

**Jackson County Judicial Ditch (JD) 3
Preliminary Hearing
Heron Lake Watershed District (HLWD)
December 16, 2019**

1. Call to Order

Managers: Harvey Kruger, Bruce Leinen, Jim Buschena, Mark Bartosh, and Wayne Rasche

Staff: Jan Voit

Others: Louis Smith, Smith Partners, PLLP; Chuck Brandel and Jacob Rischmiller, I+S Group (ISG); Bruce Sellers, Wendland Sellers Law Office; Tom Kresko, Department of Natural Resources; Dave Macek and Kevin Nordquist, Jackson County; Justin Ahlers, Nobles County; Kelly Rasche and Lance Frerichs, City of Lakefield; Lloyd Kalfs, Sandy Kalfs, Dave Pomerence, Albert Henning, Nitza Atz, Bob Springman, Gregg Hussong, John Beardsley, Dan Milbrath, Dwaine Rossow, Dennis Rossow, Jim Schubert, John Nauwerth III, Nancy Ackermann, Jerry Ackermann, Dan Cranston, Justin Farmer, Cindy Ekedahl, Ryan Hill, Richard Amendt, Bob Madsen, Matt Henning, Ken Roskamp, Mark Rademacher, Royal Larson, Dan Ackermann, Terry Hummel, Kim Hummel, David Post, Keith Clark, Don Stenzel, Chuck Dewanz, Paul Rentschler, Robert Henning, Paul Henning; other unidentified individuals may have been in attendance who chose not to sign the attendance sheet

Bruce Leinen called the meeting to order at 1 p.m. He introduced the Board of Managers of the HLWD (Board), staff, HLWD legal counsel, petitioners' attorney, and engineer. He read the following housekeeping items.

- Please turn your cell phones off or to vibrate. If you must answer a call, please take your conversation outside.
- When the public comment periods are open, please state your name for the record.
 - Five minutes will be allowed for each person to speak. A timer will be set to ensure that the timeframe is followed.
 - Each person is allowed to speak only once. At my discretion, persons may be allowed to speak a second time to respond to earlier comments. However, comments are limited to the new information, not for repeating previous comments.
 - Respect the person that is speaking. Please do not interrupt.
 - Side conversations should be taken outside.
 - When multiple comments on the same topic have been presented, I may request that further comments be limited to new information.
- These guidelines are printed on the agenda for today's hearing. Your cooperation is greatly appreciated.

History of Project

Bruce Sellers provided a chronological history of the project. A copy of that document will be included with the preliminary hearing minutes. The purpose of this afternoon's meeting is to review the engineer's reports and take testimony from all parties to determine whether to proceed with the project or dismiss the petition.

1. Determine the Sufficiency of the Petition

The attorney for the HLWD has reviewed the petition. All legal requirements have been met. The petition has been deemed adequate.

2. Determine Sufficiency of Bond

The bond funds provided to date are adequate to cover costs incurred through the preliminary hearing. Should the Board vote for continued proceedings, additional funds may be needed to cover the costs of the final survey and viewers. The costs will be monitored on a monthly basis and an additional bond would be required of petitioners pursuant to Minn.Stat. 103E.202, Subd. 6, if the costs incurred before the proposed drainage project is established will exceed the amount of the petitioner's bond.

3. Read Department of Natural Resources (DNR) Commissioner's and Board of Water and Soil Resources (BWSR) Advisory Reports

Bruce Leinen reported that the next item of business is to permit the Commissioner of Natural Resources to give his final advisory report regarding the proposed drainage project. Tom Kresko, DNR provided comments regarding the project size, the change in how ditches are designed to include storage, storage basin size, how these basins impact flow curves and downstream landowners; basin elevations in specific storm events, impact to South Heron Lake (SHL), reducing flood elevations, impact to SHL outlet, and nutrient and sediment impacts. In regard to the grant funding, he asked that information on how the project would be impacted if the grant funded projects were not completed. He will provide a comment letter that will be included as an attachment to these minutes.

