

# ***BUFFALO-RED RIVER WATERSHED DISTRICT***

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## **WATERSHED DISTRICT ENLARGEMENT MINUTES FOR BOUNDARY HEARING CONTINUATION August 29, 2013**

In accordance with Minnesota Statutes Annotated (M. S. A.) 103D.261, and any other applicable statutes, the Board of Managers, Buffalo-Red River Watershed District (BRRWD), held a hearing for the Watershed District Enlargement boundary determination, on Thursday, August 29, 2013, in the Rothsay Community Center at 7:00 PM. BRRWD Managers attending were Gerald L. Van Amburg, Curtis M. Nelson, John E. Hanson, Roger G. Ellefson, and Peter V. Fjestad. Others attending included Bruce E. Albright, BRRWD Administrator; Erik S. Jones, Engineer, Houston Engineering, Inc. (HEI); Wayne Johnson, Otter Tail County Commissioner; and landowners: Rolf Ronnevik, Andrew Clark, and Landon Neuleib.

Gerald L. Van Amburg, BRRWD Chairman, called the hearing to order at 7:00 PM. He introduced the BRRWD Board and staff. He noted that the meeting was being recorded to aid in the preparation of minutes, and that a sign-up sheet was available to record attendance. Van Amburg explained that landowners questioned the accuracy of the Watershed District's proposed eastern boundary during the 01/31/13 hearing. At that time, a decision was made to further investigate the accuracy of the eastern boundary and to hold a continuation hearing at a later date.

Albright referred to a map of the new Watershed District boundary while giving a brief history of the BRRWD. He stated the Watershed District was originally established as the South Buffalo Watershed District in 1960. In 1976, the Watershed District was renamed the BRRWD and expanded to cover the northern third of Wilkin County and parts of Clay, Becker, and Otter Tail Counties (1,379 square miles). Albright explained that the Bois de Sioux Watershed District (BDSWD) covers the southern third of Wilkin County, which then leaves the middle third not included in a Watershed District. The State of Minnesota made an order for the BRRWD to add the middle third of Wilkin County and additional areas in Otter Tail County to the BRRWD on 04/25/12. Albright stated the new boundaries of the BRRWD needed to be evaluated. The northern boundary was fixed, the southern border was defined by the BDSWD and the western border defined by the Red River of the North. This left the eastern boundary, which needed to be defined. Albright mentioned a watershed is a hydrologic unit where all the water drains to one common point. Discussions during the 01/31/13 hearing revealed landowner differences concerning the area drainage patterns along the eastern boundary. This spring, Albright and BRRWD Manager, Peter Fjestad, met with individual landowners along this new eastern boundary to discuss the drainage patterns on their land. Albright and Fjestad were able to revise the boundary based on the information obtained. Albright stated tonight's hearing is being held to discuss the accuracy of the revised boundary.

Landowner Andrew Clark questioned why his farmstead located in Section 4, Oscar Township, is being included in the BRRWD, when he receives no benefit. Fjestad stated that he visited this area on April 26, 2013, and there is a slough located in the corner of 130<sup>th</sup> AVE and 330<sup>th</sup> ST. Clark stated that no water flows west from his farmstead. Albright agreed that ten acres, including Clark's farmstead, could be removed from the BRRWD.

Landowner Landon Neuleib in Section 22, Trondhjem Township, stated the watershed boundary runs between his driveway and his father's farmland. Neuleib questioned why it was split. Jones stated that

Neuleib's property drains into the BRRWD and his father's land drains to Otter Tail County Ditch (C.D.) No. 56 (Pelican River). Neuleib asked what he could expect to be taxed if in the watershed. Fjestad stated that the rate last year was \$4.36 per \$100,000 of property valuation. Discussion continued regarding the area drainage patterns. Neuleib felt that all of the tiling in Wilkin County is contributing to more drainage problems rather than actually helping.

Clark asked why Otter Tail County turned down an opportunity to join with Wilkin County to create a new watershed district a couple years back. He feels the only reason the BRRWD is adding part of Otter Tail County at this time is to help make flat farmland in Wilkin County more productive. Manager Roger Ellefson stated that is not the purpose. Everybody needs drainage. Ellefson stated that the tiling companies claim tiling actually reduces flooding because the tiled ground will be able to absorb more water during a heavy rain event. The group had a brief discussion regarding the effects tiling has on area drainage.

Neuleib asked if a landowner's ditch assessment rate is based on the amount they benefit from a ditch system. Fjestad stated that was correct.

Clark asked if Otter Tail C.D. No. 56 is under the BRRWD's jurisdiction. Albright stated it is under the jurisdiction of Otter Tail County, not the BRRWD. Clark then questioned if a landowner could be assessed taxes from both Otter Tail County and the BRRWD. Albright stated C.D. No. 56 is independent of the BRRWD. A landowner would pay a ditch tax to Otter Tail County only if there is work completed on C.D. No. 56. Otter Tail County Commissioner Wayne Johnson stated the BRRWD manages the ditches in Wilkin County, whereas Otter Tail County manages their own ditches. Ellefson stated the counties can retain jurisdiction over their ditch systems if they choose, but they have to operate the ditches under the same rules as the BRRWD, which is Minnesota Drainage Law, Chapter 103E.

Neuleib stated he does not understand why his dad should have to pay more taxes when he receives little or no benefit. Fjestad stated there are possible downstream impacts from his tiling and drainage. He said that Otter Tail County is on top of a hill and does not have issues like Wilkin County. The water from Otter Tail County is draining and contributing to these downstream issues in Wilkin County.

Neuleib mentioned there is one big slough on their property that does not drain. Albright stated that it is the outside of the proposed boundary which makes the watershed. It is not practical to remove little parcels throughout the watershed just because it drains somewhere such as a wetland.

Van Amburg asked if there were any further questions.

Albright stated he had a concern brought to his attention by landowner Paul Brutlag. Brutlag's land is located in the SW<sup>1</sup>/<sub>4</sub>, Section 10, Western Township, Otter Tail County. Brutlag explained to Albright that the water cannot drain north since there are no culverts to allow water to flow that direction. There is one culvert in the southwest corner of his property where all his water outlets. Brutlag recommended removing his land from the BRRWD's revised boundary. Albright stated at this time Brutlag would not be included in a watershed district. Albright mentioned that hearings will be held this winter with BDSWD to begin addressing multiple boundary corrections along the BRRWD's new southern border. At that time, Brutlag would most likely be included in the BDSWD.

Albright reviewed the process to be followed once the board approves the revised border. A document will be prepared using the legal land descriptions. Then, that document will be certified and filed with the State Auditor, Wilkin County Auditor, and Otter Tail County Auditor. This process could take 4-6 weeks.

Johnson asked if the newly added landowners would be assessed watershed taxes in 2014. Albright stated taxes will most likely not be assessed to the new area until 2015. Fjestad added that once the BRRWD approves the revised boundary, there is still a 30-day timeframe for landowners to appeal. Johnson acknowledged that the BRRWD would then be past the point of being able to assess taxes for 2014.

Van Amburg asked if there were any further questions.

**Motion** by Ellefson to approve the revised boundary with the exception of the noted Clark and Brutlag properties. **Seconded** by Fjestad. **Approved.**

Van Amburg adjourned the hearing at 8:15 PM.

Respectfully submitted and prepared by,

John E. Hanson, BRRWD Secretary