

**PROCEEDINGS OF THE NOBLES COUNTY DRAINAGE AUTHORITY  
FOR CJD 1, CD 1, CD 9, CD 12, CD 14, CD 25, JD 2, JD 3, JD 5, JD 6, JD 8, JD 10, JD  
11B, JD 12B AND JD 16  
Worthington Event Center  
December 20<sup>th</sup>, 2021 at 9:30 AM**

Pursuant to notice given, the Drainage Authority Board for Nobles County: Consolidated Judicial Ditch 1 (CJD 1) County Ditch 1 (CD 1), County Ditch 9 (CD 9), County Ditch 12 (CD 12), County Ditch 14 (CD 14), County Ditch 25 (CD 25), Judicial Ditch (JD 2), Judicial Ditch (JD 3), Judicial Ditch (JD 5), Judicial Ditch (JD 6), Judicial Ditch (JD 8), Judicial Ditch (JD 10), Judicial Ditch (JD 11B), Judicial Ditch (JD 12B) and Judicial Ditch (JD 16) met with the following members present: Nobles County Commissioners – Justin Ahlers, Bob Demuth, Don Linssen, Gene Metz and Bob Paplow. Also present were H2Over Viewers-Bryan Murphy & Aaron Goeman, Kurt Deter (Attorney), Joyce Jacobs (Nobles County Auditor-Treasurer) and Zach Reker (Nobles County Ditch Coordinator)

The purpose of the meeting was to hold the final hearing for the Redetermination of Benefits for the following ditches: Nobles County Consolidated Judicial Ditch 1 (CJD 1), County Ditch 1 (CD 1), County Ditch 9 (CD 9), County Ditch 12 (CD 12), County Ditch 14 (CD 14), County Ditch 25 (CD 25), Judicial Ditch (JD 2), Judicial Ditch (JD 3), Judicial Ditch (JD 5), Judicial Ditch (JD 6), Judicial Ditch (JD 8), Judicial Ditch (JD 10), Judicial Ditch (JD 11B), Judicial Ditch (JD 12B) and Judicial Ditch (JD 16).

The meeting was called to order by Chair Gene Metz at 9:38 AM.

Kurt Deter of Rinke, Noonan Attorneys at Law reviewed the purpose of the hearing.

Joyce Jacobs confirmed the record of notification requirements were met for all fifteen ditch systems under consideration for redeterminations.

Bryan Murphy and Aaron Goemann from H2Overviewers presented an overview of the viewing process used in the Viewers Reports along with a history of the drainage systems, benefits classifications and how valuations are determined.

After hearing how the view process works Kurt Deter opened the hearings for general public comment on the viewing process.

Ron Ross stated "Land along the ditch was well drained and now these area stay wet. The ditch cannot handle the all the water it is taking now. Can the viewers create a new land class for lands that stay flooded out?"

Bryan Murphy stated "We are adding acres to the north west to offset the down steam acres benefit. You can change your land use to wet land acres then we would be able to reduce your benefit. Without the ditch system your lands would drown out."

## **CJD 1**

Aaron Goemann of H2Overviewers gave a summary of CJD 1 and presented the recommended changes:

The floor was opened for public comment. No public comment was made.

Public Comment was closed.

**ACTION:** It was moved by Ahlers, seconded by Demuth and passed that relating to the 2021 Redetermination of Benefits for Nobles County CJD 1, the following criteria have been met:

1. The Viewer's Report has been made and other proceedings completed under M.S. 103E.351.
2. The reports made or amended are complete and correct.
3. The damages and benefits have been properly determined
4. The damaged and benefitted acres have been properly determined.

Further moving that the 2021 Redetermination of Benefits is approved with 8,573.49 benefitted acres and the total benefits are \$12,252,431.36. Damages for CJD 1 are \$100,516.50. See Exhibit A for tabular report of benefits.

## CD 1

Aaron Goemann of H2Overviewers gave a summary of CD 1 and presented the recommended changes: Acres moved from CD10 to CD1 due to private tile, parcel 08-0092-000. Gained 5.48 benefitted acres to the CD 1 watershed.

The floor was opened for public comment. Comments were made as follows:

Jeff Livingston made the following statements: "When does the money come out of my pocket? I cannot read the packet that was mailed to my farther. I did not receive a packet myself."