Bruce Leinen reported that the next item of business was to provide BWSR's Advisory Report regarding the proposed drainage project. No BWSR representative was present. Jan Voit read the report into the record. A copy of the letter will be included with the preliminary hearing minutes.

Bruce Leinen opened the meeting to public comment and questions respecting the Commissioner's or BWSR's advisory reports. Chuck Brandel stated that the comments in the BWSR report were incorporated into the Preliminary Engineering Report (PER).

Bruce Leinen closed discussion on the Commissioner's and BWSR's Advisory Reports.

4. Take and Consideration of the Evidence

Chuck Brandel and Jacob Rischmiller, ISG gave a presentation explaining the PER. A landowner meeting was held in February. More branches were added, along with other items that Mr. Sellers addressed in the chronological history. While he and Jacob are here today to give the presentation, also involved in this project is an ISG project team consisting of 10 additional staff and a grant writer. A presentation overview was given.

The purpose of today's meeting is to obtain feedback from landowners and the drainage authority, DNR, and BWSR regarding the preliminary design and check to ensure that the project is feasible, practical, cost-effective, and necessary for public benefit. He reiterated that this is not final approval of the project.

The JD 3 watershed lies within Rost, Hunter, and West Heron Lake Townships. It provides drainage to approximately 17,058 acres. Hydrologic soil classification types range from "A" to "D". The land use is predominantly row crop agriculture.

The system was originally constructed in 1907 and included 74,300 feet of open ditch and 20,000 feet of buried tile. An improvement in 1915 reconstructed Branch H open ditch and added Branch HH – HH9 buried tiles. Minor open ditch cleaning was done in 1994, 1996, 1997, 2008, and 2010. At some point an abandonment of Branch 5, U – U3, V, V1, X – X3, and Lateral 7 buried tiles was done. The time period of the abandonment is not documented.

The original system is 111 years old and deteriorating. Tile capacities are below a ½ inch per day drainage coefficient. The open ditch is severely sloughing at the outlet to SHL.

Within this system there are three open ditches and 94 public tiles. There are currently 10 open repairs. A portion of this system petitioned out of JD 3 into Jackson County Ditch (CD) 3. The outlet of the system has experienced a lot of erosion. A photo was shown depicting where the delta in SHL is today and where it was in 1991. Installing best management practices (BMPs) in the system will be important for reducing erosion.

Many locations on the open ditch portions of the system are experiencing sloughing. The worst portion is the last half mile, northeast of County Road 20. Many culverts need maintenance and/or replacement. The system is very flat, without much fall. Because of this, there are many areas where erosion is happening. Charts were provided that explained the existing buried tile and culvert capacities.

For this improvement project, three open ditches and 46 public tile are petitioned, which makes up 49 percent of the system. The remaining 51 percent is not being improved.

Jacob Rischmiller provided maps and a description of the proposed improvements in the eastern and western watersheds. This included the location of the existing open ditch, where proposed ditch cleaning and deepening would occur, and the existing, abandoned, and proposed tile locations. The outlet to SHL is severely eroded. The proposed outlet plan and profile were shown and explained. There are alternatives that can be considered. ISG staff will meet with DNR and talk through those ideas before the final hearing.

Maps were presented containing the proposed changes to Branches L, P, R, and S, Laterals 5 and 6, Branches 2 and M, Branches O and N, Branches 1 and B, 1, 1-1, I, K, and K1, H, HO, H1, and H2, Branches H4, H5, and H6, Branches HH3 and H7, and Branches HH, H10, and H11. Proposed buried tile and culvert capacities were provided in charts.

If this project is approved, construction would occur on almost all of the land within the proposed improvement watershed. Bidding requirements were explained. The project would be awarded to the lowest responsible bidder. The projects would be broken into multiple bid packets, approximately \$1.5 million to \$2 million in size, to allow smaller contractors the opportunity.

