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Wilkin County Ditch No. 6A Redetermination of Benefits Hearing Minutes

Monday August 22, 2022

Managers Present: Catherine Affield; John Hanson; Paul Krabbenhoft; Troy Larson; Gerald Van Amburg.

Managers Absent: Peter Fjestad; Mark Hanson.

Staff Present: Kristine Altrichter, Administrator; Lee Olson, Watershed Specialist; Matthew Schlauderaff, Watershed Specialist.

Viewers Present: Dennis Olsen, Bill Austin.

Viewers Absent: Eddie Bernhardson.

Consultants Present: Wade Opsahl, Houston Engineering, Inc. (HEI).

Others Attending: Brian Anderson; Bryan Henderson; Dale Gordhamer; Matt Graeve, The Nature Conservancy (TNC); Gloria Radtke; Harvey Radtke; Avis Wiese; Adrian Haugrud; Ardean Haugrud, Fred Hansen; Dale Bohner; Ron Conzemius; Jeff Affield; Thomas Thomas (remote); Marlous Larson (remote).

Affield called hearing to order at 6:00 PM.

Hearing to discuss redetermination of benefits for Wilkin County Ditch No. 6A. Altrichter provided timeline for redetermination of benefits process. Viewers will review comments discussed at hearing. Draft findings and order will be presented to Board of Managers for approval. If approved, 30-day appeal period will be initiated. Once 30-day appeal period concludes, benefit area will be updated and damages will be paid.

Opsahl provided history of Wilkin County Ditch No. 6A. Wilkin County Ditch No. 6A was established in late 1800s. Wilkin County was Drainage Authority for system until 2012 when BRRWD expanded to include drainage area in District boundary. Currently, there are no major repairs or maintenance activities anticipated. In 2018, Board of Managers, acting as the Drainage Authority for Wilkin County Ditch No. 6A, initiated redetermination of benefits. Initial hearing was scheduled for March 2020, which was cancelled. Viewers' Report for hearing was updated to reflect current market values.

Per MN Drainage Law, Viewers determine benefits to all property along drainage system and damages for ditch right-of-way (ROW). Viewers and HEI determined boundary of land that drains into Wilkin County Ditch No. 6A using aerial imagery, land elevations based on LiDAR data, land market value determined by Wilkin and Otter Tail Counties, and field reviews. Benefit rates range from 1 percent to 10 percent land market value (excluding building values). Benefits were determined for private land, roads, railroads, and land within City of Rothsay.

Land received 1 percent protection benefit if land historically did not drain into system, but presence of Wilkin County Ditch No. 6A lessens overland flooding. 5 percent drainage benefit was assigned to land that drains into system and would not be able to drain water west without presence of ditch. 10 percent drainage benefit assigned to productive farmland that is flat and prone to flooding without effective drainage. 1 percent drainage benefit for poorly drained or untilled ground. Most of this land is in conservation and owned by TNC or Minnesota Department of Natural Resources (DNR). 2.5 percent protection benefit assigned to land that would be prone to overland flooding without Wilkin County Ditch No. 6A and land with higher elevation that contributes significant water to system. Land is mostly farmed and has had drainage improvements to landscape. 2.5 percent drainage benefit for land in City of Rothsay. Outlet for City wastewater ponds drains to Wilkin County Ditch No. 6A. 1 percent drainage benefit for Otter Tail County Ditch No. 56 to use Wilkin County Ditch No. 6A as an outlet.

Viewers found total proposed benefits to be \$5,602,916.00. Approximately 85 percent of the benefits are in Wilkin County and 15 percent are in Otter Tail County. MN Buffer Law and MN Drainage Law require 1-rod (16.5 feet) buffer strip along public drainage systems. Historic drainage records were reviewed to determine amount of ROW required to meet state requirements. Damages for ROW were determined by surveying current ditch footprint. Proposed damages for new ditch ROW within ditch footprint are 10 percent market value. Proposed damages for new ROW within required buffer strip are county land market value. New proposed damages for Wilkin County Ditch No. 6A are \$155,261.00.

Brian Anderson asked Viewers to define difference between protection and drainage benefits. Opsahl noted drainage benefits are for land that drains directly into the ditch and protection benefits are for land that would have overland flooding if no ditch present.

Anderson asked what determined percentage of benefit. Opsahl said Viewers look at elevation, soil types, land use, and what water would do on landscape if ditch were not present to determine how much benefit land is assessed. Lower flatter land often receives more benefit because without drainage it would be harder to farm. Wilkin County Ditch No. 6A has significant portion of land in benefit area at a higher elevation. Water from this land significantly contributes to system, however, water would move in that direction with or without ditch.

