

FARIBAULT COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
APRIL 18, 2017

The Faribault County Board of Commissioners met pursuant to the recess of April 4, 2017 at the Courthouse in the City of Blue Earth at 9:00 a.m. on April 18, 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 April 4, 2017 regular and drainage meetings.

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Warmka/Young motion carried unanimously to approve the agenda of April 18, 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 and the insurance committee; Young reported on JD4 and JD2; Groskreutz reported on EDA and water planning; Warmka reported on GBERBA; and Roper reported on water plan, MVAC, and insurance committee.

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Veteran Services Officer Dave Hanson met regarding office business.

Warmka/Young motion carried unanimously to accept a \$500 donation of gift cards to the Veteran Services Office from Elks Lodge 250 of Mankato.

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Central Services Director Dawn Fellows met regarding office business.

Groskreutz/Loveall motion carried unanimously to approve hiring Christopher Beaver as part-time sheriff deputy.

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Public Works Director Mark Daly met regarding public works business. A construction update was given. Quotes are being obtained for trucks. County road overlays were reviewed.

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Warmka/Young motion carried unanimously to approve Resolution 17-CB-06 a redetermination of benefits order on County Ditch 41. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

WHEREAS, the Faribault County Board of Commissioners, acting as Drainage Authority for Faribault County Ditch 41, ordered the Redetermination of Benefits of Faribault County Ditch 41; and

WHEREAS, viewers were appointed to redetermine benefits of Faribault County Ditch 41; and

WHEREAS, a viewer’s report was submitted to the Faribault County Board of Commissioners; and

WHEREAS, a Redetermination Hearing was held on March 29, 2017, at 1:00 p.m., at Hamilton, Located in Blue Earth, Minnesota; and

WHEREAS, the appointed viewers gave their viewer’s report concerning benefits and damages to Faribault County Ditch 41; and

WHEREAS, public comment concerned the 35%, which is the Iowa share of the benefits.

NOW, THEREFORE, based on the evidence presented, the Faribault County Board of Commissioners, acting as Drainage Authority for Faribault County Ditch 41, makes the following Findings of Fact and Order:

FINDINGS OF FACT

1. That the viewers report attached as Exhibit A has been made and other proceedings have been completed under Minnesota Statutes §103E.
2. The reports made or amended are complete and correct.
3. The damages and benefits have been properly determined.
4. That the Iowa drainage system shall pay 35% of all costs related to the Redetermination of Benefits of Faribault County Ditch 41.

ORDER

- a. That the redetermined benefits of CD41 are completed under Minnesota Statutes and are hereby adopted by the Board and shall be used in place of the original benefits and damages in all future proceedings.
- b. The County Auditor shall ensure that the redetermined benefits replace the existing benefits previously determined for CD41.
- c. The damages for the acquisition of the grass buffer area shall be paid and the grass buffer areas established as required by state statute.
- d. That the effective date of the acquisition of the grass strip shall be September 2, 2017.

NOW, THEREFORE, it is hereby ordered that the Redetermination of Benefits report, attached as Exhibit A, is hereby approved and shall be used in all subsequent proceedings related to Faribault County Ditch 41.

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Groskreutz/Loveall motion carried unanimously to approve Resolution 17-CB-07 a repair order on County Ditch 41. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

NOW THEREFORE based on the evidence presented, the Faribault County Board of Commissioners, acting as Drainage Authority for Faribault County Ditch 41, makes the following Findings of Fact and Order:

