

**SPECIAL SESSION OF THE FREEBORN MOWER COUNTIES  
JOINT DITCH BOARD FOR JOINT DITCH NUMBER #5**

October 9, 2012

The Freeborn Mower Counties Joint Ditch Board in and for the Counties of Freeborn and Mower, Minnesota, met in Special Session October 9, 2012 at 1:00 p.m. at the Government Center in Austin, Minnesota.

Members present, viz:            Raymond Tucker, Chair  
   Mike Ankeny  
   Tim Gabrielson  
   Jerry Reinartz  
   Craig Oscarson, County Coordinator

Member Absent:                 Dan Belshan

Also present:                     Cody Fox, Mower County Ditch Inspector  
   Justin Hanson, Mower County SWCD  
   Kurt Deter, Attorney  
   Dennis Distad, Freeborn County Auditor  
   Pat Martinson

The Chair called the meeting to order. Kurt Deter, Attorney, provided information concerning the purpose of the meeting and what is being requested in the petition of Kenneth and Susan Penkava. Upstream of the project 700 feet of tile is in need of repair and is not part of the wetland restoration project but is brought to the Board for consideration due to the fact that it can be done at the same time as the restoration project that has been petitioned. Mr. Deter affirmed that the public hearing on this petition had been properly noticed.

At this time the Ditch Authority held a Public Hearing to consider the petition for the impounding, rerouting and diverting of drainage system waters, pursuant to Minnesota Statutes 103E.227 and the partial abandonment of a portion of Mower-Freeborn Joint Ditch #5.

Justin Hanson, Mower County Soil and Water Conservation District, and Tom Winslow, state engineer for the Project—Minnesota Board of Water & Soil Resources, reviewed the details of the petition and the Engineer's Report on the proposed project including information concerning the present condition of this section of the ditch, the proposals outlined in the petition and an additional 700' section in need of repair on the system.

Two persons spoke in favor of the wetland restoration petition and no one spoke against.

Motion made by Commissioner Ankeny, seconded by Commissioner Gabrielson to approve the impounding, rerouting or diverting drainage system waters for a partial abandonment of Branch "E" and "E1" located in the North ½ of the Northwest ¼ of Section 17, Lansing Township as outlined in the Kenneth and Susan Penkava Petition dated August 14, 2012, and finds that the installation will be of public or private benefit and will not impair the utility of the ditch or deprive affected landowners of its benefit. Motion carried.

Motion made by Commissioner Reinartz, seconded by Commissioner Ankeny to approve the partial abandonment of Branch "E" and "E1" located in the North ½ of the Northwest ¼ of Section 17, Lansing Township as outlined in the Kenneth and Susan Penkava Petition dated August 14, 2012, and finds this section of the system does not serve a substantial useful purpose as part of the drainage system to any property remaining in the system and is not a substantial public benefit and utility. Motion carried.

Motion made by Commissioner Gabrielson, seconded by Commissioner Reinartz to authorize the repair of approximately 700' of tile of the east branch during the wetland restoration project as outlined in the Kenneth and Susan Penkava Petition dated August 14, 2012. Motion carried.

Motion made by Commissioner Ankeny, seconded by Commissioner Gabrielson to approve the minutes of today's meeting subject to review and approval of the chair. Motion carried.

Motion by Commissioner Ankeny, seconded by Commissioner Reinartz to adjourn the meeting at 2:03 p.m. Motion carried.

**THE FREEBORN MOWER COUNTY JOINT DITCH BOARD**

**BY:** \_\_\_\_\_  
**Chairperson**

**Attest:**

**By:** \_\_\_\_\_  
**Clerk/Coordinator**

**INDEX**

**A**

adjourn, 279

**I**

impounding, rerouting or diverting drainage system waters, 279

**M**

minutes 10-9-12, 279

**P**

partial abandonment, 279

Public Hearing

    petition for partial abandonment and impounding, 278

**R**

repair section, 279