

**STATE OF MINNESOTA
RENVILLE COUNTY BOARD OF COMMISSIONERS
DRAINAGE AUTHORITY FOR RENVILLE COUNTY DITCH 77**

In the Matter of the Proceedings
for the Repair of Renville County Ditch
77

**ORDER FOR REPAIR
UNDER STATUTES SECTION
103E.715**

On March 26, 2024 at a duly noticed hearing of the Renville County Board of Commissioners, Drainage Authority pursuant to Minnesota Statutes, chapter 103E, the Board considered the engineer's report in the matter of the repair of Renville County Ditch 77. After due consideration of the engineer's report and all evidence and comments presented at the hearing, Commissioner Ericksen moved, seconded by Commissioner Hammel to adopt the following Findings and Order:

FINDINGS

1. The Renville County Board of Commissioners is the drainage authority ("Drainage Authority") for Renville County Ditch 77 ("CD 77") pursuant to Minnesota Statutes, chapter 103E.
2. The CD77 system drains approximately 975 acres of agricultural land. The system drains into a private open ditch that runs through a wetland, altered watercourse, and eventually drains into Limbo Creek. CD77 was originally constructed in 1918, with the private ditch and straightened creek subsequently constructed.
3. Wetland complexes are scattered throughout the Limbo Creek watershed which provide storage and water quality benefits to the creek. One of these wetland complexes surrounds the outflow of CD77 and stretches downstream around the private ditch and altered portion of Limbo Creek in Section 11. This wetland over time has expanded from historic conditions. It consists of dense cattails and small pockets of open water. The cattails have restricted flow causing sediment to accumulate through this stretch of the watercourse. This has caused extensive flooding on the edges of the wetland into the adjacent uplands that has not historically existed.
4. The drainage system is out of repair. Current conditions are immersing the tile portion of this system under water causing water to back up and impairing CD 77's capability of draining productive farmland previously protected by the system.
5. An improvement petition was submitted to the Renville County Drainage Authority to restore the outlet for the CD77 tile system. The previously proposed improvement was designed to clean the privately constructed ditch and formerly altered open channel downstream of CD77 to remove blockages that back up water levels above the top of the CD77 mainline tile outlet.

6. The Drainage Authority approved the improvement petition based upon the finding that the proposed outlet for CD77 was not public waters. That determination was reversed and remanded by the Minnesota Supreme Court. The effect of that decision was to require an environmental review and DNR permit before an improvement decision, or to modify the proposal to avoid significant environmental effects and to qualify to obtain necessary permits.

7. After review of likely permit constraints and discussions with the reviewing agencies, it was determined that alternative improvement options were not feasible. To avoid significant environmental effects and resolve concerns of advocates opposing the improvement project, the Drainage Authority authorized the drainage engineer to explore a repair option involving a pump and lift station. The engineer proposed a repair that will install a lift station at the end of the CD77 mainline tile. During development of the repair report extensive discussions were held with DNR representatives, MCEA representatives, and drainage petitioners. The repair will restore the historic authorized capacity of CD 77 while avoiding significant environmental effects.

8. The drainage authority determines from the repair report and the evidence presented that the repairs recommended are necessary for the best interests of the affected property owners. The repair report and its findings are accepted and adopted.

Pumping Solution

9. A pumping solution was advocated by MCEA as a suitable alternative to the improvement. A dual pump system will be installed at the outlet of the CD77 Mainline tile. They will be 10 horsepower axial flow pumps from ADS, which have a life expectancy of 8 – 10 years. The dual pump system was selected so that each pump could alternate on low flows, which reduces stress on each pump. Because of this, the dual system is expected to extend the life expectancy of the pumps. The pumps are approximately \$8,000 each, so the extended life expectancy will reduce future repair costs. Each pump will run on a variable frequency drive which slowly converts single phase power into three phase power which reduces start up burnout.

10. The maximum capacity of the pumps running together at the proposed lift station is the same as the capacity of the mainline tile when properly functioning. That maximum capacity must not be exceeded. The lift station will outlet water approximately one foot above the flood stage of the wetland to prevent the wetland from backing water up into the mainline. At high flow, both pumps will run at maximum capacity, which matches the ACSIC capacity.

11. A berm will protect the pump and keep it above the water level of the wetland. The berm will also prevent the wetland from backing up over CD77 and seeping back into the tile. The berm will become a permanent part of the drainage system. The Drainage Authority finds that it will cause no damage to private property.

12. During most flows the lift station will be operating at less than the ACSIC capacity as the pumps will only run based on the flow rate coming into the lift station. The maximum dual pump capacity (ACSIC) will only operate after heavy rainfalls when the tile is flow at its full capacity.

The pump will require sporadic routine maintenance and inspection. Access to the pump will require traversing the Robert Zimmer property. The Drainage Authority consulted with the property's owner on whether an access easement should be acquired. It was jointly decided that the owner would grant a license access to cross his property for reasonable maintenance and inspection. The drainage authority will endeavor to use that license without causing damage, but in the event that damage is unavoidable in specific instances, the drainage authority will provide reasonable compensation.