FINDINGS OF FACT

1. A petition dated April 15, 2013 was received by the County Auditor of Faribault County requesting to repair County Ditch 41 pursuant to Minn. Stat. § 103E.715.
2. On May 7, 2013, the County Board appointed Charles Brandel, IS Group to prepare a repair survey and report.
3. The engineer's report was filed with the drainage authority on April 18, 2014. The drainage authority, in consultation with the auditor, ordered a public hearing on the repair report. At a public hearing on July 18, 2014 the drainage authority noticed and held a hearing on the report. Action was delayed and the County Board ordered a redetermination of benefits and a new agreement with Kossuth County to allocate costs to Iowa drainage districts.
4. The viewers filed their report with Faribault County on February 13, 2017.
5. The engineer filed his revised report on February 14, 2017.
6. 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 Minn. Stat. § 103E.715, subd. 3.
7. A public hearing before the drainage authority was held on March 29, 2017 at 1:00 p.m. in the Hamilton Hall Meeting Room, Blue Earth, MN.
8. At the public hearing, Engineer Brandel presented the engineer's report. The Engineer stated that CD41 is in need of repair to restore the open ditch to its designed capacity, repair large sloughing areas along the ditch, provide erosion protection, repair and protect all tile outlets, establish all grass buffer strips, and remove the abandoned railroad bridge and trees in the 16.5 buffer strip area. The repairs are necessary and feasible and should be implemented to maintain the original capacity of County Ditch 41.

9. The Drainage Authority accepted the engineer's findings that the open ditch is above the legal ditch grade with sediment and vegetation accumulation. That there are also multiple slough and erosion areas throughout the ditch, two culverts to be replaced, an abandoned railroad bridge to be removed and other recommendations found in the repair report as revised.
10. The engineer estimated the cost of the repairs to be \$552,007 including the replacement of a township road crossing to be paid for by Elmore Township.
11. The engineer's report contains all the details, plans, and specifications necessary to prepare and award a contract for the repairs.
12. 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 the open channel of County Ditch 41 is out of repair; that the condition of County Ditch 41 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

NOW THEREFORE, 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. That the petition of Harley Wilmert for the repair of CD41 in the location specified in these findings and recommended in the engineer's report as amended is granted and is consistent with the engineer's recommendations and with the findings above.
- B. The County Auditor and the Engineer shall proceed to prepare and to 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.

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Groskreutz/Young motion carried unanimously to approve Resolution 17-CB-08 a redetermination of benefits on County Ditch 47. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

STATE OF MINNESOTA
Before the
FARIBAULT COUNTY BOARD OF COMMISSIONERS
SITTING AS THE DRAINAGE AUTHORITY FOR
COUNTY DITCH 47

**In the Matter of:
Redetermination of Benefits
County Ditch 47**

**Findings and Fact and Order Regarding
Redetermination of Benefits, Pursuant to
Minnesota Statutes 103E.351**

- WHEREAS,** the Faribault County Board of Commissioners, acting as Drainage Authority for County Ditch 47 ordered the Redetermination of Benefits for County Ditch 47; and
- WHEREAS,** viewers were appointed to determine and report benefits and damages for Faribault County Ditch 47; and
- WHEREAS,** the viewer's report was submitted to the Faribault County Auditor/Treasurer/Coordinator; and
- WHEREAS,** a public hearing was held on March 29, 2017, at 1:00 p.m. in Hamilton Hall, Blue Earth, MN; and
- WHEREAS,** the viewers gave their report concerning the Redetermination of Benefits, which is attached and marked as Exhibit A; and
- WHEREAS,** public comment and questions were solicited from the public and no public comment was presented.
- NOW, THEREFORE,** the Faribault County Board of Commissioners, acting as Drainage Authority for Faribault County Ditch 47, makes the following Findings and Fact and Order:

FINDINGS OF FACT

1. The viewers' report, attached as **Exhibit A**, has been made and other proceedings have been completed under Minnesota Statutes §103E.
2. The viewers' report, made and amended, is correct and complete.
3. The damages and benefits have been properly determined.

ORDER

NOW, THEREFORE, it is ordered that;

- a. the viewers' report, attached as **Exhibit A**, shall be used in place of the original benefits and damages in all subsequent proceedings related to Faribault County 47.
- b. there are no buffer strips to be purchased for County Ditch 47.

