



AGENDA
SCOTT COUNTY DITCH BOARD MEETING
SCOTT COUNTY, MINNESOTA
APRIL 15, 2025
8:00 AM

(1) CONVENE

The Board of Commissioners, in and for the County of Scott, Minnesota, met in the County Board Room in the City of Shakopee, Minnesota, and convened at 8:00 a.m. The following members were present: Commissioner Weckman Brekke, Commissioner Wolf, Commissioner Brennan, Commissioner Beer, and Commissioner Ulrich. Commissioner Beer presided.

The following were also in attendance:

1. Lezlie Vermillion, County Administrator
2. Cindy Geis, Community Services Director
3. Rhonda Otto, Deputy Auditor/Treasurer
4. Kris Lage, Senior Operations Analyst
5. Jared Kotasek, Prof Land Surveyor-Principal
6. Dan Wormer, County Surveyor
7. Michelle Hesse, Deputy Clerk to the Board

Guests:

1. John Kolb, Rinke Noonan Law Firm
2. Glen Neuburger
3. Kermit Berg
4. Bonnie Malecha
5. Richard Malecha
6. Pam Steinhoff
7. Randy Steinhoff
8. Rick Elberts
9. Jerri Elberts
10. Jacob Helgeson
11. Ron Malecha
12. Scott Gaughran, Jordan
13. Drew Stillwell
14. Ag-Rita Efra
15. David Efra
16. Carol Fehler, Jordan
17. James Fehler, Jordan
18. Bill Jensen, Lakeville
19. Cathie Jensen, Lakeville
20. Martin Stepka, Jordan
21. Mark Stepka, Jordan
22. Wayne Wahl, Elko New Market
23. Mavis Wahl, Elko New Market
24. Jeff Jeurissen

25. Tim O'Loughlin
26. Tim Gates
27. Mark Scheffler, New Prague
28. Hilary Scheffler, Lonsdale
29. Kevin Wetherille, Shakopee
30. B. Hansen
31. Gordon Lane
32. Randy Schul
33. Bill Gallagher
34. Al Shimota
35. Chad Shimota

(2) Approve Minutes

2.1 March 18, 2025 Ditch Board Meeting Minutes

On a motion by Commissioner Weckman Brekke, seconded by Commissioner Wolf, the March 18, 2025, minutes were approved unanimously.

(3) Consent Agenda

3.1 Adopt Resolution No. 2025-116; Setting a Public Hearing for June 17, 2025, at 8:00 a.m. to Allow Comment on the Abandonment of County Drainage Ditch No. 4

Motion by Commissioner Brennan, seconded by Commissioner Wolf. The motion carried unanimously. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference.

(4) NON-CONSENT

Chair Beer stated that the combined hearing today is to consider the abandonment of Scott County Ditches 7, 8, 12, and 5. Drainage Authority Attorney John Kolb will explain the process and purpose of the public hearing. County staff will provide information regarding each drainage system and the hearing will be open to public comment. The Board will decide to close each public hearing or leave the comment period open for submission of additional information.

4.1 Conduct a Public Hearing at 8:00 a.m. to Receive Information Regarding the Abandonment of Scott County Drainage Ditch No. 7 and Receive Public Comment

Senior Operations Analyst Kris Lage presented information on County Ditch No. 7 which was constructed in 1917 with the majority of the ditch lying in a wetland. No maintenance or requests for maintenance have occurred on this ditch. Ms. Lage outlined the steps that have been taken to gather landowner feedback regarding the future of the ditch. Seventy-nine percent of owners voted to abandon the ditch.

Motion by Commissioner Wolf, seconded by Commissioner Brennan to Open the Public Hearing at 8:07 a.m. The motion carried unanimously.

Two comments were submitted in writing regarding County Ditch No. 7, 1 in favor of abandoning and 1 opposed to abandoning the ditch. The comments have been added to the public record.

Clarification was made that once a ditch has been abandoned by the Drainage Authority, a landowner may perform maintenance on their portion of the ditch or remove obstructions affecting the flow of water.

