

FARIBAULT COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
DRAINAGE AUTHORITY MEETING
FINAL HEARING COUNTY DITCH 24
MARCH 7, 2018

The Faribault County Board of Commissioners met at the Law Enforcement Center in the City of Blue Earth as the Faribault County Drainage Authority for County Ditch 24 at 1:00 p.m. for the final hearing on the improvement petition on CD 24. The following members were present: Bill Groskreutz, Tom Loveall, John Roper, Tom Warmka, and Greg Young Commissioners. Auditor/Treasurer/Coordinator John Thompson, Drainage Manager Merissa Lore, Drainage Inspector Zac Coxworth, Project Engineer Charles Brandel, Drainage Authority Attorney Kurt Deter, and Petitioner's Attorney Bruce Sellers also attended.

The meeting was called to order by Chair Young.

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Warmka/Groskreutz motion carried unanimously to accept the affidavit of mailing, affidavit of posting and the affidavit of publication into the record as presented by Auditor-Treasurer-Coordinator Thompson.

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Kurt Deter, Drainage Authority Attorney, explained the purpose of the hearing and reviewed the hearings process and the requirements for an improvement to be approved.

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Project Engineer Charles Brandel, ISG, presented the Final Engineers Report (FER). The improvements are proposed from the NW ¼ of the SW1/4 of Section 9 of Winnebago City Township to the end of the waterway, improve the mainline tile to increase the capacity of the tile, and to gain depth throughout the system. The improvements proposed above to Faribault County Ditch 24 are to abandon and improve the mainline to a 36-inch tile at the outlet to achieve at least a 0.50 in/day drainage coefficient for buried tile throughout the improvement.

Brandel reviewed the present conditions, the proposed improvements and abandonment proposal as petitioned, the adequacy of the outlet, temporary damages, tile specifications and construction methods as outlined in the Final Engineer's Report (FER) and recent repair projects on other sections of County Ditch 24.

The total costs as presented in the FER were reviewed. The total estimated improvement costs of \$680,070 include \$528,666 in separable maintenance and \$102,404 costs attributable to the improvement. Road authority costs of \$29,708.00 were explained. The net cost of \$102,286 is less than the \$259,498 in benefits as found by the viewers.

Recent repairs projects were reviewed.

Multi-Purpose Drainage Management options as outlined in the FER were reviewed. Brandel reported the system has received funds for conservation practices.

The engineer stated that the outlet was adequate as outlined in the FER.

The engineer stated that the project, as proposed, is practical and feasible and is necessary as stated in the FER. The project will be a public benefit and contribute to the public welfare of the area. The engineer recommended approval of the project.

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The DNR Advisory letter dated December 20, 2018 was read. Engineer Brandel responded that he wrote a response to the DNR, a copy of which is on file with the County Auditor and is part of the CD24 records. A response was not given by the DNR.

To Item 1 Brandel stated that existing peak flow rates indicated in the Preliminary Engineer's Report were based on the repair plans at that time. During construction, an adamant landowner objected to these plans and claimed negative effects to his property because of a 36-inch structure. As a result, repair plans were changed to incorporate a 42-inch rate control structure instead of the 36-inch structure. This increased peak flow rates in the hydrologic/hydraulic model. However, the peak flow rates are still lower than the originally constructed 1959 improvement. The 42-inch outlet structure still provides a peak flow reduction, reduced erosion to the ravine structures further insuring their stability and adequacy, and water quality benefits through sedimentation upstream of the Blue Earth River.

To Item 2 Brandel explained that one goal of petition is to legally abandon the waterway due to its poor function, controversy throughout the watershed, poor initial design, and to route flow from the watershed through a controlled pipe rather than overland where substantial erosion has occurred in the past. Currently the grass waterway is not functioning to store water, reduce nutrient runoff, and is increasing sediment transport.

To Item 3 Brandel explained that the outlet in Section has not been modified with the FER. In the fall of 2014, a repair was ordered to stabilize the eroding ravine outlet of the system. This included two 96-inch drop structures and a 60-inch RCP outlet pipe which was constructed in 2014 and finalized in 2015. The structure was designed to not only fix a head cutting problem in the ravine, but to also reduce peak flow rates entering the Blue Earth River and stabilize the downstream area.

To Item 4 Brandel responded that the focus of the FER was not to re-address and re-instate the significant amount of work that has been completed on CD24 to reduce peak flow rates, erosion, and sedimentation throughout the watershed and at the outlet. Rather the focus of the report was on the petition that was filed to the drainage authority. Water quality alternatives that have been completed on CD24 to address sedimentation, erosion and peak flow rates included the following:

- Ravine outlet structure (60-inch RCP pipes, drop structures, rip-rap, grading, seeding)
- Open ditch outlet structure (grading, 42-inch culvert restriction, seeding)
- Open ditch cleaning and sough repairs
- Alternative side inlets along the open ditch
- Rip rap spillway and erosion control structure for waterway
- Alternative intake structures on tiles throughout the watershed

Repair plans for the 2017 repair project were included in the appendices while the 2014 repair was described in the history section of the FER. Photos and descriptions of some of these practices were included in items 1-3 above.

