Clay County Ditch Nos. 9, 32, and 33
Minutes for Informational Meeting
May 9, 2012

The Board of Managers, Buffalo-Red River Watershed District (BRRWD) held an informational meeting pertaining to Clay County Ditch Nos. 9, 32, and 33 on Wednesday, May 9, 2012 at 7:30 PM in the Moorhead City Hall. BRRWD Chairman Gerald L. Van Amburg called the meeting to order at 7:32 PM. BRRWD Managers present included, Gerald Van Amburg, Curtis M. Nelson, Breanna Paradeis Kobiela and John E. Hanson. Others attending included: Bruce E. Albright, BRRWD Administrator and Houston Engineering, Inc. (H.E.); Erik S. Jones, Project Engineer, H.E.; and landowners: Jimmie R. Nelson, Fred Kreps, Bob Nyquist, Robert Videen, Cynthia Sillers, Hal Sillers, Mark Beedy, Rick Gunderson, Mike Edenborg, Chris Nellermoe, Roger Ball, Ryan Krabbenhoft, Matt Krabbenhoft, and Daniel Moore.

Chairman Van Amburg introduced the BRRWD Board and staff and outlined the reason for this informational meeting. Albright then addressed the audience asking that members state their names for the record when asking questions. He also stated that tonight’s meeting was being recorded to assist in preparing minutes. Albright gave history of the ditch system, as well as the events leading up to tonight’s meeting.

On April 12, 2012 a meeting was held to discuss repairs to County Ditch (C.D.) No. 32 and the estimated expenses associated with those repairs. Discussion on the other two ditch systems was also had and whether a redetermination of benefits of all areas would be appropriate at the same time. The current benefit determinations were based on maps from the 1950s. These ditches were transferred from the Clay County Board of Commissioners to the BRRWD in the early 1990s. He explained the redetermination of benefits process and identified the three possible Viewers. Albright also stated that all matters pertaining to legal ditch systems need to comply with Chapter 103E, Minnesota Drainage Law. Albright continued by explaining that when there is a redetermination, state law requires there must be a one rod or 16.5 feet (ft.) grass buffer strip; the intent being to improve water quality. The expense of the redetermination and buffer strip installation is then placed on the now benefited landowners.

Albright informed the audience of an opportunity for funding through the Minnesota Board of Water and Soil Resource (BWSR) for conservation drainage practices. Some of the ditches requiring inlet pipes may qualify for this funding. He stated it was not uncommon to pay into more than one ditch system for both drainage and protection benefits. Each property is looked at individually.

Albright used the maps to detail the ditch areas and identified the current benefits, which range from $1.00 to $8.00 per acre, along C.D. No. 9. Albright discussed the value of drainage and the consequence to tiling if there is no ditch. Albright then discussed the location of C.D. Nos. 32 and 33 and also identified Sub-ditch No. 1 which has since been abandoned.

Albright explained the recently completed redetermination of benefits on several other county ditches to the south. He informed the audience that the Viewers tried to keep everyone around $100 an acre.
Those on multiple ditches were adjusted to keep the same calculations. Chairman Van Amburg then opened the meeting for questions.

Mark Beedy asked where online maps could be found for reference. Albright directed him to the BRRWD website. Fred Kreps commented that C.D. 33 does not take any water and questioned the payment of benefits. Albright was not aware of any maintenance issues. Jimmie Nelson questioned C.D. No. 32, and asked if anyone has checked with Burlington Northern Santa Fe Railroad (BNSF) about adding additional culverts through their tracks. Jones said he did check with the County regarding the status of County Road No. 57. Jimmie Nelson also asked about the cleaning on C.D. No. 33 and the $8,000 charge for 2012. Albright explained that costs to affected landowners remain from the initial determination even though the work is completed and for anything done in the future, until there is a redetermination.

Bob Nyquist questioned the BRRWD engineering expenses. Albright explained that the engineering contract is reviewed annually; H.E. has been appointed for a number of years as the BRRWD’s engineering consultant. He explained that costs are separated and are not entirely due to engineers’ time and expense. Albright was also asked about the stipend for Viewers which is $75.00 a day. The largest expense is in research of the area since the initial recording regarding right-of-way (r-o-w). He gave additional detail about the Watershed’s budget and was asked about funding for the new building. Albright explained the direction of the Advisory Board was to build new after an extensive analysis. He stated that all information is available to the public.

Albright explained the meaning of benefit as an increase in the market value of the property because of the project. In the determination, the question is what the area would look like if the ditch was not there which likely would not be good. Those who are on the ditch are then assessed the benefits per acre including the smaller tracts that may be non-agricultural but have homes/buildings. The concerns of landowners are considered in the redetermination of benefits and eventually the Board will make an order.

Roger Ball commented on ditch cleaning and railroad ties in the ditch. Albright explained that cleaning can be done just about any time. He continued by explaining the meaning of repair as putting it back to the way it was last built. With an improvement, grade changes and culvert sizes can be done. There was discussion on the timing of cleaning, seeding, spraying and associated costs. Albright commented on the importance of seeing the entire picture and identifying the problem rather than continuing to clean the ditch which is expensive, but may not result in better ditch performance. He also talked about the costs associated with a redetermination of benefits including grass buffer strips and land acquisitions. Van Amburg stated the grass buffer strips do protect the ditch. Discussion continued regarding the advantages of the buffer strips and when the ditches should be cleaned. Rick Gunderson asked about BWSR sharing in the cost of inlet pipes and installing the grass buffers. Albright talked about BWSR wanting a systematic approach to ditch issues such as water quality, if they provide funding. Matt Krabbenhoft commented on spraying for cattails and whether there were ways to improve upon the effectiveness. Albright gave a background of the practice and noted that some changes have been made to do a better job of controlling growth since cattails do restrict water movement. The recent wet years have also been problematic.

Albright reflected on the concerns of landowners who felt the current situation was not fair and if any money was spent on C.D. No. 32, benefits should be redetermined. As he stated earlier, if Clay C.D. No. 32 is redetermined, it may be more cost effective to also do Clay C.D. Nos. 33 and 9 at the same
time. Jimmie Nelson commented on the need for assessments to be fair. Van Amburg discussed the costs associated with land owned on more than one ditch system and the expenses associated with repair and those of improvement.

The next meeting of the Board is May 14, 2012 at which time the Board will discuss a redetermination of benefits on C.D. 32. If the decision is to proceed with the redetermination then, it makes sense to include the other two systems. Jimmie Nelson stated this needs to be done but that he is hesitant because of funding and fairness. Hal Sillers commented on the cost per acre and drainage versus protection. He also commented on ag drainage and the effects on the City of Moorhead. His concerns were noted. Matt Krabbenhoft commented on the railroad culverts. Jones said he would check with BNSF about adding an additional pipe on C.D. No. 32.

Albright thanked the audience for sharing their thoughts and concerns. He stated there have been many changes over the past 50 or 60 years since the initial determinations and that it makes sense to include all three ditches at one time for a redetermination.

Chairman Van Amburg thanked the audience and adjourned the meeting at 9:30 PM.

Respectfully Prepared and Submitted by,

Bruce E. Albright, BRRWD Administrator