

FARIBAULT COUNTY  
BOARD OF COMMISSIONERS  
OFFICIAL PROCEEDINGS  
JANUARY 21, 2020

The Faribault County Board of Commissioners met pursuant to the recess of January 7, 2020 at the Courthouse in the City of Blue Earth at 9:00 a.m. on January 21, 2020. The following members were present: Tom Loveall, John Roper, Tom Warmka, and Greg Young Commissioners. Commissioner Groskreutz was absent. 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.

The meeting was called to order by Chair Warmka. The pledge of allegiance was recited.

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Roper/Young motion carried unanimously to approve the synopsis and official proceedings of the January 7, 2020 regular and drainage authority meetings and December 17, 2019 drainage authority meeting.

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Young/Roper motion carried unanimously to approve the agenda of January 21, 2020 as amended.

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The calendar was updated.

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Committee reports were given.

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Public Works Director Mark Daly met regarding public works business. A construction update was given.

Roper/Loveall motion carried unanimously to designate the \$7.6 million turnback money received for Trunk Highways 253 and 254 to CSAH 17 and CSAH 23.

Young/Loveall motion carried unanimously to accept bid from Yeager Equipment of \$23,000.00 for a 104" mower for the parks. One other bid was received from Olson Rentals for \$25,899.99.

Loveall/Young motion carried unanimously to advertise for striping, seal coat oil, crack seal, and micro-surfacing.

Loveall/Roper motion carried unanimously to set January 29, 2020 at 9:00 a.m. for annual Park Board meeting.

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Central Services Director Lexi Scholten met regarding office business.

Loveall/Roper motion carried unanimously to approve the hire of Kasta Amundson as part-time Dispatch/Jailer in the Sheriff Department.

Loveall/Young motion carried unanimously to approve the hire of Sara Hauskins as full-time Administrative Assistant in Planning and Zoning.

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Employee Years of Service recognition awards were presented to: Dawn Leland and Todd Hanevik for 30 years of service; Mark Nelson and Mike Gormley for 25 years of service; Erin Bromeland and Barry Meyers for 20 years of service; Bill Groskreutz, Jr. for 15 years of service; John Roper and Tara Sunken for 10 years of service; and Laura Weber, Briar Bonin, Eric Neubauer, Glenn Hassing, Brittney Gehrking, Emily Langford, Chase Davis, Jessica Blair, and Brandon Schaefer for 5 years of service.

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Loveall/Young motion carried unanimously to appoint Dennis Koziolk of Wells to a 3-year term on the Planning Commission ending December 31, 2022 and Christine Schaefer of Walters to a 3-year term on the Library Board ending December 31, 2022.

Roper/Loveall motion carried unanimously to change the length of term for members on the Economic Development Agency board to 6-year terms.

Loveall/Young motion carried unanimously to correct the term ending date on Lars Bierly's appointment to the Economic Development Agency board to December 31, 2025.

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Young/Loveall motion carried unanimously to approve the Faribault County Emergency Operations Plan and MN WALK.

\* \* \* \* \*

Loveall/Roper motion carried unanimously to approve Resolution 20-CB-12 granting a gambling application to Heartland-Faribault County Pheasants Forever at the Golden Bubble in Foster Township. Commissioners Loveall, Roper, Warmka, and Young voted yes. Commissioner Groskreutz was absent.

## **RESOLUTION**

**WHEREAS,** the Faribault County Board of Commissioners has considered the application of Heartland-Faribault County Pheasants Forever to operate Bingo, paddlewheels, pull-tabs, tip boards, and raffles at the Golden Bubble in Foster Township.

**BE IT RESOLVED,** to approve said application and authorize the County Auditor to sign necessary approval forms.

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Roper/Young motion carried unanimously to approve requests from J. Blair to attend a 1-day MACO conference in Bloomington; M. Daly, J. Oswald, and B. Schaper to attend a 1-day District 7

engineers and technicians conference in Mankato; C. Beaver to attend a 5-day FBI basic negotiator course in Cottage Grove; D. Anderson to attend a 1-day grassed waterway training in Owatonna; and B. Douglas to attend a 1-day GBERBA meeting in Mankato.

