Doug Huebsch, Chair called the public informational meeting to order at 7:00 p.m. with the following person representing the County in attendance:

Commissioners
Doug Huebsch – First District
John Lindquist – Third District
Roger Froemming – Fourth District
Lee Rogness – Fifth District

County Attorney
David Hauser
Ditch Inspector/Engineer
Kevin Fellbaum
Auditor/Treasurer
Wayne Stein

The Otter Tail County Board of Commissioner acting in their capacity as the Otter Tail County Drainage Authority held this this public informational meeting to discuss the status of County Ditch 17, to review Minnesota Ditch Proceeding, to receive input regarding the proposed redetermination of benefits and to receive input from the benefited property owners as to what they would like done with the drainage system.

In attendance from the public and signing the attendance roster were the following individuals:

Scott Ament   Bryce Blickenstaff   Charlene Braith
Brian Ehner   Ronald Ehner       Randall Hintzman
Dave Hotchkiss Wayne Hotchkiss    Jared Huwe
Scott Huwe    Linda Jaakola      Loren Koehler
Mark Korowski Nate Korowski      Raymond Lee
George Palmer Michael Peterson   Ron Pulver
Wayne Putikka Chad Rimpila       Darwin Roberts
Doug Salo     Nathan Selander    Doug Sundberg
Arlo Thompson Cameron Wedde      Leo Weller

The secretary counted 29 individuals in the audience shortly after the meeting had started.

Doug Huebsch, Chair called upon Kevin Fellbaum, Ditch Inspector for an overview of tonight’s presentation. Mr. Fellbaum noted that his presentation would cover the following:

- The reasons for the informational meeting.
- A general review of ditch laws and ditch proceedings.
- A discussion of the reasons for the redetermination of benefits and the process of re-determining benefits.
- A brief history of County Ditch 17.
- Reviewing maps that identify the location of the ditch, the currently benefit properties and the catchment/watershed area.
- A brief review of the drone video and how it can be accessed after the meeting.
- A summary of the presentation.

Mr. Fellbaum asked those in attendance to sign the attendance roster and to provide their contact information. Mr. Fellbaum noted that upon completion of his presentation there would be an opportunity for those in attendance to provide comments and to ask questions. Mr. Fellbaum handed the meeting back to Commissioner Doug Huebsch, Chair. Commissioner Huebsch introduced the County Staff that were in attendance and provided the general rules that should be followed during the public comment and question portion of the meeting:

- Speakers should state their first and last name.
- Speakers should speak using a loud and clear voice.
- Everyone in attendance should be respectful of others even if your positions might differ.
- There will be a two-minute time limit per speaking opportunity until everyone in attendance has had an opportunity to speak.
- After everyone has had a first opportunity to speak others may speak a second time with new information.

The meeting was handed back to Mr. Fellbaum who proceeded with his prepared presentation. The following slides are from Mr. Fellbaum’s presentation and are included as an official part of the minute.

Slide 1

Slide 2
DRAINAGE AUTHORITY
CHAIR COMMENTS

*Use microphone when you speak, Please speak **Loud** and **Clear**

*Please state your first and last name for the record

*Be Respectful to others, listen to other peoples questions, chances are they are asking questions that you may want answers to too

*2 minute time limit per opportunity to speak

*One opportunity to speak until all others have had a chance to speak

INTRODUCTIONS

???
**REASON FOR MEETING**

1: Informational Meeting to Inform Public about County Ditch #17 and Drainage Proceedings

2: Discussion on need for doing a Re-determination of Benefits by MN State Statute and Otter Tail County’s Plan

3: This meeting is a platform for Owners of the Ditch to get together and have a general discussion of the operation and maintenance of the County Ditch

4: Discuss the Future of the County Ditch (What do you want to see be done, Maintenance, Repairs)

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**DITCH PROCEEDINGS**

*County Ditches are owned by all Benefitted Property Owners within that given Ditch System*

