

**STATE OF MINNESOTA
JOINT DRAINAGE AUTHORITY OF JACKSON AND NOBLES COUNTIES SEATED AS
DRAINAGE AUTHORITY UNDER STATUTES CHAPTER 103E
FOR ESTABLISHMENT OF A LATERAL TO JACKSON AND NOBLES COUNTIES JUDICIAL DITCH 13**

**MINUTES
FOR THE FINAL HEARING ON THE MATTER OF THE PETITION OF RAHN FARMS II, LLC, FOR
ESTABLISHMENT OF A LATERAL TO JACKSON AND NOBLES COUNTIES JUDICIAL DITCH 13 (PHASE 3)**

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 called the hearing to order at 10:10 a.m.
- 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. Estimated cost of the project is \$50,350.
- V. **DNR Final Advisory Report** – John Kolb, Attorney read the Advisory Report into the record.
- VI. **Viewers’ Report** – Viewer Ron Ringquist reported the project benefits of \$5,173.50 based on a 15% efficiency of the system serving as an outlet for the proposed lateral.
- VII. **Petitioners’ Comments** – No comments from the petitioner or the petitioner’s attorney Bruce Sellers.
- VIII. **Public Comment and Questions** – Phil Nasby, Board Chair opened the hearing for public comment at 10:28 a.m. public comment was closed at 10:36 a.m.
 - **Jared Ahlers** – A branch did exist to serve the acres, why was it moved. Attorney Kolb: Phase One, the Main Project, of JD 13 the petitioners requested this. Was this lateral petitioned and why did it take this much time and expense to get to this answer? Attorney Kolb: There is a process for this in statute and this is the necessary process of a petition.

How many benefitted properties for this lateral? Viewer Ringquist: One.

- **Myron Meier** – asked what the depth of the proposed tile is to be. Attorney Kolb: this is expected to be dismissed and the tile would not be installed.

IX. **Board Deliberations, Action** – The board proceeded to make Findings and Order to dismiss the petition because it does not meet the cost/benefit threshold. A motion by Commissioner Metz with a second by Commissioner McClure to approve the Findings and Order to dismiss the petition (Phase 3) for a lateral to Judicial Ditch 13. All yes, motion carried.

The board then moved to consideration of the Final Engineer's Report for Phase Two of Judicial Ditch 13.