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Roper/Loveall motion carried unanimously to approve Resolution 20-CD06-13 approving the findings and order on the petition to repair CD 41. Commissioners Loveall, Roper, Warmka, and Young voted yes. Commissioner Groskreutz was absent.

## **RESOLUTION**

**BE IT RESOLVED** that the County Board of Commissioners approves the following findings and order on the petition to repair CD 41.

## **FINDINGS**

1. By order dated April 18, 2017 the Faribault County Board of Commissioners established the open ditch repair to County Ditch 41.
2. Upon advertised bids, the drainage authority awarded a contract for construction to Dirt Merchant Inc.
3. In the proceedings, damages were awarded based on the impact construction of the system had on adjacent properties.
4. Upon completion of construction of the open ditch repairs, the project engineer inspected the construction and prepared a report to the drainage authority showing the contract price, the amount paid on certificates, the unpaid balance, and the work that is completed under the contract.
5. The engineer has concluded that the work was performed according to the plans and specifications for the repair, was performed within the right of way for which damages have been determined and paid for the construction, and was performed by the contractor in a timely and workmanlike manner by the contractor.
6. The engineer has certified that the original contract was \$265,533.16 with an additional \$85,004.09 of change orders for a final contract price of \$350,537.25 with the final total amount paid to the contractor of \$390,286.11, \$39,748.86 over the contract price including change orders due to additional tile outlets, tree clearing, slough repair, and seeding than estimated.
7. The engineer has certified and recommended that a final payment of \$36,623.90.
8. Upon receipt of the engineer's report, the auditor set a time and location for a hearing on the report, gave notice of the hearing by publication, by mail to affected landowners and by posting at the meeting place at least ten days before the hearing, and included an invitation in the notice that a party objecting to the acceptance of the contract may appear and be heard.

9. 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. Randy Peter, Elmore Township Board, 3677 400<sup>th</sup> Ave, Elmore MN 56027.

Elmore Township had two additional board members present at the hearing, Wayne Tvedten and Terry Campbell, who did not make comment. The Elmore Township Board was not aware of crossing costs on 420<sup>th</sup> Avenue, between Sections 35 and 36. They had a public safety concern due to the culvert not being centered in the road and east side not having enough shoulder. Elmore Township presented an estimate from ISG and does not want to pay \$9,100.00 in costs for an extension. The Township believes the crossing needs additional markings on both sides.

*The Engineer and County Board acknowledged the crossing is shorter to the east but was replaced the same as it was before for minimal costs to the road authority. It is not closer after the repair than before. The west extends slightly farther to protect the bank and direct flow. The Board decided it was best to close the project and address the crossing issue separately.*

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

- A. The contract herein is accepted as complete.
- B. Any retainage under the contract shall be released to the contractor upon proof of release of all liens of contractors or materialmen related to the project.
- C. The County Auditor-Treasurer is ordered to pay the retainage of \$36,623.90.

\* \* \* \* \*

Roper/Loveall motion carried unanimously to approve Resolution 20-CD07-14 approving the findings and order on the petition to repair CD 3. Commissioners Loveall, Roper, Warmka, and Young voted yes. Commissioner Groskreutz was absent.

### **RESOLUTION**

**BE IT RESOLVED** that the County Board of Commissioners approves the following findings and order on the petition to repair CD 3.

### **FINDINGS**

1. A petition dated March 20, 2018 was received by the Faribault County Auditor requesting to repair County Ditch 3 pursuant to Minnesota Statute §103E.715.

