



**AGENDA
SCOTT COUNTY DITCH BOARD MEETING
SCOTT COUNTY, MINNESOTA
AUGUST 19, 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 8:02 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. Ron Hocevar, County Attorney
3. Barb Dahl, Health and Human Services Director
4. Cindy Geis, Community Services Director
5. Suzanne Arntson, Deputy Health & Human Services Director
6. Rhonda Otto, Deputy Auditor/Treasurer
7. Dan Wormer, Country Surveyor
8. Evan Cole, Business Info/Sys Specialist
9. Kris Lage, Senior Operations Analyst
10. Michelle Hesse, Deputy Clerk to the Board

Guests:

1. John Kolb, Rinke Noonan
2. Bonnie Malecha, Jordan
3. Richard Malecha, Jordan
4. Tim O'Loughlin, Shakopee
5. Jim Fehler, Jordan
6. Tim LaCroix. LaCroix Law
7. Ron Malecha

(2) Approve Minutes

2.1 June 17, 2025 Ditch Board Meeting Minutes

On a motion by Commissioner Weckman Brekke, seconded by Commissioner Wolf, the June 17, 2025 minutes were approved unanimously.

(3) Non-Consent

3.1 Continuation of Public Hearing

3.2 Purpose of Hearing

Chair Beer stated that this public hearing is a continuation of the April 15, 2025, and June 17, 2025, Ditch Board meetings when the Board received public comment on the proposed abandonment of County Ditch 5. This continued public hearing is to allow the Board to receive a report of additional staff findings and for the purpose of a possible objection by Mr. Stillwell.

3.3 Staff Presentation Findings and Recommendation

Senior Analyst Kris Lage presented additional information and provided a final recommendation regarding the future of County Ditch 5 (CD5), including results from a more in-depth review of the 2013 Bradshaw Lake Study, site inspections, and follow-up with concerned landowners.

The Bradshaw Lakes Study was conducted in 2013 with input from the Department of Natural Resources (DNR), Scott Soil and Water Conservation District (SWCD), Township Representatives, the Drainage Authority and local landowners to balance the objectives, goals, and priorities of all stakeholders. The study analyzed five alternatives and noted that land use along CD5 has shifted from agricultural to residential. Among the five options, the least environmentally damaging option for minor maintenance was selected. The study also recommended abandonment of spurs 2, 3, and 4 as they were found to no longer serve their original function.

County Ditch 5 was originally constructed over a water course of Porter Creek and is very flat. Over time, the ditch has reverted back to a point of natural stability.

Staff met with Minnesota Department of Transportation (MnDOT) regarding the culvert under Highway 13. There is no evidence that the culvert was originally constructed too high. MnDOT reported that the remaining life of the culvert is approximately 50 years and there are no plans for work in that area for the next 10 years.

A Ditch Inspector from SWCD visited the site and reported that the culvert under 233rd Street is partially submerged and water flows through it slowly. The township maintains 233rd Street.

The 240th Street culvert is not part of Spur 4. The opinion of the Drainage Inspector is that Spur 4 never effectively drained the wetland and cleaning the spur is not likely to help the properties where water is collecting. Improvements to Spur 4 would require mitigation of public waters. The township maintains 240th Street.

Staff are recommending full abandonment of County Ditch 5 for the following reasons:

1. Disturbance to the current system could:
 1. Cause greater channel instability and deterioration
 2. Increase erosion and sediment delivery
 3. Decrease water quality downstream
2. Ditch repair is not financially feasible
 1. Engineering study costs
 2. Wetland mitigation costs
 3. Minn. Stat. § 103E requirements for the benefit do not outweigh the repair costs
3. The level of relief that some owners are seeking is unlikely to be attained

Tim LaCroix, representing Drew Stillwell, 23980 Newport Avenue, Prior Lake.
Mr. Stillwell is a benefited property owner on County Ditch 5. Pursuant to Minn. Stat. §

103E.81 Subdivision 58, Mr. LaCrix objected to the abandonment and requested an inspection by ditch inspectors to determine its usefulness and benefit to the property. Mr. Stillwell wishes to be present at the inspection if possible. The written objection letter was entered into the record.

Mr. Kolb stated that the requirement of the statute is that viewers are appointed to view Mr. Stillwell's property and to evaluate the utility of the ditch for his property. Staff will coordinate with the viewers and submit the report back to the Board in 60 days.

Motion by Commissioner Weckman Brekke to appoint H2Over viewers to view as required by statute pursuant to the objection and to continue this hearing on October 21, 2025, at 8:00 a.m. Seconded by Commissioner Wolf. The motion carried unanimously.

Motion to open Public Comment at 8:26 a.m. by Commissioner Weckman Brekke, seconded by Commissioner Ulrich. The motion carried unanimously.

Ron Malecha

Mr. Malecha requested that the viewers inspect Spur 4.

Motion to close the Public Comment at 8:26 a.m. by Commissioner Wolf. Seconded by Commissioner Weckman Brekke. The motion carried unanimously.

- 3.4 Adopt Resolution No. 2025-207; Adopt Findings and Order Granting Petition and Abandoning Scott County Drainage Ditch No. 5

(4) Adjourn

On a motion by Commissioner Wolf, seconded by Commissioner Ulrich, the meeting adjourned at 8:29 a.m.