The tile installation process was explained. Video footage was shown. Dual wall tile is used. The project is bid estimating private tile connections every 200 feet. ISG's preferred installation is spoon bottom with sand or rock underneath. Intakes are installed on all road crossings or property lines. The intakes keep sediment and debris from entering the system.

The process for open ditch construction, slough repair, tile outlet repair, culvert crossings and alternative side inlets installation was explained. Photographic examples were provided.

Temporary damages will be paid based on an estimated 100 to 150 foot swath across proposed tile alignments. Temporary damages include potential crop damage. Permanent damages are paid for the 16.5 foot buffer strip, two wetland restorations, and deepening and widening of the main ditch.

Time was spent explaining the XP SWMM hydrologic and hydraulic analysis conducted on the system to determine the system's reaction in the 2-, 5-, 10-, 25-, 50, and 100-year rainfall events. The entire watershed was modeled. The model measures channel flow rates, water elevations, surface flow rates, and flooding. It is used to determine existing and proposed

conditions for outlets, areas of concern/flooding, water velocities in channels for channel stability, timing, and storage. Modeling simulation for a 10-year storm event was shown. Multiple simulations can be run. A meeting will be scheduled with DNR staff to review the model before the final hearing.

Storage increases the system's overall capacity, reduces outlet peak flow rates, changes the timing of peak runoff, and creates a more efficient drainage system. Permanent and temporary damages are paid for storage construction.

Grant funding has been secured for proposed storage basin #1 through an Environmental Protection Agency (EPA) Section 319 grant. Photos and cross sections were shown. BWSR comments were to riprap the basin outlet. That will be added to the Final Engineering Report (FER).

Funding has been secured for storage basin #2 and proposed alternate storage basin #3 through a Clean Water Fund (CWF) grant. Photos and cross sections were shown. A CWF application was submitted for proposed alternate storage basin #4. Results will be known in early 2020. Grant funds have been secured for wetland restorations, streambank stabilization, alternative side inlets (ASI), and water and sediment control basins (WASCOBs). Those areas were shown on a map. Efforts will be made to secure additional grant funding for BMPs. Landowners were asked to contact ISG or the HLWD to discuss.

When a separable portion of a larger system is in need of repair, the drainage law allows the separation of the cost of repair from the cost of improvement of the project. The condition of the existing JD 3 system was investigated to discern the eligibility for separable maintenance costs. It was determined that the system is in disrepair, so separable maintenance costs can be applied to the project. Separable maintenance includes tile installation, connecting existing public and private tile, open ditch cleaning, and tile outlets and side inlets into the open ditch.

A map containing proposed tile repairs was shown. Jackson County Public Works has recorded many active repairs within the JD 3 system over the last several years. Those locations are failing or have already failed.

Separable maintenance, improvement, net costs, and landowner costs without grant funding were shown on several charts. Detailed information regarding grant and match funding was provided.

Culverts and tile that cost roads were explained and presented in diagrams and charts. Improvement costs are the responsibility of landowners within the system. Repair and maintenance costs are the responsibility of the road authority.

After the Board accepts tile installation, the existing tile will be formally abandoned from the system. Maintenance of the existing tile will be the responsibility of the individual landowner. In some places the existing tile is not used. In other places the existing tile is tied into the improved system. Landowners are split 50/50 on whether or not they want to use the old tile. Cross connections have been figured in the project cost.

Multi-purpose drainage management (MDM) includes preventative, control, and treatment measures for BMPs within a drainage system. A MDM plan was created for the JD 3 system. It was used as the basis for EPA Section 319 and CWF grant applications. Grant funds have been secured for wetland restorations, streambank stabilization, ASI, and WASCOBs. In addition, the HLWD has secured an EPA Small Watersheds Focus Grant with the potential to provide

approximately \$1 million for BMPs within the SHL subwatershed. This is a really big deal and will be extremely beneficial. Landowners were encourage to contact ISG and the HLWD regarding potential BMP projects.

