

**Final Hearing for the Redetermination of Benefits, Consolidation
and Improvement of Yellow Medicine County Ditch 1B**

**Minutes
Tuesday, August 11, 2020
1:00 p.m.
YMC Training Room
415 9th Avenue, Granite Falls MN**

Board Chair John Berends opened the meeting at 1:00 p.m. with Commissioners Gary Johnson, Greg Renneke and Glenn Kack present. Staff present at the meeting were Zoning Administrator/Ditch Inspector Chris Balfany, Administrative Secretary Cindy Anderson, County Administrator Angie Steinbach and Finance Administrator Lacey Rigge. Also present were Kurt Deter from Rinke Noonan Law Firm; Jeff Braegelmann from Gislason & Hunter LLP; Shaun Luker from Bolton and Menk, Inc.; Viewers – Jim Weidemann, Steven Johnson, and Richard Kvols; SWCD Staff Tyler Knutson, Brayden Anderson and Kyle Richter; Joanne Boettcher from DNR; and landowners: Bob Borning, Dave Schwerin, Thomas J. Remmele, Frank Kvendru, Arnold & Ramona Stelter, Allyn Bendix, and 2 unidentified callers #4 & #5. Due to the current federal and state emergency declarations and guidance about limiting person-to-person contact due to the COVID-19 (coronavirus) pandemic, the August 11, 2020 meeting was conducted in accordance with Minnesota Statutes 13D.021 - Meetings by Telephone or Other Electronic Means.

II. Purpose of Hearing: Kurt Deter explained that a petition for an improvement to County Ditch 1B had been filed and was accepted by the Board. Shaun Luker from Bolton and Menk put together the Final Engineer's Report for the improvement which has been filed. The Board ordered a Redetermination of Benefits for CD 1B.

III. Record of Notice Requirements: Balfany reported the notices were mailed on July 29, 2020 to landowners of CD 1B, the legal notice was published on July 23, 30 and August 6, 2020; and the notice was posted on July 23, 2020 therefore meeting the requirements required by Statute.

IV: DNR Advisory Report: Mr. Deter read the advisory report from the DNR.

V: Final Engineer's Report: Shaun Luker presented the Final Engineer's Report for CD 1B.

VI: Public Comment and Questions: Chairman Berends opened the meeting for public comment. Comments were received from Joanne Boettcher and Jeff Braegelmann. Comments given were in regard to the threatened and endangered species and what was included in the costs regarding the number of storage ponds and separable maintenance.

VII: Viewers' Report: Jim Weidemann presented the Viewers' Report for the Redetermination of Benefits. The total acres in CD 1B watershed is now 12,235 acres. The reports have been amended after the property owner meeting held on August 5 and 6, 2020. The one rod grass strip along the open ditch (easement) will be approximately 58.08 acres at a cost of \$7,000 per acre totaling \$406,560. Weidemann presented the Viewers' Report for the Determination of the Improvement to CD 1B. The net benefits on the improvement are \$2,215,310.93 and the cost of the improvement is \$1,451,788.

VIII: Public Comment and Questions regarding the Viewers' Report: Berends asked if there were any comments or questions regarding the Viewers' Report. No concerns were heard.

IX: Possible Action by Drainage Authority: Deter reviewed the criteria needed to accept and approve the Viewers' Report. Chairman Berends stated that the criteria has been met.

- a. **Accept Viewers' Report: Motion by Commissioner Johnson and seconded by Commissioner Kack** to approve the Viewers' Report for the Redetermination of Benefits of CD 1B. Berends asked if there was any discussion about the motion. Schwerin stated that the landowners support the information presented. Motion carried with all voting in favor. Kurt Deter will put together the Findings of Fact.
- b. **Accept Consolidation of CD 1B:** The Board felt that the criteria to consolidate the accounts of the ditch had been met. **Motion by Commissioner Kack and seconded by Commissioner Renneke** to consolidate the accounts of CD 1B. Motion carried with all voting in favor. Deter will put together the Findings of Fact.

X. Establishment of Improvement to Yellow Medicine County Ditch 1B: Deter reviewed criteria needed for approval of the improvement.

- a. The Engineer's Report and Viewers' Report have been made and other proceedings have been completed under Minnesota Statutes 103E;
- b. The reports made or amended are complete and correct;
- c. The damages and benefits have been properly determined;
- d. The estimated benefits are greater than the total estimated cost, including damages;
- e. The proposed drainage project will be of public utility and benefit, and will promote the public health; and
- f. The proposed drainage project is practicable, and
- g. Separable maintenance ratios have been approved.

Motion by Commissioner Renneke and seconded by Commissioner Johnson that the Engineer's Report and Viewers' Determination of Benefits for the Improvement for CD 1B have been met and that the project should go forward. Berends asked for any discussion. Braegelmann responded that the petitioners feel that the information presented has met the requirements and have no questions. Signed statements were submitted supporting the additional storage to the pond at the railroad crossing where all costs were included in the final reports submitted by the engineer and viewers. The landowners are seeking money to help defray the cost of the storage ponds. Motion carried with all voting in favor. The Board also advised the Engineer to move forward with the contract for the project. Deter will put together the Findings of Fact.

XI. Set interest rate and terms for repayment: Motion by Renneke and seconded by Kack to set payment terms for 20 years at 4%. Motion carried with all voting in favor. Deter stated that anyone can prepay if they so wish.

XII. Cleaning Bids for CD 1B: Balfany sent out information to contractors for cleaning approximately 52,650' of CD 1B. He recommended to the Board to accept Barker Excavating's bid of \$.88/foot totaling \$46,332. **Motion by Johnson and seconded by Kack** to accept the bid from Barker Excavating for cleaning the ditch. Motion carried with all voting in favor.

Motion by Commissioner Renneke and seconded by Commissioner Johnson to adjourn the meeting at 2:35 p.m. Motion carried with all voting in favor.

Witness:



John Berends, Chair

Attest:



Angie Steinbach, County Administrator