

REDWOOD COUNTY, MINNESOTA

County Ditch Authority Minutes, August 7, 2018

PUBLIC HEARING – LATERAL X of JUDICIAL DITCH #36

- At 8:31 a.m., Chair Walling entered into County Ditch Authority for a Public Hearing for the petition filed by Mark and Jan Kelly for the construction of a lateral to connect to Lateral X of JD #36. Present were Redwood County Commissioners Walling, Forkrud, Van Hee, Groebner and Salfer, Administrator Knobloch, Auditor/Treasurer Price and Environmental Director Scott Wold, Landowners Mark and Jan Kelly, Attorney Jeff Braegelmann, Bolten and Menk Engineer Bill Helget and Ditch Viewers Jim Weidemann and Steve Johnson. Arriving later; Kelly and Chad Dallenbach.
- On motion by Salfer, second by Groebner, to make a change in the order of the agenda items.
- On motion by Salfer, second by Groebner, the Board voted unanimously to approve the Ditch Minutes from 3-20-18.
- Jean Price indicated in accordance with 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. All landowners were mailed a property owner's report and notification of the public hearing as well.
- Engineer Bill Helget presented on the Final Engineer's Report. The Outlet was determined to be feasible and adequate and is necessary in order to provide drainage for the cultivation of crops in this watershed area.
- On motion by Salfer, second by Van Hee, the Board voted unanimously to accept the Final Engineer's Report as presented.
- Jean Price read the DNR Commissioner's Final Advisory Report out loud.
- Jim Weidemann presented an overview as to how the net benefits of \$11,942 and maintenance costs of \$26,851 for the new lateral were determined on the Viewer's Report.
- Petitioner's Attorney, Jeff Braegelmann presented information regarding the petition per MN Statute 103E.335, Subd. 2. Kelly's request an increase in benefits be added to the project. They would like \$15,000 of net benefits added to their benefits, which would increase their maintenance cost percentage and lower the other landowner's percentage or to pay \$15,000 more towards the cost of the project. Braegelmann stated that half of the project was the fees for the Engineer's report along with lawyers' fees.
- Mark Kelly discussed the different options he has to drain excess water and Jan Kelly discussed the crop loss was far greater than the net benefits.
- Jean Price read a letter dated July 18, 2018 from Sheryl Tomlinson, Karen and Owen Litfin, Barbara Miller and Douglas Wegner in opposition of the petition stating the cost of the project exceeds the determined net benefits of the project and per MN Statute 103E.341 Subd. 1, should be dismissed.
- Chair Walling called for further public comments three times. Chair Walling closed the hearing to public comment.
- Chair Walling advised the Kelly's that if the board obtains legal counsel on this matter that the cost would be their responsibility if the project does not go through. The Kelly's understood the implications.
- On motion by Salfer, second by Van Hee, the Board voted unanimously to table the Hearing until August 21, 2018 at 10:00 a.m. to obtain legal counsel from Rinke Noonan in reference to the request by the Petitioners to pay \$15,000 towards the project or add \$15,000 to the benefits.
- The Viewer's Report was also tabled to August 21, 2018 at 10:00 a.m.
- The Board did not increase the \$10,000 Bond at this time.
- The Board closed the Public Hearing and recessed at 9:37 a.m.

COUNTY DITCH #24

- At 12:08 p.m., Chair Walling re-entered into Ditch Authority. Present were Redwood County Commissioners Walling, Forkrud, Van Hee, Groebner and Salfer, Administrator Knobloch, Auditor/Treasurer Price and Environmental Director Scott Wold.
- On motion by Salfer, second by Forkrud, the Board voted unanimously to approve the July 17, 2018 County Ditch Minutes.
- On motion by Forkrud, second by Groebner, the Board voted unanimously to adopt the findings and order for County Ditch #24.

2019 DITCH LEVIES

- On motion by Salfer, second by Van Hee, the Board voted unanimously approve proposed ditch levy amounts and to set Hearing Date of September 4, 2018 at 8:35 a.m. for 2019 Ditch Levies: CD #20, 22, 26, 52, 64, 73, 80, 81, 96, 109, JD #5-1, Nelson, JD #10 YM, L & R, JD #30, R & B, JD #33, R & YM, JD 35, R & B, JD #36, R & B, JD #36, Lateral K, JD #36, Lateral X, JD #39 R & YM.

ROAD EASEMENT

- On motion by Van Hee, second by Groebner, the Board voted unanimously to approve the establishment of a road easement along CD #54 to provide field access to a landlocked parcel at a cost of \$7,085. Cost of the easement will be paid for by CD #54.
- Chair Walling declared Ditch Authority meeting adjourned at 12:18 p.m.