

FARIBAULT COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
MARCH 20, 2018

The Faribault County Board of Commissioners met pursuant to the recess of March 6, 2018 at the Courthouse in the City of Blue Earth at 9:00 a.m. on March 20, 2018. The following members were present: Bill Groskreutz, Tom Loveall, John Roper, Tom Warmka, and Greg Young Commissioners. County Auditor/Treasurer/Coordinator John Thompson and Assistant County Attorney Mindy Quitem were also present.

The meeting was called to order by Chair Young.

The pledge of allegiance was recited.

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Warmka/Groskreutz motion carried unanimously to approve the synopsis and official proceedings of the March 6, 2018 regular and drainage meeting and March 7, 2018 final hearing on CD24.

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Roper/Warmka motion carried unanimously to approve the agenda of March 20, 2018.

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The calendar was updated.

During public comment Johanna Hoecker spoke regarding increased funding for mental health issues.

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Committee reports were given. Warmka reported on ditch meetings, Toward Zero Deaths in Wells, and GBERBA; Groskreutz reported on MVAC, MRCI, Wells City Council and CD 87, GBERBA, constituent issue with Human Services, transit, and township meetings; Roper reported on public waters and drainage meeting, South Central Workforce, and MVAC; Loveall report on JD9 informational meeting, public waters and drainage meeting, Township annual meeting, and weed control issue; Young reported on corrections meeting and City of Blue Earth.

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Central Services Director Dawn Fellows met regarding office business.

Groskreutz/Roper motion carried unanimously to approve the hiring of part-time dispatcher/jailers Skylee Bell and Nicholas Casias.

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Loveall/Warmka motion carried unanimously to approve credit card application of County Assessor Gertrude Paschke with a limit of \$2,500 per the County credit card policy.

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Loveall/Warmka motion carried unanimously to approve the findings and order for the CD 24 Improvement Project. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

Petition

1. A petition dated June 17, 2016, and bond was received by the Auditor of the requesting to improve CD 24 located in Sections 4, 5, 8, 9, 10, 16, and 17 in Winnebago Township Faribault County, Minnesota pursuant to Minn. Stat. § 103E.225 and 103E.202.
2. The drainage authority met on June 21, 2016 and accepted the Petition and appointed Chuck Brandel of ISG to make a preliminary survey pursuant to Minn. Stat. § 103E.245.

Preliminary Hearing

3. Engineer Brandel filed a preliminary survey report with the drainage authority on January 24, 2017. A copy of the preliminary survey report was mailed 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. Notice of the public hearing was properly provided as required by law.
5. At the public hearing, the engineer presented the preliminary survey report. The Commissioner's Advisory Report was publicly read at the hearing. Comments were received at the public hearing and incorporated into the preliminary order.
6. At the conclusion of the preliminary hearing, the drainage authority adopted findings and an order accepting the preliminary survey report, ordered the engineer to proceed with the detailed survey, and appointed three viewers to determine benefits and damages. The preliminary order directed the 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." The board passed a motion to appoint Chris Christianson, Mark Behrends, Robert Hanson and Dennis Distad as viewers for the project.

Engineer's Final Engineering Report (FER)

7. On November 17, 2017, the engineer filed the detailed survey report with the auditor. A copy of the detailed survey report was mailed to the commissioner of natural resources for review.
8. As described in the FER, the drainage project proposes to provide at least a 0.50 in/day coefficient and add depth to the system by constructing approximately 7,500 feet of new buried tile. Also included with the improvement are cleaning the existing culverts under County Road 7 and 230th Street and legal abandonment of part of the waterway. The mainline will consist of 6,900 feet of

36-inch tile, 210 feet 24-inch tile, and two connections under County Road 7 consisting of 260 feet of 18-inch tile and 130 feet of 15-inch tile.

9. The proposed mainline alignment will outlet into the beginning of the open ditch in the NE1/4 of the NE1/4 of section 9 in Winnebago Township where it will continue west until it reaches the waterway alignment. The alignment will then follow the waterway alignment through Section 9 and cross 230th Street into the NW1 /4 of Section 16 where it will connect to the existing mainline.
10. The 36-inch tile will span from the outlet to the NW1/4 of the NW1/4 of Section 16 of Winnebago City Township until the 18-inch connection to Branch 8. The 24-inch tile will span from this connection to the connection to the existing mainline tile.
11. The abandonment will include 4,720 linear feet from the NW1/4 of the SW1/4 of Section 9 to the NE1/4 of the NE1/4 of Section 17 of Winnebago Township.

