

Stearns County Ditch 4

- Overview of the drainage system, roles and responsibilities, potential projects and their impact to property owners
- July 18, 2022
- Chad Martini, Land Services Manager
- Stearns County Division of Property Services

Why this presentation is important to you

The purpose of this presentation is to make property owners aware of their participation in the CD 4 drainage system and what that means.

Property owners are responsible for any costs incurred by the drainage system.

The Stearns County Board of Commissioners acting as the County Ditch 4 Drainage Authority decides which projects are approved.

What is a legal drainage system?

- A Drainage Utility established by property owner petition
- Most are very old (early 1900's)
- Purpose was to drain land for agricultural purposes
- When the ditch was established, Ditch Viewers determined which properties participated in the system.
- Any costs for maintaining a drainage system are paid by those benefitted property owners through special tax assessments.

What is a legal drainage system?

Drainage Systems are independent units of government established by request for the sole purpose of servicing the property within the system.

Legal Drainage systems have taxing authority on the properties that are included in the system.

Drainage Authority is made of elected County Commissioners or a watershed board

What is the Drainage Authority?

The Drainage Authority is the legal entity responsible for a drainage system.

In the case of CD 4, the Drainage Authority is comprised of the Stearns County Board of Commissioners.

Only the Drainage Authority can approve costs to the drainage system.

- Through policy, the Drainage Authority has authorized staff to spend no more than \$7,500 on emergency or needed repairs.

Explaining the term “Ditch Benefit”

Benefit refers to how a ditch takes water runoff from another property. There can be a direct or indirect benefit (contributing or benefitting acres).

The conversion of land from grassland or trees to a residential, agricultural, or industrial use is shown to accelerate runoff.

Runoff contributes to the capacity needs and to the need for routine maintenance and repairs of County Drainage systems.

The term benefit could mean your property is contributing water to the drainage system.

How is the cost share determined?


- Ditch viewers are the only people who evaluate a ditch and determine an economic value for benefited acres.
- By law, this math from 1898 is how special assessments are calculated in 2022.

NAMES OF OWNERS AND DESCRIPTION AS APPEARS ON THE VIEWER'S REPORT THEREOF							benefited in each piece or parcel of said lands, &c.		of benefits to each &c.		each tract &c. must pay	
Owners' Names	Subdivision	Sec.	Town	Rng.	Acres 100ths	Acres	100ths	Dolls.	Cts.	Dolls.	Cts.	
A. G. Whitney	✓ NE 1/4 NW 1/4	4	125	29	40	20		100	00	24	38	
Timmons & Warner	✓ NW 1/4 NW 1/4	"	"	"	40	20		100	00	24	38	
Same.	✓ SE 1/4 NW 1/4	"	"	"	40	20		100	00	24	38	
Frank Jurczyk	✓ SE 1/4 NE 1/4	5	"	"	40	20		100	00	24	38	
Same.	✓ E 1/2 SE 1/4	"	"	"	40	40		200	00	48	76	
James M. Barrett	✓ NW 1/4 SE 1/4	"	"	"	40	40		200	00	48	76	
Robert M. ...	✓ SW 1/4 NE 1/4	"	"	"	40	10		50	00	12	14	

BENEFITED ACRES DETERMINED

COST

Ditch Redetermination

- Redetermination is the legal process where the ditch benefit is reevaluated. This is often performed to update an old system to reflect changes to the system and who benefits from the ditch.
 - Ditch viewers are hired to perform the redetermination. All costs of the process are the responsibility of the NEW list of benefited property owners.
 - Redetermination can result in more property owners becoming part of the drainage system.
- 

Ditch Redetermination

- Redetermination can be expensive
- All costs for redetermination are paid by the drainage system
- Ditch Viewer costs
- Damages paid to property owners for buffer
- Legal costs
- Engineering costs



What is Ditch Abandonment?

- A drainage system can be abandoned through a legal process.
- 103E.811 - A petition must be signed by at least **51** percent of the property owners assessed for the construction of the drainage system or by the owners of not less than **51** percent of the area of the property assessed for the drainage system.

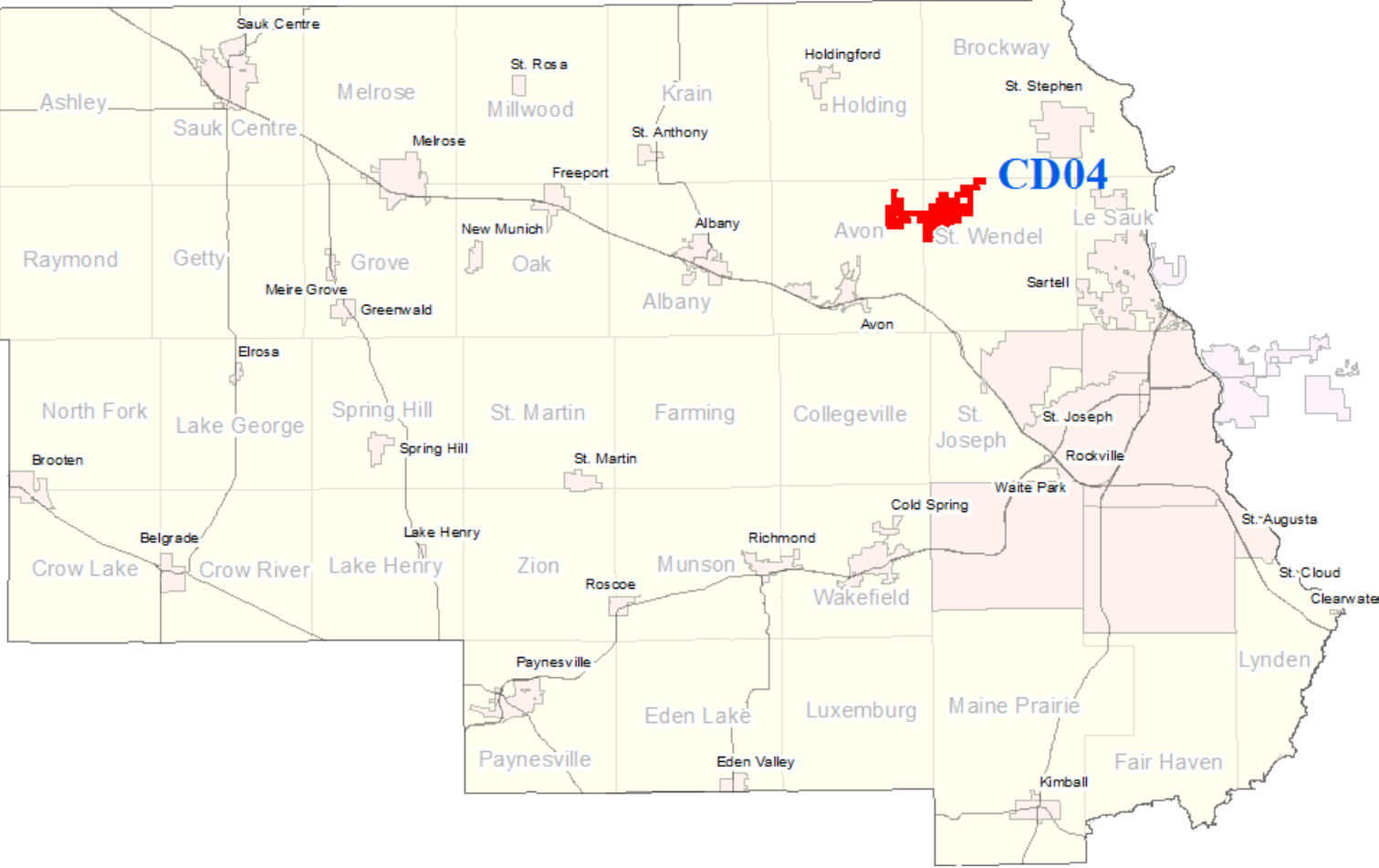
What is Ditch Abandonment?