The comments from BWSR were addressed. The maps have been updated. Ms. Weaver was contacted regarding modeling and storage. A meeting will be scheduled to provide detailed information from the model so she has a better understanding of the system and the negative flow rates. DNR will also be included in this meeting.

Chuck Brandel stated that the project, as presented, is cost-effective, practical and feasible, and its necessity has been presented. The project will be a public benefit and contribute to the public welfare of the area. He recommend approval as described, with updates based on DNR and BWSR comments, and maximizing storage through the grant dollars. He has received some comments from landowners about whether or not certain areas are in or out of the JD 3 watershed. He has spoken informally with the viewers about potential boundary changes.

Bruce Leinen asked if the tile that is installed is all solid. Chuck Brandel replied that it is solid, non-perforated tile. ISG tries to get at least five feet of cover through the low areas. There are some areas that end up to be eight and a half to 10 feet deep. Granular material is put around the tile and the private tile drain to that.

Bruce Leinen then asked if there were comments or questions from the petitioners or objectors to the petition.

Paul Henning has done some private tile and ignored the county tile – about a mile and a half. That private tile is not shown on this map. He does not want to lose that tile. It is only about five or six years old. It outlets directly into the ditch. Chuck Brandel asked if he replaced or ran beside a public tile. Paul Henning informed him that he stayed away from the old tile because it never took any water. Chuck Brandel responded that there are a couple of things that can be done. ISG would not disconnect private tile. Paul Henning asked if any new tile would have to outlet directly into the ditch. It was determined that the location they were discussing was in Section 27 of West Heron Lake Township. Chuck Brandel stated that nothing is proposed to be improved in that location. That private tile outlets near Branch E. If there isn't any riprap at the end of it, that will be added. The private tile will remain in place. Paul Henning asked if that section of the open ditch will be cleaned. Chuck Brandel explained that the ditch will be cleaned and the private tile will be protected.

Wayne Rasche asked how many acre feet of storage are in the ponds combined. Jacob Rischmiller responded that there is 30 acre feet on the western portion and another 20+ acre feet on the eastern portion. It is estimated at 40-50 acre feet total without including the open ditch. Wayne Rasche asked if the bottom of the storage locations was the same as the bottom of the ditch system. Chuck Brandel explained that the proposed locations would provide additional storage that is not there now. The ditch deepening will also provide storage.

Wayne Rasche again asked if the bottom of the storage areas will be the same as the bottom of the ditch or if they would be higher or lower. Jacob Rischmiller responded that the eastern portion will be higher than the ditch bottom and act as an additional flood plain. A cross section of the proposed location was shown. The open ditch is being deepened approximately two feet and creating flood plain storage on the side. Chuck Brandel stated that the western pond will be very close to the bottom of the ditch. All of the flow will come

in and a super wide ditch will be created. ISG has done storage like this in many places. The most studied location is in Blue Earth County. In that project, ISG installed a pond next to the open ditch at the same elevation, monitored it, and determined that the flow was reduced going in and out.

Wayne Rasche asked how deep the ponds were compared to the ground around them. Chuck Brandel replied that they are about six and a half to seven feet deep including the sediment trap.

Wayne Rasche asked how much dirt would end up in the system when the 100-year old tile is abandoned and becomes private. Chuck Brandel explained that it is his recommendation that if a tile is full of dirt, it is not connected to the new line. ISG's inspectors are trained to talk to landowners and explain that connecting a tile that does not work would be a detriment to the system. Locations like this were found in CD 3. Those locations were documented by GPS. If it is found later that the tile line does work, it can be connected at a later date. A tile that is completely collapsing or full of sediment should not be connected or used.

Wayne Rasche asked what happens if there is some flow in the tile line. Chuck Brandel explained by showing a map that contained both private and public tile. Having private tile maps from landowners helps ISG locate tile and ensure they are connected.