*County Ditches are controlled by the Drainage Authority (County Board)*

*County Ditches are inspected by the County Ditch Inspector (who reports information and issues of the Ditches to the Drainage Authority)*

*Right of Entry: According to MN Statute 103E.061- the engineer, the engineer’s assistants, the viewers, and viewer’s assistants may enter any property to make a survey, locate a drain, examine the property, or estimate damages and benefits.*

*Ditch Viewers are appointed by the Drainage Authority to view and report how and which properties are affected by the in place Ditch System*

*Any costs associated with the Ditch system are the responsibility of All the Benefitted Property Owners.*

*Buffer Strips: According to MN Statute 103E.021- A 16.5 foot permanent strip of perennial vegetation approved by the drainage authority be established on each side of the ditch.*
DITCH PROCEEDINGS

What can be done to the County Ditch?

- **Do Nothing**: Leave the Ditch in its current state and perform no maintenance going forward (However the Drainage Authority does have the obligation to maintain the ditch if someone has requested that it be maintained)
- **Abandon**: Remove the Ditch system from the record books (if one person needs the drainage however, the Ditch can not be abandoned)
- **Re-determination of Benefits**: Find out which properties are benefitted from the in place Ditch. Currently the County is going through and Re-determining all Benefits to the County Ditches (State Statute and County Plan)
- **Repair**: perform maintenance to the Ditch to restore it to working condition (a Re-determination needs to take place in order to determine Benefits)
- **Improvement**: perform maintenance to the Ditch, the Ditch’s alignment and sizing can be changed to handle present day flows (a Re-determination needs to take place in order to determine Benefits)

WHY A RE-DETERMINATION

Purpose of doing a Re-determination of Benefits

- According to State Statute, we need to perform Re-determinations when the Drainage Authority deems that original benefit values no longer reflect present day values
- Re-determine the Benefits of the Ditch to match present day values (Current values are from 1906)
  

- County Plan: Re-determine Benefits of all of it’s County Ditches and establish maintenance funds so that when work needs to be done the funds are available.
  
  Maintenance Fund according to Statute: 20% the valuation or $100,000 whichever is greater
  
  County: $50,000 (Ditch Dependent, condition, size, repairs to be done)

- Figure out which properties are within the watershed and who owns them and how those properties are benefitted or Damaged by having an In-place County Ditch System. The Re-determination process spreads the Benefits derived from the Ditch System over a larger area

- Viewing techniques have changed since the early 1900’s. Early techniques looked at lands directly next to the Ditch (wet acres), Current techniques use soil and elevation maps, Lidar(Light Detection and Ranging), and GIS mapping to determine how property is contributing water to the Ditch system.

- Properties are viewed looking at two property types, Farm Land and Lake Lots.
  
  - Farm Land is broken down into A,B,C,D Land categories and those lands are assessed on a per acre basis
  
  - Lake Lots are given percentage break downs (10%-50%) relative to the lots relationship to the water’s elevation

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Lake Lots are described as a percentage. The higher the percentage, needs the Ditch in place to prevent flooding on their property. While the lower percentage does not need the Ditch for flooding but is receiving benefit from the Ditch because it is handling the runoff from that property (Contribution).

**Before Ditch / After Ditch**

- **A Land**: Cattails, Wet / meadow, occasionally farmable
- **B Land**: Meadow / increased farm ability, row crop
- **C Land**: Tillable acres / increased crop production
- **D Land**: Hill tops / highest crop potential

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**VIEWING TOOLS**
Ditch #17
Established: October 13, 1906

Purpose: For the benefit of the public, draining a creek, standing water and swamps in Section 14 of Homestead Township, said creek being full of grass and weeds. Further to protect the public roads in said township which have been constructed through said swamps at a great cost to the public, the construction of which will benefit the public health, welfare, and convenience of the public.

