

FEASIBILITY REPORT

FOR

INGLEWOOD DRIVE TO GARRETT LANE FLOOD OVERFLOW CONTROL STUDY

Prepared for:

**City of Baxter
13190 Memorywood Drive
Baxter, MN 56425**

February 2026

Accepted by City Council _____

WSN No. 2022-11939

**INGLEWOOD DRIVE TO GARRETT LANE FLOOD OVERFLOW CONTROL STUDY
FEASIBILITY REPORT
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CERTIFICATION

FEASIBILITY REPORT

FOR

INGLEWOOD DRIVE TO GARRETT LANE FLOOD OVERFLOW CONTROL STUDY

WSN No. 2022-11939

Widseth Smith Nolting & Associates, Inc.
7804 Industrial Park Road
Baxter, MN 56425

Prepared by:

I hereby certify that this report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Aric Welch, P.E. 41983 Date
License Number

STATEMENT OF PURPOSE

The purpose of this report is to study the feasibility of constructing a surface water flood overflow control system for approximately 204 acres of property located east of Inglewood Drive and north of Woida Road. The area naturally drains to the south and west based on the surrounding topography.

In 2019, properties located along the east side of Inglewood Drive between Woida Road and CSAH 77 were threatened by rising surface water levels. To provide a flood outlet for the rising surface water, the City installed a culvert under Inglewood Drive approximately 800' north of Woida Road. This allowed surface water to flow westly through existing wetlands and low land areas to County Ditch 10 that drains into Red Sand Lake. County Ditch 10 also provides an overflow from Red Sand Lake to the Gull River on the west side of Red Sand Lake.

The culvert under Inglewood Drive was installed as an emergency project to provide relief for properties threatened by immediate surface water flooding conditions. The purpose of this report is to identify, improve and protect a surface water flood overflow corridor from the existing culvert under Inglewood Drive to County Ditch 10 that passes under Garrett Lane and into Red Sand Lake.

This report will review the historic and existing conditions of the project area, make recommendations for improvements, estimate the project costs of recommended improvements, and present conclusions and recommendations.

The location of the overflow corridor reviewed by this report are shown on the following page, in Exhibit A.



EXISTING CONDITIONS

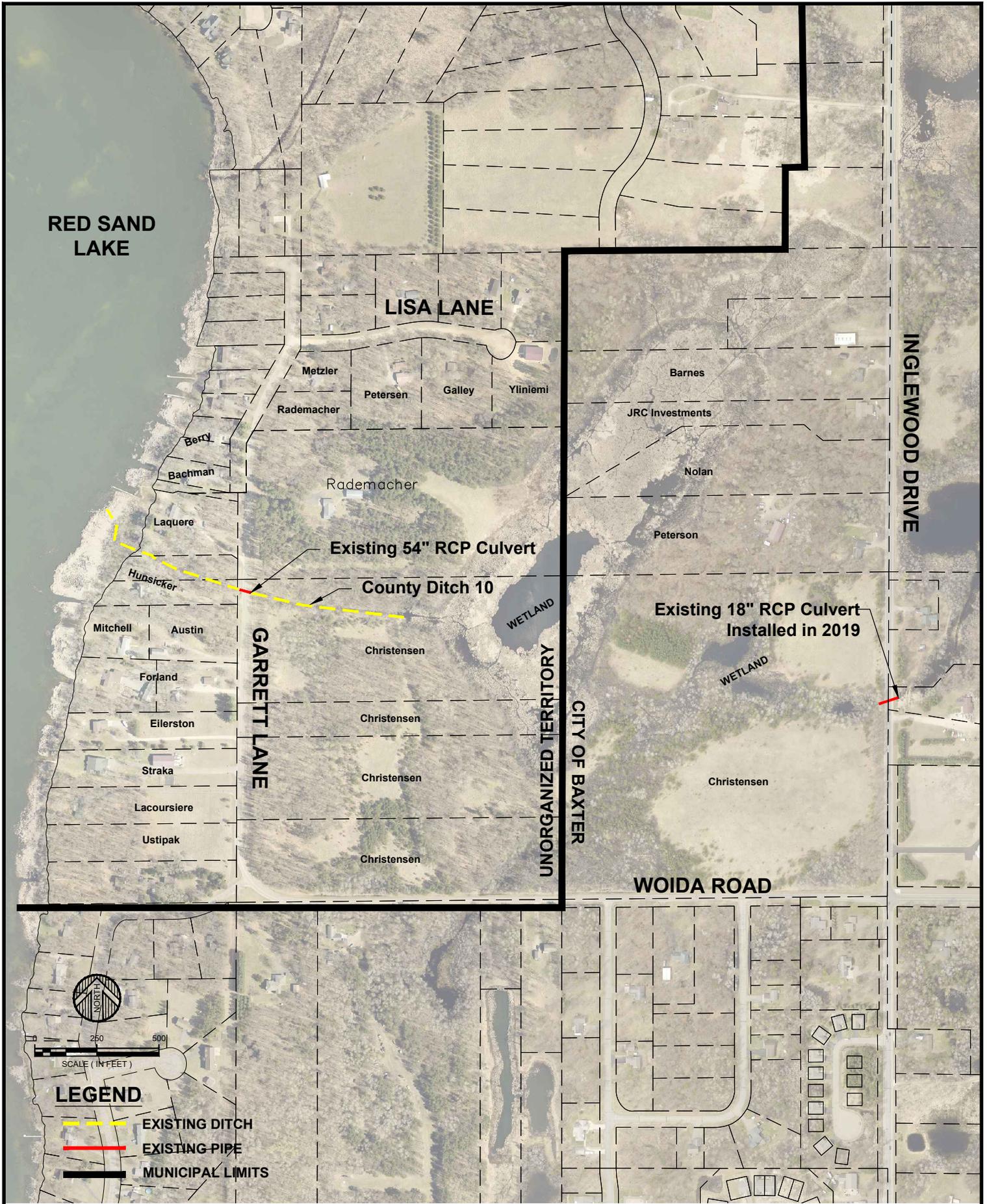
As mentioned in the Statement of Purpose, the City installed a culvert under Inglewood Drive approximately 800' north of Woida Road in 2019. The culvert was installed to provide immediate relief for properties being threatened by surface water flooding on the east side of Inglewood Drive. Information obtained for the culvert project showed that approximately 204 acres of land located east of Inglewood Drive and north of Woida Road drains to the southwest towards Inglewood Drive. The natural topography shows drainage should continue to the west between Inglewood Drive and Garrett Lane towards Red Sand Lake, however; no defined drainage corridor exists between the roads other than Crow Wing County Ditch 10. County Ditch 10 is defined from Red Sand Lake to the large wetland complex located between Garrett Lane and Inglewood Drive.

The area between Inglewood Drive and the large wetland complex is made up of low land areas and wetlands. LiDAR and supplemental survey information shows the natural drainage is towards the large wetland complex and County Ditch 10, however; there are two high spots located between the wetlands that hold water back. In the first wetland located just west of Inglewood Drive, surface water would need to build up to elevation 1204.9 before overflowing to the west, which is 0.2' lower than the outlet of the culvert under Inglewood Drive. In the next downstream wetland complex, surface water would need to build up to elevation 1204.3 before overflowing west into the large wetland complex that discharges into County Ditch 10. The maximum existing surface water coverage under the current conditions is shown in shown in Exhibit C.

Information on existing conditions for the wetlands located in the project area was obtained from site visits, aerial imagery, LIDAR, and Crow Wing County's online GIS mapping. A field survey was conducted to confirm the accuracy of the LIDAR data along the drainage corridor. A review of LIDAR and historical aerial photos was completed to estimate a preliminary wetland outflow elevation of 1202.0, which was assumed for the purposes of this report. The actual wetland elevation will need to be field verified by a wetland delineation completed during the growing season.

The Municipal Boundary line runs through the center of the project area. The east half (City of Baxter) is classified as Low-Density Residential (R-1) and consists primarily of undeveloped, wooded lots. The west half is Unorganized Territory (Crow Wing County) which is zoned Rural

Residential – 1 and Shoreland District and consists of primarily undeveloped, wooded property. Residential development is concentrated to the west and northwest along Red Sand Lake. It is likely that several small, unmapped wetlands exist in local depressions in the project area. County Ditch 10 is located in the western third of the study area as indicated on the County's online GIS mapping data. The ditch flows into the east side of Red Sand Lake. The County was unable to provide us with any data on the County 10 Ditch system.