Albert Henning asked if ISG was still planning on putting flow back covers on the tile lines. Chuck Brandel replied that ISG does need to look at flow restriction on certain lines so the water can only flow one direction, especially those lines closer to SHL. The hydraulic model will look at locations where the lake is backing up. Locations where they would likely be needed were shown on a map. Flow restriction is not needed as much in the upper part of the watershed. Albert Henning explained a situation in which he had a little over half an inch of rain and in the western portion of the system they had five inches. Overnight he had water pushing back into his field. He was told that the flow restrictors would help prevent that. He wanted to make sure that those were still in the plan. Chuck Brandel stated that they were.

Lloyd Kalfs presented a public statement expressing his concerns regarding the PER, water quality and quantity issues facing the watershed, and financial implications that could be caused by implementing the drainage improvement project. A copy of the letter will be included with the preliminary hearing minutes.

Mark Bartosh stated that in the PER ISG indicates several different types of trenches used to install tile. He asked how much ISG indicates to contractors that the spoon method is preferred. Chuck Brandel explained that ISG tells contractors that ISG prefers that method. ISG does allow contractors to do square bottom if they want to take the time, put rock or other material around the tile, and compact it. Some contractors do not like using the spoon method because they feel they can go faster with the square bottom trench. ISG makes it so that the contractor gives a cost per foot and either method can be used. If the contractor hits poor soils, are required to use a square bottom trench. ISG estimated that of the contractors they have been working with, 40 percent use square bottom and 60 percent use spoon. The Board could dictate that, but, ISG would not recommend it just from the standpoint that there are some very good contractors that like to use the square bottom. Those contractors also own mines and pits, which allows a lower price for materials.

Mark Bartosh asked that if, in the bidding process, ISG tries to accept bids where the cost for square trenches is equal or less than spoon. Chuck Brandel explained that the costs have to be the same. ISG asks for linear foot pricing and the contractor can use one or the other

method. The lowest bid price is based on linear foot. On CD 3, Dirt Merchant, Inc. (DMI) is using a square bottom trench. LooCon is more than likely going to use the spoon method. They had almost identical bid prices. They were one and two on the bids. ISG leaves it up to the contractor. There is no extra cost if they go square, unless they hit an area where there isn't a very good bottom. In that instance, a cubic yard price could be paid for the foundation. Anything above the bottom of the pipe is not paid. Jacob Rischmiller showed bid information and explained that the contractor has to bid by unit price, using either method.

Mark Bartosh stated that if ISG indicates a preference to use the spoon method, he appreciates that. He lives three miles from the pit where DMI is getting sand. The road conditions are not good from all of the hauling. Chuck Brandel responded that less sand would be hauled if the spoon method was used. Mark Bartosh asked the engineers to take into account the demands put on infrastructure. Chuck Brandel said that it is a good reason. Less material is used with the spoon method.

Bruce Sellers stated that the Board has legal counsel and that Mr. Smith would be able to advise the Board regarding questions they may have. Mr. Brandel indicated that the Board's charge today is not to proceed with final construction of this project. The Board is considering the PER and deciding if it meets criteria under the statute in order to proceed to the final engineering stage. There are four factors that must be considered: whether the project is feasible; if it is necessary; after considering the environmental, land use, multi-purpose water management criteria, whether the project will be of public benefit and promote the public health; and whether the outlet is adequate.

Bruce Sellers asked Mr. Brandel if the project was feasible. He responded yes. Bruce Sellers asked Mr. Brandel if the project was necessary. He responded that there are portions of the system that are failing, so yes it is necessary. Bruce Sellers asked Mr. Brandel if the project would promote the public health and public benefit. He responded yes. Bruce Sellers asked Mr. Brandel if the outlet was adequate. He responded that if storage areas and other practices are incorporated, yes.

