

**ATTENDANCE**

Gary Ewert	Leo Crowley
Larry Eike	Mike McCarvel
Mike Tow	Jan Voit
Alvin Heintz	Bill Lindquist
Orrin Clarke	Bill Sauer
Jim Larson	Ed Reusse
Stan Kramer	Ben Humphrey
Sue Humphrey	Jim Buschena
Dean Van Oort	Verlyn Ommen
Arlene Heintz	Joe Schwab
Doug Paplow	Ken Zins
Fran Getzel	Doug Steinmetz
William Gehl	Dell Goedtke
Walter Gehl	Mike Vortherms
Don Stenzel, Sr.	Kurt Deter
Ron Ringquist	Duane Hansel
Duane Jans	John Penning
Jay Sauer	Norm Beckman
Gary Spaeth	Doug Leinen
Jason Larson	Dale Appel
Randy Holinka	Dennis Miller
Larry Heger	Kris Cuperus
Don Stenzel, Jr.	Dan Dols
Melvin Kirchner	Adeline Zins
Jeff Zins	

**1. Call to order.**

Gary Ewert called the meeting to order at 7:00 p.m. The Board of Managers of the Heron Lake Watershed District, acting as a drainage authority under Minnesota Statutes Chapter 103E, held a final hearing on the petition to improve Murray County Judicial Ditch 13, review the petition, the engineer's final report, the viewers' report, the DNR Commissioner's final advisory report, and take testimony from all interested parties to determine whether to establish the proposed project or dismiss the petition. Gary Ewert, Leo Crowley, Larry Eike, and Mike McCarvel were introduced. Mike McCarvel is not voting in tonight's proceedings.

Kurt Deter, attorney for the petitioners, provided a brief history of the project to date. At the preliminary hearing, the Board made specific findings regarding environmental concerns as stated in Minnesota Statutes 103E.415. These findings have been addressed. Tonight the Board will verify the fact that the petition is valid and review the engineer's report, the viewers' report, and the DNR advisory comments. We believe that at the closing of tonight's meeting we will ask for the establishment of this petition. We have met all the legal requirements and will ask the Board for an order to establish the project.

**2. Determine sufficiency of petition and bond.**

The petition was previously determined to be sufficient and the Board has received no new information, which would change that determination. The current bond on file with the petition has a balance of \$12,866.07, which is deemed adequate at this time.

**3. DNR Commissioner's Advisory Report.**

Whereas the Commissioner was not present, the letter from Jim Sehl, DNR Area Hydrologist, dated March 14, 2000, was read into the record.

*The managers of the Heron Lake Watershed District are aware that ditch improvement projects as proposed for Murray County Judicial Ditch #13 will significantly increase the volume of flow along the watercourse downstream of the ditch outlet. While the Department recognizes the need to improve farming efficiency, we are concerned about the impacts of moving the water off the agricultural lands within the JD #13 system and onto the property surrounding Fulda Lakes and agricultural land downstream of the lake outlet.*

*What steps are the managers of the Heron Lake Watershed District proposing to take if severe lakeshore erosion occurs on Fulda Lake after the improvement is completed, if so authorized? What steps are to be taken to address water quality concerns in Fulda Lake as a result of the improvement?*

*The Heron Lake Watershed District is overseeing Phase II of the Clean Water Partnership (CWP) for the Heron Lake watershed. As part of the CWP, the Department anticipates that the Heron Lake Watershed District Managers will take all the necessary steps to ensure the water quality of the Fulda Lakes is maintained or improved over the preconstruction conditions.*

*If you have any questions, please contact me at the above listed telephone number.*

Gary Ewert explained that the Board of Managers, through the petitioners, retained an engineering firm to conduct a survey to determine what the effects of the proposed project would be. The Board feels they have done an adequate job and has put faith in their counsel. The Board has also retained viewers, through the petitioners, and has put faith in their counsel in regard to the proposed project.