Bryan Murphy gave a brief description of the packets that were mailed out and explained the \$100,000.00 assessment in the packet is only an example. He also explain the one rod grass strip buffer works.

Joyce Jacobs then explained how assessments for the ditch system work.

Public Comment was closed.

**ACTION:** It was moved by Paplow, seconded by Demuth and passed that relating to the 2021 Redetermination of Benefits for Nobles County CD 1 the following criteria have been met:

1. The Viewer's Report has been made and other proceedings completed under M.S. 103E.351.
2. The reports made or amended are complete and correct.
3. The damages and benefits have been properly determined
4. The damaged and benefitted acres have been properly determined.

Further moving that the 2021 Redetermination of Benefits is approved with 6,026.30 benefitted acres and the total benefits are \$6,846,215.01. Outlet benefits for JD16 are \$1,926,524.90. Damages for CD 1 are \$57,399.14. See Exhibit A for tabular report of benefits.

## CD 9

Aaron Goemann of H2Overviewers gave a summary of CD 9 and presented the recommended changes:

- The floor was opened for public comment. No comments from the floor.

Public Comment was closed.

**ACTION:** It was moved by Demuth, seconded by Paplow and passed that relating to the 2021 Redetermination of Benefits for Nobles County CD 9, the following criteria have been met:

1. The Viewer's Report has been made and other proceedings completed under M.S. 103E.351.
2. The reports made or amended are complete and correct.
3. The damages and benefits have been properly determined
4. The damaged and benefitted acres have been properly determined.

Further moving that the 2021 Redetermination of Benefits is approved with 497.98 benefitted acres and the total benefits are \$498,227.20. See Exhibit A for tabular report of benefits.

## CD 12

Aaron Goemann of H2Overviews gave a summary of CD 12 and presented the recommended changes:

The floor was opened for public comment.

Steve Schnieder from the City of Worthington stated for the record that he would like the viewers to take a look at the benefits for the wastewater treatment plant again. He also would like the property lines checked again within the city limits of Worthington.

Public Comment was closed.

Attorney Kurt Deter recommended that the viewers work with Mr. Schnieder from the City of Worthington for accurate wastewater numbers and take a look at the buffer strips within the city limits again. Land owners will need to be re-noticed.

**ACTION:** It was moved by Ahlers, seconded by Paplow and passed to continue the hearing at a later date and to direct the viewers to take another look at CD 12.

## CD 14

Aaron Goemann of H2Overviews gave a summary of CD 14 and presented the recommended changes:

The floor was opened for public comment. Comments were made as follows:

Steve Christoffer would just like to verify that the viewers looked at his tile maps and made the proper corrections were made to the watershed.

Aaron Goemann stated that the Christoffer parcel went from a little over 4 acres benefited to a little over 1 acre benefited.

Public Comment was closed.

**ACTION:** It was moved by Paplow, seconded by Demuth and passed that relating to the 2021 Redetermination of Benefits for Nobles County CD 14 the following criteria have been met:

1. The Viewer's Report has been made and other proceedings completed under M.S. 103E.351.
2. The reports made or amended are complete and correct.
3. The damages and benefits have been properly determined
4. The damaged and benefitted acres have been properly determined.

Further moving that the 2021 Redetermination of Benefits is approved with 1,189.31 benefitted acres and the total benefits are \$1,559,193.80. See Exhibit A for tabular report of benefits.

## CD 25

Aaron Goemann of H2Overviews gave a summary of CD 25 and presented the recommended changes:

The floor was opened for public comment. No public comment was made.

Public Comment was closed.

**ACTION:** It was moved by Demuth Ahlers, seconded by Demuth and passed that relating to the 2021 Redetermination of Benefits for Nobles County CD 25 the following criteria have been met:

1. The Viewer's Report has been made and other proceedings completed under M.S. 103E.351.
2. The reports made or amended are complete and correct.
3. The damages and benefits have been properly determined
4. The damaged and benefitted acres have been properly determined.

Further moving that the 2021 Redetermination of Benefits is approved with 794.50 benefitted acres and the total benefits are \$1,065,269.80. Damages are \$0.19. See Exhibit A for tabular report of benefits.

## JD 2

Commissioner Ahlers voiced that he will be abstaining from voting on JD 2 as his family owns land within the JD 2 system.