Viewer's Report

12. The viewers filed the viewers' report with the auditor of Faribault County along with a detailed statement showing the actual time the viewers were engaged and the costs incurred.
13. Within 30 days after the viewers' report was filed, the auditor made a property owners' report from the information in the viewers' report in conformance with the requirements of Minn. Stat. § 103E.323, subd. 1. A copy of the property owners' report was mailed to each owner of property affected by the proposed drainage project and an affidavit of mailing is on file with the drainage authority.

Commissioner's Final Advisory Report

14. A commissioner's final advisory report was filed with the drainage authority on December 20, 2017. On December 27, 2017 the Engineer filed his response to that report.
15. The Commissioner raised concern about a potential increase in the existing outlet flow rates as compared to the rates in the Preliminary Engineering Report.
16. The engineer's response explained changes in the preliminary plans as seeking to resolve concerns of a downstream landowner. The peak flow rates are still lower than the originally constructed 1959 improvement as the original system had a steep open ditch which carried large peak flow rates. The inclusion of 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.
17. The Commissioner raised concerns that abandonment of the waterway would lead to increased sediment runoff. The engineer responded that as a result of design features and other circumstances, the grass waterway is not functioning to store water, reduce nutrient runoff, and is increasing sediment transport. The engineer opined that the proposed improvement design "is a much better practice and will help with the erosion issues downstream."
18. The Commissioner raised concerns about the outlet design. The engineer opined that "Based on the substantial work completed in the outlet area of CD 24, the rip rap spillway controlling erosion of

the waterway, and the less overland flow through the inclusion of the subsurface tile; it is still the opinion of the engineer that the outlet of CD 24 is adequate.”

19. In response to concerns about the contribution made by drainage to downstream rivers, the Engineer pointed out that a number of water quality alternatives have been completed on CD 24 to address sedimentation, erosion, and peak flow rates including 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 slough 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
20. 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.

Final Hearing

21. The drainage authority, by order, set a final hearing for review of the engineer’s detailed survey report and the viewers’ report on February 9, 2018, and directed the Auditor to provide notice of the final hearing by publication, by posting, and by mail to the petitioners, political subdivisions, and owners of property likely to be affected by the proposed project.
22. Notice of the public hearing was properly provided as required by law.
23. Project Engineer Charles Brandel, ISG, presented the Final Engineers Report (FER). The improvements 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.
24. 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.
25. 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.
26. The engineer stated that the outlet was adequate as outlined in the FER.
27. 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.

28. The commissioner's final advisory report was publicly read and included in the record of proceedings.
29. Brandel summarized his responses to the commissioner's advisory report and 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 in an effort to reduce peak flow rates, erosion, and sedimentation all in an effort 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 jade the outlet of the CD24 stable and adequate to support this improvement.
30. 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.

Public Comment

31. During the public hearing portion of the proceedings, the following persons appeared and provided comment

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 an 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 Rynearson's get their outlet, where he gets his outlet, why he didn't get a bigger tile, how the Rynearson property would be affected and why they 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 Rynearson 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 Rynearson 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 Rynearson 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.

Conclusions

32. The detailed survey report and viewers' report have been made and other proceedings have been completed under this chapter and both engineer's report and viewers report are correct and are adopted and incorporated into these findings.
33. The damages and benefits have been properly determined. 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 are \$29,708.00. The net cost of \$102,286 is less than the \$259,498 in benefits as found by the viewers.
34. The benefits of the proposed drainage project exceed the total cost, including damages awarded.
35. The proposed drainage project will be of public utility and benefit and will promote the public health.
36. The proportionate share of cost attributed to separable maintenance is approved.
37. The proposed drainage project is practical.

