

10:45 a.m. – Noon Risk Management on Drainage Projects

John Kolb, Attorney at Law, Rinke Noonan
Chris Otterness, Houston Engineering Inc. Project Manager

This session will address risk management questions on drainage projects, such as: What are the major decision points that drainage authorities need to evaluate in project proceedings? How do drainage authorities weigh evidence and testimony, and make findings to support their decision? How can engineers and legal counsel help drainage authorities prepare for, and accomplish that evaluation, and maximize the chances of a project's success and minimize the risks of an appeal? This session will also address environmental considerations: What are the criteria the Board must consider (e.g., 103E.015) and what are the things we look at in preparing our report and assisting with this consideration?

1:00 – 2:00 p.m. Separable Maintenance

John Kolb, Attorney at Law, Rinke Noonan
Chris Otterness, Houston Engineering Inc. Project Manager

What is Separable Maintenance and when does it apply? This session will address the definition of separable maintenance, its application in drainage project proceedings, and also discuss strategies for informing petitioners and affected landowners of its application.

2:00 – 3:00 p.m. Panel / Open Discussion
Doug Kruger, McLeod County Commissioner
Randy Kramer, Renville County Commissioner
Todd Patzer, Lac qui Parle Commissioner

What do you see as the biggest obstacle to drainage management and how is your county addressing the challenge?
How do you gauge the collective will of the benefitting landowners, and to what extent does this affect your management decisions?

3:00 p.m. Adjourn

Conference Registration Fee:
\$195 per person

Arrowwood Group Rate:
\$123 until 1/16/23

Look for more information and registration coming soon via email and online at www.mncounties.org



Counties, joint counties, watershed districts, and other water management organizations, as drainage authorities, are charged with the responsibility to manage and preserve the drainage infrastructure our agricultural economy depends upon in order to support modern advances in efficient farming practices.

At the same time, drainage authorities are also expected to balance the needs of effective water management with competing ecological, land use, and conservation policies. Administering these objectives successfully requires drainage authorities, their staff, and their consultants to understand the basics of public drainage law and to adopt practical and innovative strategies utilizing current technology to meet these challenges. Public drainage is complicated, nuanced, and often contentious.

This conference is designed to provide drainage authorities, their staff, and their consultants, both those well-seasoned and those that are new to public drainage, with insights on decision making and communication as well as knowledge on both legal and technical issues impacting the management of water.

Wednesday, February 8, 2023

9:30 – 10:45 a.m. Registration Open

10:45 – 11:00 a.m. Welcome & Introductions

Laurie Klupacs, AMC
Deputy Director

11:00 a.m. – Noon Minnesota Drainage History

John Kolb, Attorney at Law,
Rinke Noonan

Water has provided challenges from the early days of statehood, when the first drainage laws focused on attempts to make land more productive for agriculture, to enable and protect roadways, to protect public health from stagnant waters, and promote commerce. Over the years, drainage law has always maintained these objectives, while adding provisions with regard to protection of public waters and wetlands as well as considerations for criteria for environmental and natural resources protection. This session will provide an overview of that history to provide attendees with a background of the basic objectives for drainage authorities.

Noon – 1:00 p.m. Lunch

1:00 – 2:30 p.m. Drainage Authority and 103E

John Kolb, Attorney at Law,
Rinke Noonan

This session will cover responsibilities and obligations of drainage authority commissioners, managers, staff, and consultants, specifically focusing on the importance of maintaining the hydraulic efficiency of the drainage system to protect vested property rights and compliance with conservation, land use, and ecological considerations.

2:30 – 2:45 p.m. Break

2:45 – 4:15 p.m. Redeterminations of Benefits

Bryan Murphy, H2Over
Viewers, President

Minnesota Public Drainage Systems are often the largest piece of infrastructure the county maintains. As the world population increases the pressure for higher carrying capacities on our farmers is also increasing. When drainage systems were originally constructed often only the low wet acres were included in the benefitted area. With modern technology newly completed Redetermination of Benefits almost always increases the benefitted acres ensuring that everyone who uses the drainage system pay for the repairs and maintenance in an equitable way. This process is often considered step one to any repairs or maintenance of a public drainage system.

5:00 – 6:00 p.m. Social Hour

6:00 p.m. Dinner

Thursday February 9, 2023

7:00 – 8:30 a.m. Breakfast

8:30 – 10:30 a.m. Repairs vs Improvement

Bryan Murphy, H2Over
Viewers President

Chris Otterness, Houston
Engineering Inc. Project
Manager

This session will provide insight to the question of “what is a repair” and identify why the distinction between “repair” and “improvement” is important. The foundation of this distinction is determining the as-constructed condition of the drainage system, including its hydrologic efficiency. We will further discuss how this efficiency is evaluated for the conditions before and after and improvement and identify how this efficiency affects drainage benefits.

10:30 – 10:45 a.m. Break