RED SAND LAKE

LISA LANE

INGLEWOOD DRIVE

Existing 54" RCP Culvert
County Ditch 10

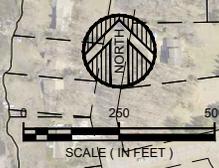
Existing 18" RCP Culvert Installed in 2019

GARRETT LANE

UNORGANIZED TERRITORY

CITY OF BAXTER

WOIDA ROAD

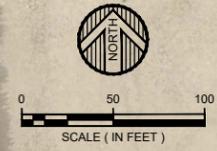
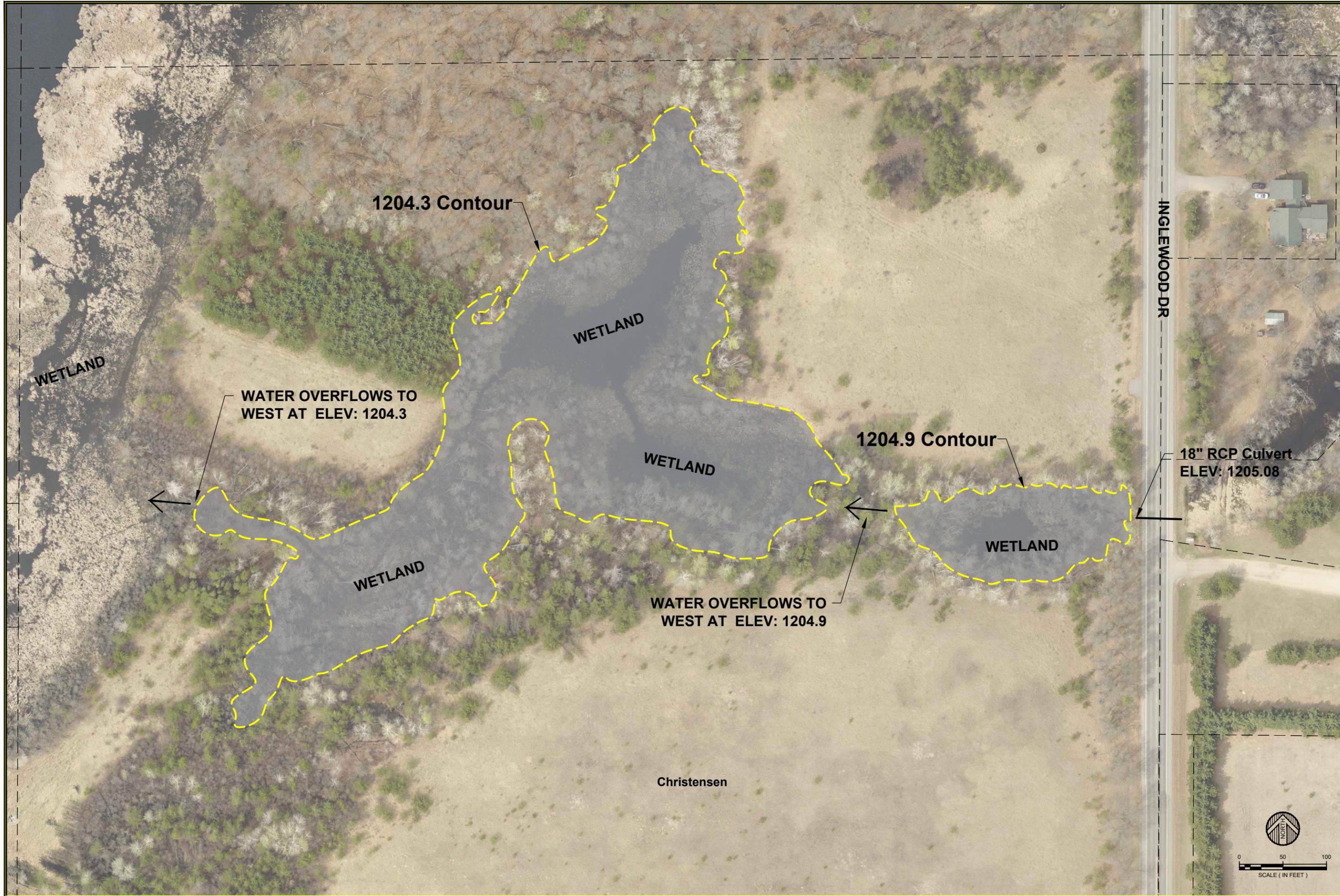


LEGEND

- EXISTING DITCH
- EXISTING-PIPE
- MUNICIPAL LIMITS

DATE	REV#	REVISIONS DESCRIPTION	BY

DATE: JAN 2023
SCALE: AS SHOWN
DRAWN BY: CJS
CHECKED BY: ALW
JOB NUMBER: 2022-11939



DATE: LIC. NO. 41983
 DATE: LIC. NO. 41983
 I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE	REV	DESCRIPTION

DATE: JAN 2023
 SCALE: AS SHOWN
 DRAWN BY: CIS
 CHECKED BY: ALW
 JOB NUMBER: 2022-11939

FLOOD OVERFLOW CONTROL STUDY-INGLEWOOD TO GARRETT
 CITY OF BAXTER
 BAXTER, MINNESOTA
 EXHIBIT C - FLOODING POTENTIAL

SHEET NO.

PROPOSED IMPROVEMENTS

Rising water levels within the wetlands located between Inglewood Drive and TH 371 have led to flooding concerns on properties located along Inglewood Drive. To provide a surface water overflow flood relief for the area east of Inglewood Drive and the undeveloped properties located between Inglewood Drive and Garrett Lane, it is proposed to create ditches to promote positive drainage from Inglewood Drive westerly to the large wetland complex. It is also proposed to clean and redefine County Ditch 10 located in the west portion of the study area.

County Ditch 10 has not been maintained for several years. The ditch is overgrown with brush and trees. Flow through the ditch is interrupted by fallen trees and organic buildup. It is proposed to clean the ditch by completing clearing/grubbing, brushing, and fallen tree removal. Organic build up in the ditch bottom will likely require muck excavation to redefine the profile of the ditch.

Between Inglewood Drive and the large wetland complex, three ditches are proposed between the existing wetlands. The ditches will be constructed with 6' wide bottoms and 4:1 or flatter side slopes. A 10' wide maintenance path will be constructed along the ditch for future maintenance projects. It is the intent to construct ditches outside of the existing wetland areas. Wetland delineation will be necessary to determine the exact wetland elevations. This work will need to be completed during the growing season and it is recommended the City get the County involved with the project to make sure no unpermitted work takes place.

A 40' wide easement is proposed over the surface water drainage corridor. With the easement, the City will be responsible for maintenance of the corridor. It is assumed the City will hire an appraiser to determine the value of the easement and any special benefit that may result from the project. The project will provide the following benefits to the property:

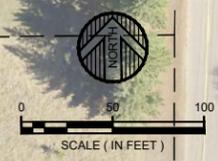
- The project will lower the surface water flood potential between Inglewood Drive and Garrett Lane. Flood elevation for the first wetland west of Inglewood Drive would be lowered from 1204.9 to 1203.5 and the flood elevation of the second wetland west of Inglewood Drive would be lowered from 1204.3 to 1202.6.
- The drainage corridor provides a surface water flood control outlet for the property when it is developed.

Chain-link fencing and vehicle gates are proposed to be installed along Inglewood Drive and Garrett Lane. The fence and gates will allow City staff to complete maintenance activities while keeping the general public from entering the private property.

All disturbed areas will be restored with salvaged topsoil, seed and mulch. Ditched areas will be seeded and covered with erosion control blanket to prevent erosion before turf is established. All other disturbed areas will be covered with hydraulic mulch material.

Proposed improvements are shown in Exhibits D through G and the typical ditch cross section is shown in Exhibit H.

It should be noted, this flood control project is just the first phase of a much larger project for the City. As mentioned previously, there is approximately 204 acres of property located east of Inglewood Drive and north of Woida Road that drains to the culvert installed under Inglewood Drive in 2019. The City plans to extend the flood control system from Inglewood Drive east to Lake Forest Road in the future. Exhibit I shows the second phase of the flood control project for the watershed.