Bruce Sellers asked and encouraged the Board to proceed to the next stage. It was his belief that it meets all the statutory requirements. He did not believe there is a basis to dismiss the petition. It was his belief that the evidence presented to the Board by Mr. Brandel and the public meets the statutory requirements to proceed to the next stage, order Mr. Brandel to complete a FER, and appoint viewers to determine that there are more benefits than there are costs.

Bruce Leinen asked if there was anything that hadn't been covered. Hearing nothing, he closed the public comment period on the engineer's report.

Bruce Leinen stated that the Board should ensure that each of the following items is considered.

- a. private and public benefits and costs of the proposed drainage project;
- b. the present and anticipated agricultural land acreage availability and use in the drainage project or system;
- c. the present and anticipated land use within the drainage project or system;
- d. the flooding characteristics of property in the drainage project or system and downstream for 5-, 10-, 25-, and 50-year flood events;
- e. the waters to be drained and alternative measures to conserve, allocate, and use the waters including storage and retention of drainage waters;

- f. the effect on water quality of constructing the proposed drainage project;
- g. fish and wildlife resources affected by the proposed drainage project;
- h. shallow groundwater availability, distribution, and use in the drainage project or system; and
- i. the overall environmental impact of all the above criteria; and
- j. whether there are any Clean Water Act jurisdictional issues; whether there are wetland replacement requirements; whether public waters permits may be required; whether the project will require preparation of an environmental impact statement.

5. Action by the Board

Bruce Leinen asked the Board if they had any items that they would like to discuss. No comments were made. Bruce Leinen noted that the Board would normally make its findings and then either dismiss the petition or order a final engineer survey/report and appoint viewers for the proposed project.

Bruce Leinen stated that the Board should proceed by motion and vote on each proposed finding until the findings are complete, whereupon the order of the Board relating to the petition may be established by motion and vote. Bruce Leinen noted that in rare instances, the Board will continue the hearing to obtain additional information on its own motion or upon a request for delay of proceedings by a majority of the petitioners under M.S. 103E.231.

Bruce Leinen stated that in the event that a dismissal of the petition is warranted—it should be made clear that the findings cannot include “AND/OR” alternatives. The findings in the order dismissing must be unequivocal and only the findings requiring dismissal should be included.

Proposed Findings on Required Considerations:

- 1. Bruce Leinen moved that based upon the evidence, the Board finds that the private and public benefits will exceed the costs of the proposed drainage project. Jim Buschena seconded this. Harvey Kruger recused himself from voting because he is a landowner on the JD 3 system. In favor: Bartosh, Buschena, Leinen, and Rasche. Opposed: none. Motion carried.
- 2. Bruce Leinen moved that based upon the evidence, the Board finds that anticipated agricultural land acreage availability and use in the drainage project or system will be increased from the present availability and use of the land. Wayne Rasche seconded this. In favor: Bartosh, Buschena, Leinen, and Rasche. Opposed: none. Motion carried.
- 3. Bruce Leinen moved that based upon the evidence, the Board finds that anticipated land use within the drainage project or system will be increased from the present use of the land. Jim Buschena seconded this. In favor: Bartosh, Buschena, Leinen, and Rasche. Opposed: none. Motion carried.
- 4. Bruce Leinen moved that based upon the evidence, the Board finds that the flooding characteristics of property in the drainage project or system and downstream for 5-, 10-, 25-, and 50-year flood events will be decreased. Jim Buschena seconded this. In favor: Bartosh, Buschena, and Leinen. Opposed: Rasche. Motion carried.
- 5. Bruce Leinen moved that based upon the evidence, the Board finds that there are no viable alternative measures to drain the waters in the project area, nor that there are feasible alternative measures to conserve, allocate, and use the waters in the project

area, including storage and retention of drainage waters. Wayne Rasche seconded this.

Mark Bartosh said that some of the comments regarding water retention and storage are important. The Board has to keep a handle on the need to maintain or reduce flow at the outlet. That needs to be considered heavily in this project. If there are ways that can be done with what has been outlined, or increased if possible, that needs to be done.