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2. The drainage authority met at 11:00 a.m. on April 3, 2018 accepted a petition for the repair of County Ditch 3, determined that the drainage system needed repair, and appointed ISG to prepare an engineer's report pursuant to Minnesota Statute §103E.715, subd. 2.
3. The engineer's report was filed with the drainage authority on November 6, 2019. The drainage authority, in consultation with the auditor, ordered a public hearing on the repair report.
4. The drainage authority, by order, set a public hearing for review of the engineer's survey report on January 7, 2020 at 2:00 p.m. at Hamilton Hall in Blue Earth MN. Notice of the hearing on the repair report was provided by mail to the petitioners, owners of property, and political subdivisions likely to be affected by the repair in the repair report in accordance with Minnesota Statute §103E.715, subd. 3.
5. At the public hearing, Engineer Mark Origer of ISG presented the engineer's report. The engineer recommended a repair of the drainage system. Three options were given on the open ditch from Lura Township section 25 at CSAH 19, upstream to Walnut Lake Township Section 30 at the point of beginning.
6. The upstream portion of CD 3 starting at CSAH 19 in Section 25 of Lura Township is in need of repair as the majority of the ditch is well above legal grade, tile outlets are in poor conditions, and many areas are sloughing and eroding.
7. The engineer estimated the costs of the repairs to be Option 1 - \$443,994, Option 2 - \$1,100,357, and Option 3 - \$747,240.
8. The engineer's report contains all of the details, plans, and specifications necessary to prepare and award a contract for the repairs.
9. 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. Bill Rauenhurst, Barber Township, 48531 170<sup>th</sup> Street, Easton MN 56025.

Presented questions on the 160<sup>th</sup> Street crossing and offered additional options to replacing the newer box culvert. Wondered who paid for the culvert.

*The repair project would not replace the box culvert, only lower it. The engineer recommended if the culvert is left alone there should be no cleaning. The road authority pays for any work to the 160<sup>th</sup> Street culvert.*

b. Donald Linder, Barber Township, 30 North Shore Drive, Winnebago MN 56098.

Presented questions on cleaning to grade, additional costs, and if the repair would get down to clay. Stated the culvert in Section 12 on a minimum maintenance road is getting condemned by the township.

*The engineer's recommendation is to clean to slightly above grade. There are concerns about taking too much material and potential long-term issues. The goal is to avoid going so deep as to get into clay. The engineer recommended not to lower the culvert in Section 12 as it is saving grade. Currently the channel in the area is stable and lowering would cause erosion as it works down. It is not hurting capacity.*

c. David and Jeff Ward, Lura Township, 112 Creekside Court, Mankato MN 56001.

Pointed out at the north end of CD 3 there is not a good outlet and it is restricted by a bridge installed by Blue Earth County. Stated water can get to the north end but it will sit there.

*Discussion was held that the road and bridge are Blue Earth County's to maintain.*

d. Mark Sonnek, Walnut Lake Township, 49051 145<sup>th</sup> Street, Easton MN 56025.

Presented questions if CD 10 had any issues with flow and if the little stretch of CD 70 tree removal was included in this project. Stated he was in favor of Option 3 on CD 3.

*CD 10 does flow. CD 70 tree removal is separate, and staff is working on it.*

e. Bruce Halverson, Barber and Lura Townships, 44028 230<sup>th</sup> Street, Delevan MN 56023.

Presented questions if landowners are getting their money's worth for what they are spending. Pointed out projects always go over budget.

*Discussion was held that this project is not impacting peak flow, mainly medium to low flow.*

10. The drainage authority finds, consistent with the engineer's report, the public comments received at the public hearing on the engineer's report, and the entire record of proceedings, that County Ditch 3, from Lura Township Section 36, 500 feet downstream of County Highway 69 bridge, Barber Township Section 1, 12, 13, and 24, and Walnut Lake Township Section 19 and 30 is out of repair; that the condition of County Ditch 3 impedes the flow of water and reduces the hydraulic efficiency of the drainage system below that of established by the original construction and/or subsequent improvement of the drainage system.
11. At the public hearing on the engineer's report, the drainage authority determined that the re-sloping required the taking of property not contemplated and included in the proceeding for the establishment or subsequent improvement of the drainage system located at Sections 13 and 24, Barber Township, will directly affect the benefits and damages of those properties.
12. The drainage authority appointed Mark Behrends, Dennis Distad, Bruce Ness, John Thompson, Robert Hansen, and Kendall Langseth as viewers to assess and report on damages and benefits. The Auditor will administer the viewers' oath. Damage

values will be determined, in conjunction with the engineer, based on as-built data and damages will be presented and awarded at the contract acceptance hearing.

