

HLWD CD3

~~APPEAL~~

JACKSON COUNTY BOARD OF COMMISSIONERS
ACTING AS DRAINAGE AUTHORITY FOR COUNTY DITCH NO. 3
REDETERMINATION OF BENEFITS APPEAL MINUTES
DECEMBER 7, 2017

The meeting regarding the County Ditch #3 redetermination of benefits appeal was opened by Chair Hummel at 1:30 p.m. on December 7, 2017 in the cafeteria room at the Jackson County Government Center. Members of the County Board present were Chair Hummel, Commissioners Eigenberg, McClure, Hohenstein and Wachal.

Kurt Deter of Rinke Noonan Attorneys at Law reviewed the purpose of the hearing and gave a brief background of the proceedings to date.

Jackson County Auditor/Treasurer confirmed the notification requirements were completed for Jackson County.

Petitioner's attorney, Bruce Sellers, made comment regarding the reason for the appeal.

Viewer Ron Ringquist presented his explanations of why the redetermination of benefits would change if the cost to cure deficiency were to be changed.

County Attorney, Sherry Haley, asked Jacob Rischmiller from I+S Group to explain their philosophy on how the cost to cure deficiency was calculated. He explained that the cost was based on replacing the existing three main tiles that were in existence. Attorney Haley asked Drainage Supervisor Dave Macek if this is the method they would use in a repair. Macek explained that that is how a repair would be done and has always been done, which is according to Minnesota statutes. Any changes from the three tile lines would call for an improvement project. Rischmiller explained the three options that are now being considered for improvement as being:

1. Replacement of the existing three tile lines.
2. Caps separable maintenance on tile areas at the cost to improve the tile where the repair costs are higher than the proposed improvement costs.
3. Combines multiple tile branches or laterals with a single line that provides the same capacity.

County Board Chair Kim Hummel opened the meeting for public comment at 1:47 p.m. and no comments were made.

Bruce Sellers made it known that he would like the redetermination of benefits left open for any changes in the improvement project. Kurt Deter commented that he believes the redetermination should be left as approved by the county board and that it is a point in time evaluation of the system. Sherry Haley commented that there has been no evidence provided to overturn the redetermination as originally approved, it is based on the method employed for decades, and any other way of figuring the ROB is theoretical and not an industry standard. The board needs to make a decision one way or the other in the best interest of the tax payers.

Motion was made by Commissioner Eigenberg and seconded by Commissioner McClure to deny a request for a new redetermination based on the fact that there is no reason to change it, that they approve of the method used and that there is no reason that it is not correct. Motion carried unanimously.

Meeting was adjourned at 2:58 p.m.

Kevin Nordquist,
Jackson County Auditor/Treasurer

Drainage
Supervisor
Dave Macek
explained
that this
is the
method
they
would
use
in
a
repair.
Macek
explained
that
that
is
how
a
repair
would
be
done
and
has
always
been
done,
which
is
according
to
Minnesota
statutes.
Any
changes
from
the
three
tile
lines
would
call
for
an
improvement
project.
Rischmiller
explained
the
three
options
that
are
now
being
considered
for
improvement
as
being: