

FARIBAULT COUNTY
BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
AUGUST 6, 2019

The Faribault County Board of Commissioners met in regular session at the Courthouse in the City of Blue Earth at 9:00 a.m. on August 6, 2019. The following members were present: Bill Groskreutz, Tom Loveall, John Roper, Tom Warmka, and Greg Young Commissioners. Auditor/Treasurer/Coordinator Darren Esser, County Attorney Kathryn Karjala, and Acting Clerk to the Board Clara Vereide were also present.

The meeting was called to order by Chair Groskreutz. The pledge of allegiance was recited.

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Warmka/Young motion carried unanimously to approve the synopsis and official proceedings of the July 10, 2019 CSAH 13 revocation hearing.

Young/Warmka motion carried unanimously to approve the synopsis and official proceedings of the July 16, 2019 regular meeting.

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Warmka/Roper motion carried unanimously to approve the agenda of August 6, 2019.

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

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Committee reports were given. Loveall reported on GBERBA; Roper reported on Workforce; Warmka reported on GBERBA, RMEB, fair, and interviews; Groskreutz reported on MVAC net zero homeless, GBERBA, MVAC housing, Board of Appeal training, and MRCL.

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Public Works Director Mark Daly met regarding office business. The 2018 annual report was presented.

Loveall/Warmka motion carried unanimously to approve Resolution 19-RB09-31 accepting completed 3rd Street project, SAP 022-632-012, and approve final payment of \$56,617.45 to the City of Wells. Commissioners Groskreutz, Loveall, Roper, Young, and Warmka voted yes.

RESOLUTION

WHEREAS, SAP 022-632-012 3rd Street project has in all things been completed; and

WHEREAS, Faribault County entered into a Joint Powers Agreement (JPA) with the City of Wells and the date of this agreement is June 20, 2017; and

WHEREAS, the County's final project cost is \$282,638,79 which is \$24,917.59 (8%) less than the estimated project cost shown on the JPA of \$307,556.38; and

WHEREAS, to date \$226,021.34 has been paid to the City leaving the balance of \$56,617.45; and

WHEREAS, the work has been performed satisfactorily and all necessary forms have been completed and received by the Highway Department.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners in and for the County of Faribault, Minnesota, that we do hereby accept said completed project and authorize final payment to the City of Wells.

Roper/Young motion carried unanimously to approve Resolution 19-RB10-32 the 2020-2024 bridge replacement schedule. Commissioners Groskreutz, Loveall, Roper, Young and Warmka voted yes.

RESOLUTION

WHEREAS, Faribault County has reviewed the pertinent data on bridges requiring replacement, rehabilitation, or removal, supplied by the local citizenry and local units of government; and

WHEREAS, Faribault County has identified those bridges that are high priority that require replacement, rehabilitation, or removal within the next five years;

NOW, THEREFORE BE IT RESOLVED that the following deficient bridges are high priority and Faribault County intends to replace or remove these bridges as soon as possible when funds are available.

Bridge No.	Township/ Road No.	Estimated Project Cost	Federal Funds	State Aid Funds	Town Bridge Funds	Bond Funds	Local Funds	Proposed Construction Year
9978	CR 109	600,000				400,000	200,000	2020
9986	CR 25	219,075				211,075	8,000	2020
22503	CSAH 9	348,000		33,000		315,000		2020
22504	Clark 590A	310,000			290,000		20,000	2020
L6345	Barber 180S	100,000			80,000		20,000	2020
7217	CSAH 14 Rehab	50,000		50,000				2020
22529	CSAH 31 Rehab	50,000		50,000				2020
9984	CSAH 21	720,000	480,000	120,000		120,000		2021
L8837	Verona 190S	264,000			244,000		20,000	2021
L9763	Pilot Grove 10S	300,000			280,000	20,000		2021
22509	CSAH 13	264,000		132,000		132,000		2021
22510	CSAH 13	247,500		123,750		123,750		2021
22512	Lura 200S	187,000			167,000		20,000	2022
L5355	Prescott 415A	180,000			160,000		20,000	2022
L9725	Pilot Grove 10S	200,000			180,000		20,000	2022
89034	CR 111	220,000				200,000	20,000	2022
9967	CSAH 1	214,500		19,500		195,000		2023

L6404	Pilot Grove 70S	300,000			280,000	20,000		2023
89028	Clark 590A	95,000			80,000	15,000		2023
92369	CSAH 2	200,000		50,000		150,000		2023
D-09-N	Rome 10 S	40,000			40,000			2023
9999	CR 106	220,000				200,000	20,000	2024
92804	CSAH 2	300,000		30,000		270,000		2024
L5327	Clark 580 A	200,000			180,000		20,000	2024
L9764	Pilot Grove 320A	264,000			240,000		24,000	2024
22524	Seely 50S	220,000			200,000		20,000	2024

BE IT FURTHER RESOLVED, Faribault County does hereby request authorization to replace, rehabilitate or remove said bridges; and

BE IT FURTHER RESOLVED, Faribault County does request financial assistance with eligible approach grading and engineering costs on township bridges, as provided by law.