LEGEND

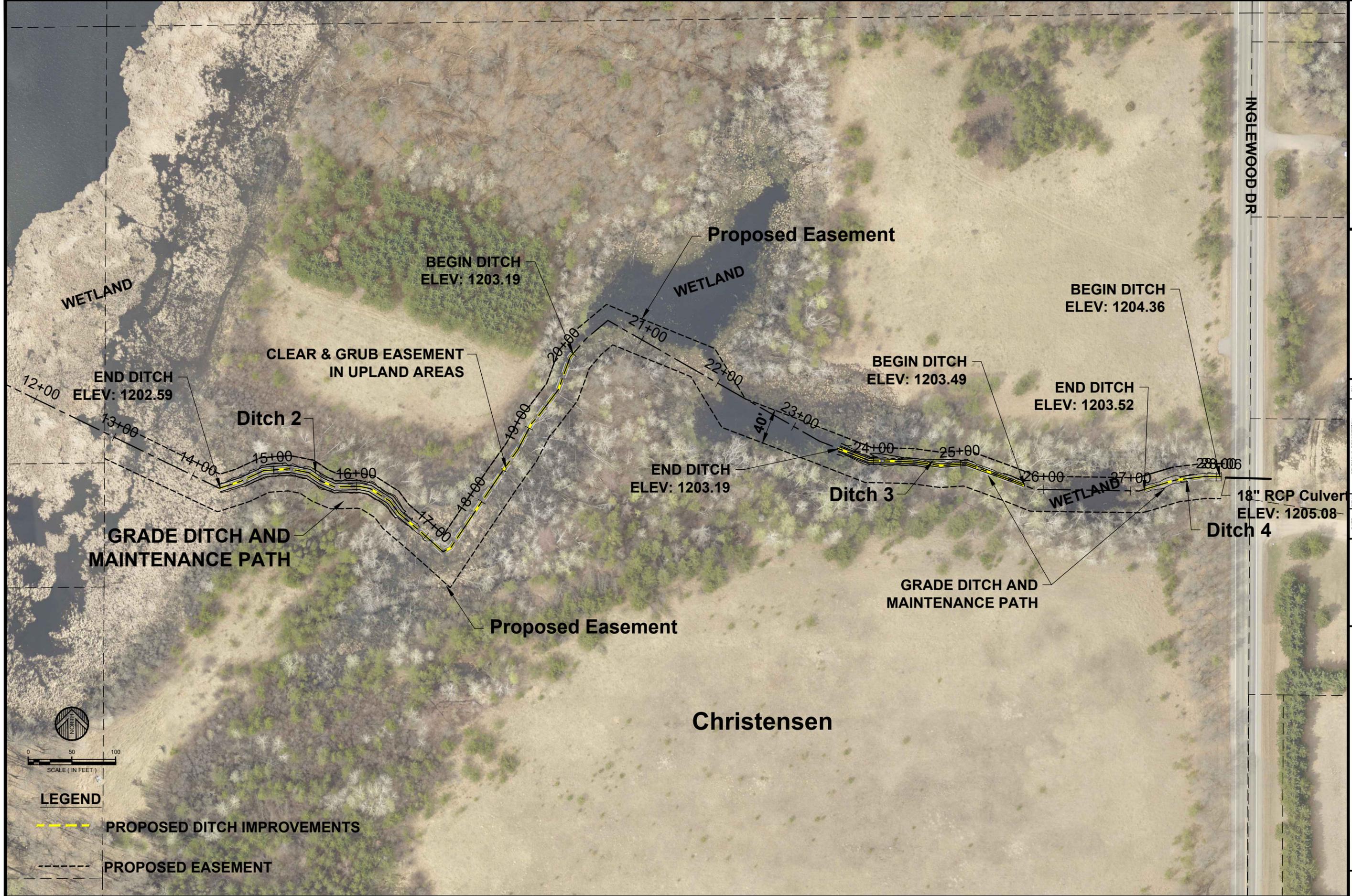
- PROPOSED DITCH IMPROVEMENTS
- PROPOSED EASEMENT

DATE: LIC. NO. 41983
 DATE: LIC. NO. 41983

DATE	REV	DESCRIPTION

DATE: JAN 2023
 SCALE: AS SHOWN
 DRAWN BY: CIS
 CHECKED BY: ALW
 JOB NUMBER: 2022-11939

STORMWATER OUTLET STUDY - INGLEWOOD TO GARRETT
 CITY OF BAXTER
 BAXTER, MINNESOTA
 EXHIBIT D - PROPOSED IMPROVEMENTS



LEGEND

- - - PROPOSED DITCH IMPROVEMENTS
- - - PROPOSED EASEMENT

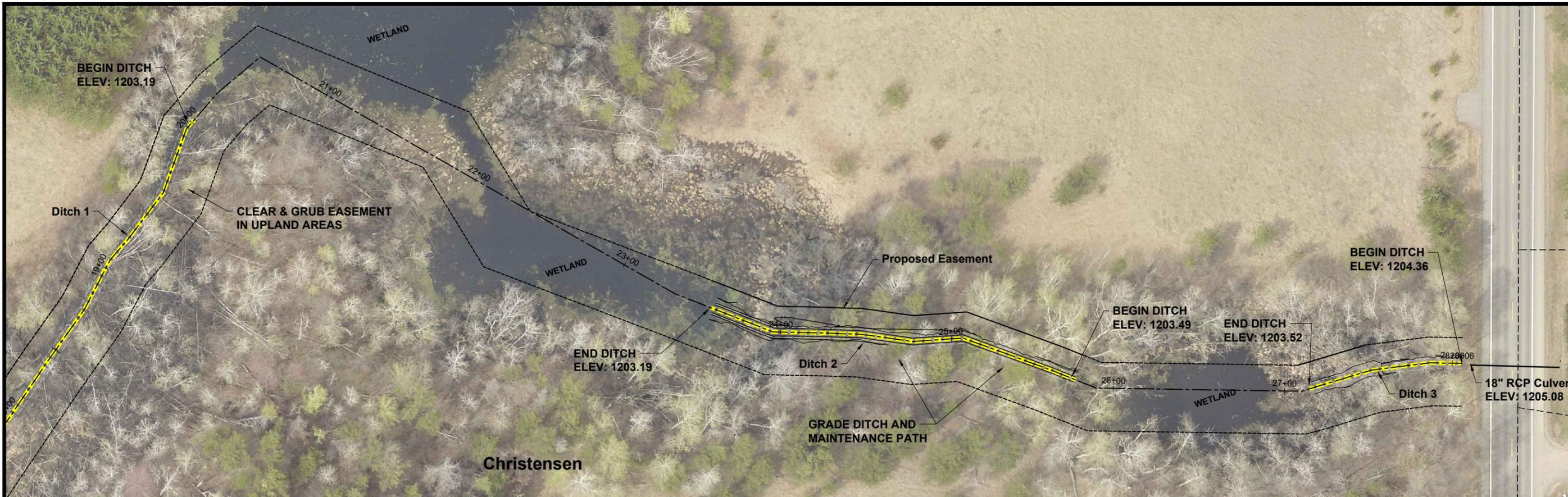
DATE: LIC. NO. 41983
 I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
 ARIC WELCH

DATE	REV	DESCRIPTION

DATE: JAN 2023
 SCALE: AS SHOWN
 DRAWN BY: CIS
 CHECKED BY: ALW
 JOB NUMBER: 2022-11939

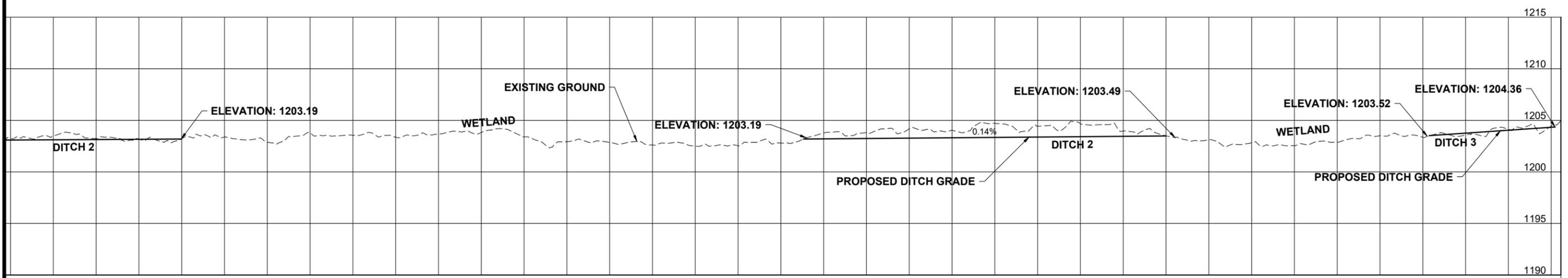
STORMWATER OUTLET STUDY-INGLEWOOD TO GARRETT
 CITY OF BAXTER
 BAXTER, MINNESOTA
 EXHIBIT E - PROPOSED IMPROVEMENTS

SHEET NO.



SUBSURFACE UTILITY NOTE
 THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY LEVEL D. THIS UTILITY QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF CII/ASCE 38-02, ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA".
 CONTRACTOR IS RESPONSIBLE FOR VERIFYING LOCATION OF ALL UTILITIES.

