

County Drainage System No. 16
Re-determination of Benefits - Public Hearing
7:00 p.m. - Thursday, April 2, 2009

The Otter Tail County Board of Commissioners convened, as the Otter Tail County Drainage Authority, at the Battle Lake Public School's Royal S. Broberg Memorial Auditorium in Battle Lake, MN at 7:00 p.m. on Thursday, April 2, 2009, for the purpose of discussing and considering the Ditch Viewers' Report of Benefits, as re-determined, for Otter Tail County Drainage System Number 16.

Everett Erickson, Chair, called the meeting to order at 7:00 p.m. The following individuals represented Otter Tail County:

Commissioners:	Everett Erickson, Roger Froemming, Doug Huebsch, John Lindquist and Lee Rogness
Ag/Ditch Inspector:	Randy Wasvick
Ditch Viewers:	Richard Bergquist, Howard Goese and Eldor Kugler
County Attorney:	David Hauser
County Auditor:	Wayne Stein

Everett Erickson, Chair, welcomed those in attendance before turning the meeting over to David Hauser, Otter Tail County Attorney. It should be noted, that the following individuals signed the attendance roster; however, it should also be noted that not everyone in attendance signed the roster. There were 2 signatures where the secretary could not properly determine the first name and/or last name and six other signatures that might have been interpreted incorrectly by the secretary

Doug Baker	Craig Bengtson	Polly Berg
Steve Berg	Deb Biederman	Kim Biederman
Al Boyum	Peter Boyum	Carol Boyum
William Braun	Charles R. Brust	Connie Brust
Dave Carson	Bob Changstrom	Kim Charest
Larry Charest	Mary Cory	Don Dally
Betty Davenport	Donald Davenport	Virginia Lundby Delaney
Stan Dorrington	Mike Douville	Jan Eitzen
Jim Eitzen	Dianne Erickson	Harvey Erickson
Barry Fabian	Sue Froslee	Bob Goodrie
Dallas Grewe	J Bruce Larson	Dave Lill
Deb Lill	Mike Lipke	Cindy Lommel
Steve Lommel	Vernal Lund	Verna McRae
Jim Miller	Darrell Nulph	Milt Paulson
Joel Peterson	EIRoy Pieske	Richard Pommer
Clair Prody	Gary Ristau	Carl Sandstrom
Darwyn Smith	Scott Smith	Martin Smulders
Rena Specht	Roger Specht	Kathy Snook
Ginny Stabnow	Jeff Stabnow	Don Stewart
Roman Suchy	Pat Sugden	Ron Sugden
Donald Swanson	James Swanson	Theresa Swanson
Warren Tikkanen	Lyman Trutna	Deb Uselman
Sherry Van Duyen	Gary Wallace	Richard Ward
Peggy White	Webb White	Daniel Woods
LaVerna Woods		

In addition to the individuals that attended the meeting in person the following individuals submitted letters and/or emails prior to the hearing:

James Bothun	Marilyn and Rodney Broding	Virginia Lundby Delaney
Jim and Anne Eidsvold	Gregory Maloney	Mark and Janice Paschke
Joyce Sandstrom	Scott Smith	Glenna Ann Thulin
Mary Walton		

David Hauser, Otter Tail County Attorney, noted the following:

1. County Drainage System No. 16 was established in 1906,
2. the existence of the drainage system is a fact,
3. abandonment of the system is not possible if at least one person/property benefits from the drainage system,
4. the drainage system is owned by the benefited property owners,
5. the costs to maintain, repair and/or improve the drainage system are the responsibility of the benefited property owners,
6. the drainage authority is the County Board of Commissioners,
7. the purpose of the public hearing is to review and discuss the benefits as re-determined, by the Ditch Viewers, for County Drainage System No. 16,
8. the process that must be followed by the ditch viewers, as summarized in the property owner's report and ditch viewers' report, and
9. a general review of the Minnesota Statutes that apply to county drainage systems.

