

FARIBAULT COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
MARCH 21, 2017

The Faribault County Board of Commissioners met pursuant to the recess of March 7, 2017 at the Courthouse in the City of Blue Earth at 9:00 a.m. on March 21, 2017. The following members were present: Bill Groskreutz, Tom Loveall, John Roper, Tom Warmka, and Greg Young Commissioners. County Auditor/Treasurer/Coordinator John Thompson and County Attorney Troy Timmerman were also present.

The meeting was called to order by Chair Roper.

The pledge of allegiance was recited.

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Groskreutz/Young motion carried unanimously to approve the synopsis and official proceedings of the March 1, 2017 CD 24 hearing; March 7, 2017 regular and drainage meetings.

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Warmka/Young motion carried unanimously to approve the agenda of March 21, 2017.

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The calendar was updated. No member of the public appeared to make comment.

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Committee reports were given. Loveall reported on Region Nine; Young report on township meeting; Groskreutz reported on township meeting, MVAC with Roper, Region Nine transit, and EDA; Warmka reported GBERBA and buffer meeting; Roper reported on letter from the Department of Agriculture on genetically allowed seeds, EDA, Hazard Mitigation meeting, nitrogen application meeting, MVAC, Workforce Joint Powers, and township meeting.

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Central Services Director Dawn Fellows met regarding office business. An update on construction activity was given.

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Planning and Zoning Director Loria Rebuffoni met regarding office business.

Warmka/Groskreutz motion carried unanimously to direct the Planning and Zoning Director to move ahead in preparing for the development of a buffer strip ordinance.

Set April 4, 2017 at 7:00 p.m. at the Law Enforcement Center for a work session on the buffer strip ordinance.

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Soil and Water Program Technician Shane Johnson met regarding feedlot business.

Warmka/Young motion carried unanimously to accept the 2016 Annual Feedlot Report as presented.

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Public Works Director Mark Daly met regarding public works business. Reported that cleanup costs would be over \$10,000 after tornado damage at Pihl's Park. The annual report was presented to the board.

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Loveall/Young motion carried unanimously to approve the following findings and order for Preliminary Hearing for County Ditch 24. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

Findings:

1. A petition and bond dated June 17, 2016, was received by the County Auditor of Faribault County requesting to improve County Ditch 24, located in Section No. 4, 5, 8, 9, 10, 16, and 17 of Winnebago Township, Faribault County, Minnesota pursuant to Minn. Stat. § 103E.215.
2. The drainage authority met on June 21, 2016 and accepted the petition. The drainage authority also appointed Charles Brandel of I&S Group to make a preliminary survey pursuant to Minn. Stat. § 103E.245.
3. Engineer Brandel filed a preliminary survey report with the drainage authority on January 24, 2017. A copy of the preliminary survey report was transmitted to the Director of the Division of Ecological and Water Resources in the Department of Natural Resources on January 24, 2017.
4. The drainage authority, by order, set a public hearing for review of the engineer's preliminary survey report on February 7, 2017 and directed the County Auditor to provide at least 10-days advance notice, by mail, of the time and location of the hearing to the petitioners, political subdivisions, and owners of property likely to be affected by the proposed project.
5. Notice of the public hearing was properly provided as required by law.
6. At the public hearing, the engineer presented the preliminary survey report.
7. The commissioner's advisory report on the preliminary plan was publicly read at the hearing.
8. During the public hearing portion of the proceedings, the following persons appeared and provided comment;

Attorney Erick Kaardall representing landowner Charles Carlson presented his summary of findings for his client are as follows:

- a) The restriction to the County Ditch 24 system approved as part of the Grassed Waterway "Repair" were effectively improvements to the system and the legal proceedings regarding the approval of these improvements should have followed in accordance with MN statute 103E.215.

- b) Hydrologic/Hydraulic (H/H) modeling should be provided for an independent engineering review to quantify the 100-year capacity and high water levels (HWL's) of the CD24 system under the as-constructed 1959 condition.
- c) H/H modeling should be provided for an independent engineering review to assess the impacts to the overall CD24 system given the current condition that the open channel areas on the Golly Farms and Brown properties are filled in and are not providing the as constructed drainage benefits.
- d) H/H modeling should be provided for an independent engineer review to assess the impact of the 2014 installation of the two (2) 96-inch droop structures with the 60-inch outlet along the ravine to the overall capacity of the CD24 system for the 100-year event.
- e) The Branch A crossing below 240th Street was thought to be crushed and abandoned as part of previous ditch proceedings petitioned by Charles Carlson. The H/H modeling should reflect this reduction in drainage area if this connection has been severed. If the connection will be maintained, a clear assessment of the change in flooded area for the 100-year event should be provided.
- f) H/H modeling should be provided for an independent engineering review to verify that the JCD201 system was included in the drainage area for the CD24 system.

