

STATE OF MINNESOTA
Before the
BUFFALO-RED RIVER WATERSHED DISTRICT
IN THE MATTER OF PROJECT NO. 82 GLYNDON EAST TRIBUTARY
RESTORATION
CLAY COUNTY, STATE OF MINNESOTA

In the Matter of:

**Establishment of Project No. 82 Glyndon
East Tributary Restoration**

FINDINGS AND ORDER

The above-captioned matter came before the Board of Managers of the Buffalo-Red River Watershed District (BRRWD) for hearing pursuant to Minnesota Statutes Annotated (M.S.A) 103D.605, 103D.729, and any other applicable statutes, in the Watershed Office, 1303 4th AVE NE, Barnesville, Minnesota on May 23, 2022. Appearing at the hearing was: the Board of Managers, BRRWD; Kristine M. Altrichter, Administrator, Lee Olson, Watershed Specialist, and Matthew Schlauderaff, Watershed Specialist, BRRWD; Bennett A. Uhler, Engineer of Houston Engineering, Inc., the duly appointed engineering firm; and other persons indicating an interest in said project.

All parties present at the hearing, requesting the opportunity to be heard, were given the opportunity to present their views and testimony to the Board about the project.

The Board of Managers, BRRWD, having fully considered the project, the determination of a water management district (wmd), the reports and testimony of the duly appointed engineer, and the testimony of all persons appearing at the hearing, and having duly considered all exhibits submitted to the BRRWD, and being fully advised in the premises and having considered the matter, makes the following:

FINDINGS OF FACT

1. The Board of Managers, BRRWD, has jurisdiction over Project No. 82, Glyndon East Tributary Restoration, pursuant to Minnesota Statute 103D and that all notices provided by Chapter 103D, Minnesota Statutes, were properly given.
2. Project No. 82, Glyndon East Tributary Restoration is practical, necessary, and will be of public utility and benefit and will promote the public health based upon the Engineer's report.
3. The Engineer's Report is within the scope of the Comprehensive Watershed Management Plan for the BRRWD. Pursuant to Minnesota Statute 103D, said Engineer's Report is confirmed.
4. The Board of Managers, BRRWD, used M.S.A. 103D.729 for the purpose of collecting revenues and paying part of the project's costs. After the Engineer's Report was filed, the Engineers, determined the

area to be included in the wmd, the amount of necessary charges, the methods used to determine said charges, and the length of time the water management district will remain in force. The Board hereby finds that the proposed project benefits will be greater than the cost of the construction. All of the required right-of-way easements necessary to construct the project will be obtained by notice (M.S.A. 130D.741, Subd. 3). Damages will be paid according to Damage Statement Reports dated April 25, 2022. Damage Statement Reports will be held on file by the Secretary of the District. The wmd report, included in the Engineer's Report, was initially dated January 25, 2021, and amended April 25, 2022.

5. The Board of Managers, BRRWD, finds, based upon the Engineer's wmd reports and the evidence presented at the hearing: that the project is necessary, feasible and practical and is conducive to public health and will promote the general welfare of the District; that it is in compliance with the provisions of Chapter 103D, of Minnesota Statutes; and, that the benefits resulting therefrom will be greater than the costs of construction and damages as provided in the Engineer's Report.

THEREFORE, upon motion duly made, seconded, and approved on a 7 to 0 vote in the affirmative, the Board of Managers, BRRWD, makes the following:

ORDER

1. That the Engineer's Report, pursuant to Minnesota Statute 103D is hereby in all respects adopted, ratified, and confirmed.
2. That the wmd report dated January 25, 2021, and amended April 25, 2022 pursuant to M. S. A. 103D is hereby in all respects adopted, ratified, and confirmed, and shall remain in effect indefinitely, or until deemed unnecessary at the discretion of the Board of Managers, and will become effective on the date of said order.
3. That contract for the construction of Project No. 82, Glyndon East Tributary Restoration be let according to law, and that the duly appointed engineer, Houston Engineering, Inc., proceed with making the necessary surveys in preparing such plans and specifications as are needed to construct the proposed project and report the same to this Board with reasonable dispatch.
4. That the hearing regarding this project shall be recessed to await the Engineer's Report and the receipt of bids, provided that if bids are received which do not exceed thirty percent (30%) of the engineer's estimated cost as contained in his report and if the bids do not exceed the benefits less damages and other costs, the project is hereby established.
5. This order shall be immediately filed with the Secretary of the District and a certified copy thereof shall be filed with the Auditor of Clay County, the Minnesota Board of Water and Soil Resources, the Commissioner of the Minnesota Department of Natural Resources (DNR), the Director of the Division of Waters, DNR, the Minnesota Pollution Control Agency, and the Commissioner of Health.

The total cost of the proposed project is estimated at \$1,150,000. Of this amount, \$821,560 is estimated for construction, \$45,350 for land easements, and the remaining balance for engineering, legal services, and contingencies associated with the project. The project will be funded by the MN Board of Soil and Water Resources (BWSR) Watershed Based Implementation Funding (\$700,000); Buffalo-Red River Watershed District and their basic water management account (\$230,000); and wmd (\$220,000, \$40,000 annually).

Any person aggrieved by this Order shall file with the Clerk of the District Court and the Secretary of the BRRWD at its office in Barnesville, Minnesota, within thirty (30) days of the date of this final order, a notice of appeal pursuant to M.S.A. 103D to the Clay County District Court, which shall state the grounds upon which the appeal is taken.

Upon vote, the President declared the motion passed and the Findings and Order adopted.

/s/ Peter V. Fjestad
Peter V. Fjestad, President

Dated: June 13, 2022

ATTEST: /s/John Hanson
John E. Hanson, Secretary