

UNOFFICIAL MINUTES – SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
SPECIAL JD MEETING
August 18, 2009

2:05 P.M. Meeting called to order by Chairman Stensrud. Members present: Fenske, Ritter, Goodenow, Nelson, Stensrud, Auditor / Treasurer VanOverbeke.

Absent: County Attorney Maes, County Administrator Stomberg,

JD 2

Hammer – It was last cleaned in 1995. Fenske moved, seconded by Nelson to assess 6% to JD 2. All voted in favor.

JD 3 L Y & R

Goodenow moved, seconded by Fenske to assess 20% to JD 3 L Y & R. All voted in favor.

JD 7 Rep. B

Hammer – I want the Board to notice that the balance is almost higher than the benefits and it will be. Normally we don't have any more than twenty percent. This ditch system is 6 miles long. We are going to need almost \$36,000 to clean the ditch. Anything north of section 32 is benefited. If you get a quarter of a mile away from this ditch there are no benefits. We have the ability at this time with the GIS department at looking at soil samples. Discussion. Goodenow – Who pays for the redetermination? Hammer – It would be the new. Discussion. Fenske moved, seconded by Nelson to assess 15% to JD 7. All voted in favor.

JD 12 L & Y

I would recommend collecting 10% of the benefits. Goodenow moved, seconded by Ritter to assess 10% to JD 12 L & Y. All voted in favor.

JD 12 L & L

Hammer- This was re-determined in 1980. I recommend collecting 10%. Ritter moved, seconded by Fenske to assess 10% to JD 12 L & L. All voted in favor.

JD 13 L & L

Hammer- It is southwest of Florence about 1 ½ miles. It should be re-determined. There are a lot of un-benefited acres. I have made a recommendation to the ditch inspector in Lincoln County. It needs to be cleaned out on the upper end. Goodenow moved, seconded by Ritter to assess JD 13 L & L 20%. All voted in favor.

JD 14 Y & L

Hammer – Most of this is in the open ditch and most is in Yellow Medicine. A small amount comes into the county. Fenske moved, seconded by Ritter to assess JD 14 Y & L 12%. All voted in favor.

JD 12 R & L Branch 1

Goodenow moved, seconded by Fenske to assess 10% to JD 12 R & L Branch 1. All voted in favor.

JD 15 R & L

Nelson moved, seconded by Fenske to assess 15% to JD 15 R & L. All voted in favor.

JD 15 L & R

Goodenow moved, seconded by Nelson to assess 1% to JD 15 L & R. All voted in favor.

JD 16 L & Y

Nelson moved, seconded by Goodenow to assess 10% to JD 16 L & Y. All voted in favor.

JD 18 Y & L

Fenske moved, seconded by Goodenow to assess 5% to JD 18 Y & L. All voted in favor.

JD 18 L & R

Nelson moved, seconded by Goodenow to assess 5% to JD 18 L & R. All voted in favor.

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JD 20 Y & L

Hammer – There is a small amount of tile. I am recommending collecting 10%. Goodenow moved, seconded by Ritter to assess 10% to JD 20 Y & L. All voted in favor.

JD 24 Y & L

Hammer – This goes past the dairy barn north of Cottonwood. Ritter moved, seconded by Nelson to assess 10% to JD 24 Y & L. All voted in favor.

JD 34 R & L

Hammer – This is a big ditch system. This would be for future ditch cleaning. Goodenow moved, seconded by Ritter to assess 8% to JD 34 R & L. All voted in favor.

JD 37 R & L

VanOverbeke – We are still trying to pay off last year's bills from Redwood. I thought we had looked at it. Ritter moved, seconded by Fenske to assess 10% to JD 37 R & L. Nelson – I am getting sick of paying the Redwood county ditch inspector. We had Benson make an appraisal of what it would cost to redetermine the benefits. I suggest we try and get rid of that thing. Colin Peterson is now Chairman of the House Ag committee. This is a golden opportunity to get this albatross off our back. We had a meeting with Redwood and they decided they wanted to know what the redetermination would cost. Benson came up with that estimate and that is not realistic. I'm not sure we cannot do it on our own we would need Redwood. We keep getting this bill. Ritter – This watershed starts by Lake Benton. You would have Lincoln County too. Hammer – And there is water from Murray and Pipestone. Nelson – There is no way we can assess enough. The money you get doesn't go anywhere. You are tied up against re-determining benefits because of cost. I think trying the political route to get rid of that designation would be the best option. All voted in favor.

