

Douglas County Lakes Association

Wednesday, January 14, 2015

Public Works Building

Alexandria, MN 56308

President Jan Beliveau called the meeting to order at 4:30 p.m. this date. The following people were in attendance: Jim Peterson - Ida, Jan Beliveau - Mary, Bob Reynolds - Devils/Little Chippewa, Gary Bahn - Mary, Bud Oxendale - Mary, Steve Henry Jr. - SWDC, Stephen Henry Sr. - L'HommeDieu, Gene Rose - Miltona, Linda Dokken-McFann - Mary, Juanita Bolinger - Mary, Don Stallman - Irene, Sue Engstrom - Darling, Vern Lorsung - Latoka, Don Clausen - Rachel, Jim Barrett - Lobster, Steve Kogler - Lobster, Gerry Goblririch - Rachel, Al Edenloff - Echo Press, Al Roebke - Informed TV, (guest speaker) Tom Anderson - Douglas County Drainage & Ag. Inspector

Steve Henry Sr. moved, Juanita Bolinger seconded agenda approved as written. Motion carried.

Juanita Bolinger moved, Don Stallman seconded to approve 11-12-2014 meeting minutes. Motion carried.

Juanita Bolinger moved, Steve Henry Sr. seconded to approve 12-10-2014 revised meeting minutes prepared by L. Dokken-McFann. Motion carried.

Jim Peterson provided the treasurer report. South Union Lake has paid their water testing fees up to date. Lake Andrew declined to join DCLA. Whispering Waters has not reported back on their decision. Cash on hand is \$9001.10. One bill submitted from Country Secretary for the amount of \$210.00 for December 2014 minutes & mailings. Bob Reynolds moved, Vern Lorsung seconded to pay Country Secretary. Motion carried.

Jan Beliveau advised the members that Dorothy Klemann has chosen to resign her position as legal secretary for the DCLA effective this date due to her schedule at work. Juanita Bolinger moved, Steve Henry Sr. seconded to nominate Linda Dokken-McFann to assume the position of recording and preparing the monthly minutes. Ms Dokken-McFann accepted the nomination. Nomination approved.

Guest speaker this month is Tom Anderson, Douglas County Drainage & Ag Inspector. Mr. Anderson reported that Douglas County has 19 legal drain ditches that were established under the MN. Statute 103E Drainage Section. These ditches were established between the years of 1902 - 1998 and total approximately 150 - 200 miles. A County map was distributed reflecting the ditch systems. According to Mr. Anderson the Drainage Authority is required by law to maintain and repair legal ditch system typically on a request basis under the direction of the

Ditch Authority which is the Douglas County Board of Commissioners. The cost of repairs is put back on the property owners that benefit. He has no authority nor any obligations to apply current statute procedures *beyond the end of the ditch*. Mr. Anderson indicated that the ditch system primary purpose is to serve as *storm water runoff* but also serves to remove water off farmland. He did not feel the Ditch Law was outdated because there are constant changes made to it. Certain lake property owners are assessed a ditch tax as the ditch provides a *stable outlet* which in theory increases property values due to a lower probability of it flooding. Mr. Anderson's philosophy, "if a ditch is kept cleaned, free of excessive overgrowth of vegetation, the less sediment will be carried downstream into receiving waters." Buffers are maintained if they are already a requirement in an existing ditch. . On an average, ditches are repaired approximately every 10-15 years. Number one concern is the excessive overgrowth of cattails and vegetation that impedes the water flow through the ditch. Ditches are repaired back to the original specifications or as close to it. The ditch design, depth, width, length, elevation cannot be changed without additional legal proceedings.

The 19 ditch systems of Douglas County ultimately end up in one of the following : Chippewa Watershed, Sauk Watershed or the Long Prairie Watershed.

At times, his department works in conjunction with USDA, SWDC, DNR and other agencies with jurisdiction authority on ditch improvements projects. USDA office manages farm programs that land owners enroll in and they must comply to that programs requirements

Clarified that maintenance and repairs require no hearings or notifications. The term "**repair**" means to restore all or a part of a drainage system as nearly as practicable to the same hydraulic capacity as originally constructed and subsequently improved, including re-sloping of ditches and leveling of spoil banks if necessary to prevent further deterioration, realignment to original construction if necessary to restore the effectiveness of the drainage system. Repair also includes incidental straightening of a tile system.

Repairs affecting public waters. Before a repair is ordered, the drainage authority must notify the commissioner if the repair may affect public waters. If the commissioner disagrees with the repair depth, the engineer, a representative appointed by the director, and a soil and water conservation district technician must jointly determine the repair depth using soil borings, field surveys, and other available data or appropriate methods. Costs for determining the repair depth beyond the initial meeting must be shared equally by the drainage system and the commissioner.

