

**Judicial Ditch 3 Hearing Continuation  
Minutes  
September 29, 2021 ~ 8:00 a.m.  
Heron Lake Community Center**

**Managers Present:** Wayne Rasche, Corey Reith, Randy Luebben, Mark Bartosh, Jason Freking

**Staff Present:** ISG Engineers Jacob Rischmiller and Chuck Brandel, Jackson County Drainage Coordinator Kelly Rasche. **Online:** Attorney Louis Smith, DNR Tom Kresko

**Public sign in sheets available**

- 1) **Manager W. Rasche called the meeting to order at 8:00 a.m.**
  - a. **Welcome and Introductions**
  - b. **Housekeeping Items**
- 2) **Approve the Agenda** – Motion to approve the agenda made by Manager Luebben with a second by Manager Freking, all yes, motion carried.
- 3) **Manager W. Rasche opened the hearing continuation for the limited purpose of DNR comments on the modeling information presented on September 22, 2021** – Todd Kolander of the DNR submitted an email dated September 27, 2021, stating *“This is to notify you that DNR will be reviewing the Hydro CAD model for South Heron Lake you submitted for JD 3 Improvement Project on 9-22-2021. No formal DNR response will be available on the potential cumulative impacts of this drainage improvement project on Heron Lake, the calcareous fen or the need for the drainage authority to complete an EAW until sometime after October 8<sup>th</sup> to allow adequate time review this recent modeling submission”*

No additional DNR comments were heard. Brandel stated submission of all information available was provided to the DNR on September 22, 2021, after the hearing held that day. P. Kruger – asked if the models were available to the public. Brandel stated the models require software to view. All of the output from the modeling effort was available in the printed handouts. The HLWD is working to get the information posted on the website. P. Kruger asked if the calcareous fen is damaged, who is responsible for the damages? Engineers don’t know the answer, they feel the project, with the modeling they have completed, there will not be a negative effect on the fen.

L. Kalfs the DNR information shows the lake has been high without the additional water flows of the improvements. It is against the law to affect the calcareous fen. Feels the DNR should be given time to review the engineer’s modeling.

W. Rasche asked about “all the extra water” entering into the lake. The water from JD 3 has been entering the lake, is there more water entering? Brandel stated the water in the improvement has been entering the lake. No additional area has been added, the delivery system is being improved. The project adds storage to help the outlet. The engineer’s feel the additions of storage and grant projects will improve the timing of the water arriving at the outlet in the lake.

L. Kalfs responded concerned the system is in disrepair. The improvement speeds up the water. Is the modeling run on the storage being empty? Brandel stated the modeling assumes the storage areas have a water level at the level of the outlet. The model takes consideration of average soil conditions. If rain events occur one after another 24/48 hours one after another. This would reduce the storage space. A full system would mimic the system as it exists today,

cause overland flow as the tiles would be full, the ponds full. Ponds operate as a bathtub without a drain plug, it is always out letting, allowing water levels to go down. The current existing system is worse for the outlet. L. Smith reiterated the net effect of the project is reduce the impact of flows on the outlet, according to the engineers, yes.

**Close the Final Engineer's Report hearing--** Motion to close the hearing on the FER made by Manager J. Freking with a second by Manager R. Luebben, all yes, motion carried at 8:24 a.m.

**4) Board Action**

- a. Consideration of Findings and Orders for Judicial Ditch 3 Petition
    - i. Minor changes with typographical and name spelling corrections
    - ii. Addition to finding 28 of *"The Engineer has determined the net effect of the proposed improvement project is to decrease flows to Heron Lake and therefore to decrease the potential impact to the calcareous fen."*
  - b. L. Smith stated the DNR is requesting more time to review the modeling, the board has heard and received information for the project, if the board feels the information is accurate and complete the board can move forward. The grants, used for storage are in jeopardy with continued delays.
  - c. P. Kruger concerned of the DNR is not being allowed the time review the modeling. He wants another professional (DNR) an opportunity to review the modeling. He has not been contacted about storage at his property. W. Rasche the project has taken 4 years. Grant money at stake is a drop in the bucket compared to the project. W. Rasche stated the grant money is valuable to the storage, the board puts the storage as a vital part of the project, slowing the water to the outlet.
  - d. **Motion to adopt the findings and order with additions and corrections made at the meeting made by Manager R. Luebben with a second by C. Reith, all yes, motion carried.**
- 5) **Adjourn Meeting** – Motion to adjourn the hearing at 8:39 a.m. made by Manger R. Luebben with a second by Manager C. Reith, all yes motion carried.

Respectfully Submitted by  
Kelly R. Rasche  
Drainage Coordinator  
Jackson County