Young/Warmka motion carried unanimously to accept low fuel bid from Freeborn County Cooperative of \$345,800 for 2019-2020. One other bid was received from Central Farm Services at \$390,099.

Young/Loveall motion carried unanimously to obtain quotes for the demolition of the houses at Woods Lake Park and Pihls Park.

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Caesar Larson of Amboy, fiduciary representative of Charles Carlson, met to present documentation regarding CD 24. Charles Carlson and Ashley Winkelman also attended.

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Southern Minnesota Initiative Fund Jennifer Nelson and Board Member Jake Anderson met to update the board. Mary Kennedy of Community and Economic Development Associates and Annie Liebel of Faribault County EDA also attended.

Young/Warmka motion carried unanimously to approve a \$2,500 donation to the Southern Minnesota Initiative Fund.

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No member of the public appeared during public comment for Drainage Board.

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Minnesota Department of Transportation Planning Director Ronda Allis met regarding future projects. Also attending were MNDOT Sub Area Supervisor Bryan Lillie and Public Engagement Coordinator Anne Wolff. City representatives from Blue Earth, Elmore, Wells, and Winnebago also attended.

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Warmka/Roper motion carried unanimously to approve Resolution 19-CB-33 for the repurchase of a tax forfeited Parcel No. 31.200.4230 in the City of Winnebago. Commissioner Loveall recused himself due to business relationship. Commissioners Groskreutz, Roper, Young, and Warmka voted yes.

RESOLUTION

WHEREAS, Parcel 31.200.4230 was forfeited to the State of Minnesota in favor of the taxing districts and

WHEREAS, the prior owner, James W. Benschoter has applied to repurchase the parcel for pursuant to Minn. Stat. 282.241 to 282.324, and

WHEREAS, the Faribault County Board of Commissioners has considered the application to repurchase the parcel and finds that it would be a hardship for the owner to lose his home and that the repurchase would be in the public's best interest,

BE IT RESOLVED that James W. Benschoter, the former owner of Parcel 31.200.4230 described as Lot nine (9) in Block thirty-three (33) in the Village of Winnebago City (now Winnebago), Faribault County, Minnesota be allowed to repurchase said parcel with the payment in full of the reinstated taxes, assessments, fees and costs as follows;

Taxes	\$1,736.18
Special Assessments	\$ 444.22
Penalty & Interest	\$1,838.48
Repurchase Fee	\$ 100.00
Deed Tax	\$ 13.26
State Deed Fee	\$ 25.00
County Recording Fee	<u>\$ 46.00</u>
Total Cost	\$4,203.14

BE IT FURTHER RESOLVED that the repurchase price must be paid in full by August 31, 2019 or repurchase agreement will be void.

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Loveall/Warmka motion carried unanimously to approve Resolution 19-CB-34 to decline to participate in the proposed tax abatement and therefore will not abate the County's portion of the taxes for the abatement project. Commissioners Groskreutz, Loveall, Roper, Young, and Warmka voted yes.

RESOLUTION

WHEREAS, the City of Wells, Minnesota (the "City") has proposed a tax abatement pursuant to Minnesota Statutes, Sections 469.1812 through 469.1815, as amended (the "Abatement Act"), on property located in the City (the "Abatement Project").

WHEREAS, the revenues generated from the proposed tax abatement will provide financing for public infrastructure improvements, including renovation to a facility to be used as the City's Municipal Liquor Store in the City.

WHEREAS, the City has proposed to abate the City's portion of the taxes for the abatement project for a period of up to twenty (20) years. To qualify for an abatement duration of more than

fifteen (15) years under Section 469.1813, subdivision 6(b) of the Abatement Act, the School District or Faribault County must decline to participate in the tax abatement.

WHEREAS, this Board has reviewed the request for consideration of participation in the proposed abatement project as evidenced by a letter dated July 23rd, 2019 provided by the City.