The project was designed using accepted criteria and standards. It appears that there will be no adverse effect upon the lake. Once completed, the water that discharges from the system will be under a form of control under a designed system. The effect will be less damage from the controlled system versus the uncontrolled system.

In regard to water quality, in a designed versus undesigned system, the end result will be less negative effect. The system will improve water quality because it will reduce the random overland flow and reduce erosion.

Ben Humphrey made reference to the DNR's advisory comments regarding the fact that many elevations had not been tied to sea level datum. The letter stated that if this datum had been used it would be much easier to assess the impact of the project. He also asked about the Flood Insurance Study.

Gary Ewert said that those data have been converted to mean sea level datum and the results remain the same.

Duane Hansel stated that a subsequent letter to the DNR explained that there was a conversion factor in the plan, the information was there. There were many errors in the Flood Insurance Study. The errors in the study were substantial. The recommendations were to redo the study.

Ben Humphrey asked if the engineer was confident that during a 100-year flood his basement would not flood.

Duane Hansel answered that he was confident the basement would not flood.

Ed Reusse stated that the lake is currently 15" below being able to run over the dam. Usually the water runs about 4" or 5" over the dam. He said that Mr. Sehl stated that a 3" to 4" rain will raise the lake about 6" to 7" for five or six days. Right now the waves are washing down on the southwest shore of the lake. The Board is putting a lot of faith in studies.

Gary Ewert said that this proposal is not going to solve all of the problems around the lake. Other sources enter in. There are inherent problems whether JD 13 is built or not.

Duane Hansel referred to Table 8 of the Engineer's Report. A three to four inch rain will add five inches of water to the lake for a two to three day period. To mitigate this problem the watershed district is attempting to establish a pond on the Dierks property.

Ben Humphrey asked if the report was prepared accounting for the pond and if the pond would be built. He was informed that the modeling was not prepared with the pond. The pond will be built, but it is not tied to the legal part of the ditch. The funding for the project came through available programs.

Dell Goedtke said that his tile outlets would be caused into forced outlets when this happens. What happens if the study is not exactly true and this does cause problems? Will the Board let us correct this and who will stand the cost?

Gary Ewert stated that the Board is relying on the engineer's counsel. At that time, evaluations would have to be submitted to determine what effect that particular case would have. This would have to be done by an engineering firm.

Mike Tow said that this is a hypothetical question. There are so many basis to determine what caused the particular problem. If you did have a problem of the sort you are talking about, it would have to be determined that it was definitively caused by the increase in flow rate alone that JD 13 adds. This project doesn't add any more water to Fulda Lakes; it just sends it there faster. The engineer's indicated that what the bounce factor is going to be on the lake is going to be dissipated in a minimal amount of time. You're coming with a downstream issue which, at this time, there is no way we can address. Could be any number of sources that could have jurisdiction. The Board doesn't have the ability to tell who

would have the permitting authority or if there would be any programs to help. There are some things that the Board can't answer.

Dell Goedtke stated that that was his concern. If you're not afraid of anything happening downstream then you won't be afraid to say that you can help. If you are afraid, then you'll give me the answer you just did.

Mike Tow said that if you can definitively show that the water is the problem, then there is an issue. This is hypothetical. The Board can't answer that and there probably isn't anybody here who can.

Dell Goedtke stated that the water is going to come faster in a time when he doesn't need it. Common sense says that it will be more of a problem. He is not interested in preventing the ditch; he just wants to take care of his problem.

Mike Tow said that he couldn't tell who would have jurisdiction in that case because it is hypothetical.

Dell Goedtke stated that the outlets are under water now when there is a heavy rain. Maybe the DNR will let us clean out Schweigert Slough someday.

Leo Crowley said that the DNR should address that problem.

Mike Tow stated that if it were a county ditch that needs repair the individual county that was responsible for construction would have to make the decisions. Anything else would be speculation.