Opsahl noted that land use has changed significantly since Wilkin County Ditch No. 6A was established. Proposed benefit area for redetermination of benefits expanded to include more land that drains into Wilkin County Ditch No. 6A from the east.

Matt Graeve asked how benefits were determined for non-farmland. Opsahl noted that much of the farmland within benefit area has been heavily modified with drainage improvements. Drainage improvements cause a greater need for ditch system. Water from non-farmed land or moderately drained land still utilizes ditch system, however, the need for ditch is reduced. Therefore, Viewers assigned lower benefit rates to non-farmed land.

Ardean Haugrud noted that he owns land in Section 3, Akron Township and Section 34, Tanberg Township, Wilkin County that is on the boundary between land given 1 percent drainage benefit and 5 percent drainage benefit. He noted that the land was determined to have 5 percent drainage benefit, however, there have not been alterations to drainage. Opsahl noted that the Viewers would review the property and update Viewers' Report as needed.

Anderson noted that he manages land in SW ¼, Section 36, Mitchell Township, Wilkin County that does not have enough elevation change towards Wilkin County Ditch No. 6A to quickly direct water to system. Anderson noted that water does reach ditch, however, he requested Viewers review if land should be assessed at a 10 percent benefit rate.

Anderson asked why there was no benefits assessed between Wilkin County Ditch No. 6A benefiting area and Wilkin County Ditch No. 23 benefiting area. Opsahl noted that water from Wilkin County Ditch No. 23 flows south and does not flow into Wilkin County Ditch No. 6A. Opsahl noted that the benefiting area for Wilkin County Ditch No. 23 has not received a redetermination of benefits, so at this time the boundaries do not align. Benefiting area for Wilkin County Ditch No. 23 could be adjusted with future redetermination of benefits.

Dale Gordhamer noted that there is tree growth in NW ¼, Section 10, Meadows Township, Wilkin County that should be addressed.

Opsahl explained Property Owner's Statements mailed to affected landowners outlined benefits per parcel and how benefit rates relate to yearly ditch assessments. Opsahl noted that all work completed on ditch is assessed to system. Benefits on Property Owner's Statements are proportion of benefits for overall system. That proportion is used to determine assessments based on levy set by Board of Managers acting as Drainage Authority. Altrichter noted that Board of Managers set 2023 assessments at \$100,000.00. Altrichter noted that this assessment will be used to cover \$155,261.00 damages payments for ROW.

Matt Graeve noted that conservation land owned by TNC receives no benefit from Wilkin County Ditch No. 6A. Graeve asked how benefit was assigned to those lands when conservation land designed to retain water and noted that drainage is detrimental to their conservation land. Opsahl noted that Viewers agreed that conservation land contributes a small amount of water to drainage system. MN Drainage references that any land that drains into system should pay into system. Opsahl noted that TNC conservation land is trying to hold water but at some point water will outlet into Wilkin County Ditch No. 6A. Opsahl noted that Viewers will review property and adjust Viewers' Report as needed.

Harvey Radtke noted that he owns land in Section 23, Trondhjem Township, Otter Tail County. Radtke noted that in 2016 he requested to tile land and was told he did not need a permit because he was not in BRRWD and land did not drain into Otter Tail County Ditch No. 56. Opsahl noted that Viewers would review property and update Viewers' Report as needed.

Bryan Henderson noted that he owns land in Section 11, Meadows Township, Wilkin County that has drainage issues in SW ¼. Proposed benefiting area for Wilkin County Ditch No. 6A indicates that water flows north into ditch. Henderson stated that property is flat and they had to push in road ditches on south end of land to allow area to hold more water and they have not been able to get this water to flow north. Henderson noted they may lower culverts in intersection in SW ¼, Section 11 to allow water to flow off property. Opsahl noted that at that time they could petition out of Wilkin County Ditch No. 6A if water no longer drains into system.

Dale Bohner noted the trees in SW ¼, Section 10, Meadows Township, Wilkin County. Opsahl noted that BRRWD would review and coordinate.

Opsahl noted that this is the final hearing for redetermination of benefits for Wilkin County Ditch No. 6A. Viewers will review comments made at hearing and make adjustments as needed. Board will review a findings and order for approval at their next Board Meeting scheduled for September 12, 2022. Following an approved Order there will be a 30-day appeal period. Once 30-day appeal period expires, Order will be final and damages will be paid.

Thomas Thomas noted that he owns land in SE ¼, Section 36, Mitchell Township, Wilkin County that has been assessed a 10 percent drainage benefit. Thomas noted that land is enrolled in Natural Resource Conservation Service (NRCS) Wetland Reserve Program (WRP). Thomas stated that this land holds water and does not drain often into system. Opsahl noted that Viewers would review property and adjust Viewers' Report as needed.

Affield adjourned hearing at 7:00 PM.

/s/ John Hanson
Secretary