(From Original Petition for Ditch - November 14, 1905)

Original Cost: $8,651.47  Original Benefit: $14,547.00

Events: 2002- Drainage Authority authorized farmers to clean out Ditch #17, caused flooding to property owners downstream who did not clean out

Currently: Ditch 17 is an open channel system. The system is in need of some substantial maintenance and cleaning in several areas as shown on the aerial drone inspection video. 3 very large Beaver dams are currently in place that should be removed ASAP.

As of Oct/31/2017 Ditch 17 has a maintenance fund at a value of -$1,153.71
Slide 16

*Correspondences and Letters received

*There is a need for a Re-determination to take place
  • State Statute – when Benefits no longer reflect present day valuations
  • County Plan- every Ditch will have its Benefits Re-determined

*Discussion on Ditch Proceedings
  • History of Ditch 17
  • What does a Re-determination of Benefits accomplish

*Legal Discussion from County Attorney David Hauser

*What would property owners like to see done on Their Ditch:
  • Repairs- Current Issues
  • Maintenance- Be Pro-active
  • Do Nothing – Minimal work
Mr. Fellbaum, upon completion of his presentation, noted that he had received the following written comments from Brian Bitzan for tonight’s public informational meeting:

To Whom This May Concern,

On April 23rd of 2009 my wife and I purchased a 55 acre parcel (see attached info). At the time of purchase we had 4-5 small waterholes on the southern portion of the property. Starting in about 2013 I started seeing the water level increase in some areas. Fast forward to today where the whole south 15-16 acre area of my property has standing water ranging from 1’-4’ deep.

My #1 area of concern is the very south west fence line area. As of today I am unable to get any farm equipment onto my property unless I get permission from the neighboring landowners. My goal for 2018 is to plant trees on the west side fence line for habitat. I have been in communication with the MN Department of Natural Resources Forestry division on purchasing the trees but am on hold until I can get the water level back under control. I am estimating I will be purchasing about 1500 trees.

I have been in communication with Kevin Fellbaum over the past 3-4 years on my concerns. He has inspected my property and is well aware of my situation. Kevin has noted that at the time Ditch #17 was completed it appears it did not continue far enough to the west which could also have contributed to my standing water.

Thanks again for addressing this situation and please call or email with any questions.

Brian Bitzan
p)763-422-4521
brianbitzan@gmail.com
Otter Tail County, Minnesota

Accuracy is not guaranteed. NOT to be construed or used as a legal description.

* Flooded along fence line
  Can not get to tillable area
* Southern 15 acres flooded

Plan for this area is to:
* Plant 1000-5000 trees. Need
  water under control first.
### Sales Detail

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</table>
Mr. Fellbaum called upon David Hauser, County Attorney for comments. Mr. Hauser stated the following:

- The County Board of Commissioners is the Otter Tail County Drainage Authority.
- Minnesota Statute 103E provide guidance regarding the processes to be followed when re-determining benefits, repairing an existing system or improving an existing system.
- The ditch is owned by the benefited property owners and costs to maintain and/or repair the system is the responsibility of the benefited property owners.
- The Drainage Authority makes decision regarding repairs and improvements to the ditch; however, the Otter Tail County Drainage Authority is interested in the opinions of the benefited property owners and will consider those opinions when making decisions under existing drainage law.
- Mr. Fellbaum’s presentation was a very good summary of drainage laws and the options available to the benefited owners of County Ditch 17.
- That he would be available throughout the remainder of the meeting to answer questions and he wants property owners to understand the process as directed by state statutes.
At this time the public informational meeting was opened to the public for comments and questions with the following individuals addressing the Drainage Authority:

Scott Ament   Charlene Braith   Dave Hotchkiss
Wayne Hotchkiss Jared Huwe   Scott Huwe
Linda Jaakola   Mark Korowski   Darwin Roberts

It should be noted that the public informational meeting was recorded, and the recording is available to the public by appointment during normal business hours. The following is a brief and general summary of the discussion that occurred during the public comment period of the public informational meeting:

1. An individual noted that maintenance to the Ditch 17 system is long overdue. They have been way too wet for way too long.

