

FARIBAULT COUNTY  
BOARD OF COMMISSIONERS  
OFFICIAL PROCEEDINGS  
DRAINAGE AUTHORITY MEETING  
JULY 5, 2022

The Faribault County Board of Commissioners met at the Courthouse in the City of Blue Earth as the Faribault County Drainage Authority at 1:00 p.m. on July 5, 2022. The following members were present: Bruce Anderson, Bill Groskreutz, John Roper, and Greg Young Commissioners. Auditor/Treasurer/Coordinator Darren Esser, Drainage Project Manager Dustin Anderson, Acting Clerk to the Board Sarah Van Moer also attended. Drainage Manager Merissa Lore, and Faribault County employees J. Blair, S. Hauskins, L. Mehrhof, and K. Anderson attended virtually. Commissioner Loveall was absent.

The meeting was called to order by Chair Young.

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Groskreutz/Roper motion carried unanimously to approve the agenda of July 5, 2022.

\* \* \* \* \*

No one appeared during public comment.

\* \* \* \* \*

Anderson/Roper motion carried unanimously to approve payment of drainage voucher bills totaling \$3,239.00.

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Groskreutz/Anderson motion carried unanimously to approve repair projects as shown below:

System	Repair #	Branch	Comm Dist	Twp	Sec	Landowner	Problem/Proposed Work
CD40	21-004	Main Trunk	1	Emerald	23	JEAN DAHL ET AL	Tile hole
CD41	22-033	Lateral 187	1	Elmore	35	NAUMANN,BRIAN & JENNIFER	Tile hole
CD5	20-101	Main Trunk	1	Emerald	08	TAGATZ,NEIL	Bank erosion on outside of bend of open ditch.
CD5	22-073	Main	1	Emerald	08	TAGATZ,NEIL	Erosion around bridge abutments
CD5	22-074	Main	1	Emerald	07	TAGATZ,NEIL	Sloughing
CD33	22-070	Main	2	Jo Daviess	23	RODRIGUEZ,NED WEYER	Tree roots in tile
JCD23FM	22-072	C	4	Winnebago City	18	BUTLER FARMS INC	Tile hole
JD17F	22-071	25	4	Winnebago City	36	BUTLER FARMS INC	Tile hole
CD64	22-030	21	5	Kiester	06	OBERMEYER,SANDRA L	Tile hole in waterway

\* \* \* \* \*

Groskreutz/Roper motion carried unanimously to approve payment totaling \$36,211.02:

System	Repair #	Order	Branch	Comm Dist	Twp	Sec	Landowner	Repair Type	Vendor	Contractor	%	Cost
CD26	19-236	4	Main	1	Rome	03	OSWALD,RAYMOND N & PATRICIA	Blowout, Replacement	2984	Customized Landscape and Design	100	\$200.00
CD41	17-033	1	Lat 162	1	Elmore	35	RISTAU,RICHARD A & BARBARA J	Blowout	4299	Osmundson Construction	100	\$5,079.79
CD41	22-033	1	Lateral 187	1	Elmore	35	NAUMANN,BRIAN & JENNIFER	Blowout	4299	Osmundson Construction	100	\$935.00
CD41	22-053	1	Lateral 162	1	Elmore	34	NAUMANN,BRIAN & JENNIFER	Excavating	4299	Osmundson Construction	100	\$3,514.79
CD8	22-001	3	H	1	Rome	06	PETERSON,NANCY L	Replacement	2984	Customized Landscape and Design	100	\$200.00
JD6F	21-082	1	Open ditch	1	Emerald	05	CHARLES B PRESCHER LIV TRST &	Grind trees	7678	Krueger Excavating of Albert Lea, LLC	100	\$12,000.00
CD60	22-022	1	Main	2	Jo Daviess	10	FOCHT LIVING TRUST ET AL	Tile Outlet	7678	Krueger Excavating of Albert Lea, LLC	100	\$8,538.41
CD14	22-061	1	A	4	Prescott	35	EBERLINE,WILLIS A	Blowout	4299	Osmundson Construction	100	\$938.10
CD16	22-055	1	Main	4	Barber	11	MARTIN,JOYCE	Blowout	4299	Osmundson Construction	100	\$665.00
CD20	22-063	1	J	5	Walnut Lake	22	SCHMIDT,RONALD J	Blowout	4299	Osmundson Construction	100	\$787.50
CD25	22-013	1	157 A	5	Brush Creek	06	VERDOORN,MICHAEL	Blowout	4299	Osmundson Construction	100	\$2,822.93
CD64	22-030	1	21	5	Kiester	06	OBERMEYER,SANDRA L	Blowout	7600	TR Excavation & Hauling, LLC	100	\$529.50

Total: **\$36,211.02**

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Anderson/Roper motion carried unanimously to approve change order #1 for the CD74 main open ditch repair project totaling \$2,101.82 (new contract price \$47,221.82). The change is for two additional tile outlet repairs and changing side inlet installation to rock chutes due to high water and shallow ditch.

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Anderson/Roper motion carried unanimously to approve to approve pay application #2 for the CD74 main open ditch repair project in the amount of \$23,438.23 to Krueger Excavating of Albert Lea.

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Groskreutz/Anderson motion carried unanimously to approve the hearing meeting minutes for the JD6F Repair Hearing.

