

**MINUTES OF PRELIMINARY HEARING  
FOR IMPROVEMENT OF McLEOD COUNTY DITCH 33**

A Preliminary Hearing for the improvement of County Ditch 33 was held on March 11, 2015 at the Watershed District meeting room at the Glencoe City Center, 1107 11<sup>th</sup> St. E., Glencoe, MN. All Watershed Board members were present. Also in attendance were Engineer Charles Eberhard, Attorney Pete Kasal, Attorney John Kolb of Rinke-Noonan and Engineer Duane Hansel of Bolton-Menk. A sign-up sheet was passed among all in attendance to record names and phone numbers.

President Belter opened the hearing by calling upon John Kolb of Rinke-Noonan, the Board counsel for this improvement project. Mr. Kolb began his presentation by explaining the purpose of the hearing, which among other requirements required the determination that the petition initiating the improvement was sufficient statutorily and consideration of the initial engineering report submitted on the project. Mr. Kolb advised the Board that he had reviewed the petition and noted that the required number of parcels affected by the project were included in the petition seeking the improvement, that his review of the petition confirmed that it satisfies all statutory requirements, and that the petition was properly before the Board for consideration.

President Belter next called upon Duane Hansel, the engineer for the improvement project. Mr. Hansel presented a description of the improvement project and provided a map outlining the scope of the project. He noted that Ditch 33 was originally constructed in 1919 for a cost of approximately \$16,000.00. Mr. Hansel advised that the existing capacity of the system was examined and determined to provide less than 3/8-inch coefficient run-off, which made the present system undersized. He presented the Board with a written report outlining his examination of the system, and noted that the present condition of the system has deteriorated over the years and is in need of replacement and repair. The proposed grades of the new project vary over the course of the tile line to conform to the topography of the area. The grades and tile size are fully set forth in the written report provided to the Board. Mr. Hansel estimated that the drainage co-efficient of the final project as improved would slightly exceed 3/8-inch coefficient. The old intakes from the system would be retained as is, but any new intakes required by the improvement would be composed of porous rock or a suitable alternative. 1,700 feet of the old tile line would be retained for the purposes of surface water drainage and the new tile line would run parallel to that section. Wetland restoration was considered in order to offset increased flow of the new system. He estimated that approximately 120 acres of land would be needed to accommodate the increased flow and not feasible for the project. The existing wetlands in the area have been inventoried previously. That previous inventory will be cross-checked by field observations to verify their accuracy. The benefits of the improvement project will be determined by viewers, assuming the project is approved. Mr. Hansel stated the requirements of the Overall Watershed Plans for both Buffalo Creek and McLeod County have been taken into consideration in designing the improved system. The result of the project will be increased drainage efficiency in the area and corresponding increased crop production. Approximately \$605,000.00 of the project cost is recommended as allocated to repair costs and the remainder of the project costs would be allocated to improvement costs. The engineer's written report outlines that the improvement project would increase the discharge flow into Buffalo Creek by approximately 15 cubic feet per second at maximum flow. Mr. Hansel estimated the total

cost of the project to be approximately \$920,000.00. In summary, Mr. Hansel recommended that the project is feasible and practical and should be approved. He also noted that the outlet is adequate for the increased discharge.

Engineer Eberhard advised the Board that he had some recommendations and questions regarding the project. His first recommendation is that the depth of the new 24-inch tile line pipe be raised slightly to be in conformity with the old tile line. He also questioned the need to retain the old section of tile line for surface water drainage, and whether it was advisable to retain the existing open intake configuration of the old system. He recommended that grass areas be considered to be added to areas around intakes to reduce potential soil runoff and that Higgenbotham intakes be considered as an alternative to the configuration of the old tile intakes. Engineer Eberhard also questioned whether it was practicable to abandon the 1,700 feet of the old system that was scheduled to be retained and allow it to revert to the adjacent landowner as a private tile line.

Attorney Kolb next reported to the Board on a report he received on February 23, 2015 from the Dept. of Natural Resources addressing the Ditch 33 project. He read the report aloud and provided a copy for the hearing record. He also advised that new legislation in 2014 required that any suggestions contained in the DNR letter be considered and/or incorporated into the project by the Board. Attorney Kolb advised that the type of intakes is an issue to be addressed by the Board, but that the efficiency of new intakes would also be a factor in determining the assessment of benefits to affected landowners.

President Belter opened the hearing to general comments from the parties in attendance. After receiving a few brief comments from the audience, President Belter closed the hearing to audience comments.

Attorney Kolb next outlined the written findings required to be made by the Board in order for the project to proceed. He provided to the Board a proposed Preliminary Hearing Order which outlined the findings and requirements needed to be addressed by the Board. The outlined options to the Board at the present time are to dismiss the petition, refer back to the engineer for changes, or to approve the project, with or without changes in the engineering report. Attorney Kolb recommended that the Board approve the project and order the engineer to prepare a final report and appoint viewers. It was noted that a viewing team has been identified and has agreed to serve at a cost of approximately \$5.00 per acre, and it will take approximately 1 month to complete the viewing. Attorney Kolb then reviewed the Preliminary Hearing Order in detail with the Board. Following completion of the review, he asked that the Board take action upon the required Findings and Order.

President Belter called for a motion to approve the Preliminary Hearing Order as prepared in writing by Attorney Kolb's office. Upon motion of Manager Melberg, which motion was seconded by Manager Henke, by unanimous vote the Board of Managers approved the Findings and Order as provided to the Board and directed the Board President and Secretary to sign the Order.

Engineer Hansel requested direction from the Board on the type of intakes that would be required by the improvement project. Manager Henke suggested that

Higgenbotham intakes be used on any intakes incorporated in the improvement project, including any old existing intakes that are to be replaced. It was the general consensus of the Board that would be an appropriate addition to the construction project.

Attorney Kolb advised that additional resolutions will be required on interim funding of the project until bond funding is received. He will provide resolutions for the regular meeting of the Board of Managers on March 24.

There being no further business to come before the Board, President Belter entertained a motion to adjourn. Upon of Manager Henke, which motion was seconded by Manager Kramer, by unanimous vote the Board of Managers adjourned the Preliminary Hearing for the improvement of McLeod County Ditch 33.

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Matt Melberg, Secretary