Aaron Goemann of H2Overviewers gave a summary of JD 2 and presented the recommended changes:

The floor was opened for public comment.

Jeff Livingston, "were the watershed lines redrawn for this system?"

Bryan Murphy stated that yes, the watershed lines were redrawn to exclude acres based on the information provided by the landowner as he proved with tile maps and drone pictures that this water is now going south.

Public Comment was closed.

**ACTION:** It was moved by Demuth, seconded by Paplow and that relating to the 2021 Redetermination of Benefits for Nobles County JD 2, the following criteria have been met:

1. The Viewer's Report has been made and other proceedings completed under M.S. 103E.351.
2. The reports made or amended are complete and correct.
3. The damages and benefits have been properly determined
4. The damaged and benefitted acres have been properly determined.

A roll call vote was taken: Demuth - aye, Paplow -aye, Metz – aye, Ahlers – abstained, further moving that the 2021 Redetermination of Benefits is approved with 690.66 benefitted acres and the total benefits are \$1,168,124.86. See Exhibit A for tabular report of benefits.

## JD 3

Aaron Goemann of H2Overviewers gave a summary of JD 3 and presented the recommended changes:

The floor was opened for public comment. No public comment was made.

Public Comment was closed.

**ACTION:** It was moved by Paplow, seconded by Demuth and passed that relating to the 2021 Redetermination of Benefits for Nobles County JD 3, the following criteria have been met:

1. The Viewer's Report has been made and other proceedings completed under M.S. 103E.351.
2. The reports made or amended are complete and correct.
3. The damages and benefits have been properly determined
4. The damaged and benefitted acres have been properly determined.

Further moving that the 2021 Redetermination of Benefits is approved with 870.24 benefitted acres and the total benefits are \$1,483,966.92. See Exhibit A for tabular report of benefits.

## JD 5

Aaron Goemann of H2Overviewers gave a summary of JD 5 and presented the recommended changes:

The floor was opened for public comment. No public comment was made.

Public Comment was closed.

**ACTION:** It was moved by Demuth, seconded by Ahlers and passed that relating to the 2021 Redetermination of Benefits for Nobles County JD 5, the following criteria have been met:

1. The Viewer's Report has been made and other proceedings completed under M.S. 103E.351.
2. The reports made or amended are complete and correct.
3. The damages and benefits have been properly determined
4. The damaged and benefitted acres have been properly determined.

Further moving that the 2021 Redetermination of Benefits is approved with 846.09 benefitted acres and the total benefits are \$1,460,761.73. See Exhibit A for tabular report of benefits.

## JD 6

Aaron Goemann of H2Overviewers gave a summary of JD 6 and presented the recommended changes:

The floor was opened for public comment. No public comment was made.

Public Comment was closed.

**ACTION:** It was moved by Paplow, seconded by Ahlers and passed that relating to the 2021 Redetermination of Benefits for Nobles County JD 6, the following criteria have been met:

1. The Viewer's Report has been made and other proceedings completed under M.S. 103E.351.
2. The reports made or amended are complete and correct.
3. The damages and benefits have been properly determined
4. The damaged and benefitted acres have been properly determined.

Further moving that the 2021 Redetermination of Benefits is approved with 839.45 benefitted acres and the total benefits are \$1,425,765.63. See Exhibit A for tabular report of benefits.

## JD 8

Aaron Goemann of H2Overviewers gave a summary of JD 8 and presented the recommended changes:

Bryan Murphy, benefitted acres for parcel # 04-0105-000 were removed from watershed due to private tiling. This was a total of 6.27 acres. Class 2 acres in parcel #20-0073-500 changed to residential after finding the property to be a lot abandoned structure, rather than farmland. This changed .25 acres from class 2 to residential.

The floor was opened for public comment. No public comment was made.

Public Comment was closed.

**ACTION:** It was moved by Ahlers, seconded by Paplow and passed that relating to the 2021 Redetermination of Benefits for Nobles County JD 8, the following criteria have been met:

1. The Viewer's Report has been made and other proceedings completed under M.S. 103E.351.
2. The reports made or amended are complete and correct.
3. The damages and benefits have been properly determined
4. The damaged and benefitted acres have been properly determined.

Further moving that the 2021 Redetermination of Benefits is approved with 12265.21 benefitted acres and the total benefits are \$19,740,896.85. Damages for JD 8 are \$60,231.57 See Exhibit A for tabular report of benefits.

