

Heron Lake Watershed District (HLWD) Project 2  
Redetermination of Benefits Hearing  
May 25, 2017

1. **Call to order**

Managers: Bruce Leinen, Harvey Kruger, Wayne Rasche, Jim Buschena, and Gary Ewert  
Staff: Jan Voit

Others: Mike Tow, Tow Law Firm, Ltd.; Jim Eigenberg, Dave Macek, Kevin Nordquist, Tim Stahl, Scott McClure, Jackson County; Jim Appel, Ed Freking, Jason Freking, Geoff Johnson, Don Stenzel, Bob Ferguson, Ryan Hill, Naomi Hill, Dan Ruby, Ron Ringquist, Susan Schwab; other unidentified individuals may have been in attendance who chose not to sign the attendance sheet

Based upon a determination that the original benefits and damages determined in HLWD Project 2 do not reflect reasonable present day land values or that the benefited or damaged areas have changed, the Board of Managers of the HLWD, acting as a drainage authority under Minn.Stat. Chapter 103E, appointed five viewers to redetermine and report the benefits and damages and the benefited and damaged areas in accordance with Minn.Stat. § 103E.351. The Viewers filed their Report on the Redetermination of Benefits on April 5, 2017. A property owners report was prepared from the Viewers' Report and was mailed to each owner of property affected by the drainage system and a final hearing notice was prepared and notice was given in accordance with Minn.Stat. § 103E.325.

The Board of Managers of the HLWD, acting as a drainage authority under Minnesota Statutes, Chapter 103E, pursuant to Minn. Stat. § 103E.351, will now hold the hearing to consider the Viewers' Report on the Redetermination of Benefits in the matter of HLWD Project 2 and take testimony from all persons, parties, municipalities, corporations, and others interested in said matter and show cause, if any, why said Redetermination of Benefits report should not be confirmed. The board of managers was introduced. A quorum being present, Bruce Leinen declared the meeting to be open at 12:03 p.m.

2. **Redetermination of Benefits Report**

Dan Ruby gave a PowerPoint presentation explaining the watershed area and process for determining the benefits and damages. The statement of benefits has changed. As a result of meetings with landowners it was determined that there were acres tiled out of the system and acres added. Greg Tusa and Dan Ruby did ground truthing to verify the corrections on May 24, 2017.

Jim Appel asked if he could have a copy of the revised statement of benefits. Ron Ringquist replied that with the short turnaround, there was not sufficient time to review the revised documents and get them distributed. He said that they could be printed and distributed after the meeting today. Jim Appel responded that would be after-the-fact and the information was needed now.

Bob Ferguson stated that a meeting was held two or three days ago. Now this hearing is scheduled and he has no information. A presentation is given and none of them have had a

chance to digest the information. He asked why this had to be so fast. Couldn't they get time to look at it and talk about it.

Ron Ringquist stated that the viewers were also concerned that there would not be time to redistribute reports after getting receiving all of the information about changes to the system. The hearings were scheduled in order to minimize costs because they would already be here for the Jackson County Ditch 3 hearing. After the meetings on May 22, the viewers tried to get the reports together, but there were significant changes. Meeting with landowners on May 22 was the only way they would know if changes were necessary. Subject to the board's approval, this meeting could be adjourned until their next the next regular meeting. Not just for Project 2, but for Project 4, and Project 84-4A. The amended reports could then be distributed.

Wayne Rasche made a motion to adjourn the Project 2 Redetermination of Benefits hearing until June 27 at 7:00 p.m. Jim Buschena seconded this. Motion carried unanimously.

### 3. **Adjournment**

Meeting adjourned at 12:22 p.m.

Harvey Kruger  
Secretary