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

- A. That the petition of Terry Stevermer, DTS LLP by Dean Schimek, Donald Linder, Dan Warmka to repair County Ditch 3 in the location specified in these findings and recommended in the engineer's report is granted consistent with the engineer's recommendations outlined in Option 3.
- 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 Minnesota Statute §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 Minnesota Statute §103E for the original drainage system construction.
- C. The cost of the repair shall be paid from the funds in the maintenance account for County Ditch 3 and by assessments made to the properties benefited by the drainage system in the drainage system records.
- D. Upon completion and submission of the Viewers' Report, and another hearing will be held to determine benefits and damages with the re-sloping of ditch banks.

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Roper/Loveall motion carried unanimously to approve Resolution 20-CD08-15 approving the findings and order on the petition to repair CD 55. Commissioners Loveall, Roper, Warmka, and Young voted yes. Commissioner Groskreutz was absent.

### **RESOLUTION**

**BE IT RESOLVED** that the County Board of Commissioners approves the following findings and order on the petition to repair CD 55.

### **FINDINGS**

- 1. A petition dated May 7, 2018 was received by the Faribault County Auditor requesting to repair County Ditch 55 pursuant to Minnesota Statute §103E.715.
- 2. The drainage authority met at 11:00 a.m. on June 19, 2019 at the Faribault County Courthouse board room, accepted a petition for the repair of County Ditch 55, determined that the drainage system needed repair, and appointed ISG to prepare an engineer's report pursuant to Minnesota Statute §103E.715, subd. 2.

3. The engineer's report was filed with the drainage authority on October 29, 2019. The drainage authority, in consultation with the auditor, ordered a public hearing on the repair report.
4. The drainage authority, by order, set a public hearing for review of the engineer's survey report on January 7, 2020 at 3:30 p.m. at Hamilton Hall in Blue Earth MN. Notice of the hearing on the repair report was provided by mail to the petitioners, owners of property, and political subdivisions likely to be affected by the repair in the repair report in accordance with Minnesota Statute §103E.715, subd. 3.
5. At the public hearing, Engineer Mark Origer of ISG presented the engineer's report. The engineer recommended a repair of portions of the drainage system, which included 5,700 feet of lineal feet of open ditch that runs from the SW ¼ of the SE ¼ of Section 20 of Brush Creek Township to the SW ¼ of the NW ¼ of Section 29 of Brush Creek Township as well as a portion of the main open ditch in the SE ¼ of the SE ¼ of Section 24 of Emerald Township.
6. The engineer determined that several ditch crossings are too high and that portions of the open ditch channel has sedimentation restricting the flow of water. Trees along the ditch bank also contribute to erosion, sediment deposition, and flow restrictions.
7. The engineer estimated the cost of the repairs to be \$548,437.00. The engineer estimates an additional \$57,164.00 cost to the Brush Creek Township road authority.
8. The engineer's report contains all of the details, plans, and specifications necessary to prepare and award a contract for the repairs.
9. 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. Paul Blom, 49323 125<sup>th</sup> Street, Bricelyn MN 56014.

The biggest problem with the system is the 90<sup>th</sup> Street township road crossing (Brush Creek Township Section 20). The crossing is too high and does not allow fall from the beginning of the open ditch to 90<sup>th</sup> Street. This road crossing is too high and backs up water, causing a forced outlet at the open ditch for the CD55 main trunk tile. The profiles also show the 500<sup>th</sup> Avenue crossing being high. Would replacing the 500<sup>th</sup> Avenue crossing increase the drainage capacity?