Repair Obligation

13. The repair will implement the drainage authority's obligation under section 103E.705 subdivision 1 to provide the repairs necessary to make the drainage system efficient. The repair will restore all or a part of the drainage system as nearly as practicable to the same hydraulic capacity as originally constructed and subsequently improved and realigns the outlet reach to restore the effectiveness of the drainage system.

14. Historically, the CD 77 tile drainage system adequately flowed through the private ditch and altered Limbo Creek channel. Since the 1980s, adequate maintenance of these channels has not occurred and thus has restricted and plugged the outlet to the CD 77 tile system. With the pump repairs and ability to discharge flows at a higher, unrestricted elevation; full cleaning of the downstream channel network is no longer required to provide the restored flow of the system.

15. The drainage authority conducted soil borings to determine the historic depth of the Limbo Creek channel. The engineer has determined that a 300-foot stretch of accumulated sediment and gravel deposits must be cleaned to restore the base flow through the system and to alleviate flooding downstream of the CD 77 pump for landowners upstream of 820th Avenue. This will also significantly reduce the impacts to the downstream ditch and altered watercourse.

16. The cleaning of the 300-foot channel will not cause damage to the adjacent landowner. At the request of DNR, the Drainage Authority obtained consent from the adjacent landowner. The drainage authority will provide reasonable advance notice to the landowner prior to cleanout operations.

17. Drainage Authority staff and drainage engineer have, with assistance of DNR and representatives of MCEA, given proper consideration to conservation of soil, water, wetlands, forests, wild animals, and related natural resources, and to other public interests affected, and have assured that the project will be of public utility, benefit, or welfare. The Board finds that the project has been designed so that it does not have the potential for significant environmental effects.

Conditions

18. Approval of the repair is conditional on issuance of a Wetland Conservation Act exemption. If a WCA decision requires mitigation, the repair may not proceed until the Drainage Authority approves necessary mitigation.
19. Approval of the repair is conditioned on issuance of a public waters permit by the Department of Natural Resource, or a DNR finding that a public waters permit is not required.

Procedural Compliance

20. The Board provided notice of a hearing on the repair report as required by statutes section 103E.715.
21. Evidence of all actions in this matter, including preliminary orders, appointments, oaths, affidavits of mailing, publication and posting as well as hearing agendas, presentation materials and comments are present in the record of proceedings and are incorporated herein by reference.
22. The hearing on the repair report was held on March 26, 2024.
23. Members of the public attended the hearing and asked questions or made comments regarding the drainage system repair and other matters related to public drainage system financing and assessment. The comments and all responses are contained within the minutes of the hearing approved by the Board.
24. The comments were addressed to the satisfaction of the Board during the conduct of the hearing and are reflected in the minutes of the hearing maintained by the County. The minutes of the hearing are incorporated herein by reference.
25. Based on the repair report, the Engineer's recommendation and the evidence presented, the Board finds that the Engineer's recommended repair is necessary for the best interests of the affected property owners and best supports considerations of public utility, benefit and welfare; Based on the evidence presented, with one exception, the work can occur within existing easements or rights of way acquired for the drainage system.
26. All fees and costs incurred for proceedings relating to the repair, including inspections, engineering, viewing, and publications, are costs of the repair and must be assessed against the property and entities benefited.
27. The Drainage Authority intends to dismiss the improvement petition upon satisfaction of the conditions necessary to proceed with the repair. The hearing on dismissal of the improvement is recessed until a renoticed hearing following the satisfaction of those conditions.

Therefore, based on the foregoing findings, the Board makes the following:

ORDER

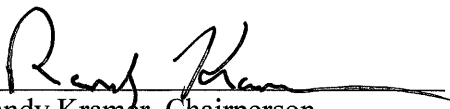
- A. The Drainage Authority shall proceed with the repair of CD 77 according to the engineer's repair report upon satisfaction of the conditions described in the findings.
- B. The Drainage Authority directs its staff and Engineer to prepare final plans, specifications and bidding documents for repair as recommended in the engineer's repair report.
- C. Upon determination that conditions have been satisfied, the Drainage Manager and the chair of the board shall proceed and prepare and award a contract for the repair of the drainage system.
- D. The Drainage Authority reserves to itself subsequent actions in these proceedings which require Board action.
- E. Upon satisfaction of the conditions, the Drainage Authority shall convene and properly notice the recessed hearing for dismissal of the improvement.

After discussion, the Board Chair called the question. The question was on the adoption of the foregoing Findings and Order, and there were 5 yeas and 0 nays as follows:

	Yea	Nay	Absent	Abstain
Erickson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hamre	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kramer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Robinson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Snow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon vote, the Chair declared the motion passed and the Findings and Order adopted.

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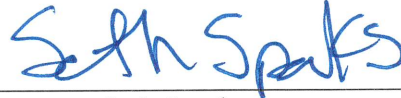

Randy Kramer, Chairperson

Dated: March 26, 2024

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I, Seth Sparks, Renville County Drainage Manager, do hereby certify that I have compared the above motion; Findings and Order with the original thereof as the same appears of record and on file with the Renville County Board of Commissioners and find the same to be a true and correct transcript thereof. The above Order was filed with me, Renville County Auditor-Treasurer on March 26, 2024.

IN TESTIMONY WHEREOF, I hereunto set my hand this 26th day of March, 2024.



Seth Sparks