PLAN AND PROFILE



WIDSETH
 ARCHITECTS • ENGINEERS • SCIENTISTS • SURVEYORS

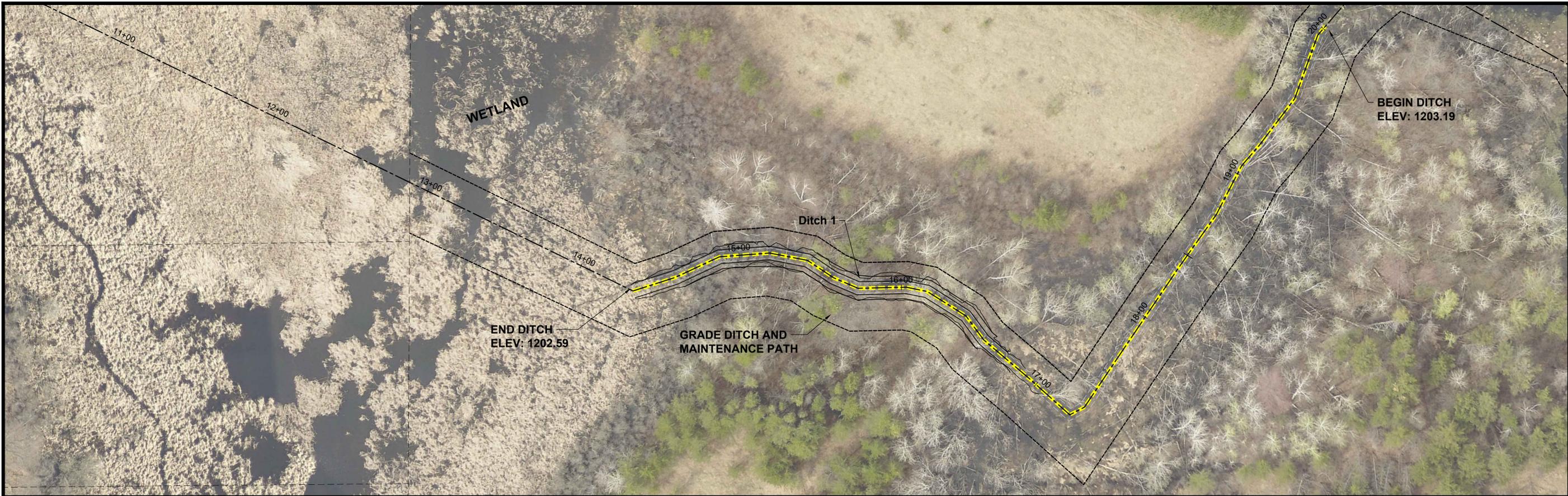
BY: ARIC WELCH
 DATE: 12/12/2023
 LICENSE NO.: LC. NO. 41883

REVISIONS DESCRIPTION
 DATE REV#

DATE: JAN 2023
 SCALE: AS SHOWN
 DRAWN BY: CJS
 CHECKED BY: ALW
 JOB NUMBER: 2022-11939

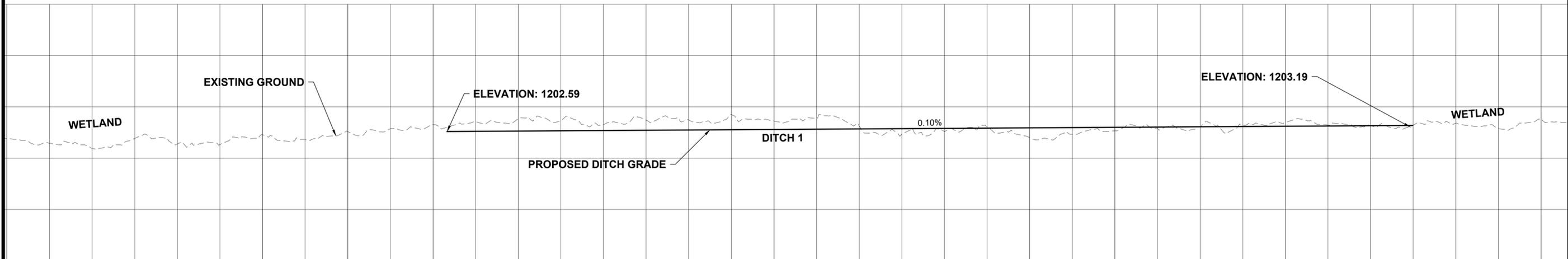
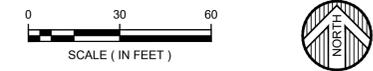
FLOOD OUTLET CONTROL STUDY - INGLEWOOD TO GARRETT
 CITY OF BAXTER
 BAXTER, MN
 EXHIBIT F - DITCH PROFILES

SHEET NO.



SUBSURFACE UTILITY NOTE
 THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY LEVEL D. THIS UTILITY QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF C/ASCE 38-02. ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA"
 CONTRACTOR IS RESPONSIBLE FOR VERIFYING LOCATION OF ALL UTILITIES.

PLAN AND PROFILE



WIDSETH
 ARCHITECTS • ENGINEERS • SCIENTISTS • SURVEYORS

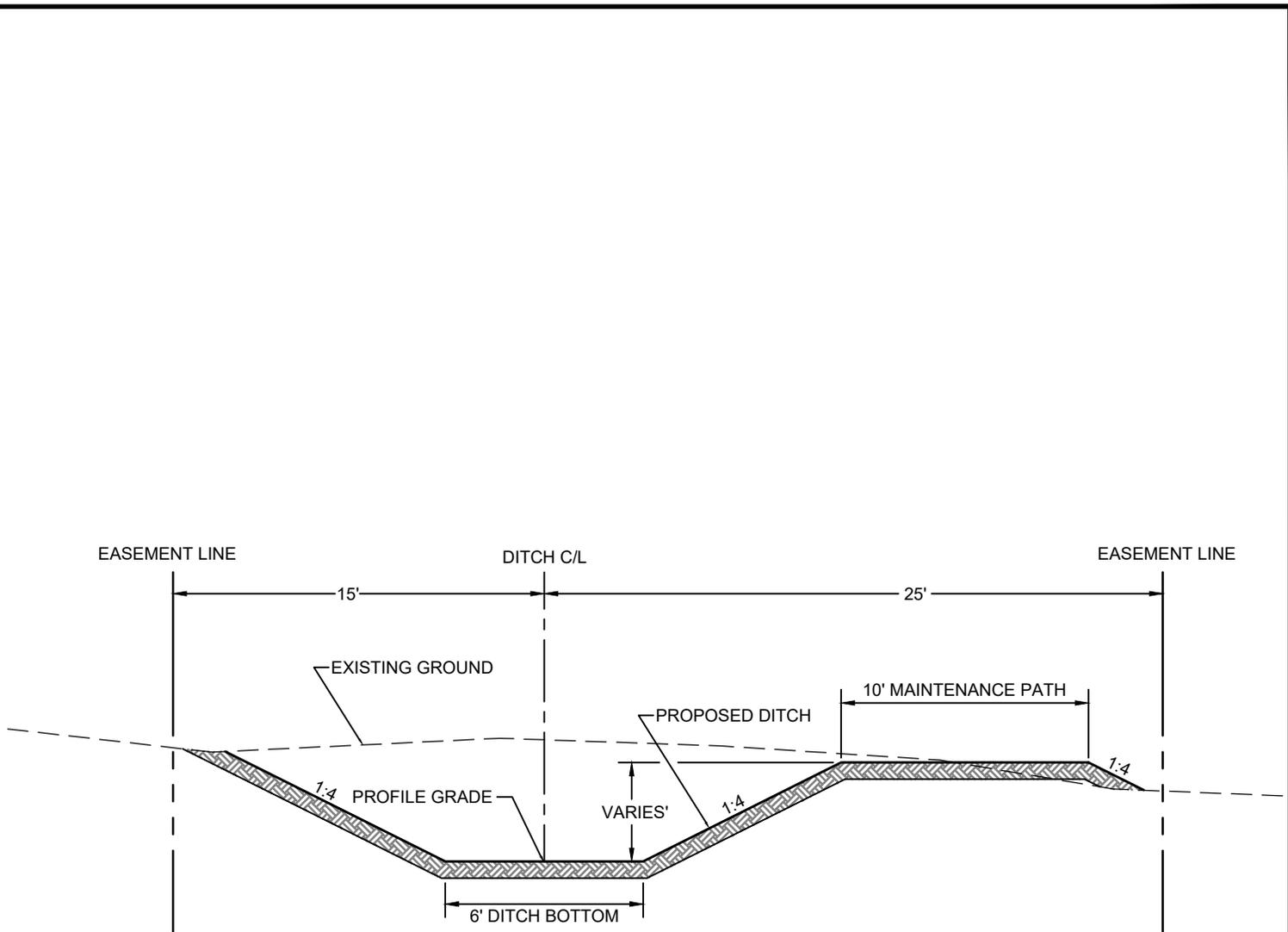
DATE: JAN 2023
 SCALE: AS SHOWN
 DRAWN BY: CJS
 CHECKED BY: AWJ
 JOB NUMBER: 2022-11939

FLOOD OUTLET CONTROL STUDY - INGLEDWOOD TO GARRETT
 CITY OF BAXTER
 BAXTER, MN
 EXHIBIT G - DITCH PROFILES

BY: _____
 REVISIONS DESCRIPTION: _____
 DATE: _____

NEW YORK STATE: I AM A PROFESSIONAL ENGINEER OR ARCHITECT AND THIS DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DAILY LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
 ARIC WELCH
 LIC. NO. 41893
 DATE: _____

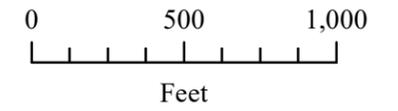
SHEET NO.