\* \* \* \* \*

Anderson/Roper motion carried unanimously to approve Resolution 22-DA23-47 from the JD6F Repair Hearing and ordering the repair. Commissioners Groskreutz, Roper, Anderson, and Young voted yes.

The Faribault County Board of Commissioners, sitting as the drainage authority for Judicial Ditch #6, received repair requests regarding a portion of the mainline open ditch. A system inspection was completed by drainage staff verifying repair needs on the system; having noticed and conducted a public hearing on the staff repair report and followed all requirements of chapter 103E, based on the record and proceedings, the Faribault County Board of Commissioners, acting as the Drainage Authority for Judicial Ditch #6, adopts the following Findings and Order:

**Findings:**

1. Faribault County Board of Commissioners is the drainage authority for Judicial Ditch #6.
2. A system inspection and survey were completed by drainage staff on Judicial Ditch #6 in Fall of 2021. Upon inspection, portions of the open ditch were found to be in disrepair.
3. An informational meeting was held on March 28<sup>th</sup>, 2022, after notice to all landowners and public authorities. The Inspection report and staff repair report were presented to the drainage authority on March 1<sup>st</sup>, 2022.
4. The drainage authority met at 1:00 pm on June 7<sup>th</sup>, 2022, at the Faribault County Board 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 June 21<sup>st</sup>, 2022, at 1:00 pm at Average Joe's Conference Room, 115 East 6<sup>th</sup> 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, remove and abandonment of 4 field crossings, replacement of 1 field crossing, lowering of 1 field crossing, tile outlet repairs, and side inlet replacements.
7. Staff estimated the cost of the repairs to be \$173,041.
8. Cost-share has been secured 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 \$62,800.00. Cost-share provides grant funds for 75 percent of the cost for a total of \$47,100.00. System cost would be \$15,700.00. The grant funds reduce the system estimated cost of the repair to \$125,941.00.
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. Steven Christianson, Barber Township, 46499 140<sup>th</sup> St. Blue Earth, MN 56013:

Stated he has buffer strip areas that are enrolled with CRP.

*Dustin Anderson responded that the designated mix for that easement will be reseeded in the disturbed areas.*

Steven also presented questions about the cost of removing crossings.

*Dustin Anderson responded that it is less expensive to remove the crossing and reseed the banks then to wait for the crossing to fail and then repair the area. The estimated cost to remove the crossings is \$750 per crossing.*

Steven also presented questions about contractor access to the ditch during construction and if the buffer strip easement was to be utilized for access versus driving through fields.

*Dustin Anderson responded that the contractor will use the buffer strip easement as much as possible and try to avoid unnecessary crop damages but there may be cases where the contractor is outside of the buffer strip easement. If crop damages occur, the landowner will be compensated. Also, there is a construction easement that was established on JD6F when the system was redetermined to give the Drainage Authority the right to be outside of the buffer strip easement in these cases.*

- b. Neil Tagatz, Emerald Township, 44036 120<sup>th</sup> St. Blue Earth, MN 56013:

Stated that at the informational meeting he talked about removing the crossing on his property but would like it left for now unless it is rusty or close to failure.

*Dustin Anderson responded that it is not planned to remove the crossing at this time but will investigate the condition of the culvert prior to construction and discuss it with Neil*

at that time.

- c. Kenneth Haase, Blue Earth City Township, 7301 377<sup>th</sup> Ave. Blue Earth, MN 56013:

Presented questions about material type on the crossing replacement if cost were close, reinforced concrete pipe (RCP) would last longer than corrugated metal pipe (CMP).

*Dustin Anderson responded that if the Drainage Authority would like to get bids on both RCP and CMP, the project could be bid with an alternate for RCP and depending on costs the Drainage Authority could choose the material type when awarding a bid.*

Kenneth also presented questions about tree growth control since tree removal was recently conducted on the system.

*Dustin Anderson responded that Faribault County has implemented a tree spray program that sprays every ditch once every three years. The spraying is conducted via ground spraying to ensure good contact.*

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 Judicial Ditch #6 in Barber Township Sections 27, 32, 33, 34 and Emerald Township Sections 4, 5, 8 all of Faribault County is out of repair; that the condition of Judicial Ditch #6 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 Judicial Ditch #6, hereby orders as follows:

- A. That the proposed repair to Judicial Ditch #6 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 Judicial Ditch #6 and/or by assessments made to the properties benefited by the drainage system in the drainage system records.

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Staff reports were presented, and project updates given.

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The meeting was closed due to attorney-client privileged discussion regarding the CD21 litigation. Present were Commissioners Groskreutz, Roper, Anderson, and Young; Auditor/Treasurer/Coordinator Darren Esser, Drainage Project Manager Dustin Anderson, and Acting Clerk to the Board Sarah Van Moer. Attorney Roger Justin and Drainage Manager Merissa Lore attended virtually.

The meeting was reopened, and Darren Esser gave a recap of the session.

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Anderson/Groskreutz motion carried unanimously to authorize attorney Roger Justin to make a settlement offer as discussed during the closed session on CD21.

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The Faribault County Drainage Authority was recessed to July 19<sup>th</sup>, 2022.

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Greg Young, Chair

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Sarah Van Moer, Acting Clerk to the Board