04-18-17

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Warmka/Loveall motion carried unanimously to approve Resolution 17-CB-09 a redetermination of benefits order on County Ditch 70. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

STATE OF MINNESOTA
Before the
FARIBAULT COUNTY BOARD OF COMMISSIONERS
SITTING AS THE DRAINAGE AUTHORITY FOR
COUNTY DITCH 70

<p>In the Matter of: Redetermination of Benefits County Ditch 70</p>	<p>-----</p>	<p>Findings and Fact and Order Regarding Redetermination of Benefits, Pursuant to Minnesota Statutes 103E.351</p>
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WHEREAS, the Faribault County Board of Commissioners, acting as Drainage Authority for County Ditch 70 ordered the Redetermination of Benefits for County Ditch 70; and

WHEREAS, viewers were appointed to determine and report benefits and damages for Faribault County Ditch 70; and

WHEREAS, the viewer’s report was submitted to the Faribault County Auditor/Treasurer/Coordinator; and

WHEREAS, a public hearing was held on March 29, 2017, at 1:00 p.m. in Hamilton Hall, Blue Earth, MN; and

WHEREAS, the viewers gave their report concerning the Redetermination of Benefits, which is attached and marked as Exhibit A; and

WHEREAS, public comment and questions were solicited from the public and no public comment was presented.

NOW, THEREFORE, the Faribault County Board of Commissioners, acting as Drainage Authority for Faribault County Ditch 70, makes the following Findings and Fact and Order

FINDINGS OF FACT

4. The viewers’ report, attached as **Exhibit A**, has been made and other proceedings have been completed under Minnesota Statutes §103E.

5. The viewers' report, made and amended, is correct and complete.
6. The damages and benefits have been properly determined.

ORDER

NOW, THEREFORE, it is ordered that;

- a. the viewers' report, attached as **Exhibit A**, shall be used in place of the original benefits and damages in all subsequent proceedings related to Faribault County #70.
- b. The effective date for the acquisition of the grass buffer area and construction easement shall be paid and the grass buffer areas established as required by statute.
- c. The damages for the acquisition of the grass buffer area and construction easement shall be paid on September 1, 2017.

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Loveall/Groskreutz motion carried unanimously to authorize a letter of support for House File 1033.

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Loveall/Groskreutz motion carried unanimously to appoint Sue Sonnek to a second term on the Library Board ending December 31, 2019.

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County Assessor Gertrude Paschke met regarding office business.

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Planning and Zoning Director Loria Rebuffoni met regarding office business.

Groskreutz/Warmka motion carried unanimously to approve Resolution 17-PZ02-10 granting a conditional use permit to Ted Simon and Jonathan Weerts for the mining of sand in Winnebago Township. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

Ted Simon / Jonathan Weerts
Winnebago Township, Section 22-104-28
#03-17-48

WHEREAS, according to the Faribault County Zoning Ordinance, Ted Simon / Jonathan Weerts have requested a conditional use permit for the mining of sand.

The proposed project is located in the A-2 General Agriculture District at:

That part of the Southwest Quarter and the West Half of the Southeast Quarter of Section 22, Township 104 North, Range 28 West, Winnebago Township, Faribault County, Minnesota.

Commencing at the South Quarter corner of said Section 22; thence on an assumed bearing of South 88 degrees 57 minutes 26 seconds West, along the south line of said section, a distance of 839.79 feet to an iron monument, said iron monument being the point of beginning of the tract to be described; thence North 27 degrees 52 minutes 23 seconds West a distance of 218.50 feet to an iron monument; thence North 10 degrees 00 minutes West a distance of 397.00 feet to an iron monument; thence North 70 degrees 00 minutes East a distance of 444.00 feet to an iron monument; thence North 88 degrees 15 minutes East a distance of 231.00 feet to an iron monument; thence North 77 degrees 25 minutes East a distance of 405.05 feet to an iron monument; thence continuing North 77 degrees 25 minutes East a distance of 30 feet, more or less, to the centerline of a drainage ditch; thence North 1 degree 02 minutes West, along said centerline, a distance of 520.46 feet; thence north 5 degrees 52 minutes West, along said centerline, a distance of 61.00 feet; thence North 18 degrees 19 minutes West, along said centerline, a distance of 95.00 feet; thence North 22 Degrees 17 minutes West, along said centerline, a distance of 558.00 feet; thence North 31 degrees 47 minutes West, along said centerline, a distance of 152.00 feet; thence North 17 degrees 08 minutes West, along said centerline, a distance of 55.00 feet; thence North 22 degrees 13 minutes West, along said centerline, a distance of 443.00 feet to the east-west quarter line of said section; thence South 89 degrees 01 minutes 34 seconds West, along said east-west quarter line, a distance of 22 feet, more or less, to an iron monument; thence continuing South 89 degrees 01 minutes 34 seconds West, along said east-west quarter line, a distance of 2182.52 feet to the West Quarter corner of said Section 22; thence South 0 degrees 29 minutes 38 seconds East, along the west line of said section, a distance of 1200 feet, more or less, to the centerline of the Blue Earth River; thence easterly and southerly, along said centerline, a distance of 1999 feet, more or less, to the south line of said section; thence North 88 degrees 57 minutes 26 seconds East, along said south line, a distance of 1166 feet, more or less, to the point of beginning, containing 117.1 acres, more or less, subject to easements now of record in said county and state.