*Replacing the 90<sup>th</sup> Street township road crossing (Brush Creek Township Section 20) and excavating sediment from the open ditch will allow adequate fall for the CD55 main trunk tile. The 500<sup>th</sup> Avenue crossing is not in disrepair but does have some sediment deposition in it. Lowering it would increase drainage during low flow periods, but it currently has adequate capacity.*

b. Garry Martin, 45942 120<sup>th</sup> Street, Blue Earth MN 56013.

Why leave trees? The trees will continue to cause issues and spread. Remove them.

*There has been a reoccurring issue with beaver dams. The costs associated with tree removal is high. \$180,000 of Option 2 is tree removal. Areas that are not proposed to have work done and do not have trees in the channel restricting flow will be bid as an alternate. If we get a favorable bid, we will move forward with removing trees in these areas.*

10. The drainage authority finds, consistent with the engineer's report Option 2, the public comments received at the public hearing on the engineer's report, and the entire record of proceedings, that CD 55 in portions of Section 20 and 20 of Brush Creek Township and portions of Section 24 of Emerald Township is out of repair; that the condition of CD 55 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 County Ditch 55, hereby orders as follows:

- A. That the petition of Arlen Legred, Paul Blom, Morrie Blom, and Kevin Legred to repair CD 55 in the location specified in these findings and recommended in the engineer's report Option 2 is granted consistent with the engineer's recommendations.
- 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 Minnesota Statute §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 Minnesota Statute §103E for the original drainage system construction.
- C. The cost of the repair shall be paid from the funds in the maintenance account for County Ditch 55 and/or by assessments made to the properties benefited by the drainage system in the drainage system records.

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GIS Coordinator Brandee Douglas met regarding office business.

Loveall/Young motion carried unanimously to approve the Faribault County GIS Data Fee Schedule with the addition of \$100 charge for townships under Parcels.

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

Auditor warrants totaling \$ 5,186,661.76 as follows:

<u>Date</u>	<u>Amount</u>	<u>Description</u>
12/02/19	\$ 4,326,016.29	Auditor Warrants
12/04/19	3,462.00	Auditor Warrants
12/05/19	343,973.27	Auditor Warrants
12/12/19	34,403.94	Auditor Warrants
12/13/19	3,492.00	Auditor Warrants
12/19/19	233,556.41	Auditor Warrants
12/26/19	117,834.78	Auditor Warrants
12/31/19	120,923.07	Auditor Warrants
	<b>\$ 5,183,661.76</b>	<b>Total</b>

ACH-EFT payments from December 1 to December 31, 2019 totaling \$ 3,943,012.10 as follows:

<u>Date</u>	<u>Amount</u>	<u>Description</u>
12/02/19	\$ 3,215,289.55	Auditor Warrants
12/03/19	290,129.81	Commissioner Warrants
12/05/19	29,213.15	Auditor Warrants
12/12/19	1,884.71	Auditor Warrants
12/17/19	192,306.13	Commissioner Warrants
12/19/19	58,963.51	Auditor Warrants
12/26/19	101,308.45	Auditor Warrants
12/31/19	53,916.79	Auditor Warrants
	<b>\$ 3,943,012.10</b>	<b>Total</b>

Audit list and auxiliary totaling \$ 568,921.83 as follows:

GENERAL REVENUE FUND	\$ 347,202.16
PUBLIC WORKS FUND	49,107.12
HUMAN SERVICES FUND	133,380.00
DITCH FUND	38,751.55
FORFEITED TAX SALE FUND	425.00
NON REV/DISB A	<u>56.00</u>
	<b>\$ 568,921.83</b>

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The meeting was adjourned for January 2020.

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Tom Warmka, Chair

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Clara Vereide, Acting Clerk to the Board