Wayne Rasche stated that there are 340 acres of farm ground for every acre of storage. It was his opinion that the storage capacity is only enough for a tenth or two tenths of an inch of rain. He asked if the storage was enough to slow water flow going into the lake. Chuck Brandel said that he would like to add more storage and has been trying to get more funding to do that. ISG has not seen a benefit number from viewers. Looking at a cost-benefit ratio, ISG will try to maximize storage but minimize the costs. He asked the Board to remember that this is taking into account the difference in flow. Everything that is modeled includes tile capacity and overland flow capacity in an existing condition. Water will get to ditch, this project is changing the method that it gets there. From the improvement standpoint, ISG is looking at the difference in the peak flow, what the change is. With the leveraged dollars that are already in place, the project can go above and beyond and include that as alternate information in the FER.

In favor: Bartosh, Buschena, Leinen, and Rasche. Opposed: none. Motion carried.

6. Bruce Leinen moved that based upon the evidence, the Board finds that there is a positive effect on water quality of constructing the proposed drainage project. Jim Buschena seconded this. In favor: Bartosh, Buschena, Leinen, and Rasche. Opposed: none. Motion carried.
7. Bruce Leinen moved that based upon the evidence, the Board finds that there is positive effect upon fish and wildlife resources affected by the proposed drainage project. Wayne Rasche seconded this. In favor: Bartosh, Buschena, Leinen, and Rasche. Opposed: none. Motion carried.
8. Bruce Leinen moved that based upon the evidence, the Board finds that the shallow groundwater availability, distribution, and use in the drainage project or system will be unaffected. Jim Buschena seconded this. In favor: Bartosh, Buschena, Leinen, and Rasche. Opposed: none. Motion carried.
9. Bruce Leinen moved that based upon the evidence, the Board finds that the overall environmental impact of the above criteria relating to the proposed drainage project is positive. Jim Buschena seconded this. In favor: Bartosh, Buschena, Leinen, and Rasche. Opposed: none. Motion carried.

Determination of public utility, benefit, or welfare

Bruce Leinen moved that based upon the evidence, the Board finds that the proposed drainage project will be of public utility, benefit, or welfare in that it will protect agricultural lands from overflow, and will reclaim or render suitable for cultivation agricultural lands which are normally wet and needing drainage. Wayne Rasche seconded this. In favor: Bartosh, Buschena, Leinen, and Rasche. Opposed: none. Motion carried.

Adequacy of Outlet

Bruce Leinen moved that based upon the evidence the Board finds that the outlet for the proposed drainage project is adequate to sustain the flow of water that is anticipated by the improvement. Jim Buschena seconded this. In favor: Bartosh, Buschena, Leinen, and Rasche. Opposed: none. Motion carried.

Separable Maintenance

Bruce Leinen moved that based upon the evidence, the Board finds that the engineer is required to determine the applicability of separable maintenance under Minn.Stat. 103E.215, Subd. 6, in the final report. Wayne Rasche seconded this. In favor: Bartosh, Buschena, Leinen, and Rasche. Opposed: none. Motion carried.

Proposed Finding for Continued Proceedings

Bruce Leinen moved that based upon the evidence, the Board finds that the proposal as stated in the petition, is feasible, and there is a necessity for it. Additionally, the Board finds that the public benefit is greater than the environmental impact of the drainage project and that the outlet is adequate; therefore, it is appropriate for the Board to direct the engineer to proceed with a detailed survey and to issue its order appointing viewers. Jim Buschena seconded this. In favor: Bartosh, Buschena, Leinen, and Rasche. Opposed: none. Motion carried.

Bruce Leinen moved that based upon the findings, the Board's order directing the engineer to proceed with a detailed survey and appointing viewers shall issue forthwith. Wayne Rasche seconded this. In favor: Bartosh, Buschena, Leinen, and Rasche. Opposed: none. Motion carried.

Adjournment

The meeting adjourned at 2:53 p.m.



Harvey Kruger
Secretary