Ben Humphrey said that many of these things are theories. Many of us live downstream. You expect us to take the word of the reports that there will be no damage or effect. You expect us to accept the reports as they stand.

Don Stenzel, Jr. spoke as a representative of the James Brady estate. They have concerns about the adequacy of the ditch through their property. The law allows the drainage authority to go one mile downstream. If they do have problems will the system go in and do a clean out?

Duane Hansel said that the increased flows would stay within the channel through most of the property.

Don Stenzel, Jr. stated that it would stay within the channel through most of the property. He wanted to know if the system would do a clean out if there were a problem.

Gary Ewert said that the original ending of the ditch is at County Road 2. From there to the lake is not legally identified as part of the system. They would have to petition the county. If the channel was determined to be inadequate, it would have been addressed in the report.

Kurt Deter stated that the report says the increased flow will stay within the channel. He trusts the engineer's information. If at a later point there is some minor situation, the ditch system wouldn't object to doing a clean out.

Ed Reusse said that the Board admitted the water would come faster. He wanted to know how many ponds would be in the system.

Gary Ewert stated that there would be ponds on the Dierks and Buschena properties. They are not part of the ditch system. They are done by the private landowners. They will slow down the water. They are doing this on their own through state and federal programs.

Kurt Deter said that the engineers have looked at this in a worst case scenario, without ponds. We know that two ponds will be constructed. Without the ponds, the engineer shows that there will be controlled flow. With the ponds it will be a better scenario than the one the engineer reviewed.

Gary Ewert moved to close discussion on the DNR Commissioner's final advisory report. Leo Crowley seconded this. Motion carried.

#### **4. Engineer's report.**

Duane Hansel gave the following report. The improvement petition was submitted to the Board of Managers on June 20, 1996. A preliminary hearing was held on July 21, 1997 to consider the proposed improvement. After two subsequent continuations, the Board issued an order on November 9, 1999.

Judicial Ditch #13 lies within and serves to drain portions of Sections 8, 9, 10, 15, 16, 22, 23, 26, and 27 in Bondin Township. The total watershed for the ditch system is approximately 4.2 square miles or approximately 2,700 acres.

The ditch system was originally petitioned in 1915 and constructed about 1916. The original project cost was \$24,870 and consisted of a tile system and 41 laterals. The outlet for the system drains into an unnamed stream along the south line of Section 26. The stream drains to the south and southeast for approximately one mile before outleting into Fulda Second Lake. The outlet for the Fulda Lakes is an unnamed stream, which flows to the southeast, eventually entering Jack Creek, which then flows to Heron Lake.

Evidence of the inadequacy of the JD #13 system is readily available. The petitioners have numerous photographs of the flooding which occurs every two to five years because of inadequate tile drainage.

The design standard for current drainage is based on the NRCS drainage methods for ½ inch of runoff per day. JD #13 is operating at approximately 19% to 23% of the standards that a new system would carry.

The proposed open ditch would be an excavated channel with a flat bottom and two to one side slopes. Bottom width is proposed to be four feet for the entire length of the ditch improvement. The ditch design flow is based on NRCS methods utilizing five year flows. A 16.5 foot buffer will be provided on both sides of the excavated ditch. Provisions have been made for the installation of culverts at all road crossings. At County Road 2 there is a 72" culvert, which drops down to a 48" culvert. The 48" culvert will be replaced with a 54" culvert.

The improvement also includes the construction of about two miles of tile across Section 16 and 9. Tile sizes are proposed to range from 14" to 24". The old system will remain in place. The topsoil will be stripped and then replaced during construction.

Other options were discussed such as "do nothing", wetland restoration, shallow ditch or waterway, and other ditch or tile options. The system in the report is the one the petitioners have proposed.

