

STATE OF MINNESOTA
JOINT DRAINAGE AUTHORITY OF NOBLES, MURRAY AND JACKSON COUNTIES
SEATED AS DRAINAGE AUTHORITY UNDER STATUTES CHAPTER 103E
FOR THE IMPROVEMENT OF NOBLES, MURRAY AND JACKSON COUNTIES JUDICIAL DITCH 17

The matter of the petition for the improvement of Nobles, Murray and Jackson Counties Judicial Ditch 17

Minutes for Preliminary Hearing

Commissioners Present:

Nobles County: Bob Paplow, Gene Metz, Justin Ahlers-online

Murray County: Molly Malone

Jackson County: James Eigenberg

Staff Present:

Nobles County: Zach Recker, Joyce Jacobs

Murray County: Heidi Winter, Travis Radke

Jackson County: Kelly Rasche, Kevin Nordquist-online

Professional Staff: Attorney John Kolb of Rinke Noonan, ISG Engineers Jacob Rischmiller and Joe Donkers, Attorney Bruce Sellers, Petitioner’s attorney, H2Over Viewer’s staff- online

Public Present: Sign in sheets available

- I. **Opening of Preliminary Hearing** – Board Chairperson Commissioner Metz opened the hearing at 9:00 a.m.
- II. **Examination of Petition** – Attorney John Kolb reviewed the history of the proceedings and summarized the process of the proceedings today.
- III. **Record of Notice Requirements** – Nobles County Auditor/Treasurer Joyce Jacobs stated notices of the hearing had been provided as required by statute.
- IV. **Public Reading of DNR Advisory Report on the Preliminary Plan** – Attorney Kolb read the advisory report for submission into the record.
- V. **Engineer’s Preliminary Report** – Jacob Rischmiller and Joe Donkers, ISG

The preliminary engineer’s report was read and reviewed by the Drainage Engineer. The report contains two options. One option calls for improvement of Branch B by providing an independent outlet. By providing an independent outlet, capacity is increased in the main. The second option provides for improvement of the main. The portion of JD 17 to be improved has insufficient capacity and is in need of repair. The installation of larger tile is required to furnish sufficient drainage capacity and fulfil its original intended purpose. The improvement will use existing storage in the

system. The portions of JD 17 proposed to be improved are in need of repair. Tiles of this age typically experience displacement of individual pipe sections which decrease the functional cross-section of the pipe and consequently decrease the capacity from its as built condition. Due to its age, the existing tile cannot be effectively maintained and must be replaced in its entirety. The proposed improvement includes a separable maintenance portion of cost. Engineer's state the Improvement is cost effective, feasible, practical and recommend approval. The engineer's recommendation is approval of Option 2, one outlet, which is the most cost effective in the long run and reduces the potential for erosion.

VI. **Statement of Petitioners' Attorney** – No comment provided by the attorney.

VII. **Public Comment and Questions** – Opened at 9:44 a.m. and closed at 9:53 a.m.

- a. **Wayne Zinnell** – Requested clarification of the abandonment process of the “old” tile and it's affect in his property. He will be responsible to maintain the old tile upon the project completion. Attorney Kolb: Private tile maps are very helpful to make sure connections of the existing tile to the new tile are completed.
- b. **Stephanie Leckband** – Requested clarification on the difference between Improvement cost vs Separable Maintenance cost to landowners. She also asked if the Improvement will have an effect on Branch A. The engineer stated there will be no effect on Branch A.

VIII. **Board Deliberations**

IX. **Decision of the Drainage Authority** – The board reviewed the Findings and Order of the proceedings and offered approval with a motion by Commissioner Eigenberg and a second by Malone, roll call vote, all yes, Findings and Orders approved.

a. Order Preparation of Detailed Survey Report

The Drainage Authority shall state, by order, its findings and any changes that must be made in the proposed drainage project from those outlined in the petition, including changes necessary to minimize or mitigate adverse impact on the environment, if it determines that: (1) the proposed drainage project outlined in the petition, or modified and recommended by the engineer, is feasible; (2) there is necessity for the proposed drainage project; (3) the proposed drainage project will be of public benefit and promote the public health, after considering the environmental, land use, and multipurpose water management criteria in section 103E.015, subdivision 1; and (4) the outlet is adequate.

b. Appointment of Viewers

The viewing team at H2OverViewers was appointed for the Redetermination of Benefits as it relates to the Improvement Project as a part of the Findings and Order.

X. **Chair Metz adjourned the proceedings at 9:59 a.m.**

Respectfully Submitted By
Kelly Rasche
Jackson County Drainage Coordinator