NOW THEREFORE BE IT RESOLVED the County hereby declines to participate in the proposed tax abatement and therefore will not abate the County's portion of the taxes for the abatement project.

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Civil Engineer Mark Origer and Graduate Engineer Bailey Griffen from ISG and Faribault County Drainage Manager Merissa Lore met and presented options on CD 24.

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Warmka/Loveall motion carried unanimously to close the meeting to discuss litigation on CD 24.

Meeting was re-opened. County Attorney Kathryn Karjala gave a synopsis of the closed session.

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Loveall/Warmka motion carried unanimously to approve the promotion of Brady Hanevik to the crew leader in the Public Works Department.

Loveall/Roper motion carried unanimously to approve hiring Alexis Scholten as the Central Services Director effective August 19, 2019.

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Roper/Young motion carried unanimously to approve Resolution 19-CB-35 to order a partial abandonment of CD17 Branch A & Branch B. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

WHEREAS, the Faribault County Board of Commissioners met as the Drainage Authority for CD17 on July 2, 2019 at 11:30 a.m. in the Faribault County Boardroom pursuant to M.S. 103E.806 for a public hearing to consider the partial abandonment of Branch A and Branch B pursuant to a petition by Andrew Linder and Todd Olson, and

WHEREAS, the Board approved to accept the petition and to approve the partial abandonment,

IT IS HEREBY RESOLVED, to pass the following Findings and Order to abandon parts of County Ditch 17 Branches A and B as follows;

Findings:

1. A petition dated May 22, 2019 was received by the Auditor of Faribault County requesting to abandon a portion of County Ditch 17 pursuant to Minn. Stat. § 103E.806. The portion of the drainage system sought to be abandoned is described as follows:

Branch A: Commencing at Station 12, a point 720' west and 500' north from the SE corner of the SW4SW4 of Prescott Township Section 32, heading northerly 850' to its intersection with the CD17 open ditch at Station 21

Branch B: Commencing at Station 2, a point 520' west and 230' north from the SE corner of the SW4 of Prescott Township Section 32, headlining easterly 500' to its intersection with CD17 open ditch at Station 7.

2. Petitioners Andrew J Linder and Todd Olson are the owners of benefited property on County Ditch 17.
3. The petition asserts that the part of the drainage system proposed to be abandoned does not serve a substantial useful purpose as part of the drainage system to any property remaining in the system and is not of substantial public benefit and utility.
4. The petition for Partial Abandonment is in proper form and is legally sufficient and adequate for the purposes of these proceedings.
5. The drainage authority, in consultation with the Auditor set a public hearing for the petition to take place on July 2, 2019 at 11:30 a.m. at the Faribault County Board Room in Blue Earth, MN and directed the Auditor to give notice of the hearing by mail to the owners of all property benefited by the drainage system and to give notice by publication either once a week for three successive weeks in a newspaper of general circulation within the affected drainage area or by publication on a Web site of the drainage authority.
6. Notice of the public hearing was properly provided as required by law. Evidence of all notice provided for the hearing is on file with the drainage authority.
7. A presentation was made at the public hearing by Dustin Anderson, County Drainage Department. The shallow tile lines are no longer used by the petitioners and should no longer be maintained. The landowner, Linder, has system tile his farm to the open ditch of CD17.
8. During the public hearing portion of the proceedings, the following persons appeared and provided comment (the Board's response is indicated in italics following each comment):
 - a. Glenn Gaylord, City of Blue Earth and landowner:
Slow drainage near CR 44.
Staff knew of issue. Unrelated to the abandonment.
9. The drainage system does not serve any useful purpose to any affected property and is not of public benefit and utility.

10. The County Board is the drainage authority for CD17

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 17, hereby orders as follows:

1. The petition for partial abandonment of County Ditch is approved.
2. No further repair petition for the abandoned portion of the drainage system may be accepted and the drainage authority's responsibility to maintain the abandoned portion of drainage system is terminated by this order.
3. This order shall not release any property from a drainage lien filed on account of the drainage system before the date of this order, nor shall this order release any property from any assessment or a drainage lien filed on or after the date of this order for costs incurred on account of the drainage system before the date of the order. Said parcels still use CD#17 as an outlet for lands and private tile.

CD17 was redetermined in 2018. Viewers used \$2.00 per foot for a benefit for land with system tile present. The Auditor is directed to reduce the benefits on parcel 15.032.0700 by \$2,500 for the abandonment of 1,250 feet of system tile.