Motion by Commissioner Wolf, seconded by Commissioner Brennan to Close the Public Hearing at 8:10 a.m. The motion carried unanimously.

4.2 Adopt Resolution No. 2025-118; Adopting Findings and an Order Granting a Petition Abandoning Scott County Drainage Ditch No. 7

Motion by Commissioner Weckman Brekke, seconded by Commissioner Wolf. The motion carried unanimously. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference.

4.3 Conduct a Public Hearing at 8:00 a.m. to Receive Information Regarding the Abandonment of Scott County Drainage Ditch No. 8 and Receive Public Comment

Senior Operations Analyst Kris Lage presented information on County Ditch No. 8 in Cedar Lake Township, which was constructed in 1916. The majority of the ditch has transitioned from agricultural to residential. Maintenance has been minimal to include beaver dam and tree snag removal as well as a small cleanout. Ms. Lage outlined the steps that have been taken to gather landowner feedback regarding the future of the ditch. Eighty-nine percent of landowners wish to abandon the ditch. If the ditch is abandoned, the account balance will first go toward any expenses incurred in the abandonment process, and the remainder to the county general fund.

Motion by Commissioner Wolf, seconded by Commissioner Brennan to Open the Public Hearing at 8:14 a.m. The motion carried unanimously.

Jake Helgeson, 1798 Joel D. Lane, Country Knolls Homeowners Association

Mr. Helgeson shared that the Homeowners Association voted in favor of abandoning the ditch.

Glen Neuburger

Mr. Neuburger shared photos of the ditch indicating that the center of the ditch has no depression or channel and stated that he is in favor of abandoning the ditch.

Tim Gates, 27253 Vergus Avenue

Mr. Gates stated that he wishes to see the ditch abandoned and returned to its natural state.

Mark and Martin Stepka, 26991 Newport Avenue

Mark Stepka shared photos of the ditch showing that their property is susceptible to flooding when there are obstructions in the ditch.

Ditch Attorney John Kolb clarified that petitions for ditch abandonment may occur at any time and if the majority of landowners support abandonment, the Drainage Authority must consider abandonment each time. If the ditch is abandoned, it reverts to its original state as public water.

Motion by Commissioner Wolf, seconded by Commissioner Brennan to Close the Public Hearing at 8:57 a.m. The motion carried unanimously.

4.4 Adopt Resolution No. 2025-121; Adopting Findings and an Order Granting a Petition Abandoning Scott County Drainage Ditch No. 8

Motion by Commissioner Ulrich, seconded by Commissioner Brennan. The motion carried unanimously. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference.

4.5 Conduct a Public Hearing at 8:00 a.m. to Receive Information Regarding the Abandonment of Scott County Drainage Ditch No. 12 and Receive Public Comment

Senior Operations Analyst Kris Lage presented information on County Ditch No. 12 in New Market Township which was constructed in 1956 with minimal repair work conducted. Ms. Lage outlined the steps that have been taken to gather landowner feedback regarding the future of the ditch. Fifty-two percent of the owners of benefited properties wish to abandon the ditch. The ditch account balance is negative.

Motion by Commissioner Wolf, seconded by Commissioner Weckman Brekke to Open the Public Hearing at 9:01 a.m. The motion carried unanimously.

One written submission, in favor of abandonment, has been added to the public record.

Bill Gallagher, 23631 Natchez Avenue

Mr. Gallagher expressed his desire to see the county retain control over the ditch for the ease of maintenance.

Mr. Kolb stated that portions of the ditch are DNR Public Waters, and has regulatory interest in ditch activities. DNR permitting would be required whether the ditch is abandoned or not.

Motion by Commissioner Wolf, seconded by Commissioner Brennan to Close the Public Hearing at 9:09 a.m. The motion carried unanimously.

- 4.6 Adopt Resolution No. 2025-122; Adopting Findings and an Order Granting a Petition Abandoning Scott County Drainage Ditch No. 12
Commissioner Weckman Brekke commented that ditch abandonment removes an unnecessary level of government control.

