

STATE OF MINNESOTA
Before the
HERON LAKE WATERSHED DISTRICT
SITTING AS THE DRAINAGE AUTHORITY FOR
HERON LAKE WATERSHED DISTRICT PROJECT 2

In the Matter of:

**the Redetermination of Benefits of Heron
Lake Watershed District
Project 2**

**ORDER AND NOTICE OF
PUBLIC HEARING ON UPDATED
REDETERMINATION OF BENEFITS**

At a duly noticed public meeting of the Heron Lake Watershed District (HLWD), acting as drainage authority for HLWD Project 2, on December 16, 2020, Manager Kruger moved, seconded by Manager Leinen to adopt the following Findings and Order:

Findings:

1. Pursuant to Minnesota Statutes 103E.351, Subd. 1, the Board of Managers (Board) of the, approved a redetermination of benefits for HLWD Project 2 on June 27, 2017;
2. After the proceedings for the redetermination of benefits, a request was made to repair tile outlets at a location that was not shown as being part of the HLWD Project 2 drainage system;
3. The original viewers report showed tile in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12 and NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11 as "tile take-over". However, no records existed that described the alignment, dimensions, profile, and/or terminus of these lines;
4. The Board of the HLWD ordered a approved the Findings and Order Initiating the Reestablishment of Drainage System Records for HLWD Project 2 on June 12, 2019. Chuck Brandel was appointed to serve as the engineer for the investigation and preparation of the engineer's report as required by Minn.Stat. § 103E.101, Subd. 4a;
5. The Board of the HLWD held a hearing on the Reestablishment of Drainage System Records on July 9, 2020. At this hearing, the Board adopted the Findings and Order Reestablishing Drainage System Records for HLWD Project 2;

6. The Viewers' Report on the Redetermination of Benefits and the Benefits and Damages Statement were filed with the HLWD on November 20, 2020; and
7. A public hearing is required on the Redetermination of Benefits and the Benefits and Damages Statement pursuant to Minnesota Statutes § 103E.351, subd. 2.

Order:

Based on the foregoing Findings and the entire record of proceedings before the Board, the Board, acting as the drainage authority for HLWD Project 2, hereby orders as follows:

- A. That a hearing for the purpose of considering the Redetermination of Benefits report and the Benefits and Damages Statement in the matter of the HLWD Project 2 will be held by and before the Board of the HLWD in the Heron Lake Community Center, 312 10th Street, Heron Lake, Minnesota on Wednesday, January 27, 2021 at 1:00 p.m. Attendees also have an option to attend by Microsoft Teams: <https://bit.ly/3fXIBWz> or by phone at 612-474-1960, conference ID 362 357 544#.
- B. That the Secretary shall achieve the posting, publication and mailing of the attached notice of hearing pursuant to the requirements of Minnesota Statutes § 103E.325, subd. 3.

Following discussion, the question was on adoption of the foregoing findings and order, and there were 5 yeas, and 0 nays, 0 abstentions, and 0 absent as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Bartosh	✓			
Kruger	✓			
Leinen	✓			
Rasche	✓			
Reith	✓			

Upon vote, the President declared the motion passed and the Findings and Order adopted.

Wayne Rasche
Wayne Rasche, President

Dated: December 16, 2020

Attest:

Jan Voit
Jan Voit, District Administrator