Requirements for at least two permits are expected to be part of the process in the development of the plans for the improvement. One will be required from Minnesota Pollution Control Agency (MPCA) for storm water and erosion control for the project. The other will be from the Murray County Highway Department for the modification of the outlet culvert along County Road 2. It may be possible that a permit will be required from the Army Corps of Engineers (ACOE). The ACOE has requested additional maps and documentation on the project.

Other requirements include the public and private benefits and costs, agricultural effects, water quality, fish and wildlife, ground water, environmental impact, and land use.

Computer modeling was done. Flow increase will occur and have an affect on lake bounce. The level will rise an additional two to five inches for two to five days. From County Road 2 to the lake the flows will be confined to the existing channels. The exception will be at Lafayette Avenue during the 25 to 100 year storm events. Water will overtop the road during these storms, which does occur now. The viewers have looked at that situation and will speak to that.

The estimated cost of the project will be \$761,253.24, which includes utilizing 28 acres for the open ditch.

The proposed improvement of Heron Lake Watershed District, Judicial Ditch 13 in Murray County, as described in this report, is feasible and practical and is necessary in order to provide drainage for the effective cultivation of crops in the watershed area. The outlet is adequate in order to convey the discharge downstream although the downstream culvert at Lafayette Avenue has been identified as producing more water backup following the improvement resulting in the potential damage to a residence. Also additional "bounce" and duration of high water have been identified in the Fulda Lakes.

It is the recommendation of your engineer that damages be provided in the downstream area for the culvert at Lafayette Avenue and that the road authorities consider upgrades to the culverts based on their design criteria. It is further recommended that the Final Report be approved and that the Board establish the improvement.

Gary Ewert asked if there were any questions or comments respecting the engineer's final report. Hearing none, he made a motion to close discussion on the engineer's report. Larry Eike seconded this. Motion carried.

## 5. Viewers' report.

Ron Ringquist gave the following report. Duane Jans, Tom McCormick, and Ron Ringquist were appointed as viewers for this project. They were appointed to view the improvement project and to do a redetermination of benefits since the benefits had not increased since the ditch was built in 1917.

By redetermination, our job is to determine the change in value the original construction of the ditch system provided to the properties in the watershed. We look back as if Ditch 13 had never been built, to determine what the land uses in this watershed would be with no artificial drainage. We do that by classifying land in four general classifications. We do a mass appraisal process. We do that by looking at land in predrained conditions. Lands that without drainage would be standing water cattails or have no agricultural use are considered the "A" land class. "B" lands are lands which are usable for pasture or hay land or reed canary grass harvesting without artificial drainage. "C" lands are normally farmable without drainage, but suffer a crop reduction potential because of high water table or delay in spring planting. "D" land class are the lands that don't really need artificial drainage, but benefit from the drainage of the lowland areas, especially with current farming practices where you don't go out with a two-row or four-row planter and plant around the potholes.

We look at the property. We look at aerial photos from the ASCS. We fly the area for a current snapshot at one point in time for all the fields. We use the soil manuals as a good indicator of the predrained conditions. We classify all of the lands using this. A field observation is done to determine the differences in land classes. We determine if overflow is available. We do this for each 40 acre tract. The report identifies those acres within the 40 acres which were considered in the various land classes, A, B, C, or D.

The current system provides 19% to 23% of today's recommended capacity. It has allowed conversion of most of the properties within the system to agricultural use. The drainage system provides more economical value than strictly hydraulic.

We do an analysis of what happens over a 100 year rainfall period. When we do that, 50% of the time there is only a one year storm and the system out there probably works reasonably well. Analyzing that in the "A" land, we have determined that the current system provides 30% of the potential benefit that a properly built system would. The reason that it is only 30% instead of 50% is because the economic input into that is there even though you don't get the full yield.