- If the petition is accepted, an Abandonment hearing is scheduled.
- If there are objections to abandonment, the drainage authority SHALL appoint ditch viewers to analyze the property.
- The Drainage Authority will either deny the petition or uphold it.
- The cost of the hearing and ditch viewers are the responsibility of the CD 4 Drainage System and its benefited landowners.

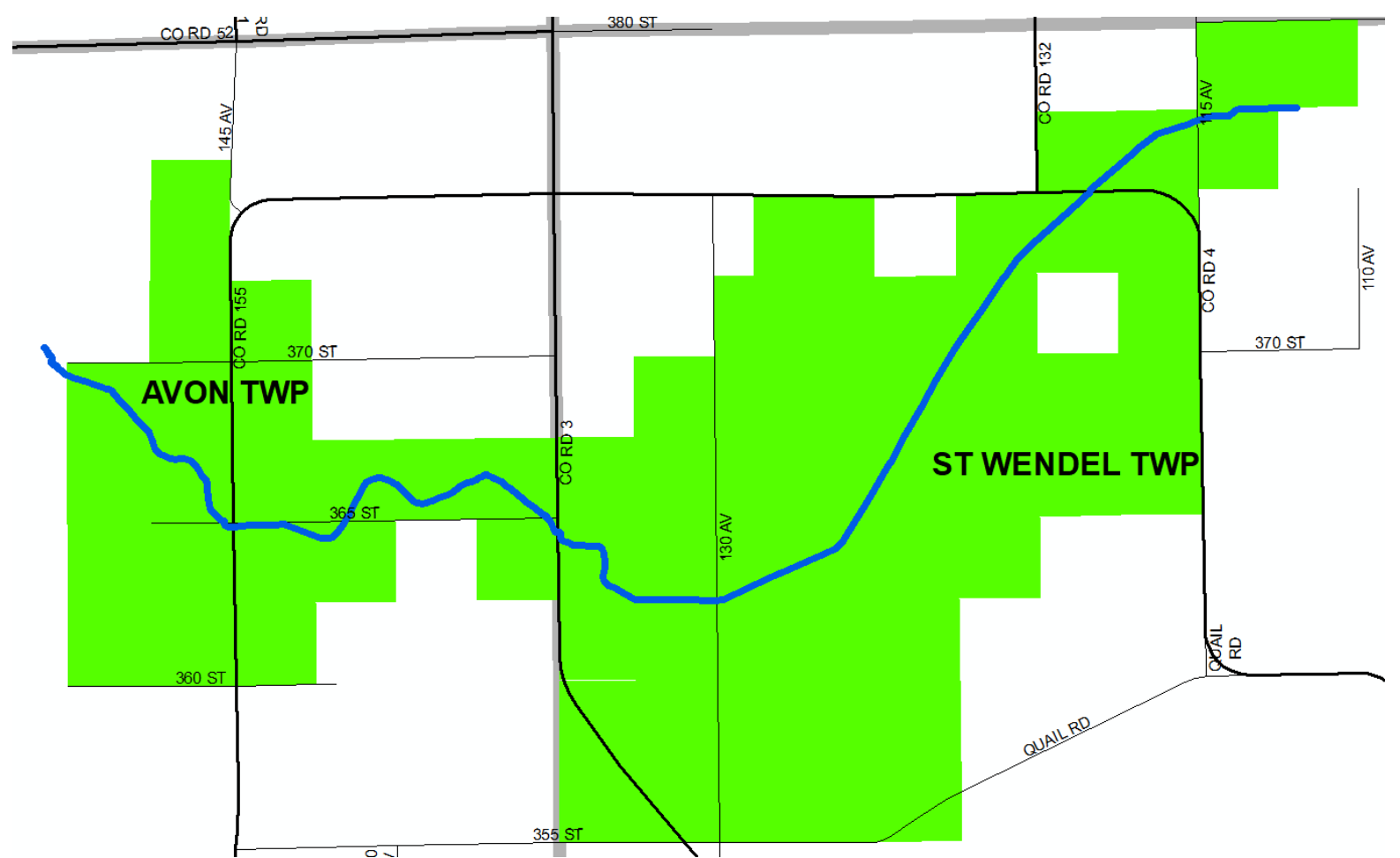
Stearns County Ditch 4 runs 5.2 miles in length. There are about 2,848 acres within the boundary of the system. The ditch flows from the east to the west.

County Ditch 4 was legally established as a drainage system in 1898 by petition of property owners.

The Stearns County Board of Commissioners acting as the County Ditch 4 Drainage Authority has a legal responsibility to maintain the ditch.



- The ditch boundary represents the property that was determined to participate in ditch system.
- It is these properties that are responsible for all costs incurred by County Ditch 4.
- Property does not need the ditch channel physically touching or be near to be included.
- Individual property cost share is determined by Ditch Viewers. The costs are not split equally across all properties.
- Example costs may be removing beaver dams, inspection, engineering, or repairs to the system.




The green areas on this map show the current properties making up the ditch system, and it is those property owners who pay ditch costs through special assessments on their tax bills.

Why now?

- County Ditch 4 has not been maintained by the Drainage Authority in a long time.
- Minnesota state law dictates that the Drainage Authority SHALL maintain County Ditch 4
- 2021 being an exception, the last decade has seen more precipitation and in more severe events and property owners are experiencing drainage issues and have expressed an interest in repair
- All Property Owners within COUNTY DITCH 4 have the legal right to drainage



Inspection of County Ditch 4

- Minnesota State law states that Drainage Authority SHALL inspect the drainage system every 5 years
 - Property owners have expressed interest in making repairs to the ditch
 - Stearns County has recently inspected County Ditch 4
- 

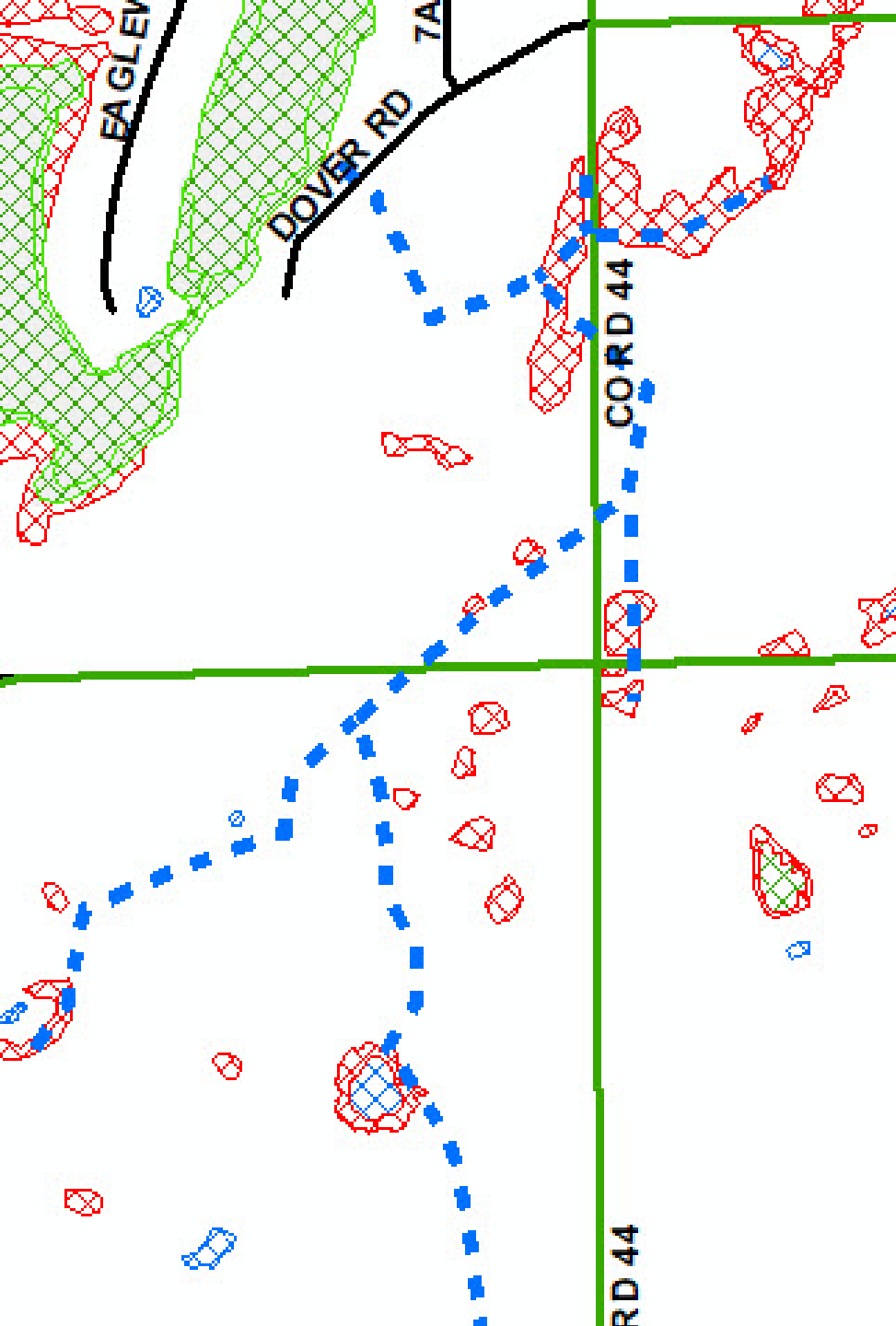
What is a ditch repair?

- By law, a ditch repair is a legal process that means digging can only match or be less than what was originally constructed or subsequently improved.
- The ditch cannot be excavated wider or deeper than originally constructed as a repair.
- Stearns County has no authority to work in water beyond the limits of the legally established ditch.



Repair Process

- IF a repair to the ditch were to happen, there are a series things that impact the project:
- Regulation regarding working in wetland or Public Waters of Minnesota necessitate approvals
- Minnesota Law states that a ditch can only be repaired to its original constructed condition. To gain approval from DNR or other agencies who have oversight, understanding the legal ditch bottom elevation is important.

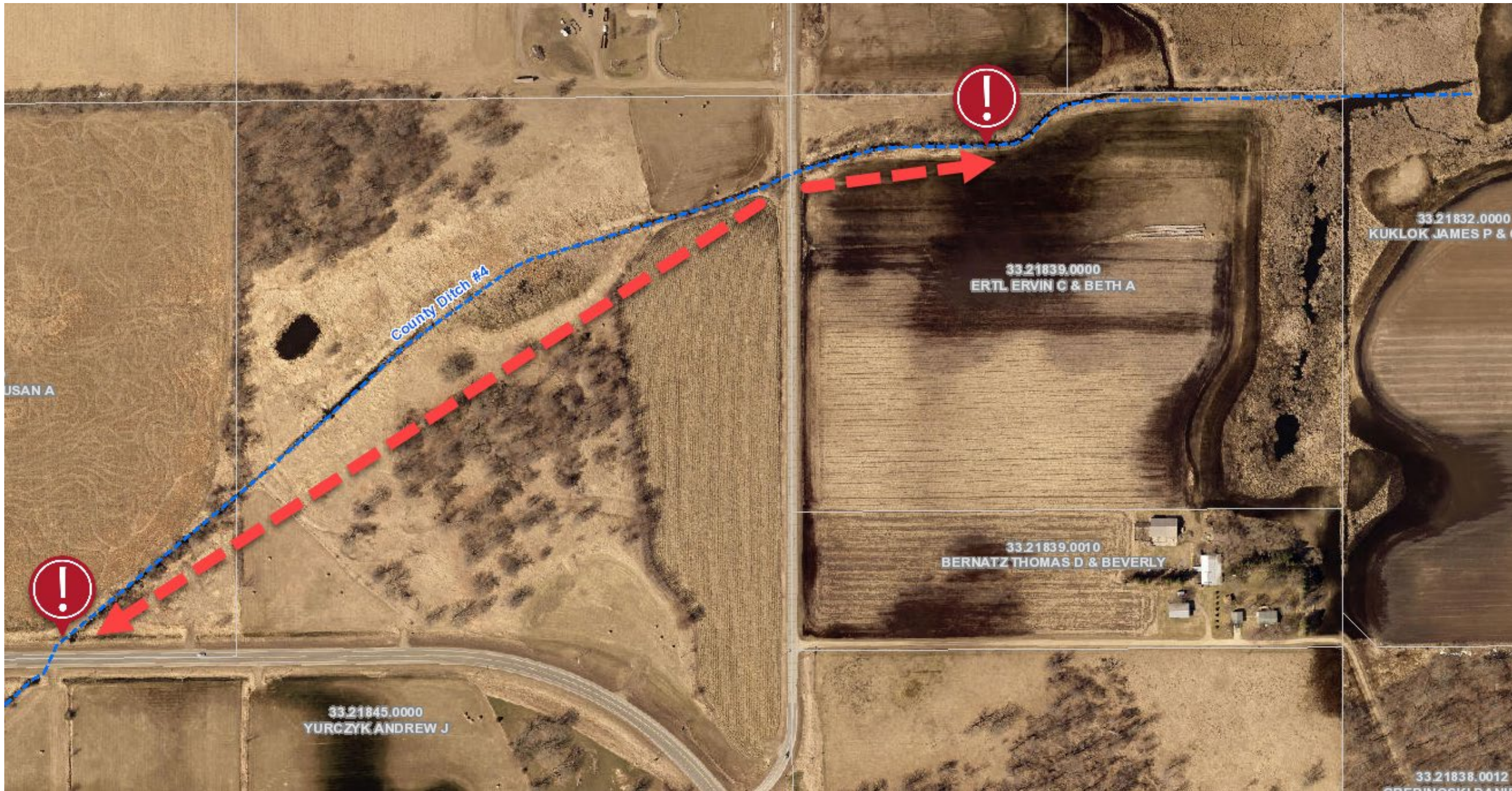


Wetland Impact

- Drainage system repairs are sometimes exempt from Wetland Conservation Act requirements
- However, if wetlands are able to reestablish over a period of 25 years, replacement may be required by Minnesota State law
- Vegetation removal can be allowed without wetland restoration

2021 Work Performed

- Repair work from Co Rd 4 to 115th Av
- Culvert on 115th Av lowered to match ditch legal bottom
- The legal ditch bottom elevation was reestablished in 2019
- Before 2019, ditch work was simply done based on the existing top of muck



