

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 Reestablishment of
Heron Lake Watershed District
Project 2
Drainage System Records

ORDER AND NOTICE OF
PUBLIC HEARING

Manager Bartosh moved, seconded by Manager Rasche to adopt the following Findings and Order:

Findings

1. Pursuant to Minnesota Statutes Section 103D.625, the Heron Lake Watershed District (HLWD) is the drainage authority for HLWD Project 2.
2. The Board of the HLWD approved a redetermination of benefits for HLWD Project 2 on June 27, 2017.
3. 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.
4. 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.
5. The Board of the HLWD 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, specifically to investigate the condition of an unnamed public tile connected to the end of Branch B of HLWD (previously known as the Middle Des Moines Watershed District) Project No. 2 for the purposes of reestablishing the tile's records.

6. On May 1, 2020, the engineer submitted his findings regarding the ditch or tile profile, alignment, cross section, right of way, hydraulic structure locations and capacities, and other pertinent information for HLWD Project 2.

Order

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

1. A public hearing shall be held on the engineer’s report of findings on the alignment; cross-section; profile; hydraulic structure locations; materials; dimensions and elevations; or right-of-way of the drainage system as originally constructed or subsequently improved in accordance with Minn. Stat. Ch. 103E. The hearing shall be held on July 9, 2020 at 1:00 p.m. at the Heron Lake Community Center, 312 10th Street, Heron Lake, MN 56137. All interested parties may appear and be heard.
2. Pursuant to Minnesota Statutes 13D.021, due to the COVID-19 pandemic, the President of the Board of Managers, the chief legal officer, or the administrator as chief administrative officer may determine that it is not prudent for the full Board of Managers and the public to meet in person, and therefore make arrangements for the meeting to be convened by telephone or other electronic means as they determine appropriate. In such event, the notice of the hearing shall include information about conducting the meeting and public monitoring and participation by telephone or other electronic means pursuant to Section 13D.021.
3. At least ten days before the hearing, the Secretary with the assistance of the administrator shall mail the annexed notice of the time and location of the hearing to the commissioner of natural resources, the executive director of the Board of Water and Soil Resources, the petitioner or petitioners, and all property owners benefited or damaged by the drainage system and shall give notice to other interested parties either in a newspaper of general circulation in the drainage system area or by publication on a website of the drainage authority. Said notice may be adapted by the Secretary as directed by the President, chief legal officer, or chief administrative officer pursuant to the preceding paragraph.

Following discussion, the question was on adoption of the foregoing findings and order, and there were 4 yeas, and 0 nays, 0 abstentions, and 1 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: June 17, 2020

Attest:

Jan Voit
Jan Voit, District Administrator