We have determined that the potential benefits for "A" land for the change in productivity of sale value of that property when comparing no drainage and having a piece of land properly drained according to NRCS design increases by \$1,410 per acre. We have determined that 30% of that value is currently being received and therefore the benefit for "A" land is currently \$423 per acre. "B" land we have determined the overall potential benefit is \$1,175 per acre, currently receiving 40% of that value or \$470 per acre. The "C" land we have determined the increased potential is \$450 per acre and is currently receiving 60% of that value. The "C" benefits are currently \$270 an acre. The "D" land can benefit by \$160 per acre in value and is currently receiving 60% of that value.

The way we come up with the separable portion of that value is by separating out the economic changes that drainage provides. We use an income approach appraisal. We look at what a property can produce as far as income goes. We use this because the sales comparison doesn't ever tell you how good the outlet is for the property or how much tile is installed.

When properly drained, the average annual yield within this watershed that can be anticipated is 145 bushel corn and 48 bushel soybeans. We've looked at a long term average or mean price for the value of those products and used \$2.25 for corn and \$5.75 for soybeans. Those come from long term sales reporting through the ASCS office. We adjust that for the normal 50/50 crop rotation. We adjust the yield, times the value, times the rotation, and say that the normal income within this watershed on an average annual basis is \$301.12 per acre.

To determine the income potential of that we also have to subtract the production costs. Production costs are the most variable costs – seed, fertilizer, chemicals, drying costs for corn, maintenance and oil costs, tillage, and operating the equipment. We do not consider the land cost. We do not consider full equipment depreciation.

We determined that the production cost for corn is \$168 per acre. The average annual cost for input for soybeans is \$82 per acre. We adjust this for rotation and say that the average input cost per acre is \$125.

Even though you'll have this improved drainage system, there are restrictions. The system is designed to only let so much water through. During the larger storm events, the ponding that now occurs will still occur. It won't occur as often and it won't go on as long. It will affect the potential yield on the lower areas. The "A" land will only produce 95% of the average yield. On "B" land we anticipate 97%. On "C" land and "D" land we anticipate 100%.

We adjust the potential income by the percent of production, subtract production costs, and that gives us our net income. Net income is what we're dealing with as far as the income that can be generated once the improvement is in place. From that we have to look at benefit value. We have to subtract the income that you're currently receiving. On "A" land there was no income and in comparison to properly drained it will generate 95% of the optimum production. We look at the net income and subtract the income that is available without drainage. On "C" land that says that without drainage you can produce 80% of the optimum yield even if you don't tile your property. You also have to realize that in order to get these optimum yields the outlet by itself will not do. Surface drainage will provide 70% percent of the potential yields that can be anticipated with proper drainage. The other 30% is from pattern tiling. We've allowed the depreciated value of private tile of \$600 per acre for the "A" land down to \$400 per acre on the "C" land. The annual benefits are anticipated to be \$132 per acre for "A", \$110 for "B", \$42 for "C", and \$15 for "D".

When we look at that, we look at it as a capital investment. We feel that you need to get a return on your investment or you wouldn't be investing in drainage. We've allowed an eight percent return on that investment for an anticipated life expectancy of the project of 25 years. When we come up with the value of the

outlet and the value of the ditch system for each of these land classes, we ask how much you can invest and get \$110 per year return. If you invest \$1,074 today at eight percent interest, for the next 25 years you'll get \$110 per year per acre.

Because we look at this system and it doesn't meet current design standards, we applied an efficiency rate to each land class and determined that the benefits of the existing system are \$751,912.65. That's what we believe that the ditch system that's out there has added in value to this watershed.

For the proposed improvement we used the same basic information as to determining values. What we did is adjusted how well the system drains each of those land classes. If you are right on the proposed route with "A" acres that previously only received 30% of the potential benefit, the improvement now will provide an additional 70% of that value. With those considerations, we've said that if you're immediately on the improvement area, you can anticipate 70% better return on your "A" acres and receive an additional benefit of \$987 per acre for the "A", 60% improvement on the "B" for \$705, 40% improvement on the "C" for \$180 per acre, and a 40% improvement on the "D", which is \$64 per acre.

