

TUESDAY, JANUARY 22, 2013

**APPROVED MINUTES OF THE
COMMITTEE OF THE WHOLE MEETING HELD**

**STATE OF MINNESOTA)
DODGE COUNTY)**

**COUNTY ADMINISTRATION OFFICE
MANTORVILLE, MN**

2013-02 C.O.W.

The Dodge County Commissioners met in Committee of the Whole January 22, 2013, in the Commissioner's Room at the Dodge County Courthouse Annex, Mantorville, MN, at 9:00 a.m. CST. Chair Lyle Tjosaas opened the meeting at 9:02 a.m. CST.

Meeting Convened

The Chair acknowledged those present:

Those Present

Members present: John Allen District #1
Steven Gray District #2
Rodney Peterson District #3
David Erickson District #4
Lyle Tjosaas District #5

Members absent: None

Also present: Jim Elmquist County Administrator
Becky Lubahn Deputy County Clerk
Lisa Kramer Finance Director
Kurt Deter Rinke Noonan Attorney
Larry Scherger SWCD Representative
Don Hesper SWCD Representative
Jim Hruska SWCD Representative

Finance Director Lisa Kramer introduced Rinke Noonan Attorney Kurt Deter who discussed with the Board drainage laws in Minnesota.

Drainage Laws
Discussion

It was reported that at the request of Commissioner Erickson, Ms. Kramer contacted Mr. Deter to come to Dodge County and give the three new commissioners an overview of Minnesota Drainage Laws and their responsibilities as the Drainage Authority. Mr. Deter is known in Minnesota as one of the premier authorities on drainage law and works closely with the legislature to improve and clarify drainage law. Mr. Deter also works with counties to encourage best practices maintaining drainage systems and adherence to the statutes.

It was pointed out that Dodge County has four county ditches which are almost exclusively tile systems. Dodge County also shares two Judicial (Joint) ditches with Steele County. These two ditches are a mix between tile and open ditch. There is another Judicial (Joint) ditch forming between Dodge and Mower County, however nothing has been finalized yet.

Dodge County Soil and Water Conservation District representatives Larry Scherger, Don Hesper and Jim Hruska were available to comment on Dodge County drainage issues.

Mr. Deter briefly discussed with the Board the following:

Drainage Laws
Discussion -
Continued

A. Reasons for Increased Drainage Projects

1. high land values
2. high commodity prices
3. old undersized system
4. wet condition
5. fear of future regulation
6. reduction in conservation money
7. farmers have money and tax policy

B. Understanding the Basics of Drainage

Public vs. Private Drainage Systems

- ownership issues
- responsibility issues
- maintenance issues

Who is the Drainage Authority?

Definition of Drainage Authority:

The Board or joint county drainage authority having jurisdiction over a drainage system or project. (103E.005, Subd. 9)

1. For projects located within the boundaries of one county, drainage authority is County Board of Commissioners.
2. For projects in two or more counties, project is designated as a joint county drainage system. A five-member joint board is established, with at least one member from each county. (103E.235)
3. Watershed districts shall take over joint county or county drainage systems within the watershed district if directed by the joint county drainage authority or the County Board. (103D.625)
4. Construction of new drainage systems or improvements of existing drainage systems in the watershed district must be initiated by filing a petition with the watershed district. (103D.625, Subd. 4)

Mr. Deter discussed the differences between new systems, improvements and repairs to existing systems.

The Board thanked Mr. Deter for the update.

The Chair adjourned the meeting at 9:30 a.m. CST.

Meeting Adjourned

ATTEST:

LYLE TJOSAAS
CHAIR, COUNTY BOARD

BECKY LUBAHN
DEPUTY CLERK

DATED: