolved that the following assessments be applied to the listed ditches as follows:

| Ditch Name | Amount | Years to pay |
|-------------------|---------------|---------------------|
| JCD301FF CD1 | 20,000.00 | 1 |
| CD3 | 25,000.00 | 2 |
| CD7 | 30,000.00 | 4 |
| CD8 | 255,000.00 | 7 |
| CD11 | 10,000.00 | 10 |
| CD14 | 42,000.00 | 1 |
| CD17 | 10,000.40 | 5 |
| CD17 (land only) | 8,779.60 | 5 |
| CD18 | 8,000.00 | 2 |
| CD19 | 10,000.00 | 10 |
| CD20 | 83,000.00 | 10 |
| JCD23FM CD23 | 17,000.00 | 10 |
| CD25 BrA | 410,000.00 | 20 |
| Cd#32 | 3,000.00 | 1 |
| Cd#34 | 25,000.00 | 4 |
| CD37 | 11,000.00 | 1 |
| Cd#38 | 12,000.00 | 1 |
| CD41 | 80,000.00 | 10 |
| Cd#42 | 210,000.00 | 10 |
| CD44 | 22,000.00 | 1 |
| Cd#46 | 79,000.00 | 10 |
| Cd#47 | 2,000.00 | 1 |
| Cd#50 | 2,000.00 | 1 |
| Cd#52 | 2,000.00 | 1 |
| Cd#53 | 2,000.00 | 1 |
| Cd#54 | 4,000.00 | 7 |
| CD55 | 84,000.00 | 11 |
| CD56 | 1,200.00 | 10 |
| CD59 | 2,000.00 | 2 |
| CD60 | 35,000.00 | 10 |
| CD62 | 35,000.00 | 10 |
| Cd#63 | 1,000.00 | 1 |
| Cd#73 | 2,500.00 | 1 |
| Cd#79 | 25,000.00 | 8 |
| Cd#83 | 125,000.00 | 10 |
| Cd#90 | 2,000.00 | 1 |
| Cd #92 | 7,000.00 | 1 |
| JD7MF | 85,000.00 | 2 |

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|------------------|---------------------|----|
| Jd#9 F&Be &Imprv | 27,000.00 | 1 |
| JD16FBE | 2,000.00 | 1 |
| Jd#19F | 5,000.00 | 1 |
| JD20F | 3,000.00 | 1 |
| JD21F | 2,000.00 | 1 |
| Jd#22F | 2,000.00 | 1 |
| Jd#116 M,F&Be | 4,500.00 | 20 |
| Total | 1,832,980.00 | |

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Loveall/Groskreutz motion carried unanimously to appoint Commissioners Young and Anderson, Drainage Manager Merissa Lore, and Auditor/Treasurer/Coordinator Darren Esser to a mediation committee for CD21 litigation.

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Discussion was held regarding CD24 and possible next steps, proposed ideas included scheduling an informational meeting for after the new year.

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Loveall/Anderson motion carried unanimously to approve agreements with RailPros Field Services to provide construction observation and flagger services for the CD26 repair, and purchase of tilt sensors from Frontier Precision and equitably bill the cost to the systems.

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Staff reports and project updates were given.

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Anderson/Young motion carried unanimously to adjourn drainage authority.

The Faribault County Drainage Authority was adjourned.

John Roper, Chair

Sarah Van Moer, Acting Clerk to the Board