## JD 10

Aaron Goemann of H2Overviewers gave a summary of JD 10 and presented the recommended changes:

The floor was opened for public comment. No public comment was made.

**ACTION:** It was moved by Demuth, seconded by Paplow and passed that relating to the 2021 Redetermination of Benefits for Nobles County JD 10, the following criteria have been met:

1. The Viewer's Report has been made and other proceedings completed under M.S. 103E.351.
2. The reports made or amended are complete and correct.
3. The damages and benefits have been properly determined
4. The damaged and benefitted acres have been properly determined.

Further moving that the 2021 Redetermination of Benefits is approved with 1,108.47 benefitted acres and the total benefits are \$1,482,284.26. See Exhibit A for tabular report of benefits.

## JD 11B

Aaron Goemann of H2Overviewers gave a summary of JD 11B and presented the recommended changes:

Bryan Murphy: Parcel 17-0051-000 Acres tiled into JD11B from outside watershed as well as acres tiled out of JD11B into CD11. 87.63 benefitted acres now; 58.42 previously; net increase of 39.21 acres to JD11B watershed. Parcel 17-0052-000; affected by Chambers change; acres removed from watershed. 126.08 benefitted acres now; 156.83 previously; net change of 30.75 acres out of JD11B, into CD 11

The floor was opened for public comment. No public comment was made.

Public Comment was closed.

**ACTION:** It was moved by Ahlers, with the proper corrections to parcel #17-0051-000, seconded by Paplow and passed that relating to the 2021 Redetermination of Benefits for Nobles County JD 11B, the following criteria have been met:

1. The Viewer's Report has been made and other proceedings completed under M.S. 103E.351.
2. The reports made or amended are complete and correct.
3. The damages and benefits have been properly determined
4. The damaged and benefitted acres have been properly determined.

Further moving that the 2021 Redetermination of Benefits is approved with 12,358.26 benefitted acres and the total benefits are \$19,217,064.27. Damages for JD 11B are \$86,023.33. Outlet benefits for JD 11B are \$96,085.32 and outlet benefits for the City of Wilmont wastewater discharge are \$110,352.77. See Exhibit A for tabular report of benefits.

## JD 12B

Aaron Goemann of H2Overviewers gave a summary of JD 12B and presented the recommended changes:  
The floor was opened for public comment. No public comment was made.

**ACTION:** It was moved by Demuth, seconded by Ahlers and passed that relating to the 2021 Redetermination of Benefits for Nobles County JD 12B, the following criteria have been met:

1. The Viewer's Report has been made and other proceedings completed under M.S. 103E.351.
2. The reports made or amended are complete and correct.
3. The damages and benefits have been properly determined
4. The damaged and benefitted acres have been properly determined.

Further moving that the 2021 Redetermination of Benefits is approved with 514.67 benefitted acres and the total benefits are \$679,935.51. See Exhibit A for tabular report of benefits.

## JD 16

Aaron Goemann of H2Overviewers gave a summary of JD 16 and presented the recommended changes:

The floor was opened for public comment. No public comment was made.

**ACTION:** It was moved by Paplow, seconded by Demuth and passed that relating to the 2021 Redetermination of Benefits for Nobles County JD 16, the following criteria have been met:

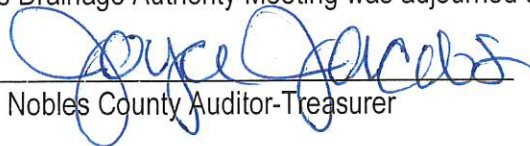
1. The Viewer's Report has been made and other proceedings completed under M.S. 103E.351.
2. The reports made or amended are complete and correct.
3. The damages and benefits have been properly determined
4. The damaged and benefitted acres have been properly determined.

Further moving that the 2021 Redetermination of Benefits is approved with 2,735.82 benefitted acres and the total benefits are \$3,662,028.74. See Exhibit A for tabular report of benefits.

With no other business before the Drainage Authority, a motion to adjourn was made by Paplow, second by Ahlers, motion passed.

The Nobles Drainage Authority Meeting was adjourned at 11:00 A.M.

ATTEST:

  
Nobles County Auditor-Treasurer

  
Chair of Nobles County Drainage Authority

Dated 12/30/2021