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Young/Warmka motion carried unanimously to approve Resolution 19-CB-36 to redetermine benefits and appoint viewers for CD 60. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

RESOLUTION

BE IT RESOLVED that the County Board of Commissioners approves the following findings and order to redetermine benefits and appoint viewers for County Ditch 60

Findings:

11. The Faribault County Board of Commissioners is the drainage authority for County Ditch 60.
12. County Ditch 60 was established in 1918. Benefits for County Ditch 60 were determined concurrent with establishment in 1918, prior to the initiation of modern, intensive farming and drainage practices within Faribault County.
13. The current benefits roll reflects the benefitted properties, benefitted areas, and benefit values as determined by viewers based on assumptions regarding the future use and drainage of said properties.

14. Since the original establishment of County Ditch 60 and the original determination of benefits and damages and its improvements, land uses and drainage practices have changed to accelerate and increase the flow of water to the drainage system changing the nature and value of benefits accruing to lands from construction of County Ditch 60 and its improvements.
15. Since the original determination of benefits and damages, land values have changed within the benefited area of County Ditch 60 and its improvements.
16. The County Board held a public meeting on August 6, 2019 to discuss the need for a redetermination of benefits. The drainage authority finds that the conditions required for the initiation of a redetermination of benefits exist, that the original benefits and damages do not reflect reasonable present-day land values, and the benefitted areas have changed.

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 60, hereby orders as follows:

- A. The Board shall follow the procedures of Minn. Stat. § 103E.351 to conduct a redetermination of benefits for County Ditch 60.
- B. That Mark Behrends, Robert Hanson, Dennis Distad, Kendall Langseth, and Bruce Ness are hereby appointed as viewers to redetermination and report the benefits and damages for County Ditch 60.

The County Auditor-Treasurer shall execute an Order designating a time and location for the first meeting of the viewers and mail to the viewers a copy of the Auditor-Treasurer's Order along with a certified copy of this Order.

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Young/Loveall motion carried unanimously to approve increasing rent for Human Services by 3% to \$106,110.60 annually effective January 1, 2020.

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Warmka/Young motion carried unanimously to approve the following training requests: from C. Lewis and M. Lore to attend a 2-day MACATFO drainage conference in St. Cloud; C. Hougen to attend a 1-day commercial vehicle recertification in Mankato; J. Schmidtke to attend a 4-day MN Assoc. of Veteran Service Officers conference in Nisswa; C. Davis to attend a 3-day DataMaster DMT-G certification course in St. Paul; J. Blair to attend a 3-day Mn Dept. of Revenue Auditor/Treasurer course in St. Paul and a 2-day Mn Assoc. Auditors, Treasurers, & Finance Officers drainage conf. in St. Cloud; M. Lore and D. Anderson to attend a 1-day Frontier Precision custom survey training in Blue Earth; and M. Lore and D. Anderson to attend a 1-day electronic survey workshop in Mankato.

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Warmka/Young motion carried unanimously to pay the following bills:

Auditor warrants totaling \$ 747,914.26, complete list on file in Auditor's office.

Date	Amount	Description
07/03/19	224,944.31	Auditor Warrants
07/11/19	6,692.26	Auditor Warrants
07/18/19	187,811.74	Auditor Warrants
07/25/19	216,550.15	Auditor Warrants
07/26/19	111,875.80	Auditor Warrants
07/30/19	40.00	Auditor Warrants
	\$ 747,914.26	Total

ACH-EFT payments from July 1 to July 31, 2019 totaling \$ 583,359.41 as follows:

Date	Amount	Description
07/02/19	347,635.89	Commissioner Warrants
07/03/19	36,729.32	Auditor Warrants
07/11/19	58,678.47	Auditor Warrants
07/16/19	80,810.24	Commissioner Warrants
07/18/19	89.18	Auditor Warrants
07/25/19	59,416.31	Auditor Warrants
	\$ 583,359.41	Total

Audit list and auxiliary totaling \$ 632,376.90 as follows:

GENERAL REVENUE FUND	\$ 163,366.80
PUBLIC WORKS FUND	225,628.56
HUMAN SERVICES FUND	235,669.84
NON-REVENUE/DISBURSEMENTS A	4,807.45
DITCH FUND	<u>2,904.25</u>
	\$ 632,376.90

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The meeting was recessed to 9:00 a.m. August 20, 2019.

Bill Groskreutz, Chair

Clara Vereide, Acting Clerk to Board