

STATE OF MINNESOTA
LE SUEUR COUNTY BOARD OF COMMISSIONERS
DRAINAGE AUTHORITY FOR THE IMPROVEMENT OF COUNTY DITCH 41

The matter of the petition for the improvement of Le Sueur County Ditch 41

Agenda for Preliminary Hearing

- I. Opening of Preliminary Hearing – *Board Chairperson*
- II. Examination of Petition – *John Kolb*
- III. Record of Notice Requirements – *Darrell Pettis*
- IV. Public Reading of DNR Advisory Report on the Preliminary Plan
- V. Engineer’s Preliminary Report – *Bailey Griffin, ISG*
- VI. Public Comment and Questions
- VII. Board Deliberations
- VIII. Decision of the Drainage Authority

a. Dismissal:

If the Drainage Authority determines that: (1) the proposed drainage project is not feasible; (2) the adverse environmental impact is greater than the public benefit and utility after considering the environmental, land use, and multipurpose water management criteria in section 103E.015, subdivision 1, and the engineer has not reported a plan to make the proposed drainage project feasible and acceptable; (3) the proposed drainage project is not of public benefit or utility; or (4) the outlet is not adequate.

b. Return to Engineer for more analysis:

This will only occur if changes are necessary to the project, as described in the petition and preliminary survey report, that cannot be described easily by the Drainage Authority in general terms or by filing a map that outlines the changes. Changes may include the alignment; cross-section; profile; hydraulic structure locations, materials, dimensions, and elevations; or right-of-way of the drainage system improvement or changes necessary to minimize or mitigate adverse impact on the environment.

c. Order Preparation of Detailed Survey Report

The Drainage Authority shall state, by order, its findings and any changes that must be made in the proposed drainage project from those outlined in the petition, including changes necessary to minimize or mitigate adverse impact on the environment, if it determines that: (1) the proposed drainage project outlined in the petition, or modified and recommended by the engineer, is feasible; (2) there is necessity for the proposed drainage project; (3) the proposed drainage project will be of public benefit and promote the public health, after considering the environmental, land use, and multipurpose water management criteria in section 103E.015, subdivision 1; and (4) the outlet is adequate.

d. Appointment of Viewers.

If the order for a detailed survey is made, the Drainage Authority shall, by order, appoint viewers consisting of three disinterested residents of the state qualified to assess benefits and damages.