Randy Wasvick, Ditch Inspector noted the following:

1. the benefits as re-determined for County Drainage System No. 16 were established by certified and trained ditch viewers,
2. a request to complete repair/maintenance work on the drainage system resulted in a decision being made by the drainage authority to have the benefits for County Drainage System No. 16 re-determined,
3. It was necessary to establish the benefited properties to determine who will be responsible should any costs be incurred to repair and/or maintain the drainage system,
4. the process of re-determining the benefits started in January of 2008 and has lasted longer than expected,
5. as a general rule, property is considered to benefit from the drainage system if water drains from the property into the ditch system, and
6. the property does not have to be contiguous to the drainage system to benefit from the system.

Before opening the meeting to the public, Randy Wasvick requested concerned property owners to provide reasons as to why they feel their property does not benefit from the drainage system.

Everett Erickson, Chair, opened the meeting for public input and discussion. The following is a brief summary, by the secretary, of the questions, concerns, comments and related discussion that was shared by and with those in attendance at the public hearing:

1. Will the problem be fixed by maintenance/repair of the drainage system or are there other alternatives that have been or should be considered.
2. There was discussion of the re-determination process, how the amount of benefit was determined and what the benefited amount represents.
3. The share of costs each parcel is responsible for is the relationship of the parcel's benefit to the total benefits of the drainage system.
4. The project/maintenance column on the assessment of benefits worksheet, was intended as an example, to illustrate each parcels responsibility if \$100,000 was spent on the drainage system.
5. The property distance from the drainage systems and how that impacted benefits was discussed. It was noted that property does not have to be contiguous to the ditch system to benefit from the system.
6. Benefits are assigned to all properties that contribute water, either directly or indirectly, to the drainage system.
7. Concern was expressed for Crane Lake, existing wetlands and the properties downstream. It is important to know how Crane Lake, the existing wetlands and the properties downstream will be impacted if the drainage system is repaired.
8. There was discussion concerning the access from the bay to the lake should the system be repaired.
9. It was noted that water level might be high in early spring, but generally the lake level drops by the fall of each year.
10. Properties currently impacted by the current water level were concerned with what might happen if nothing is done.

11. There was a brief discussion regarding how much the lake level would be dropped.
12. Some in attendance indicated general satisfaction with the current water level, at least one indicated that a higher water level would be a greater benefit, while others expressed concern with the current water level noting the dead trees, wet ground, water in crawl space areas and shoreline erosion.
13. The Wetlands Conservation Act and the impact this act can have on the existing drainage systems was discussed. When and where necessary permits must and will be obtained.
14. It was suggested that an environmental impact statement should be prepared.
15. The benefits assigned to the Belmont Lake area were addressed to explain why the ditch viewers assigned benefits to these properties.
16. The ditch viewers noted that they used maps and property inspections to assist with the benefit determination process.
17. Questions about the benefits assigned to individual parcels were addressed generally with some parcels being referred for specific additional review by the ditch viewers at a later date.
18. An engineer's study was discussed briefly.
19. It was noted that an additional public meeting would most likely be held before proceeding with any repair/maintenance to the drainage system; however, first the re-determination process must be completed so that any costs incurred can be charged back to the appropriate benefited property owners.
20. The original purpose of the drainage system was reviewed. Although, the purpose the drainage system serves today, may be different than the original purpose when the system was constructed, this does not prevent anyone affected by the drainage system from seeking help from the drainage authority.
21. Those in attendance, who are experiencing problems were encouraged by those speaking to speak up and let the drainage authority know that there are a number of individuals/properties being impacted by the current water level.
22. The general condition of the ditch systems was discussed very briefly. A handout identifying problem areas was provided.
23. Benefit consistency was questioned; a chart for consideration by the ditch viewers and the drainage authority was provided, as well as, the presentation of a list of parcels for additional review before finalizing the benefits.
24. The special assessment process was reviewed. Project assessment and maintenance assessment were explained.