Repair by Petition An individual may file a petition to repair the drainage system. The petition must state that the drainage system needs repair. The auditor shall present the petition to the board at its next meeting. If the drainage authority determines that the drainage system needs repair, the drainage authority shall appoint an engineer to examine the drainage system and make a repair report. The report must show the necessary repairs, the estimated cost of the repairs, and all details, plans, and specifications necessary to prepare and award a contract for the repairs. The drainage authority may give notice and order a hearing on the petition before appointing the

engineer. When the repair report is filed, the auditor shall promptly notify the drainage authority. The drainage authority in consultation with the auditor shall set a time, by order, not more than 30 days after the date of the order for a hearing on the repair report. At least ten days before the hearing, the auditor shall give notice by mail of the time and location of the hearing to the petitioners, owners of property, and political subdivisions likely to be affected by the repair in the repair report. Property owners downstream of the repair are not notified.

Lake Magnuson followed the 103E Repairs Affecting Public Waters Section: County Ditch # 10 was established in 1906. Lake Magnuson was considered by the DNR as a level 4 wetlands, mainly cattails and shallow water level of 3 feet. It is not listed as a lake nor does it appear on the Douglas County map as a lake. Mr. Anderson gave primary property owner the option to abandon ditch and leave the slough as is. Mr. Carlstrom petitioned for the DC #10 to be repaired. In summary, draining this slough was an intentional outcome of the repair project. Mr. Anderson clarified that the "commissioner" referred to in the statute is the DNR Commissioner or a DNR rep. In this case DNR Area Hydrologist, Janell Miersch, letter dated September 4, 2013 had no opposition to the submitted plans and that the project did not require DNR permitting. Notification of land owners *within* the ditch area was done as 99% of this ditch was on Carlstrom's private property and two other property owners were notified by DC Ditch Authority and were also in agreement to the repair request. It was clarified that the *current law does not require notification be made downstream to the public waters affected such as the Chippewa Watershed in this case.* The Ditch Authority's legal responsibility covers to the end of the ditch being repaired.

County Ditch #9 followed the 103E Repairs Section: He reported that he had received letters over the last 3 years requesting Ditch #9 be cleaned. Work started this fall at Grill Lake up to the dairy farm on Cty. Rd 9 but not completed to Skoglund Slough yet. The pipe elevation for this ditch was established in the year 2000.

Lake Mary outlet- County Ditch #9 has a DNR control culvert under Hwy 114 that directly affects the lake level not DC # 9. Mr. Anderson suggested the lake association approach MN DOT who set the 36 inch pipe under State Hwy 114, they are responsible to maintain and repair the culvert. The DNR approved the elevation on the lower lip of the culvert. Mr. Anderson felt that this culvert was within three tenths of an inch from the approved elevation which he does not have the numbers. He reminded members that the Lake Association requested and got approved by DNR to put in a one foot plate on the carp trap with a very narrow v-notch which also affects the lake level flow rate. He further stated that the DNR have not been in favor of manipulating lake levels

County Ditch #23 Mr. Anderson clarified that the repair work completed on DC#23 near Garfield .was restored as close as possible to the same hydraulic capacity as originally constructed, including resloping of ditches and leveling of spoil banks if necessary to prevent

further deterioration, realignment to original construction if necessary to restore the effectiveness of the drainage system. Repair also included the tile branch on this ditch. With exception of one area the tile was cut south of the road as the property owner wanted to maintain this area as wetlands.

Mr. Anderson clarified that the chain of lakes in Alexandria is not considered part of DC legal ditch system. The Stormwater Dept, Lake Associations and the County did split the cost to clean the channels out. Even though the majority of the lakes in Douglas County are *interconnected waterways*, they are not part of the legal drain system.

Mr. Anderson addressed the concern that lakes may be repaired out of existence with the following handout information:

Mary	21009200	CD#9 DNR control - Concrete weir at Carp Trap
Devils	21021300	.CD#14 - drains into Little Chippewa
Little Chippewa	21021200	DNR control @ Co. Rd 108 Crossing - not a legal ditch system.
Smith	21001600	JCD#2 - DNR Control - Dam at outlet.
Stowe	21026400	CD #4 - #16
Grill	21020400	Outlet not part of a legal ditch system - Outlet under DNR control.
Buckskin	21011500	CD#10 Control at Twp Rd Crossing.
Upper Hunt	21023300	CD#4-16
Lower Hunt	21020800	CD#4-16
Lovera	21004600	CD#8

In closing, Mr. Anderson can be found at the Douglas County Drainage Department located at the Public Works Bldg. If you have any questions, he can be reached at 320-762-2999.

Thank you Al Roebke from Informed TV for filming the presentation. Thank you Al Edenloff from the Echo Press and Jan Beliveau for her efforts organizing this month's presentation.

President Jan Beliveau adjourned the meeting at 6:00 p.m.

Minutes recorded and prepared by Linda Dokken-McFann