Hammer – That is the end of them. Is there anything else you want to talk about VanOverbeke? We will go back to Judicial Ditch number 9 which is the Black Rush Lake landfill area of this system. Judicial Ditch number 9 Lyons A and B and Judicial Ditch Branch 11 Fork 4. The US Fish and Wildlife petitioned Lyon County to abandon. Lyons B when it was re-determined was JD 9 Branch 11 Fork 4. We only need JD 9 Lyons A and JD 9 Lyons B. Goodenow – And the rest is gone? Hammer – It went private it has its own outlook. We can get rid of 912 and 916. I want the recommendation to come from Rick. The US Fish and Wildlife petitioned the County to abandon the tile east of Branch 9. There is a tile line east of county road 5. Goodenow – I think Lyons 16. We aren't putting them both together. Goodenow moved, seconded by Ritter to strike Judicial 9 Branch 11 Fork 4 from our records and merge it to Judicial 9 Lyons B. Hammer – The abandonment came along with the original petition to make Black Rush Lake. We have four outlets into Black Rush Lake. Goodenow – We gave them an option to remain county or private. Ritter – When was the petition from the US Fish and Wildlife? Hammer – 1997. Nelson – They will still have drainage but it will no longer be an organized ditch. Hammer – Correct and if they want to maintain the tile they have to do that. All voted in favor.

Nelson – Why is that designated judicial it is not a joint ditch? Hammer – It is a judicial ditch.

VanOverbeke – Actually they should all be joint ditch because the courts don't do any of it.

Glenn Olson – I was wondering about some advantages and disadvantages of abandoning the county ditches in the city? Is the cost spread all the way outside the limits or is it only in the city? Hammer – The thought is we need to talk about county ditch 60B. The ditch system owners within the city limits pay 33% of the bill and the owners outside the limits pay 66%. Olson – From Highway 19 south to Kmart is 100% city. Hammer – The people outside pay 66% and the city pays 33%. Olson – It does include the whole system? Hammer – Yes. Olson – Even county ditch 62? Goodenow – If there is work on 62 that is shared. Olson – We have a storm sewer system that was converted to the city and you said that cost of the maintenance would be part? Let's talk about the one that comes through Independence Park that goes outside and ends up south of Walmart. Hammer – Once you get past Walmart it should be going south. Olson – It comes west on Doom's property. She and everyone along that are paying benefits? Hammer – Yes. Olson – So when Running's did a clean out is that cost applicable? Hammer – Part of that is a storm retention pond. It was not part of the original construction of the ditch system. Olson – Where does that end and should it end at the city limits line? Should it be something of what would be the benefit of stopping the county ditch system at the city? Is there a benefit or what are the pros and cons? Discussion. Hammer – We are talking about CD 62. Part of my concern is we have all of the landowner inside and one landowner outside. Olson – What benefit does she have? Discussion. Goodenow – Farmers do that to because they take care of their own but there benefit is they can hook into us. Olson – Are they hooking into us or you? If we have a cost of maintaining it how do we get reimbursed? Goodenow – You send a bill to Hammer. Olson – Why outside the city limits? Nelson – They changed the river and took out some loops. Hammer – They took loops out from Green Valley to Seaforth. Olson – Is that the only part left? Goodenow – It was never a judicial ditch until the Army Corps said you wanted to take care of it. Discussion. Olson – Do you have more control over it than if it is a river? If it is a million dollars is it only \$3 an acre. Discussion. Olson – We are receptive to a different method if there is one that works better.

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3:16 p.m. Ritter moved, seconded by Goodenow to adjourn. All voted in favor.

Rodney Stensrud, Chairman

Attest: Loren Stomberg
Lyon County Administrator