

**STEARNS COUNTY
DRAINAGE REPAIR POLICY
For
COUNTY DRAINAGE SYSTEMS**

The following policy is intended to supplement Minnesota Statutes Chapter 103E in the Maintenance and Operation of Drainage Systems within Stearns County. If there is any discrepancy between this policy and the Minnesota Statutes, the Statutes shall govern. This policy is adopted by the Drainage Authority for Drainage Systems within Stearns County which are not located in a Watershed District, a Joint Ditch system or have been transferred to a Municipality.

Most of the drainage systems in the County were established with the aide of federal wetlands grant monies, starting in 1890 and ending in 1925. Minnesota adopted its drainage laws in the late 1800's, with the exception of a few changes, most of these laws still read as originally worded. Most of the original drainage work was done to add value to the land for agricultural purposes. Administration of the County Drainage System as described below will be performed on an as needed basis.

1. DEFINITIONS:

Drainage Authority: Stearns County Board of Commissioners

Drainage Authority Representative: The member of the Drainage Authority who's County Commissioner District encompasses the portion of the Drainage System where repairs are contemplated pursuant to this policy.

Drainage Administrator: assigned by the Drainage Authority

Road Authority: the governing body that has jurisdiction with regard to service and maintenance of a particular road.

Repair: necessary work performed to restore the drainage system as near as possible to the original condition.

2. DITCH CLEAN OUTS:

Repair Authorization: Minor drainage system maintenance (estimated repairs costing less than \$2,500), will be done on a request basis. These requests from the property owner in the benefited drainage system will be directed to the

Drainage Administrator in writing. The Drainage Authority Representative will authorize the Drainage Administrator to make arrangements for the appropriate maintenance to be done. All maintenance work documentation shall become part of the drainage system permanent file.

Repairs anticipated to cost more than \$2,500 shall be brought to the full Drainage Authority for approval. The repair work documentation shall become part of the drainage system permanent file.

Scope of Work: All clean out requests will be reviewed to determine the appropriate limits of work so that any work done will return the ditch to properly operating condition. That may mean that work may extend downstream and upstream of an area that a request for clean out occurs.

Natural Resources Conservation Service (NRCS – formerly SCS): The NRCS is responsible for enforcement of the Food Security Act (FSA) which has some jurisdiction over alteration of wetlands for farmers who belong to the Federal Farm Program. The NRCS District Conservationist should be consulted (by the land owner) so that any wetland impacts on farmland adjacent to an open ditch can avoid cancellation or interruption of farm program benefits.

Stearns County Environmental Services Department shall be contacted (by the land owner) for any issues related to wetlands and restoration of effected area after project.

3. HIGHWAY BRIDGES AND CULVERTS:

Public Roadways, bridges and culverts constructed as part of the drainage system must be maintained by the road authority charged with the duty of maintenance for the roadway, which includes the cost of replacement and installation.

4. BEAVER CONTROL:

Trapping: When beaver dams are reported, or discovered, while inspecting drainage systems, a trapper will be retained by the Drainage Administrator. In order to be compensated, trappers will be responsible for providing the Drainage Administrator with number of beaver trapped along with their tails and where they were trapped. It is the trapper's responsibility to contact the DNR for appropriate approval for trapping beaver out-of-season.

Beaver Dams: After the beaver have been removed the Drainage Authority Representative shall have the Drainage Administrator or appointed delegate hire a contractor to remove the beaver dam(s) by mechanical means, if possible.

5. APPROACHES AND CROSSINGS:

New Field and Approach Crossings: All new private crossings or replacement of existing private crossings must be requested in writing by the property owner in the benefited drainage system and permitted by the Drainage Authority. Said property owner shall employ a qualified Engineer who will size the culvert needed to construct approaches and crossings for the project. The landowner will be responsible for the cost of all materials, installing the culvert and the associated dirt work. Private crossings shall be maintained by the landowner. The County Ditch Administrator will inspect the crossing after installation. A bond will be required in the amount of 125% of the cost of the project and will be released after satisfactory inspection.

Existing Field and Approach Crossing: When repairs are required on an existing crossing in a drainage system the repairs or replacements shall only be completed to the original size and width of the crossing. If there is a practical need for a wider crossing, the cost of the engineering, material and installation shall be the responsible of the property owner or owners of the crossing area. A bond will be required in the amount of 125% of the additional width to the project and will be released after satisfactory inspection.

6. EXEMPT AGENCIES

Any agency that may need County approval when a property acquisition is done in the County and has a public drainage system located within it, that part of the acquisition shall be reviewed by the Drainage Administrator. The results of the review may have recommendations for the maintenance of parts of the drainage system on the affected property, at the expense of the buyer or seller.

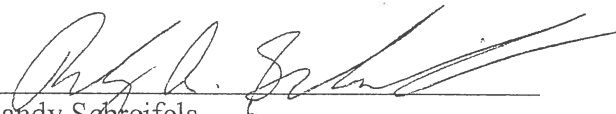
BE IT FURTHER RESOLVED that this policy shall be in effect on the date this resolution is passed.

Passed by majority vote of all members of the Stearns County Board of Commissioner this 15th day of December, 2009.



Leigh Lenzmeier, Chair
Stearns County Board of Commissioners

ATTEST:



Randy Schreifels
Clerk of the Board
Stearns County Auditor/Treasurer