USAN A

County Ditch #4

33.21845.0000
YURCZYK ANDREW J

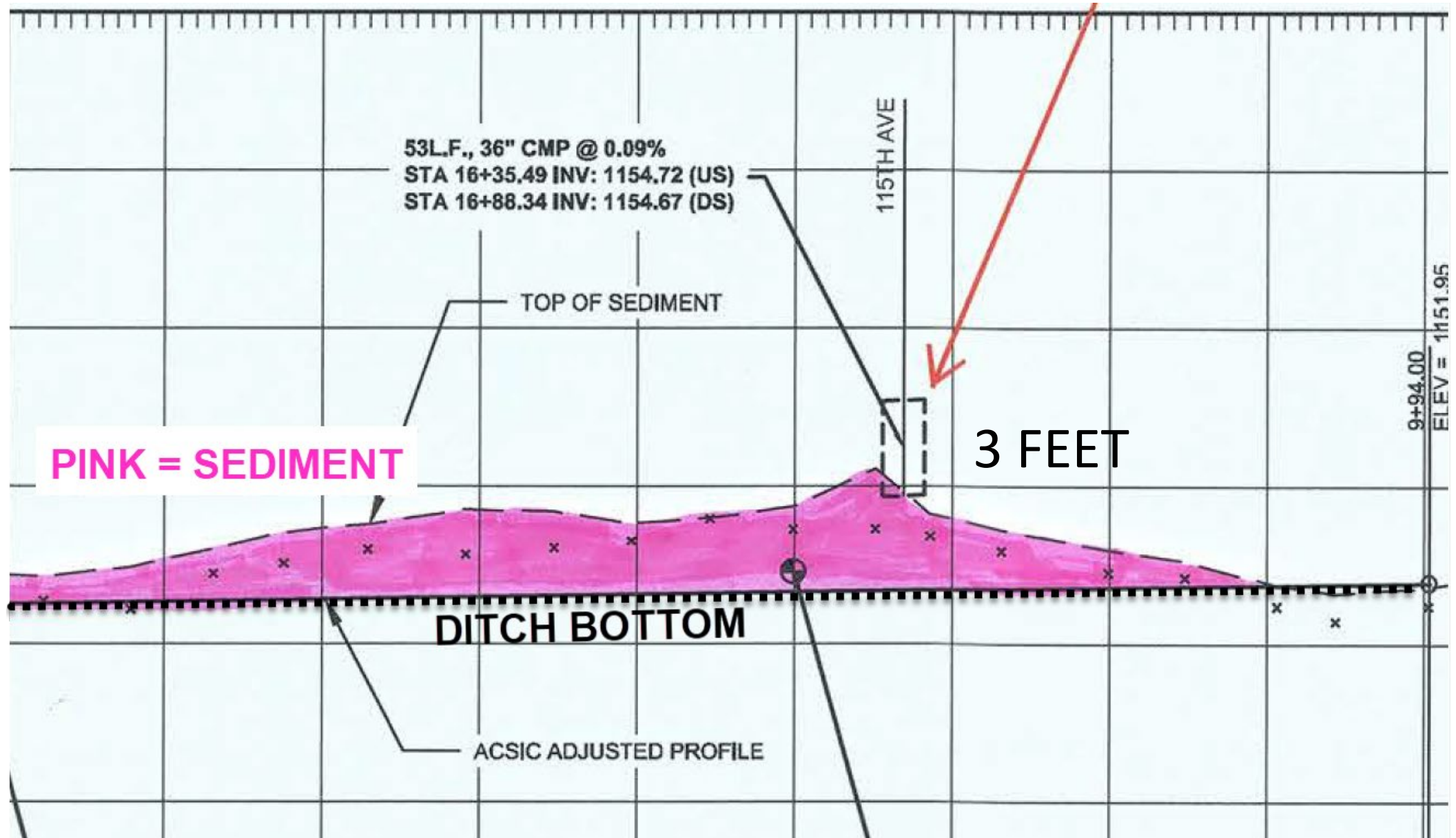
33.21839.0000
ERTL ERVIN C & BETH A

33.21839.0010
BERNATZ THOMAS D & BEVERLY

33.21832.0000
KUKLOK JAMES P & C

33.21838.0012
GREGNOSKI DAN W

115th Ave



Impact of Upstream Maintenance

- Restoring the drainage system at the upstream portion is not expected to compound issues downstream
 - Increased Storage in the ditch
 - There is no upstream water body that will be drained onto downstream lands
 - Impoundment on property downstream
 - Overall grade of the ditch is too flat to allow for “flash” floods



Area near 130th Ave





Area near
130th Ave



Co Rd 155
and 365th Ave

Repair Cost Estimates

LOCATION	ESTIMATED COST
Vegetation removal near 130 th Av – approximately 1,600 feet	\$6,400
Repair ditch end to 365th – approximately 6,500 feet	\$14,462
Repair near 130 th Av -approximately 1,600 feet	\$3,289

Next Step

- The next step is to gather feedback, review this input, and ask the County Board acting as the CD 4 Drainage Authority to consider approving costs related to the project.

SHARE YOUR THOUGHTS

Mail to:

Land Services

Stearns County Service Center

3301 County Road 138

Waite Park, MN 56387

E-Mail to:

County.Drainage@co.stearns.mn.us



At a later date, a decision will be made whether to propose any projects to the Stearns County Commissioners as the Drainage Authority



Visit CD 4 project website

<https://gis.co.stearns.mn.us/Ditches/CD04/CD04.html>



Please share your thoughts by:



Email: County.Drainage@co.stearns.mn.us



Write a letter or phone 320-654-4703