Because the improvement does not provide a 100% improved outlet for every property in the watershed, we also make an adjustment for proximity. That adjustment is made based on how much additional cost the landowner is going to have to incur to get the water from their property to this improvement. We made an adjustment of 15% for the first 40, 15% for the second 40, and an additional 10% for each 40 thereafter.

The system that is being constructed is replacing the bottom two and a half miles of existing tile. That tile will no longer exist. It will no longer serve a public benefit. The estimated cost of the project is \$761,253. Of that, it is estimated to replace the existing main that will no longer be kept a part of the public system, it will cost \$313,746. Of the two reports that each landowner got, the redetermination of benefits indicates an estimated maintenance cost of that \$313,000. That is part of the total project cost. It is applied differently to all of the property because it is a maintenance issue or cost saving of not having to replace that existing tile. When you take that portion of the project as maintenance it leaves an additional \$447,506 of improvement costs. We have determined that the additional benefit from the proposed improvement is \$526,845. The improvement benefits exceed the estimated project costs.

Also as part of this project, the viewers have looked at damages. Damages are acquiring the right of way for the construction of the ditch project. Some of those are permanent damages, which means that is land that will be taken completely out of production and put under permanent cover and restricted either because the ditch is constructed or because of the one rod grass strip requirement.

We used a base rate of \$1,400 per acre for the right of way acquisition. To that we also considered severance damages because the ditch system will cut some of the fields into smaller fields and triangle fields. That was figured by reduction in value of their portions of land or by additional damage of change in use. We also allowed damages for the right of way area for construction both adjacent to the open ditch system as well as up through the area where the tile will be installed. Crop

damages are estimated at \$170 per acre. That is a one year cash rent and reduction in yield potential for a subsequent period of time.

We made ourselves available to meet with all of the benefited landowners. We spent two days meeting with individuals. There were a number of areas, especially adjacent to the perimeters of the watershed, where we weren't positive which way all of the land was tiled. After meeting with the landowners, we did make some minor changes to properties. The total benefits did not change significantly. The landowners that we did change were Jake Ommen, Robert Crowley, Clarke Family Farms, Maynard Larson, Adeline Zins, Joe Schwab, Bill Lindquist, Jay Sauer, Marvin Beckman, Kenneth Zins, and Michael Vortherms.

We had a discussion with the Board about the downstream impacts that this project may cause. There are two areas of concern. The crossing at Lafayette Avenue currently is not designed to take the increased flows. It is estimated that it will take an additional 30" culvert to take those increased flows. We have allowed a damage to the City of Fulda of \$3,000 to offset the cost of installing the additional culvert. We have also looked at the Dennis Miller property. It seems to be the only property likely to be affected by the increased water depth at the Lafayette crossing. We allowed \$1,000 damage to help flood proof that residence.

Dennis Miller read a letter stating his position. Although he appreciates the Board's consideration, he feels that he will still receive damages. He and his wife will not accept the \$1,000 damage.

Doug Paplow questioned the benefits to the road in Section 26. He also said that the viewers' report shows that there are 3,425 acres in the watershed, which is more than what the engineer said in his report. He wanted to know if the increased watershed would increase water coming down the ditch.

Ron Ringquist said that the viewers' report states that the watershed is 2,650 acres. Although all of the 40 acre tracts were viewed, that does not mean that all the acres drain into the system.

Doug Steinmetz stated that he owns five acres of property in this watershed. He is being assessed an added benefit for increased agricultural productivity. The land is not agricultural. He is being assessed \$700. The project is of no benefit to him.

Ron Ringquist said that the viewing is done as a mass appraisal. The specifics don't fit every parcel. There is the potential to farm the ground. There is accelerated runoff that contributes to the ditch system. Rather than separate the land class to residential, they took the conservative approach and viewed it as agricultural land. It would have been assessed at a higher rate if it had been viewed as residential property.