Order

Based on the foregoing Findings and the entire record of proceedings before the Board, the Board, acting as the drainage authority for CD 24, hereby orders as follows:

- A. The Faribault County Drainage Authority for CD #24 hereby establishes, and orders said improvement according to the project as described in the final engineer's report.
- B. The amount recommended by the engineer as separable maintenance shall be allocated as repair and assessed against all benefitted property of the entire drainage system and deducted from the cost of the improvement.

- C. The Board directs the engineer to prepare the detailed plans and specifications and other necessary documents to allow for bidding on the project.
- D. The Board directs the auditor to take all necessary actions for the construction of said CD #24 improvement and authorizes the auditor to proceed as necessary, reserving to itself only those matters that the Board, by vote, must authorize.
- E. Upon completion of the project, the drainage system record shall be updated with the as-built alignment and conditions of the project and the specified portions replaced by the improvement shall be abandoned upon completion of and acceptance of the new project.
- F. The abandonment portion is the 4,720 linear feet from the NW1/4 of the SW1/4 of Section 9 to the NE1/4 of the NE1/4 of Section 17 of Winnebago Township. The exact location of the abandonment must be clearly specified in the engineer's detailed final plans, and upon adoption of those plans, the specification will govern. Upon completion of the project, the abandoned part of the drainage system will not serve a substantial useful purpose as part of the drainage system to any property remaining in the system and will not be of a substantial public benefit and utility.
- G. The viewers' determination of benefits and damages contained in the viewers' report dated and the benefits and damages statement are hereby confirmed and adopted by the drainage authority.
- H. The viewers, engineer, and attorneys are allowed payment of their accounts of work.
- I. The Auditor shall ensure that the benefits roll is updated to reflect the benefits confirmed in this order.
- J. The percentage of the cost of the drainage project to be paid by each affected county shall be in direct proportion to the benefits and damages as determined in the viewers' report.

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Jacob Salisbury and P.J. Saliterman of EDF Renewable Energy met regarding Oza Tonka Wind Project. A project update was given. Issues discussed were decommissioning wind towers, buried lines, size and possible expansion of the project to other townships, noise issues, noise testing protocol, setbacks, how noise complaints from the public would be handled, roll of Public Utilities Commission with public concerns, a discussion on the meaning of the "home run" of power lines being above ground, placements of substations and ability to use existing power lines, how power lines are acquired by the project to get to a substation, shadow flicker was discussed. An example of a permit application was presented to board for the board to review. The topic of the county's development agreement was discussed.

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Public Works Director Mark Daly met regarding public works business.

Loveall/Groskreutz motion carried unanimously to advertise for 2018 county-wide crack sealing project.

Loveall motion died for lack of second to hire a replacement to allow for training of signing personnel.

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Faribault-Martin County Transit Director Jeremy Monahan met regarding transit business.

Loveall/Groskreutz motion carried unanimously to approve an advance of \$29,467.86 for the purchase of a transit bus.

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Roper/Loveall motion carried unanimously to approve liquor licenses effective April 1, 2018 to March 31, 2019 for Minn-Iowa Golf Club Inc., Riverside Town & Country Club, and Derby Inn and an off-sale license for the Derby Inn contingent upon the approval of the County Attorney and the County Sheriff.

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Groskreutz/Roper motion carried unanimously to close the meeting to discuss possible litigation and settlement for the AISG contract for security at the courthouse and law enforcement center. Present were Commissioners Groskreutz, Loveall, Roper, Warmka, and Young; Central Services Director Dawn Fellows; Auditor/Treasurer/Coordinator John Thompson; Assistant County Attorney Mindy Quittem; Chief Deputy Scott Adams; Building Facilities Maintenance Director Troy Beckman; and ISG Senior Project Manager Bob Mickelson.

Meeting was re-opened.

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Groskreutz/Warmka motion carried unanimously to pay bills totaling \$ 764,277.81 as follows:

COUNTY REVENUE FUND	\$ 67,688.46
PUBLIC WORKS FUND	596,396.65
COUNTY LIBRARY FUND	45,777.75
NON REV/DISB A	3,818.10
DEBT SERVICE FUND	1,275.00
DITCH FUND	<u>49,321.85</u>
	\$ 764,277.81

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The meeting was adjourned to 1:00 p.m. work session to discuss solid waste issues and recycling fees.

Greg Young, Chair

John Thompson, Auditor/Treasurer/Coordinator