

OFFICIAL PROCEEDINGS OF THE NOBLES COUNTY BOARD OF COMMISSIONERS
OF NOBLES COUNTY, MINNESOTA ACTING AS DRAINAGE AUTHORITY

The Nobles County Board of Commissioners, acting as Drainage Authority, met for the discussion on the responsibility for managing ditch proceedings this 22nd day of November, 2016, in the Board of Commissioners Room, at the Nobles County Government Center, Worthington, Minnesota. The Ditch Authority of Nobles in attendance: Marvin Zylstra, Gene Metz, Matt Widboom, Robert Demuth Jr. and Donald Linssen. Others in attendance: Kurt Deter, Rinke Noonan Attorneys At Law; Louis Smith, Smith Partners PLLP; John Shea, Soil & Water Conservation District; Colleen Gruis and Layton Gruis, KLR Watershed; Beth Van Hove, County Auditor-Treasurer; Stephen Schnieder, Public Works Director/County Engineer and Tom Johnson, County Administrator.

Louis Smith, Smith Partners PLLP and Attorney for the Kanaranzi-Little Rock Watershed District, explained the theme of discussion for this meeting is the importance of the Watershed Board and the Ditch Authority being on the same page. He explained that there are many schools of thought for the roles and responsibilities being 1) If the petition is filed with the Watershed District, the responsibility transfers to the Watershed; 2) The Watershed handles a petition only if County Board transfers the system management to the Watershed; and 3) Management of the system stays with the County but the Watershed handles proceedings until turned over to the County.

Currently, the Kanaranzi-Little Rock Watershed District has a petition before them, but the County is still the Drainage Authority. The Watershed is not responsible to manage this.

John Shea, Coleen Gruis and Layton Gruis explained that the Watershed has limited resources and the County has more experience. Work done to date would be memorialized, but they requested that the County consider options.

Chairperson Metz explained that the discussion from the last Kanaranzi-Little Rock Watershed meeting stemmed around the intent for the future and if the existing petition is turned over to the County, would it throw out the current petition?

Kurt Deter, speaking on behalf of the petitioner for the current petition, stated he was not sure that someone would object but that it makes sense for the County to handle. The statute states that the petition goes to the Watershed, but Mr. Deter stated he doesn't believe it would be a violation to turn the petition over to the County. This is a confusing part of the statute that should get clarified. Mr. Deter explained one option would be for petitions to be filed with the Watershed and then the Watershed would decide whether to retain or hand over to the County.

Louis Smith addressed the Ditch Authority asking them to consider what is best for Nobles County. Who should handle the petitions?

Layton Gruis expressed the importance of clearing this up before the next petition is received.

Louis Smith advised the Ditch Authority to keep in mind, regardless of the decision, that they are open to legal "backlash." Mr. Smith advised the importance of making sure all parties have the opportunity to be part of the process.

Chairperson Metz asked if they would have to call for a public hearing.

Kurt Deter advised "no" and that it is a decision to be made by policy makers.

Chairperson Metz questioned what the next step was.

Louis Smith advised the Kanaranzi-Little Rock Watershed Board needs to discuss how to manage the current proceeding and bring it back to the Ditch Authority.

John Shea advised the Watershed would need to know by December 15th in order to bring it back to the Drainage Authority at the December 20th Board of Commissioners meeting.

Kurt Deter explained it should be the Kanaranzi-Little Rock Watershed District that hands the petition over, not the County taking it back.

Coleen Gruis explained the KLR has never had a full-time Administrator and that the Soil & Water Conservation District has graciously provided administration roles for the KLR.

Chairperson Metz stated the other 2 watershed districts are different; the KLR is unique.

Kurt Deter addressed Louis Smith asking if the KLR needs an indication of the County's intent such as a letter to let them know.

Commissioner Linssen commented that if the Ditch Authority chooses to pursue this, they are not consistent.

Kurt Deter explained this may be a good example of unclear law to check with Legislators.

Chairperson Metz asked if this should be offered to the other Watersheds.

Commissioner Zylstra stated he would support the consistency.

Commissioner Widboom requested an update on where the current petition process is at.

Kurt Deter advised the Viewer's Report and Engineering Report need to be filed for the final information for the public hearing.

Chairperson Metz stated the KLR could draft a resolution turning back the CD11 petition to the Ditch Authority for approval at the December 15th meeting which then could be brought before the Ditch Authority for consideration on December 20th.

The consensus of the Ditch Authority was not in opposition to the KLR proceeding with turning the petition proceedings over.


Chairperson