

JOINT DITCH AUTHORITY

- At 10:00 a.m., Joint Board Chair Walling entered into a Public Hearing for the Petition to Impound, Reroute, and Divert of drainage system waters for Judicial Ditch #14 pursuant to Minnesota Statute 103E.227 and for partial abandonment of a drainage system for Judicial Ditch #14 pursuant to Minnesota Statute 103E.806. Joint Board Members Representing Judicial Ditch #14 were: Redwood County Commissioners Walling, Forkrud, and Groebner and Lyon County Commissioners Anderson and Crowley. Present from Redwood County were Auditor/Treasurer Price, Commissioner Salfer, Environmental Director Wold and Administrative Assistant Wersal. Present from Lyon County were: Auditor/Treasurer Moberg, Planning and Zoning Administrator Biren and Ditch Inspector Hammer. Others in attendance were SWCD Staff Brian Pfarr and Marilyn Bernhardson, BWSR Engineer Tom Wenzel, Petitioners: Gregory Debbaut and Richard Vroman and Interested Landowners: Darcy Klein, Casey Klein, Gary Bitker, Scott Colombe, Bob Zwach, Brian Hicks, John Brakke and Julie Brakke. Kurt Deter from Rinke Noonan Law Office was on teleconference during the public hearing representing the drainage authority for JD #14.
- Chair Walling called for welcome and introductions.
- On motion by Groebner, second by Crowley, the Joint Board voted unanimously to approve the minutes from the June 5, 2018 teleconference.
- Redwood County Auditor/Treasurer Price indicted in accordance with MN Statute requirements that the notices of the public hearing was published for three consecutive weeks in the Redwood Gazette (official paper), Wabasso Standard, the Standard-Gazette & Messenger and Lamberton News, posted on the county website, on the bulletin board and the front doors of the Government Center and all interested landowners and parties were mailed a public hearing notice.
- Lyon County Auditor/Treasurer Moberg indicated in accordance with MN Statute requirements that the notices of the public hearing was published for three consecutive weeks in the Balaton Press Tribune (official paper), and one time in the 4 other Lyon County newspapers, posted on the county website, on the bulletin board and the front doors of the Government Center and all interested landowners and parties were mailed a public hearing notice.
- Brian Pfarr, SWCD Resource Specialist, gave the board an overview of why and how the wetland restoration project started. The dollars to pay for the project come from taxes.
- Appointed BWSR Engineer, Tom Wenzel presented on the Engineer's Report by giving an overview of the project's purpose which is to restore drained wetlands and associated upland areas on lands currently protected by a 162.5 acre Reinvest in Minnesota (RIM) Reserve perpetual conservation easement, held by the State of Minnesota and administered by SWCD with estimated construction costs of \$125,000. The project is located in the NW ¼ of Section 30, Westline Township, Redwood County. The Project contains numerous drained depressional wetlands including one large wetland basin that is approximately 70 acres in size. In addition to private tiles, these depressional areas are drained by the upper end of Redwood-Lyon Joint Ditch #14 (JD 14) – Branch 6 and its Laterals K, K1, L, and M, and Branch 8A.
- Commissioner Anderson expressed concern that not all the easements on JD #14 have been recorded and are only verbally agreed to between the landowners. Attorney Deter stated that he encourages all parties to enter into private drainage agreements and have them

recorded but assures the County is not liable in the future to provide an outlet if this is not done.

- Attorney Deter then recommended the following items be included in the findings and order to assure the project is meeting its obligations:
 - 1) Provide as-built for ditch file for each county
 - 2) Operations document for draw-downs
 - O&M to be discussed at acceptance hearing
 - 3) Petitioner cover hearing costs (later asked by Wenzel to assess all costs to Debbaut, not split among all petitioners)
 - 4) Within 18 months after completion, hold an acceptance hearing for the public
 - 5) Condition order on permit from road authority
 - 6) No property will be removed from drainage system, so no benefit changes
- Redwood County Auditor/Treasurer Price publicly read the DNR Commissioner's Advisory letter.
- Chair Walling opened the hearing for comments/questions from Interested Parties.
- For public record no written testimony was received.
- Landowner Brian Hicks questioned the drainage co-efficient and that the existing main will not have enough capacity to take care of the downstream drainage. He also stated there is an increase in rain events and questions if this new system will be able to control flooding.
- Landowner Richard Vroman asked about the storage area and Engineer Wenzel stated the design provides room for storage and assured landowners the new system has more retention storage and will be better than the existing tile and will benefit downstream systems in most situations.
- Landowner Bob Zwach questioned the release of water and if it is released too fast that it will hurt those downstream and who would be responsible for monitoring the release of water. Engineer Wenzel stated the design provides for a 12" tile which will help restrict the flow.
- Landowner John Brakke also questioned who will be controlling the water flow/meter flows. He also questioned if there will be an intake by his fence line with Wenzel stating there will be a new tile but not on his property. Julie Brakke expressed concern with run off on their property. Wenzel explained that their property is a part of the wetland that will not be included in the restoration project per their choice. Wenzel did state that he believes that Brakke's land will benefit due to this project however.
- Petitioner Greg Debbaut and Brian Pfarr explained the reason that the property was put into RIM and that this particular area fit the parameters for this type of wetland project.
- Wenzel stated that he believes the project will benefit those downstream due to the sizable wetland restoration basin.
- Richard Vroman asked if his ditch benefits would change. Chair Walling explained they will not change. Wold stated with Deter agreeing that any changes to benefits would need to be done by petitioning the County per Minnesota Statute 103E.805.
- Chair Walling called for further public comments three times. Chair Walling closed the hearing to public comment.
- On motion by Anderson, second by Groebner, in a roll-call vote with Anderson, Crowley, Groebner, Walling and Forkrud all voting aye, the Joint Ditch Authority voted unanimously to approve the petition for JD #14 to Impound, Reroute and Divert drainage system waters and for Partial abandonment of the drainage system due to the public or

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private benefit which will not impair the utility of the drainage system or deprive affected landowners of its benefit and authorize the project pending amendments to the Findings and Order from Rinke Noonan Law Office and authorize Chair Walling to sign after review from all parties.

- There being no further business, Chair Walling declared the Ditch Authority meeting adjourned at 11:28 a.m.

Lon Walling
Ditch Authority Chair

Attest: _____

Jean Price
Redwood County Auditor/Treasurer