PROPOSED DITCH SECTION

DRAINAGE AREAS

Inglewood Dr Culverts



1 inch = 600 feet

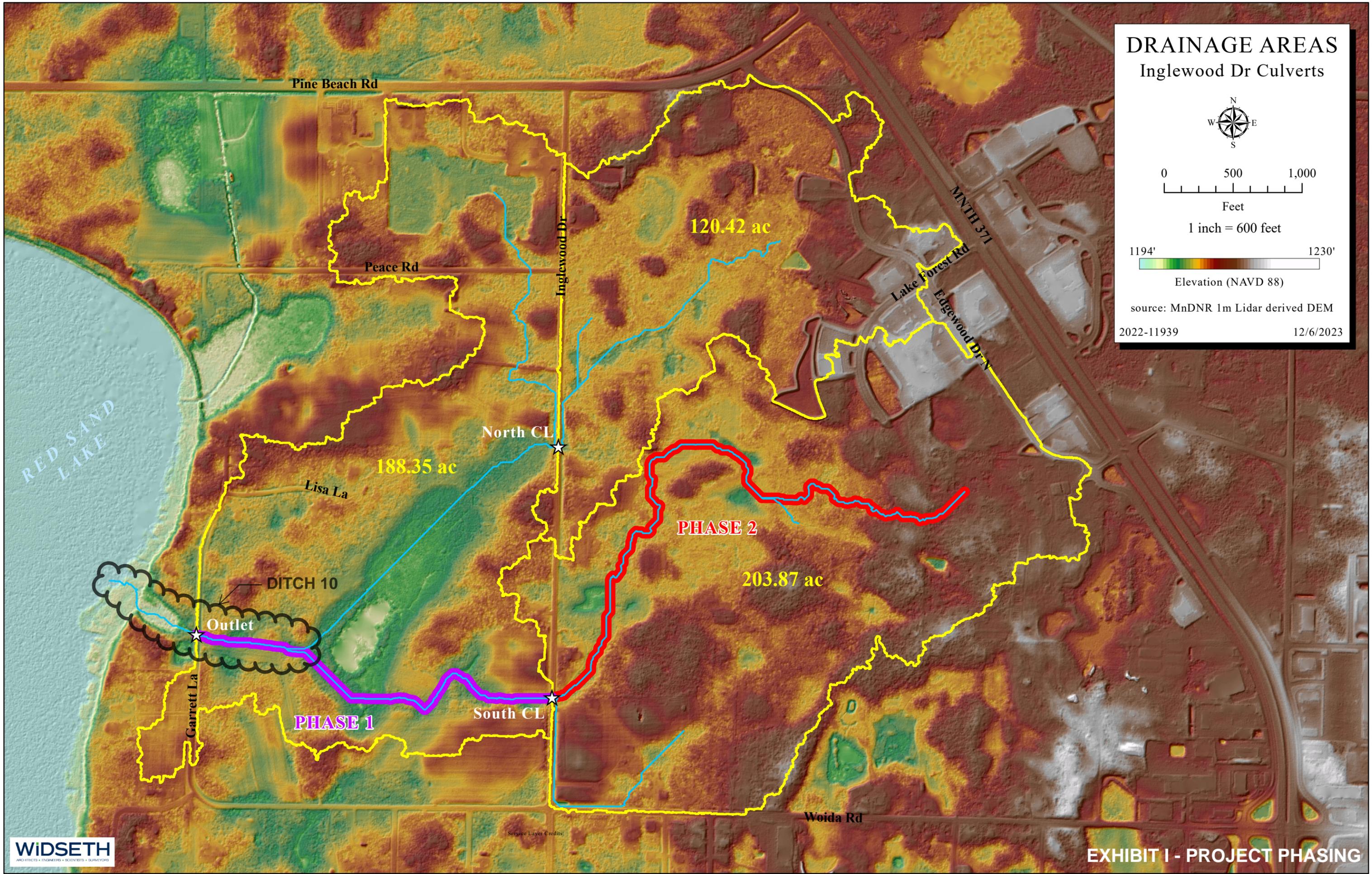


Elevation (NAVD 88)

source: MnDNR 1m Lidar derived DEM

2022-11939

12/6/2023



ESTIMATED PROJECT COSTS

County Ditch 10 Cleaning	\$58,680
Ditches 1 – 3 (Phase I)	\$86,850
Total Estimated Project Cost	\$145,530

A detailed breakdown of the estimates is provided in Appendix A. Costs provided above include contingencies based on 10% of construction cost and engineering, legal, administrative, and financing costs based on 20% of construction cost. Please note, the cost estimate does not include property acquisition costs.

The costs estimated herein are intended to convey a general and approximate picture of the costs that would likely be incurred today in carrying out the proposed work.

Costs can vary widely depending upon many factors such as weather, economic conditions, soil and ground water conditions, size of project, and the workload of available contractors.

Actual costs can only be determined by bidding the project.

CONCLUSIONS AND RECOMMENDATIONS

This report has studied the feasibility of providing drainage improvements and surface water flood control from Inglewood Drive to Garrett Lane. It is concluded that:

- Existing wetland and water surface levels have fluctuated over time, necessitating flood control measures.
- The estimated costs are in line with similar improvement projects and improvements appear cost effective.
- No insurmountable construction problems are apparent. Thus, the improvements appear feasible.
- Based upon the information contained herein, the proposed improvements are necessary, cost effective, and feasible.

It is our opinion the flood control measures proposed between Inglewood Drive and Garrett Lane can be completed as outlined in Minnesota State Statute 103E.411, which addresses the utilization of existing drainage systems as outlets for municipalities. The statute establishes guidelines for the integration of drainage systems into municipal infrastructure, emphasizing the importance of collaborative planning and coordination between drainage authorities and municipalities. It delineates the conditions under which drainage systems may serve as outlets for municipal purposes, providing a framework for the lawful and effective sharing of these resources.

The City would need to petition the drainage authority (Crow Wing County) to use the drainage system. The petition must include the following:

- Show the need to use the existing drainage system as an outlet.
- Show that use of the drainage system will be of public benefit.
- Include an exhibit showing the location of the existing drainage system and municipal connection.
- Include plans and specifications detailing the municipal connection to the existing drainage system. Plans must be approved by the Minnesota Pollution Control Agency.

The City should be aware there are costs associated with the petitioning process and maintenance of the drainage system which are not included in this study. If a connection is established, the County must determine the amount the City will need to pay for the privilege of using the County ditch system as an outlet. Furthermore, the City is liable for subsequent liens and assessments for the repair and maintenance of the County ditch system in proportion to the benefits determined by the County when establishing the connection.

Should the City decide to proceed with the proposed drainage improvements, several tasks will need to be completed prior to design and construction. Completion of these tasks is necessary to ensure adequate system design capacity and adherence to regulatory standards for wetland impacts and discharging into a public waterway. We recommend the City proceed as follows:

- Consult with the City Attorney to determine the best course of action regarding the connection to the County ditch system.
- Delineate the extent and elevation of wetlands in the project area to determine the appropriate wetland outlet elevations. (estimated cost for wetland delineation is \$5,000)
- Review wetland delineations with the County and determine if wetland permitting will be required to complete the project.
- Update proposed improvements and costs based on the wetland delineation and modeling results.
- Review potential funding sources including assessments to properties that will benefit from the proposed stormwater improvements.
- Update and finalize the feasibility report.
- Review report and budget to determine if project should proceed.
- If it is decided to proceed with a project, the City should move forward with the necessary design engineering, easement acquisition, legal, and administrative tasks associated with a city construction project.