2. Repairs and/or maintenance to an existing system cannot exceed the original design and/or construction. It was noted that the drainage system can be repaired to work as it was originally designed and constructed.

3. An existing ditch system can be used as an outlet. If someone wanted to use the system as an outlet they would need to petition into the system and pay an outlet fee.

4. Minnesota statute 103E provides a process for making improvements to an existing system.

5. A redetermination of benefits will determine who is responsible for the costs associated with repairs and/or maintenance of the system.

6. Department of Natural Resources owned property and wetlands were discussed briefly. It was noted that certain types of wetlands that have existed for 25 years cannot be drained. Existing wetlands were noted and there was brief discussion regarding what can and cannot be done in those areas when a drainage system is maintained/repaired.

7. It was noted that funds collected from the benefited property owners can only be expended on the system that was originally constructed.

8. The catchment/watershed area as determined by the Department of Natural Resources is what was depicted on the map in the presentation. The appointed viewers will determine which of the properties within this area are benefit by Ditch 17.

9. An explanation of how to access the drone view after tonight’s meeting was provided.

10. Keeping beavers out of the system will be no small task; however, once the system has been re-determined and a maintenance fund established those funds can be used to pay the costs associated with beaver removal and control.

11. An individual asked how long the redetermination process takes to complete. It was suggested that the ditch viewers are ready to go and perhaps could have their work completed in time for a public hearing in June of 2018.

12. There was consensus among those in attendance that the drainage authority should proceed with an order for the redetermination of benefits.

13. Concern with current culvert placement was discussed. It was noted that after the redetermination process is completed culvert placement could be reviewed and, if necessary, the culvert could be relocated to the position as indicated/determined by the system’s original design.

14. The Wetland Conservation Act was noted.

15. It was noted that the property owners thought the ditch was a good idea when it was constructed, and many current property owners still see value in the ditch system if it is properly repaired and maintained.
16. The costs to repair/maintain the system are allocated to individual properties based on the benefits assigned.

17. An individual asked who performs the redetermination of benefits. It was noted that it is a team of three individuals that have no property ownership interest in the area and they will be identified when an order to re-determine benefits is issued.

18. It was noted that Otter Tail County currently has nine trained individuals who can perform the redetermination process. These individuals are not county employees.

19. An individual asked if there are grant funds to pay for the cost of the redetermination and for repairs. It was stated that the County was not aware of any grant funding other than perhaps for record modernization; however, if anyone is aware of grant funds they should bring that information forward and the County would be more than happy to pursue that funding source.

20. An individual asked who monitors the condition of the system once it has been repaired. It was noted that the responsibility for monitoring the systems is one of the duties of the County’s Ditch Inspector; however, observations and reports from the benefited property owner is a critical component of effective monitoring.

21. It was noted that buffer strips can be pastured.

22. A redetermination of benefits is necessary because the area represented by the original benefit determination does not adequately represent the area currently benefited by County Ditch 17.

23. A redetermination of benefits is also necessary because current day land values are significantly greater than when the original benefits were determined.

24. The process moving forward consists of the drainage authority approving an order to re-determine the benefits, the appointment of the ditch viewers, the preparation of the ditch viewers’ report and the property owner’s report, as well as at least one additional public hearing for the review of the previously mentioned reports.

25. It was noted after the public comment period had closed that many good questions were asked and good information regarding Ditch 17 and the surrounding area had been provided and will need to be given consideration as the process moves forward.

Doug Huebsch, Chair thanked all those in attendance for their excellent questions and comments. Hearing no further questions or comment, Doug Huebsch, Chair adjourned the meeting at 8:02 p.m.

Respectively Submitted by Wayne Stein, Auditor/Treasurer – Secretary