Hearing no additional public comments and/or input the ditch viewers were directed to review the following:

1. Any requests for benefit re-examination or benefit concerns expressed in the letters and/or emails received prior to the public hearing.

Letters received for which no one was personally in attendance -

Line 530 - JAMES BOTHUN & BRENDA PETERSON	R10000120086001
Line 1548 - RODNEY & MARILYN BRODING	R10000250172043
Line 4102 - ANNE M EIDSVOLD	R41000990431000
Line 4107 - ANNE M EIDSVOLD	R41000990432000
Line 4112 - ANNE M EIDSVOLD	R41000990433000
Line 3019 -GREGORY B & MARY C MALONEY	R10000990525000
Line 4097 - MARK & JANICE PASCHKE	R41000990427000
Line 789 – GLENNA ANN THULIN	R10000140094003

2. Parcel 10-000-99-0605-000 reported at the hearing as missing from the Assessment of Benefits report.
3. Parcels 10-000-11-0071-001 and 18-000-01-0001-000 which were included on the list presented in item 23 above.
4. A general review of the consistency issues raised in Item 23 above.

5. Prior to the conclusion of the public hearing, individuals representing the following parcels requested additional review and consideration:

Line 3815 –HELEN C CHANGSTROM	R41000990296000
Line 3820 - ROBERT W CHANGSTROM	R41000990296001
Line 3825 – HELEN C CHANGSTROM	R41000990296002
Line 3830 - ROBERT W CHANGSTROM	R41000990297000

6. After the meeting had been recessed, individuals representing the following parcels requested additional review and consideration:

Line 673 - BRAUN TST	R10000140092000
Line 684 - MURIEL J DINSMORE	R10000140092002
Line 1713 – JOYCE E SANDSTROM ET AL	R10000260175000
Line 1718 – JOYCE E SANDSTROM ET AL	R10000350236000
Lloyd H. Julius ET AL	R10000990588001
Janet K & James L. Eitzen II	R10000990586000
Line 2711 - SPECHT TST	R10000990432000
Line 3213- LOMMEL TST	R36000990293000

7. Individuals representing the following parcels, spoke at the public hearing but did not request a specific review of their parcels; therefore, a general review is being recommended:

Line 1294 - NATALIE MORRISON & ALAN STEINE	R10000250171004
Line 2984 - SCOTT D SMITH	R10000990503000
Line 1561 - JOEL K & SUSAN K PETERSON	R10000250172047
Line 2513 - DARRELL & MARGARET NULPH	R10000990386000
Line 4031 - CARSON TST	R41000990399000
Line 4036 - CARSON TST	R41000990400000
Line 4162 - CARSON TST ET AL	R41000990444000
Line 3555 - THOMAS H & VERNA J MCRAE	R41000080064001
Line 3933 - ROGER & PHYLLIS ANN HANSON	R41000990360000
Line 430 - BRUCE H & SUSAN E FROSLEE	R10000120079001
Line 246 - ALLEN E & MARGARET M MASHEK	R10000110070002
Line 1887 - ALLEN E & MARGARET M MASHEK	R10000990260001
Line 1899 - ALLEN E & MARGARET M MASHEK	R10000990261000
Line 1929 - ALLEN E & MARGARET M MASHEK	R10000990264001
Line 1940 - ALLEN E & MARGARET M MASHEK	R10000990265000
Line 2721 - DONALD C & BETTY L DAVENPORT	R10000990434000
Line 379 - GARY RISTAU	R10000110074001
Line 3965 -MARTIN P & EMMA M SMULDERS	R41000990366000
Line 2940 - JOHN H & DEBORAH M USELMAN	R10000990495000

Hearing no further questions, comments or discussion, Roger Froemming made a motion, second by John Lindquist and unanimously carried, to recess this public hearing at 8:58 p.m. and to reconvene the hearing at 1:00 p.m. on Tuesday May 5th, 2009 at which time the ditch viewers will report on their review of the above noted items and additional discussion by the drainage authority, as necessary will occur.

Wayne Stein, Secretary