Appendix A

PRELIMINARY ESTIMATE OF COST

ENGINEER'S ESTIMATE
FLOOD CONTROL OUTLET - INGLEWOOD DRIVE TO GARRETT LANE
BAXTER, MN
Tuesday, December 30, 2025

ITEM NO.	SPEC. NO.	ITEM DESCRIPTION	UNIT	UNIT PRICE	COUNTY DITCH 10		DITCHES 1 - 3		TOTAL PROJECT	
					ESTIMATED QUANTITY	TOTAL COST	ESTIMATED QUANTITY	TOTAL COST	ESTIMATED QUANTITY	TOTAL COST
1	2021.501	MOBILIZATION	LUMP SUM	\$10,000.00	0.4	\$4,000.00	0.6	\$6,000.00	1	\$10,000.00
2	2101.501	CLEARING	ACRE	\$8,000.00	0.75	\$6,000.00	1	\$8,000.00	1.75	\$14,000.00
3	2101.506	GRUBBING	ACRE	\$8,000.00	0.75	\$6,000.00	1	\$8,000.00	1.75	\$14,000.00
4	2105.501	COMMON EXCAVATION	CU YD	\$30.00		\$0.00	250	\$7,500.00	250	\$7,500.00
5	2105.501	MUCK EXCAVATION	CU YD	\$40.00	150	\$6,000.00		\$0.00	150	\$6,000.00
6	2557.502	VEHICULAR GATE DOUBLE	EACH	\$3,500.00	1	\$3,500.00	1	\$3,500.00	2	\$7,000.00
7	2557.503	WIRE FENCE DESIGN 72-9322	LIN FT	\$60.00	40	\$2,400.00	40	\$2,400.00	80	\$4,800.00
8	2360.601	TRAFFIC CONTROL	LUMP SUM	\$7,500.00	0.4	\$3,000.00	0.6	\$4,500.00	1	\$7,500.00
9	2573.502	SILT FENCE, TYPE MS	LIN FT	\$4.75	100	\$475.00	350	\$1,662.50	450	\$2,137.50
10	2574.508	FERTILIZER TYPE 1	POUND	\$3.00	150	\$450.00	300	\$900.00	450	\$1,350.00
11	2575.501	SEEDING	ACRE	\$1,200.00	0.5	\$600.00	1	\$1,200.00	1.5	\$1,800.00
12	2575.502	SEED MIXTURE 25-131	POUND	\$5.00	200	\$1,000.00	400	\$2,000.00	600	\$3,000.00
13	2575.523	EROSION CONTROL BLANKETS CATEGORY 3	SQ YD	\$3.00	1250	\$3,750.00	4000	\$12,000.00	5250	\$15,750.00
14	2575.562	HYDRAULIC MATRIX TYPE MULCH	POUND	\$2.75	2000	\$5,500.00	2000	\$5,500.00	4000	\$11,000.00
SUBTOTAL:					40.32%	\$42,675.00	59.68%	\$63,162.50	100.00%	\$105,837.50
CONTINGENCIES (10%):						\$4,267.50		\$6,316.25		\$10,583.75
ESTIMATED CONSTRUCTION COST:						\$46,942.50		\$69,478.75		\$116,421.25
ENGINEERING, ADMINISTRATION, LEGAL, ETC. (25%):						\$11,735.63		\$17,369.69		\$29,105.31
ESTIMATED PROJECT COST:						\$58,678.13		\$86,848.44		\$145,526.56

Appendix B

FIGURE 1: DRAINAGE AREAS

FIGURE 2: TOPOGRAPHY

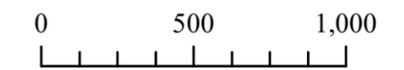
FIGURE 3: HYDROLOGIC MODEL

FIGURE 4: 2019 INGLEWOOD DRIVE CULVERT PLAN AND PROFILE

FIGURE 5: CROW WING COUNTY GIS MAPPING

DRAINAGE AREAS

Inglewood Dr Culverts



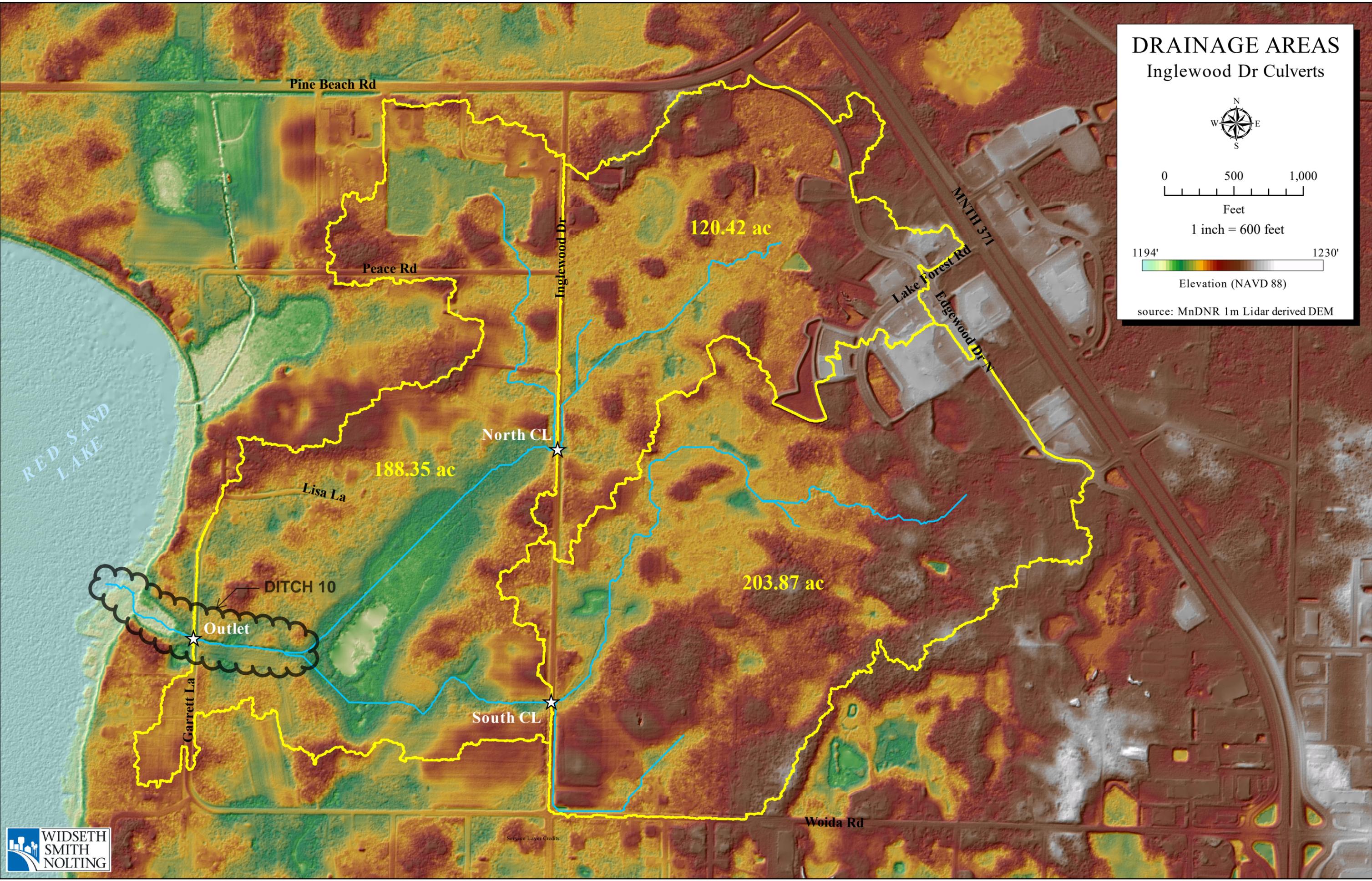
Feet

1 inch = 600 feet



Elevation (NAVD 88)

source: MnDNR 1m Lidar derived DEM



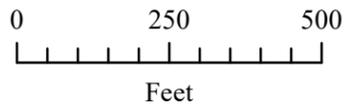
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TOPOGRAPHY