WHEREAS, according to the Faribault County Zoning Ordinance, Section 16 – Subdivisions (4–6), the Planning Commission has made its recommendation based on findings with respect thereto and all facts in connection therewith, and has designated conditions deemed necessary for the protection of public interest.

WHEREAS, The Planning Commission finds that:

1. The proposed use of the property will not have an adverse impact on health, safety and the general welfare or be injurious to the use and enjoyment of other properties and residents for purposes already permitted in the surrounding neighborhood.
2. The proposed use meets the standards of the Faribault County Zoning Ordinance including that the use is allowed with a conditional use permit in the designated zoning district in which it is proposed. Allowed in sections 6 and 15 of the Zoning Ordinance.
3. The proposed use will not have an adverse impact on traffic conditions, or that additional measures are being proposed regarding access roads, traffic conditions, traffic congestion, and traffic hazard.

4. There are adequate public utilities, public services, roads, drainage, off-street loading space and other necessary facilities to support the proposed use of the property.
5. The proposed use will not have an adverse effect on the environment including impacts on the groundwater, surface water, soils, and air quality.
6. The proposed use will not substantially diminish and impair property values within the immediate vicinity, and is compatible with the existing neighborhood.
7. The proposed use will not hinder the normal and orderly development and improvement of surrounding properties in the surrounding neighborhood for the uses predominate to the area.
8. The proposed use will have adequate measures in place to prevent or control offensive odors and/or fumes, dust, noise, and vibration, so that none of these will be a disturbance to neighboring properties.

NOW THEREFORE BE IT RESOLVED, that the Faribault County Board of Commissioners approve a conditional use permit for Ted Simon / Jonathan Weerts for mining of sand in the A-1 Shoreland District with the following conditions:

1. This conditional use permit only authorizes the use of the area for mineral extraction as allowed in the A-1 Shoreland Ag. District.
2. This conditional use permit does not allow for activities to occur that are regulated through the Floodplain Ordinance.
3. Applicant is responsible for adhering to and applying for all required local, state and federal permits.
4. Applicant must have an approved Site Development and Restoration Plan as described in the County Shoreland Regulations Ordinance, Section 20-I, which will address dust, noise, possible pollutant discharges, hours and duration of operation, topographic alterations, environmental impacts and rehabilitation.
5. Applicant must comply with township and county road authorities regarding road use requirements.
6. Mining activities will require a 200' setback from the OHWL.
7. Storm water and pumped water should be directed into a depression or other containment area prior to discharge into public waters.
8. Trucks used in hauling materials from the site of excavation shall be loaded in such manner as to minimize spillage onto public roadways. Any spillage resulting from overloading or from adhering to truck tires shall be removed at regular intervals.
9. Applicant is responsible for ensuring that proper security measures are in place.

10. Any proposed changes, additions, or modifications shall be submitted to the Zoning Administrator and brought back before the Planning Commission and County Board for review.
11. 911 address will be obtained by applicant via permit.
12. A review of the conditional use permit will be completed by the Planning and Zoning Department every two years and a Maintenance Fee of \$50.00 shall be paid every two years as long as the conditional use is in effect starting April 18, 2019.