Kurt Deter asked if an obstruction report was received on the system. Staff response was that they do not recall that a letter was received however the condition of the shallow ditch system has been a topic of discussion since 2014. The issue first came up when buffer strips were planned to be implemented after a redetermination. The drainage authority has been working on a repair plan while landowners considered the improvement being discussed.

Steve Zebedee, landowner, stated that Charles Carlson was one the those farming through the waterway.

Drainage Manager Merissa Lore asked a question on what the definition of an obstruction was. Kurt Deter responded that it was not normal silt but could be rocks, concrete or other items that would restrict flow.

Commissioner Warmka stated his concern with abandoning the waterway and the flow of water. Brandel reported there would be less water flowing over the top of the ground but it would be less. He also stated that the petitioners requested the abandonment of the system.

Cesar Larson asked why the board would consider an improvement that put water on the landowners at the lower end. Kurt Deter responded that petitioners have asked for the improvement and the Statute 103E governs the process. Brandel stated that the plan is to run a tile directly to the deep ditch. This will relieve pressure on the line of tile through the Carlson property. It was noted that those landowners desired to have their tile repaired as part of the repair proceeding in 2016.

Drainage Manager Merissa Lore asked if the old main tile line would be abandoned or still maintained by the drainage authority. Petitioner's attorney Bruce Sellers stated a petition to abandon the main tile would be forthcoming based on the outcome of this proceeding.

Discussion was held on what the status of the buffer strip would be. Landowners have been paid for the strip. Deter replied that it the viewers had the authority to charge benefits in such instances.

9. The proposed project drainage project outlined in the petition and recommended by the engineer is feasible per the engineer's report
10. There is necessity for the proposed drainage project per the engineer's report
11. The engineer has considered the environmental, land use, and multipurpose water management criteria in Minn. Stat. § 103E.015, subd. 1.
12. After consideration of the environmental, land use, and multipurpose water management criteria in Minn. Stat. § 103E.015, subd. 1, the drainage authority finds that the proposed drainage project is of public benefit and will promote the public health.
13. The outlet for the proposed drainage project is adequate as defined in the engineer's report.
14. The board passed a motion to direct engineer to consider the following in the final survey report: Effect on plan due to the elimination of the land north of the county road 14, How Branch B will be incorporated into the system, include discussion of overland flow of water due to the abandonment of the grass waterway that is planned, and to ask legal counsel to address concerns brought forward by Charles Carlson's attorney.
15. The board passed a motion to appoint Chris Christianson, Mark Behrends, Robert Hanson and Dennis Distad as viewers for the project

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 #24, hereby orders as follows:

- A. That the preliminary survey report is approved.
- B. The project engineer shall proceed to make a detailed survey with plans and specifications for the proposed project consistent with the findings herein and submit a detailed survey report to the drainage authority as soon as possible.
- C. After the detailed survey report is complete, the engineer shall file the detailed survey report with the Faribault County Auditor and the County Auditor shall deliver a copy of the detailed survey report to the commissioner of natural resources.
- D. Chris Christianson, Mark Behrends, Robert Hanson and Dennis Distad shall be appointed as viewers to determine the benefits and damages to all property affected by the proposed drainage project and make a viewers' report.
- E. Within five days of this order, the County Auditor shall, by order, designate the time and location for the first meeting of the viewers and issue a copy to the viewers of the Auditor's order and a certified copy of this order appointing the viewers.

F. At the first meeting and before beginning their duties, the viewers shall subscribe to an oath to faithfully perform their duties. If an appointed viewer does not qualify for any reason, the auditor shall designate another qualified person to take the disqualified viewers' place.

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Young/Warmka motion carried unanimously to approve liquor licenses for Derby Inn, Riverside Town and Country Club, and Minn-Iowa Golf Course dba Bogey Bar.

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Warmka/Young motion carried unanimously to appoint Christine Schaefer of Walters to a three-year term on the Library Board ending December 31, 2019.

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Central Services Dawn Fellows met regarding the exterior building project.

Young/Warmka motion carried unanimously to table the awarding of the bid for the exterior building project for the courthouse to the April 4, 2017 meeting.

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Loveall/Warmka motion carried unanimously to pay bills totaling \$ 473,689.74 as follows:

COUNTY REVENUE FUND	\$ 391,342.95
PUBLIC WORKS FUND	37,068.19
COUNTY LIBRARY FUND	3,000.00
DEBT SERVICE FUND	450.00
DITCH FUND	<u>41,828.60</u>
	\$ 473,689.74

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The meeting was adjourned for March 2017.

John Roper, Chair

John Thompson, Auditor/Treasurer/Coordinator