Doug Steinmetz stated that the ditch would be a liability and decrease his property value. He would also have the smell and the mosquitoes. They operate a licensed day care. The ditch will be a liability. They are not gaining anything and want the ditch rerouted.

Mike Vortherms questioned the viewers' report regarding his property assessment.

Ron Ringquist said that a portion of the surface water from the property drains to the ditch. The land is assessed for the surface water drainage, not any tile drainage.

Gary Ewert asked if there were further questions or comments respecting the viewers' final report. Hearing none, he made a motion to close discussion on the viewers' report. Larry Eike seconded this. Motion carried.

**6. Review and discuss testimony from any interested person relating to the project, which has not been previously covered.**

Doug Paplow asked if the ditch was going to follow the route shown in the plan. Duane Hansel told him that it was.

Doug Paplow asked about the average depths of the ditch. Duane Hansel told him the depth would be from seven feet to 12 feet deep.

Dean Van Oort stated that he thought a homeowner without adjacent land should be in a different classification than landowners with building sites. The homeowner is not getting any benefit.

Ron Ringquist said that they applied the agricultural land class rather than the residential, which would have been more expensive.

Doug Paplow asked why they did not use the ASCS rates for the individual property to determine the prices.

Ron Ringquist said that it is his experience that the ASCS is not keeping up with the current yield potential.

Doug Paplow stated that he is going to lose 4.8 acres on a 25 year flood to pay for the ditch out of his own pocket. He asked who was going to get any benefits out of this.

Ron Ringquist said that these would be capital improvements. The benefits go with the land. The value of the property will be increased. If the property is sold, the sale price will reflect that the yield potential is improved.

Gary Ewert made a motion to close discussion on the petition. Leo Crowley seconded this. Motion carried.

**7. Action by the Board.**

Gary Ewert moved that based upon the evidence, the Board finds that the detailed survey report and viewers' report have been made and other proceedings have been completed under Minnesota Statutes, Chapter 103E. Larry Eike seconded the motion and waived discussion. Motion carried.

Gary Ewert moved that based upon the evidence, the Board find that the reports made or amended are complete and correct. Leo Crowley seconded the motion and waived discussion. Motion carried.

Gary Ewert moved that based upon the evidence, the Board find that the damages and benefits have been properly determined. Larry Eike seconded this and waived discussion. Motion carried.

Gary Ewert moved that based upon the evidence, the Board find that the estimated benefits are greater than the total estimated cost, including damages. Leo Crowley seconded this and waived discussion. Motion carried.

Gary Ewert moved that based upon the evidence, the Board find that the proposed drainage project will be of public utility and benefit and will promote the public health. Larry Eike seconded this and waived discussion. Motion carried.

Gary Ewert moved that based upon the evidence, the Board find that the proposed drainage project is practicable. Leo Crowley seconded this and waived discussion. Motion carried.

Based upon the findings, Gary Ewert moved that the Board issue its order containing the drainage authority's findings; adopting and confirming the viewers' report as amended; and establishing the proposed drainage project as reported and amended. Leo Crowley seconded this and waived discussion. Motion carried.

Gary Ewert moved that the Murray County Auditor be contacted by the petitioners' attorney to determine the length of time and number of annual statements in which the assessments for the project shall be paid and the interest rate to be borne by the drainage lien, and whether drainage bonds are to be issued to finance the construction, including the rate of interest for such bonds. Leo Crowley seconded this and waived discussion. Motion carried.

Gary Ewert moved that the attorney for the petitioners draft the resolution and order establishing the drainage project and forward the draft order to the watershed's attorney for review. Upon review and approval as to form and content by the watershed attorney, the resolution and order will be considered and adopted at the next open meeting of the Board of Managers and duly issued forthwith. Larry Eike seconded this and waived discussion. Motion carried.

Gary Ewert moved that the hearing be adjourned at 9:10 p.m. Leo Crowley seconded this and waived discussion. Motion carried.

Mike McCarvel  
Secretary