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Young/Warmka motion carried unanimously to approve Resolution 17-CB-11 on bond reimbursement. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

R E S O L U T I O N

RELATING TO FINANCING OF CERTAIN PROPOSED PROJECTS TO BE UNDERTAKEN BY THE COUNTY; ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE

BE IT RESOLVED by the Board of Commissioners of Faribault County, Minnesota on this 18th day of April 2017 (the “County”), as follows:

1. Recitals.

(a) The Internal Revenue Service has issued Section 1.150-2 of the Income Tax Regulations (the “Regulations”) dealing with the issuance of bonds, all, or a portion of the proceeds of which are to be used to reimburse the County for project expenditures made by the County prior to the date of issuance.

(b) The Regulations generally require that the County make a declaration of its official intent to reimburse itself for such prior expenditures out of the proceeds of a subsequently issued series of bonds within 60 days after payment of the expenditures, that the bonds be issued and the reimbursement allocation be made from the proceeds of such bonds within the reimbursement period (as defined in the Regulations), and that the expenditures reimbursed be capital expenditures or costs of issuance of the bonds.

(c) The County desires to comply with requirements of the Regulations with respect to certain projects hereinafter identified.

2. Official Intent Declaration.

(a) The County proposes to undertake the following project or projects and to make original expenditures with respect thereto prior to the issuance of reimbursement bonds, and reasonably expects to issue reimbursement bonds for such project or projects in the maximum principal amounts shown below:

<u>Project</u>	<u>Maximum Amount of Bonds Expected to be Issued for Project</u>
2017/18 – CD21 Repair & Imp	\$4,750,000
2017/18 – CD24 Imprv & Repair	\$ 578,000

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2017/18 – CD314 Impv & Rep	\$ 230,000
2017/28 – JCD414 Repair	\$ 470,400
2017/18 – JCD 514 Repair	\$ 306,450
2017/18 – JCD202	\$ 155,200
2017/18 – CD41 Repair & Red	\$ 398,000
2017/18 – CD24 Impv	\$ 550,000
2017 – CD70 Redetermination	\$ 5,000
2017 - Courthouse Repair	\$1,000,000

(b) Other than (i) de minimis amounts permitted to be reimbursed pursuant to Section 1.150-2(f)(1) of the Regulations or (ii) expenditures constituting preliminary expenditures as defined in Section 1.150-2(f)(2) of the Regulations, the County will not seek reimbursement for any original expenditures with respect to the foregoing projects paid more than 60 days prior to the date of adoption of this resolution. All original expenditures for which reimbursement is sought will be capital expenditures or costs of issuance of the reimbursement bonds.

3. Budgetary Matters. As of the date hereof, there are no County funds reserved, pledged, allocated on a long-term basis, or otherwise set aside (or reasonably expected to be reserved, pledged, allocated on a long-term basis, or otherwise set aside) to provide permanent financing for the original expenditures related to the projects, other than pursuant to the issuance of the reimbursement bonds. Consequently, it is not expected that the issuance of the reimbursement bonds will result in the creation of any replacement proceeds.

4. Reimbursement Allocations. The County Auditor-Treasurer-Coordinator shall be responsible for making the “reimbursement allocations” described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the reimbursement bonds to reimburse the source of temporary financing used by the County to make payment of the original expenditures relating to the projects. Each reimbursement allocation shall be made within 30 days of the date of issuance of the reimbursement bonds, shall be evidenced by an entry on the official books and records of the County maintained for the reimbursement bonds and shall specifically identify the original expenditures being reimbursed.

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Groskreutz/Warmka motion carried unanimously to approve requests from E. Bromeland, K. Smith, and M. Sonnek to attend a 1-day Missing Children Dynamics and Response training course in St. Paul; L. Rebuffoni and JR Hanson to attend a 1-day Making Solid Land Use Decisions in Waite Park; and JR Hanson to attend a 1-day Beyond the Basics of Planning & Zoning in Stillwater.

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Young/Groskreutz motion carried unanimously to pay bills totaling \$ 226,948.93 as follows:

04-18-17

COUNTY REVENUE FUND	\$ 107,227.57
PUBLIC WORKS FUND	28,934.07
COUNTY LIBRARY FUND	42,800.75
NON REVENUE/DISB A	5,051.25
DITCH FUND	<u>42,935.29</u>
	\$ 226,948.93

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The meeting was recessed to 1:00 p.m. work session.

John Roper, Chair

John Thompson, Auditor/Treasurer/Coordinator