

**Minutes of the Final Hearing for
the Petition for Improvement
Kittson County Ditch #21 Diversion
October 4, 2017 at 8:00 a.m.**

A final hearing on the petition for the improvement of Kittson County Ditch #21 Diversion was held on October 4th, 2017 at 8:00 a.m. in the Two Rivers Watershed District office at the Kittson County Courthouse in Hallock, Minnesota.

Those present included TRWD Board members Roger Anderson, Darrel Johnson, Daryl Klegstad, and Al Brazier.

Others present included Project Engineer Blake Carlson, Administrator Dan Money, Watershed District Attorney Jeff Hane, Head Technician Matt Thompson, EIT Jacob Huwe, Kittson County Highway Engineer Kelly Bengtson, Kittson County Commissioners Betty Younggren and Theresia Gillie, Viewers Rodney Langaas, Bill Dykhuis, and Ken Hunter, and landowners Jim Boychuk, Ron Anderson, and Erik Lindegard.

The meeting was opened by President D. Johnson and turned over to Attorney Hane. Hane described that a legal petition was received by the Board of Managers of the TRWD for the improvement of Kittson County Ditch #21 Diversion. He informed meeting attendees that this is a formal hearing following MN Statute 103E and explained the purpose is to present findings and take testimony from affected people.

D. Money introduced into the meeting records several legal documents including exhibits A through H (preliminary hearing minutes, order on preliminary survey report, detailed survey report and DNR comments, resolution appointing viewers & oath of viewers, viewers report, bond, notice of final hearing, affidavit of mailed service, property owners report and affidavit of publication).

B. Carlson discussed his Engineer's Detailed Survey Report including the location of the ditch, drainage area, current conditions and problems with the ditch, and proposed improvement. He stated that recently he has revisited the project design at the request of D. Johnson, and changes can be made to the design to increase the ditch efficiency. The new proposal is for a .04% grade, 10 foot wide bottom, leave existing reinforced concrete pipes in place, and add additional corrugated metal arch pipes (57" x 38" at station 27+98 and 64" x 43" at station 53+40). Ditch law requires that a 16.5' grass strip be planted. Carlson discussed the adequacy of the outlet, environmental and land use criteria, permitting, and presented his conclusions that the project is feasible. His new cost estimate for the project is \$121,315.

Money mentioned the Viewer's Report and indicated that all 3 Viewers were present at the meeting to answer questions. The Property Owner's Report had been prepared and sent out to landowners. There were no comments regarding the reports.

The meeting was open to questions and the following questions/comments were discussed:

-Ron Anderson stated the flooding experienced on his land is severe and repeated, dating back to 1966. He is in favor of the project and asked for everyone's support.

-Erik Lindegard stated that he is in favor of the project. He inquired about the process to determine the benefits.

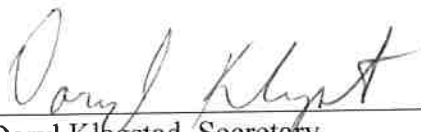
No further comments were received.

A proposed 'Findings and Final Order on Improvement' was read for the record. The Board of Managers approved and accepted the document upon a **motion** by Brazier, **second** by Klegstad, and **unanimous vote** of the Managers.

The Viewer's Report was approved and accepted upon a **motion** by Anderson, **second** by Klegstad and **unanimous vote** of the Managers.

The Board discussed the next steps in the process. Attorney Hane advised that MN Statute 103E must be followed, and so the next step will be to prepare bid documents, advertise, and open bids. Once that is done a contractor can be hired to perform the work. The Board deliberated whether this formal process needs to be adhered to for a seemingly small project. Upon a **motion** by Brazier, **second** by Anderson, and **unanimous vote** of the Managers, the Administrator, Engineer, and Attorney were directed to prepare documents and advertise for bids with a bid opening to be held on Friday, November 3, 2017 at 8:00 a.m. The board will meet on November 3, 2017 at 2:30 p.m. to let bids and award a contract.

The hearing was adjourned at 9:30 a.m.



Daryl Klegstad, Secretary

Attest:



Darrel Johnson, President