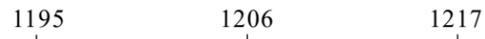
Inglewood Dr Drainage



- ☆ Culvert Location
- ▭ Parcel Boundary
- MnDNR 2' Contour

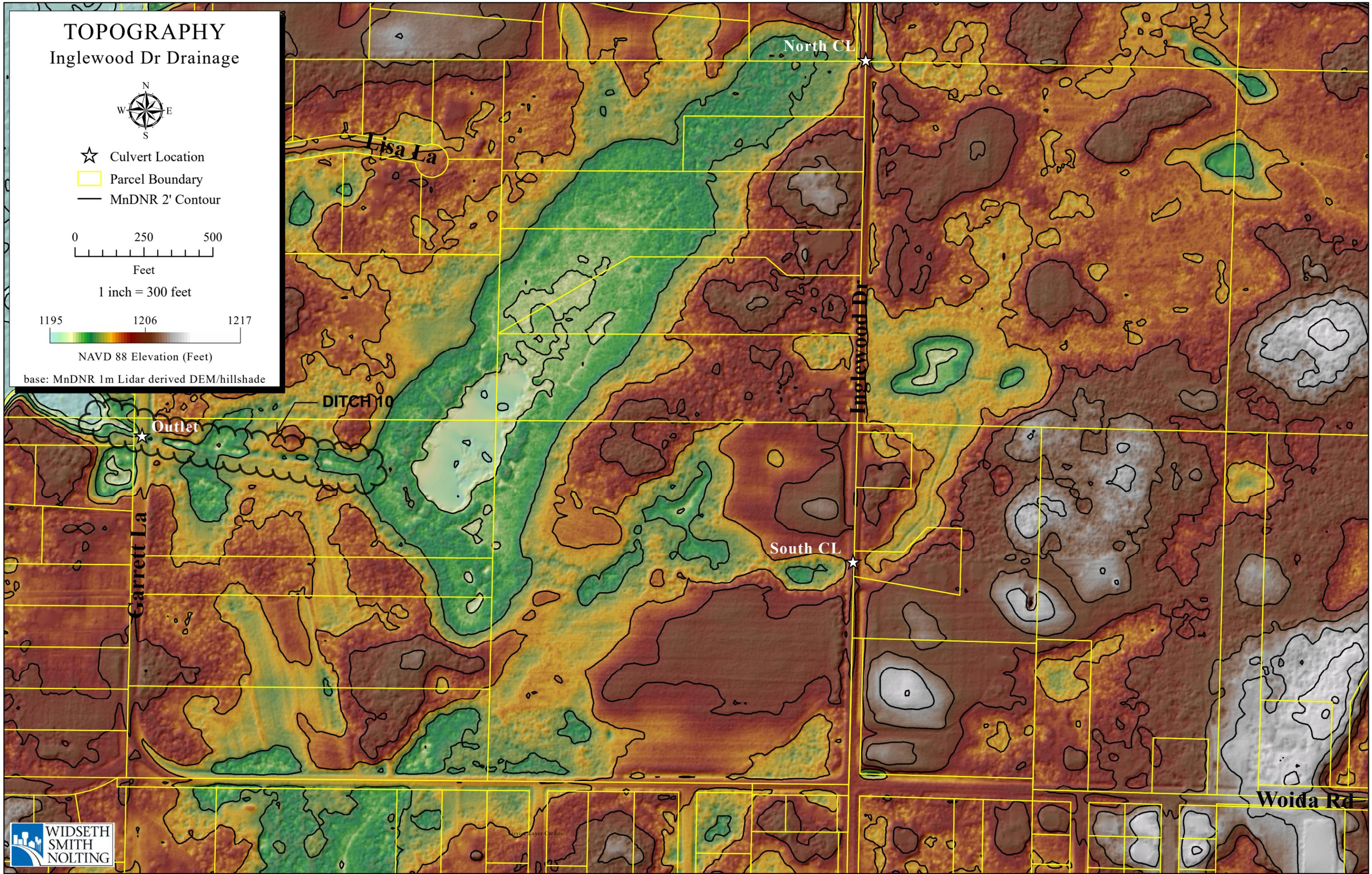


1 inch = 300 feet



NAVD 88 Elevation (Feet)

