

FARIBAULT COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
COUNTY DITCH 41 REPAIR HEARING
JULY 18, 2014

The Faribault County Board of Commissioners met at Hamilton Hall in the City of Blue Earth as the Faribault County Drainage Authority on July 18, 2014 at 9:45 a.m. for a repair hearing on County Ditch 41. The following members were present: Commissioners Bill Groskreutz, Tom Loveall, John Roper, and Tom Warmka. County Auditor/Treasurer/Coordinator John Thompson, Drainage Engineer Joe Mutschler, Drainage Inspector Merissa Lore, Attorney Kurt Deter legal counsel for the Drainage Authority, Kossuth County Iowa Supervisors Jack Plath and Don McGregor, Kossuth County Drainage Engineer Keith Hildebrandt, and Attorney Jim Hudson representing Kossuth County also attended.

The meeting was called to order by Chair Loveall.

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Auditor/Treasurer/Coordinator Thompson presented the affidavits of mailing and publication.

Groskreutz/Roper motion carried unanimously to accept the affidavits mailing and publication into the official record.

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Chuck Brandel of I&S Group presented a repair report of the cleanout of the open ditch of County Ditch 41 which was ordered by the Drainage Authority for a repair petition signed by Harley Wilmert. The engineer reported that approximately 18,545 feet of open ditch needed to be cleaned. Brandel also recommended that the 6 foot bottom be re-established and 2:1 side slopes be established. Erosion protection including rip-rap on both upstream and downstream sides of culvert crossing and the repair of several slough areas were also recommended. There would also be the establishment of grass strips per MS103E.021.

The estimated cost of the repair is \$546,465.79 and includes the estimated cost of grass strip buffers. The total benefits on the County Ditch 41 system are \$37,861. Kossuth County Iowa drainage systems have paid 35% of the total in past major repairs. A redetermination of benefits would need to be completed before any repairs could be made.

The engineer concluded that County Ditch 41 is in need of repair to restore the ditch to its designed capacity, repair large sloughing areas along the ditch, repair and protect all tile outlets, establish all grass buffer strips, and removal of the abandoned railroad bridge and trees in the 16.5 foot grass buffer area. The engineer's report stated that these repairs are necessary, feasible, and should be implemented in order to maintain the original capacity of County Ditch 41.

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The Board discussed the repair report and reiterated the need for a redetermination of benefits before any repair could commence.

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The public comment portion of the hearing was opened.

Attorney Jim Hudson, legal advisor for Kossuth County, stated that Iowa drainage systems do use County Ditch 41 as an outlet and would like to consult with Engineer Brandel to determine if capacity exists for improvements in their systems.

Several landowners noted repairs done in the past and areas that need repair at the present time. A question was asked on the ownership of the railroad trestle that crosses the open ditch. Research will need to be completed to see who owns the bridge and who will be responsible for the demolition. Discussion was held on the grass buffer strips and how they were implemented and paid for. Kossuth County Supervisor Jack Plathe stated that buffer strips are implemented on open ditches in Iowa. Discussion was held on the prorated share that Iowa systems would pay for the repair. Kossuth County Supervisor Don McGregor stated that the Iowa systems would pay for open ditch repairs but should not pay for any tile repairs made on County Ditch 41. The issue will be discussed in the redetermination process and a long term agreement will be proposed. After discussion on repair and improvement issues, the public comment portion of the meeting was closed.

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Warmka/Groskreutz motion failed to pass a resolution to order the redetermination, appoint viewers, and to table the repair petition until the redetermination of benefits is complete. Commissioner Warmka voted yes. Commissioners Groskreutz and Roper voted no.

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Roper/Groskreutz motion carried to table the repair report until the redetermination of benefits is completed. Commissioner Warmka voted no.

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Warmka/Roper motion carried unanimously to adopt Resolution 14-CB-37 to re-determine benefits on County Ditch 41. Commissioners Groskreutz, Loveall, Roper, and Warmka voted yes.

RESOLUTION
Resolution and Order for the
Redetermination of Benefits on
County Ditch 41 Faribault County

WHEREAS, the Faribault County Board of Commissioners acting as Drainage Authority of County Ditch 41 in Faribault County do hereby determine that the original benefits or damages determined in drainage proceedings for County Ditch 41 do not reflect present day land values and/or that the benefited or damaged areas have changed.

THEREFORE BE IT RESOLVED AND ORDERED, that the following disinterested residents of the State, be and hereby are appointed viewers to Re-determine and report the benefits and damages and the benefited and damaged areas of above mentioned drainage system: Mark Behrends, Chris Christianson, Robert Hanson, and Dennis Distad,

BE IT FURTHER RESOLVED, that the viewers, after taking an oath to faithfully perform their duties as viewers and after having received from the County Auditor-Treasurer copies of the order appointing them as viewers and of the order designating the time and place of their first meeting, shall proceed with their work as such viewers pursuant to law and make and file their report with the County Auditor-Treasurer at the earliest possible date.

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The meeting was adjourned.

Tom Loveall, Chair

John Thompson, Auditor/Treasurer/Coordinator