Brandel stated that based on this effort, the following opinions of the engineer are listed in response to the DNR's findings;

1. Flow values have been changed to accurately model and represent the current and proposed conditions of CD24 and the FER is complete as such.
2. Several alternatives to drainage and water quality were investigated on the CD24 system and were incorporated as past projects. The topics outlined those alternatives that the Drainage Authority has included to reduce peak flow rates, erosion, and sedimentation all to improve the drainage system to today's standards as recommended by the NRCS.
3. Concerns listed have been addressed as outlined in letters to the DNR and filed as part of the CD24 proceedings. Further questions not regarding the FER and the improvements are related to past projects and efforts outside the scope of this report.
4. This project is a public benefit as an aging and deteriorating public drainage system infrastructure will be improved to today's standards. Furthermore, this system has included multiple system quality practices to reduce erosion and sediment transport which is also a benefit to the public. Past repair efforts have made the outlet of the CD24 stable and adequate to support this improvement.

A second DNR advisory letter dated January 23, 2018 was read. Engineer Brandel responded by reviewing his letter dated March 5, 2018 and filed with the drainage authority.

The hearing was opened for public comment on the FER and DNR advisory letters.

Charles Carlson, landowner, asked how can you show reduction in flood time when you have a restriction in the outlet? Brandel responded that an increased tile size will reduce overland flooding. The structure is not a restriction but a control structure that is designed to overflow. The open ditch is being used to hold water but not the waterway.

Carlson questioned if the structure was not higher in elevation than areas of the shallow ditch on his property. Engineer Brandel showed the elevations of areas in question. Brandel stated that the system is not designed to restrict the flow on that parcel. Carlson again questioned how his property would not be flooded when elevations show the restriction is above a spot on his parcel. Brandel responded that the lower area on Carlson's parcel had eroded down to that level and the repair project had addressed that issue.

Carlson then questioned how the system would handle the current overland water. Brandel responded that the tile would carry most of the water but would not take all. Discussion was held on what the petition asked for and where the improvement ended. Carlson asked the engineer if he was going to run more water overland without a waterway and not put sediment into the Blue Earth River. Brandel stated that the outlet structures were designed to reduce sediment. Brandel stated that the petitioners asked for the waterway to be abandoned and the design considered flow rates and capacities. Carlson stated that the system needed a grass waterway and that JCD201 would be sending water down to his parcel. Brandel stated that the JCD201 overflow was considered in the design.

Carlson asked where Ryneerson's get their outlet, where he gets his outlet, why he didn't get a bigger tile, how the Ryneerson property would be affected and why he would still pay \$1,000 per acre. Brandel explained where the improvement ended and how private tile would be hooked up to the improved tile. Brandel also explained that at pre-petition meetings there was an option to include a larger tile on the Ryneerson and Carlson parcels, but a repair was ordered for that area due to landowner requests. The petitioners then removed that area from the petition. The Ryneerson and Carlson parcels will have a better outlet with the new outlet for the improved tile. Carlson then stated that the tile was in poor condition according to the engineer's report. Brandel responded that Carlson and Ryneerson had the right to file a

repair petition to return the tile to original condition but the improvement petition does not address that but recommended a repair.

Carlson asked why he was cut out of petition but was asked to pay for the improvement. Separable maintenance was addressed. It was stated that the waterway was being abandoned as a public system.

Lynn Cole, landowner, stated that the improvement did not improve drainage and felt the project should be dropped.

The public comment for the engineer's report was closed.

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The viewers report was presented by Chris Christenson. Mark Behrends also attended. It was stated that two informational meetings had been held before the final hearing. The viewers explained how benefits and damages were calculated, how their report reflected separable maintenance, damages, benefits, and other issues contained in the viewer's report. Total benefits after the improvement were \$1,502,922 and were an increase of \$259,498 in benefits.

There was no public comment on the viewer's report.

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Kurt Deter explained the options that the board had to consider.

Loveall/Warmka motion carried to make the following findings

- a. That the final engineer's report and viewer's reports have been made and other proceedings have been completed under Minnesota Statutes 103E.
- b. The reports made or amended are complete and correct.
- c. The damages and benefits have been properly determined.
- d. The estimated damages and benefits have been properly determined.
- e. The proposed drainage project will be of public benefit and will promote the public health.
- f. The proposed drainage project is practicable.
- g. The proportionate share of cost attributed to separable maintenance is approved.

Commission Groskreutz voted no.

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There was a short discussion of the repair projects status.

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The hearing was adjourned.

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Greg Young, Chair

John Thompson, Auditor/Treasurer/Coordinator