base: MnDNR 1m Lidar derived DEM/hillshade

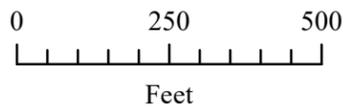


HYDROLOGIC MODEL

Inglewood Dr Drainage

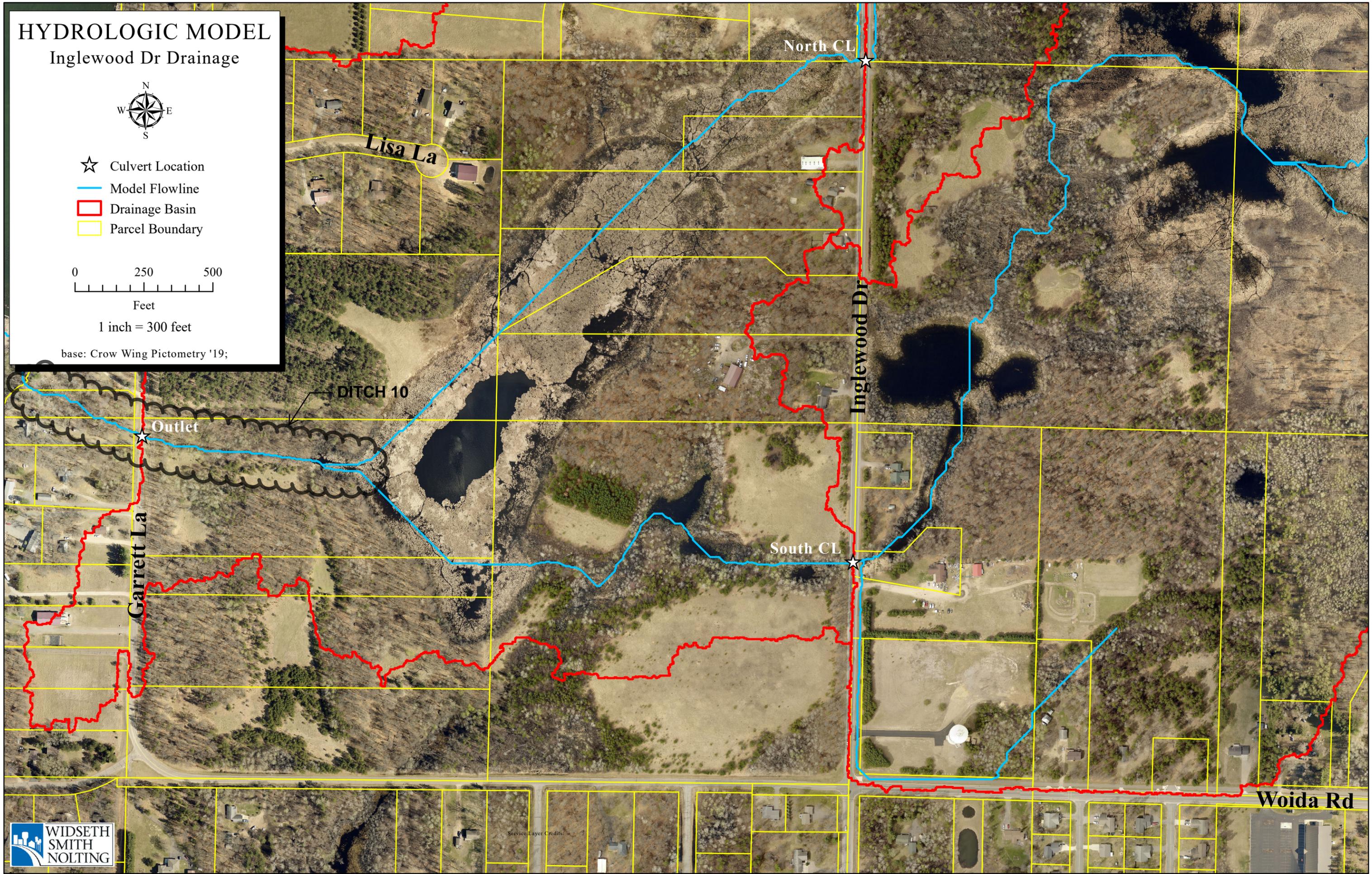


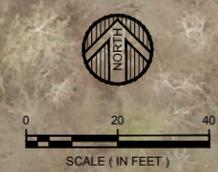
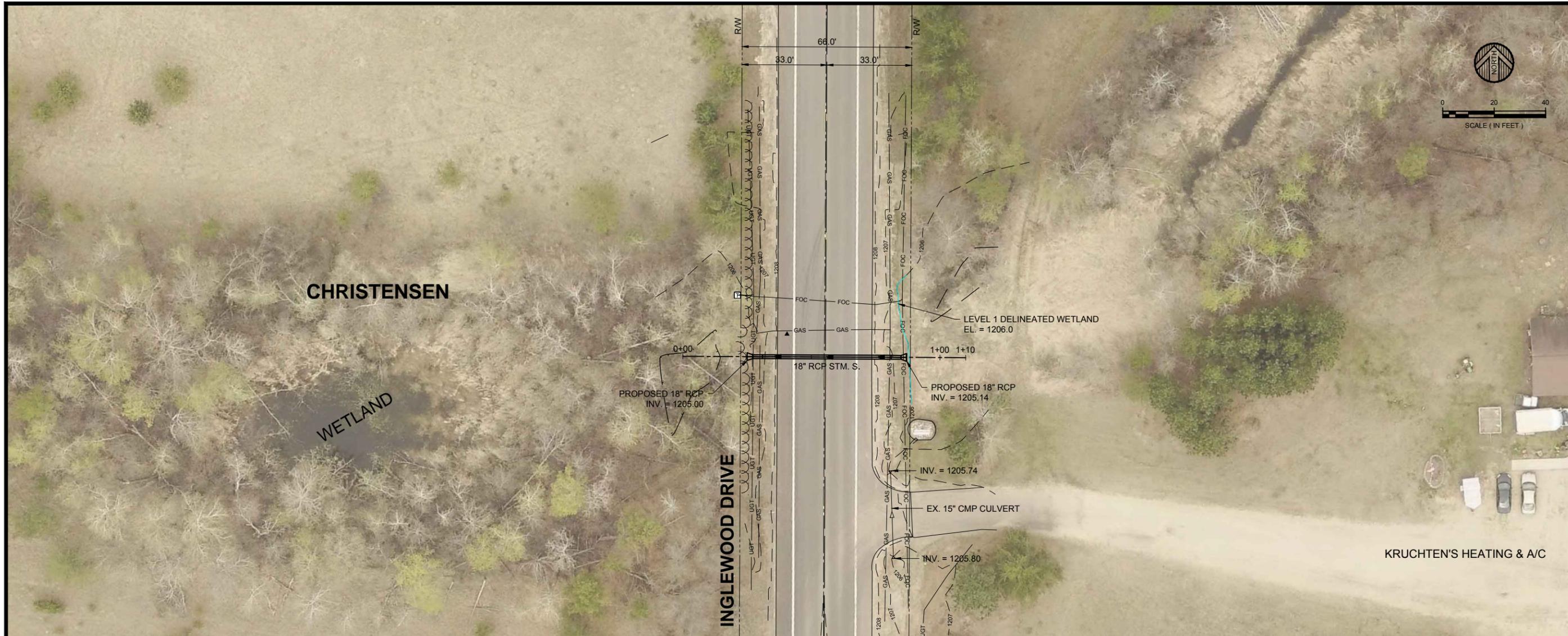
- ☆ Culvert Location
- Model Flowline
- ▭ Drainage Basin
- ▭ Parcel Boundary



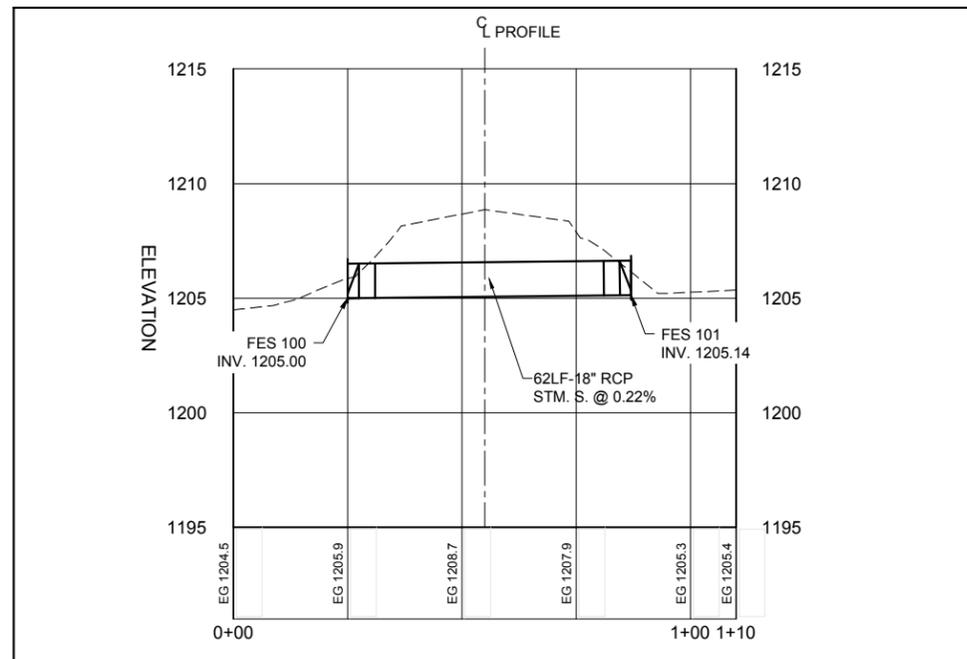
1 inch = 300 feet

base: Crow Wing Pictometry '19;





INGLEWOOD DRIVE - CULVERT PLAN & PROFILE



WIDSETH SMITH NOLTING Engineering Architecture Surveying Environmental	
I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A FULLY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.	DATE: 11/02/2019 PROJECT NO.: 1908
BY: REVISIONS DESCRIPTION: DATE: REV: DATE: REV:	OCT. 2019 AS SHOWN SCALE: M.A.S. DRAWN BY: A.L.W. CHECKED BY: A.L.W. JOB NUMBER: 2019-13114
INGLEWOOD DRIVE - CULVERT CITY OF BAXTER CITY OF BAXTER	
INGLEWOOD DRIVE - PROPOSED CULVERT CROSSING	
SHEET NO. FIG.2	



DATE: 2022-11-09
 PROJECT: DITCH 10 ASSESSMENT
 SHEET NO. 5

REV	DATE	DESCRIPTION

DATE: JAN 2023
 SCALE: NTS
 DRAWN BY: CIS
 CHECKED BY: ALW
 JOB NUMBER: 2022-11-09

FLOOD OUTLET CONTROL STUDY-INGLEWOOD TO GARRETT
 CITY OF BAXTER
 BAXTER, MINNESOTA

FIGURE 5 - CROW WING COUNTY GIS MAPPING

Appendix C

MN STATUTE 103E.411

103E.411 DRAINAGE SYSTEM AS OUTLET FOR MUNICIPALITY.

Subdivision 1. **Petition.** A municipality may use a drainage system as an outlet for its municipal drainage system or the overflow from the system under the provisions of this section. The municipality must petition to the drainage authority to use the drainage system. The petition must:

- (1) show the necessity for the use of the drainage system as an outlet;
- (2) show that the use of the drainage system will be of public benefit and utility and promote the public health;
- (3) be accompanied by a plat showing the location of the drainage system and the location of the municipal drainage system; and
- (4) be accompanied by specifications showing the plan of connection from the municipal drainage system to the drainage system.

Subd. 2. **Approval by Pollution Control Agency.** The plan for connecting the municipal drainage system to the drainage system must be approved by the Pollution Control Agency.

Subd. 3. **Filing; notice.** (a) If proceedings to establish the drainage project to be used as an outlet are pending, the petition must be filed with the auditor. The municipal drainage system petition must be presented to the drainage authority at the final hearing to consider the detailed survey report and viewers' report. Notice of the municipal drainage system petition must be included in the final hearing notice.

(b) If the drainage system to be used as an outlet is established, the municipal drainage system petition must be filed with the auditor. When the petition is filed, the drainage authority in consultation with the auditor shall, by order, set a time and place for hearing on the petition. Notice of the hearing must be given by publication and by mailed notice to the auditor of each affected county.

Subd. 4. **Hearing and order.** (a) At the hearing the drainage authority may receive all evidence of interested parties for or against the granting of the petition. The drainage authority, by order, may authorize the municipality to use the drainage system as an outlet, subject to the conditions that are necessary and proper to protect the rights of the parties and safeguard the interests of the general public, if the drainage authority determines:

- (1) that a necessity exists for the use of the drainage system as an outlet for the municipal drainage system or the overflow from the system;
- (2) that use of the drainage system will be of public utility and promote the public health; and
- (3) that the proposed connection conforms to the requirements of the Pollution Control Agency and provides for the construction and use of proper disposal works.

(b) The drainage authority must, by order, make the municipality a party to the drainage proceedings and determine the benefits from using the drainage project or system as an outlet.

Subd. 5. **Benefits and assessments if drainage system established.** If the drainage system is established, the drainage authority must determine the amount the municipality must pay for the privilege of using the drainage system as an outlet. The amount must be paid to the affected counties and credited to the account of the drainage system used as an outlet. The municipality is liable for all subsequent liens and assessments

for the repair and maintenance of the drainage system in proportion to the benefits, as though the benefits were determined in the order establishing the drainage system.

History: *1990 c 391 art 5 s 62*