Motion by Commissioner Brennan, seconded by Commissioner Ulrich. The motion carried unanimously. A copy of the resolution is available in the office of the County Administrator and is made a part of this record by reference.

- 4.7 Conduct a Public Hearing at 8:00 a.m. to Receive Information Regarding the Abandonment of Scott County Drainage Ditch No. 5 and Receive Public Comment
Senior Operations Analyst Kris Lage presented information on County Ditch No. 5 in Cedar Lake Township, which was constructed in 1916. In the early 1980s, a petition for repair was filed, and an engineer agreed that repairs were necessary. At the same time, there was a petition for abandonment, with over 90% of landowners opposing repairs. In 1989, the Drainage Authority denied both the order for repairs and the abandonment petition. In 2013, engineers conducted The Bradshaw Lakes Study to identify options for the ditch. Stakeholders preferred minimal maintenance to avoid wetland impacts. The majority of the ditch is wet with limited agricultural activity. However, the northeastern portion of the ditch is farmed. Maintenance has been minimal, such as beaver dam and tree snag removal. Ms. Lage outlined the steps that have been taken to gather landowner feedback regarding the future of the ditch. Fifty-nine percent of benefited owners voted in favor of abandonment. The DNR owns over 350 acres but did respond. Two culverts are above the legal ditch bottom. A private easement agreement gave rights to non-benefitted landowners to drain into the ditch system.

Motion by Commissioner Wolf, seconded by Commissioner Weckman Brekke to Open the Public Hearing at 9:16 a.m. The motion carried unanimously.

Drew Stillwell, 23980 Newport Avenue

Mr. Stillwell lives along Spur 4, and noted problems with culverts preventing water flow.

Kevin Wetherille, Shakopee

Tim O'Loughlin, 12635 N. Shannon Drive

Ronnie Malecha, 1166 E. 240th Street

Bonnie Malecha, 1096 East 240th Street

Mr. Wetherille represents Mr. O'Loughlin and Mr. Malecha. He stated that his clients are not benefited landowners but have private easements that drain to the ditch on Mr. Stillwell's property. He asked to table today's decision to allow more time to gather information as the non-benefitted parties did not receive the public hearing notices.

Mr. Kolb noted that the Ditch Board must weigh the utility of the system and the practicality of restoring it to multiple factors such as landowner petition, DNR conservation land, environmental impact, public waters wetlands, community economics, and MnDOT roads. He continued that the Board may pause the public hearing to allow staff to investigate alternative considerations to complete abandonment, such as partial abandonment of the portion east of Newport Avenue.

Tim O'Loughlin

Mr. O'Loughlin noted that culverts are too high at 233rd St. and Hwy 13. He suggested that the state lower culverts at Hwy 13.

Ron Malecha

Mr. Malacha noted that the culverts at 233rd and Newport Ave. are too high.

Scott Gaughran, 620 E. 220th St.

Mr. Gaughran is in favor of maintaining the northwest portion of the ditch and supports postponing the public hearing for 60 days.

James Fehler, 22665 Langford

Mr. Fehler stated that the culvert is too high and encouraged the Board to get the state to take action.

Motion by Commissioner Weckman Brekke, seconded by Commissioner Wolf to postpone the public hearing to continue on June 17th at 8:00 a.m. at the Scott County Board Room for the purpose of the request by benefited and potentially benefited landowners to consider alternatives or address other concerns they may have as part of this process, and to allow staff to look into the culvert issues and investigate alternative actions to full abandonment by providing additional information and guidance regarding partial abandonment possibilities, options and recommendations. A friendly amendment was made to include a review of the Bradshaw Lake Study environmental elements. The motion carried unanimously.

- 4.8 Adopt Resolution No. 2025-123; Adopting Findings and an Order Granting a Petition Abandoning Scott County Drainage Ditch No. 5

Resolution No. 2025-123 will be considered following the conclusion of the public hearing on June 17, 2025.

(5) Adjourn

On a motion by Commissioner Wolf, seconded by Commissioner Brennan, the meeting adjourned at 9:53 a.m.