

**STATE OF MINNESOTA
JOINT DRAINAGE AUTHORITY OF JACKSON AND NOBLES COUNTIES
SEATED AS DRAINAGE AUTHORITY UNDER STATUTES CHAPTER 103E
FOR THE IMPROVEMENT OF JACKSON AND NOBLES COUNTIES JUDICIAL DITCH 13 (PHASE 2)**

**MINUTES
FOR THE FINAL HEARING ON THE MATTER OF THE PETITION OF RAHN FARMS II, LLC, FOR THE
IMPROVEMENT OF JACKSON AND NOBLES COUNTIES JUDICIAL DITCH 13 (PHASE 2)**

June 23, 2023 at 10:00 a.m.

Commissioners in Attendance

Jackson County: James Eigenberg, Phil Nasby, Scott McClure

Nobles County: Bob Paplow, Gene Metz

Staff in Attendance

Jackson County: Kelly Rasche, Kevin Nordquist-online

Nobles County: Zach Reker, Joyce Jacobs

Professional Staff in Attendance

Attorney John Kolb of Rinke Noonan, Engineer Jacob Rischmiller of ISG, Attorney Bruce Sellers, Viewers Ron Ringquist and Dan Ruby-online

Public in Attendance

Sign in sheets available. Joyce Riley-online

- I. **Opening of Final Hearing/Board Introduction** – Phil Nasby, Board Chair proceeded into the hearing for Phase Two.
- II. **Purpose of the Final Hearing** – John Kolb, Rinke Noonan Attorney reviewed the process to date and the purpose of this Final Engineer’s Report Hearing.
- III. **Record of Notice Requirements** – Jackson County Staff Kelly Rasche stated notice of the hearing was provided as statute requires.
- IV. **Engineer’s Final Report** – *Jacob Rischmiller, ISG Engineer presented the Final Engineer’s Report. The report included information on estimated costs of \$715,983 with \$630,104 as separable maintenance. The project is considered 88% separable and 12% improvement. Nobles County has road authority costs as a part of the project. The engineers recommend approve of the project as they feel it is necessary, feasible and of public good.*
- I. **DNR Final Advisory Report** – John Kolb, Attorney read the Advisory Report into the record.
- V. **Viewers’ Report** – Viewer Ron Ringquist share the proposed improvement adds 32% efficiency to bring the efficiency up to 83% with a benefit of \$134,983. Damages are considered zero as part of the improvement, damages should be accounted for in the separable maintenance.
- VI. **Petitioners’ Comments** – No comments from the petitioners or the petitioner’s attorney

VII. **Public Comment and Questions** – *Phil Nasby, Board Chair opened the public comment portion of the proceedings at 10:56 a.m. and closed them at 11:12 a.m.*

- a. *Keith and Brenda Stanton submitted a comment prior to the hearing and requested it to be read into the record. "We don't think that separable maintenance should be applied on branch lines that only benefit 1 person. We have no problem with it being applied on mains where it benefits the entire watershed. If a petitioner wants a branch line that only benefits his property, let him pay for it himself."*
- b. Myron Meier – Questioned how much of the project would be paid by the petitioners. Staff: Estimated \$79,000 or 60% of the cost. He is concerned about the additional water going downstream. Attorney Kolb stated the benefitted landowner on S13 are based on the existing watershed. Engineer Rischmiller stated these tiles were originally part of the Main Improvement project but removed and now petitioned separately. Where are the retention ponds located for this improvement? Rischmiller stated they are included with the Main Project being completed. They are located in Lorain Township in Nobles County.

VIII. **Board Deliberations, Action** – Motion to establish the following Findings and Order made by Commissioner Paplow with a second by Commissioner Eigenberg, all yes, motion carried.

- a. Drainage System Improvement
 1. The Engineer's Report and Viewers' Reports have been made and other proceedings have been completed under Chapter 103E.
 2. The Reports made or amended are complete and correct.
 3. The damages and benefits have been properly determined.
 4. The estimated benefits are greater than the total estimated costs, including damages.

The proposed drainage project will be of public utility and benefit and will promote the public health. Give proper consideration to conservation of soil, water, wetlands, forests, wild animals, and related natural resources, and to other public interests affected, together with other material matters as provided by law in determining whether the project will be of public utility, benefit, or welfare.

5. The proposed drainage project is practicable, considering the following:
 - a) private and public benefits and costs of the proposed drainage project;
 - b) alternative measures, including measures identified in applicable state-approved and locally adopted water management plans, to:
 - i. conserve, allocate, and use drainage waters for agriculture, stream flow augmentation, or other beneficial uses;
 - ii. reduce downstream peak flows and flooding;
 - iii. provide adequate drainage system capacity;
 - iv. reduce erosion and sedimentation; and
 - v. protect or improve water quality;
 - c) the present and anticipated land use within the drainage project or system, including compatibility of the project with local land use plans;
 - d) current and potential flooding characteristics of property in the drainage project or system and downstream for 5-, 10-, 25-, and 50-year flood events, including adequacy of the outlet for the drainage project;
 - e) the effects of the proposed drainage project on wetlands;
 - f) the effects of the proposed drainage project on water quality;
 - g) the effects of the proposed drainage project on fish and wildlife resources;
 - h) the effects of the proposed drainage project on shallow groundwater availability, distribution, and use; and
 - i) the overall environmental impact of all the above criteria.

6. The outlet is adequate.

- b. Separable maintenance determination – The Drainage Authority ordered the Separable Maintenance established at 88% of the project. Affected property owners were notified as statute requires.

Chair Nasby adjourned the proceedings at 11:25 a.m.